

Part B: Section 4

Hearing Stream 4 - Urban Development

1. Executive Summary

1. Proposed Change 1 implements the National Policy Statement on Urban Development (NPS-UD) and other relevant regulatory and planning documents and strategies as an integrated frame. poli
2. The provisions aim to address key issues relating to urban development in the Wellington Region, including:
 - a. poor affordability and shortages of adequate housing and infrastructure; and
 - b. inappropriate and poorly managed urban land use and activities which have damaged, and continue to jeopardise, the natural environment, degrade ecosystems and increase the exposure of communities to the impacts of climate change and other natural hazards.
3. All the provisions in Hearing Stream 4 (HS4) were considered by the P1S1 Panel. The Panel's recommendations are to be read with the corresponding submission analysis table attached and Part A (Overview).
4. Having heard submitters and considered evidence, legal submissions and hearing presentations, we recommend Council adopt the recommendations in our Report, on the submissions and provisions coded to HS4 in Proposed Change 1. In doing so, the RPS will:
 - a. Support a compact regional form that:
 - i. prioritises urban development within existing urban zones above greenfield development, and
 - ii. will enable the Council to achieve other strategic outcomes which are relevant to its integrated management function
 - b. Include a centres hierarchy that supports intensification and the viability of centres but without specifying zoning or where intensification should occur within districts or cities.

- b. Provide for greenfield development that meets certain criteria
- c. Ensure mana whenua / tangata whenua values are represented and protected
- d. Ensure development occurs on the basis of infrastructure being available
- e. Increase the focus on local and active transport to reduce infrastructure costs and reduce GHGe
- f. Better integrate land-use and transport planning in a way that aligns with the climate change transport provisions in HS3
- g. Provide for unanticipated or out-of-sequence urban development that would add significantly to development capacity and contribute to well-functioning urban environments
- h. Manage subdivision, use and development in rural areas while seeking to retain the productive capacity of these areas.

5. Officers’ views on the Urban Development provisions were modified in the course of the submissions and hearing process. We agree with the majority of the Officers’ recommendations. Our views differ from the Reporting Officers on the following provisions:

Provision	Panel’s views
Introduction	We recommend a minor change to note that the regional form, design and function chapter gives effect to relevant national direction and has regard to management plans and strategies prepared under other Acts
Issues	<p>We recommend an amendment to refer to “iwi authorities in the Wellington Region” and recommend the Council consider making this change across the Proposed Change 1 Issues as a minor amendment.</p> <p>We recommend Issue 2 is amendment to refer to the productive capacity of rural land, and Issue 4 includes reference to “maintenance” of existing infrastructure</p>

Objective 22	<p>We recommend various amendments to these clauses in the Objective:</p> <ul style="list-style-type: none"> • Drafting changes in clause (a) regarding improving housing affordability, quality and choice • Drafting changes in clause (b) including reference to “ancestral” land • A new clause (cc) stating an intensification outcome in existing urban zones where the intensification is <i>environmentally responsive</i> • Reference to <i>climate</i>-resilient in clause (d) • Reference to “integrated transport infrastructure” and “active transport” in clause (e) • A minor amendment to clause (f) to refer to “recognised” values • Including “the productive capacity of rural land” in its own clause • Drafting amendments in clause (j) including a reference to “a range” of industrial based employment locations and “enabling choice”
Policy 31	<p>We recommend a minor drafting change to the sentence structure in clause (b) and adding a reference to identified qualifying matters.</p>
Policy 55	<p>We recommend some drafting amendments to improve readability and to refer to “planned” new or upgraded transport infrastructure</p>
Policy UD.5	<p>We recommend amendments to cross refer to Policy 42 (managing effects on freshwater from urban development), and a new clause relating to coordinating development with infrastructure while prioritising, where possible, the effective and efficient use of existing infrastructure</p>

Policy 56	We recommend a minor amendment to refer to the productive “capacity” of the rural area
Policy 57	We recommend drafting amendments to the chapeau and in clauses (a) – (ba) to express the policy direction in a clearer way
Policy 58	We recommend drafting amendments to the chapeau and to express the policy direction in a clearer way. We also recommend an amendment to refer to the timing or staging of development
AER	We recommend a minor drafting amendment to AER5 to refer to “productive capacity” rather than “productivity” for consistency with wording elsewhere in Change 1 provisions.
Definition of <i>environmentally responsive</i>	We recommend an amendment to simplify the definition and refer to context, constraints and opportunities and the management of adverse environmental effects.

6. The Reporting Officer recommended that various provisions in this topic be categorised as Freshwater provisions because they relate to freshwater quality and quantity, for example, as a characteristic of well-functioning urban environments.¹
7. We disagreed with this assessment as we outlined in Part A. In our view, it is appropriate for all the provisions in this Hearing Stream to be categorised as P1S1 provisions as their connection to freshwater is too indirect and it is appropriate they be considered within the same planning process.

¹ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, para 81 and Table 5.

2. Overview

8. Hearing Stream 4 covered the following provisions:
 - a. Chapter 3.9 Introduction
 - b. Issues
 - c. Objective 22
 - d. Objective 22B
 - e. Policy 30
 - f. Policy 31
 - g. Policy 32
 - h. Policy 33
 - i. Policy UD.1
 - j. Policy UD.4
 - k. Policy 55
 - l. Policy 56
 - m. Policy 57
 - n. Policy 58
 - o. Policy UD.2
 - p. Policy UD.3
 - q. Policy UD.5
 - r. Policy 67
 - s. Method UD.1
 - t. Method UD.2
 - u. Method UD.3
 - v. Method UD.4
 - w. Methods 40 -47
 - x. AER
 - y. Definitions including *city centre zone, environmentally responsive, regional form, rural areas, tree canopy cover, urban areas, urban environment, urban zones, walkable catchment and well-functioning urban environments.*
 - z. Table 9.
9. There were some 865 submission points on this topic.
10. There were two Reporting Officers for this topic, Ms Zöllner and Mr Jeffreys.

2.1 General Submissions

11. There were many general submissions in the Urban Development topic and they are assessed in the s 42A Report.² We discuss many of the general submissions in Chapter HS1 that were recurring themes throughout Change 1 Hearing Streams including ‘consideration policies’ and the extent of direction to territorial authorities. Many iwi submitters sought stronger direction providing for mana whenua /tangata whenua values and to give effect to s 6(e) of the RMA. Much of this relief is granted in the recommendations proposed by the Officers and supported in our recommendations. There were various submissions seeking that the wording of objectives is simplified and that stronger language is used. We make some recommendations in our Report to address these submissions.
12. A key focus of Proposed Change 1 is implementing the National Policy Statement on Urban Development (NPS-UD). The Panel supports the Council’s approach in taking an integrating frame approach to the HS4 provisions. As discussed in Part A, while s 30 of the RMA requires the Council to ensure there is sufficient development capacity for housing and business land to meet the expected demands of the Region, the Council is also mandated under s 30 to take an integrated approach to regional form and the management of natural and physical resources.
13. Therefore, when considering urban development and increasing housing capacity, the Council has also attempted through the HS4 provisions to manage effects on freshwater and indigenous biodiversity, reduce gross GHGe, and enable mode shift by improving access to public transport, walking and cycling. Co-ordinating land use planning and transport infrastructure with development has been one of the more complex matters to ‘get right’ in Proposed Change 1, and requires ensuring the provisions across the HS3, HS4 and HS5 streams are aligned and integrated. We generally support the Officers’ recommendations and recommend further changes across the streams to better achieve the outcomes sought, and align with national instruments and the direction of travel in the ERP and NAP.
14. We were persuaded by evidence we heard about the benefits of compact development. It can support local centres better, make it more likely for public transport services to be feasible, provide larger rating bases to fund

² Section 42A Hearing Report, Hearing Stream 4 – Urban Development, section 3.3.

and maintain infrastructure, better support housing choice, variety and affordability, and, if designed well, generally makes it easier to achieve accessible, vibrant, climate resilient, safe and sustainable neighbourhoods.

2.2 Statutory Framework

15. The statutory framework for our recommendations is discussed at a high level in Part A including the Regional Council's functions in s 30 and the requirements for RPS'. The paragraphs below discuss particular aspects of the regulatory framework that apply to the Urban Development provisions in HS4.

16. Section 30(ba) of the RMA states that regional councils have responsibilities for:

the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in relation to housing and business land to meet the expected demands of the region.

2.2.1 NPS-UD

17. The NPS-UD came into effect on 20 August 2020. As the s 42A Report states, the NPS-UD:³

seeks to create well-functioning urban environments by directing regional and territorial authorities to enable urban intensification in appropriate locations and it seeks to improve housing affordability by supporting competitive land and development markets. Intensification is to be directed in areas which are well-supported by public transport, provide for employment opportunities, and where there is high demand for housing or business land.

18. The NPS-UD provides differing direction for tier 1 – 3 local authorities reflecting the different scale and characteristics of urban environments in these areas. Tier 1 territorial local authorities in the Region are Porirua City Council, Wellington City Council, Upper Hutt City Council, Hutt City Council and Kāpiti Coast District Council. Wellington Regional Council is also a Tier 1 local authority, and Masterton District Council is a tier 3 local authority.

³ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, para 43.

19. As stated in the s 32 Report, the primary driver for the timing of Proposed Change 1 is the NPS-UD. Part 4 of the NPS-UD requires that RPS' (and district plans) have changes notified by 20 August 2022 to give effect to Policies 3 and 4 of the NPS-UD to enable more urban development and housing intensification. The balance of the NPS-UD must be given effect to as soon as practicable. The Council did not want urban development occurring in isolation of other important resource management issues, hence the integrating frame approach to Proposed Change 1.
20. Most of the local authorities in the Region contain part or all of an urban environment. This means they are required by the NPS-UD to provide sufficient development capacity to meet the short, medium and long-term demand for housing and business land (Policy 2, NPS-UD). The tier 1 authorities must set housing bottom lines in the RPS and District Plans (Policy 7).
21. Local authorities are also required to achieve the following through their planning decisions (including decisions on RPS', plans or resource consents):
 - Well-functioning urban environments (which are defined in Policy 1) that enable all people and communities to provide for their social, economic and cultural well-being, and for their health and safety, now and into the future (Objective 1)
 - Improve housing affordability by supporting competitive land and development markets (Objective 2)
 - Take into account the principles of Te Tiriti o Waitangi and involve hapū and iwi when preparing RMA planning documents (Objective 5 and Policy 9)
 - Enable urban intensification in appropriate locations (Objective 3, Policy 3, Policy 4)
 - Ensure decisions on urban development are integrated with infrastructure and planning decisions (Objective 6, Policy 10), and
 - Be responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is unanticipated by RMA planning documents, or out-of-sequence with planned land release (Policy 8).

22. Objective 8 and Policy 1 of the NPS-UD acknowledge urban environments can support reductions in greenhouse gas emissions.
23. The NPS-UD requires the Regional Council and other tier 1 local authorities to prepare a Future Development Strategy (FDS) for their tier 1 environment that provides sufficient development capacity over the next 30 years and sets out how the local authority will achieve well-functioning urban environments and integrate planning decisions with infrastructure planning and funding decisions (clauses 3.12 – 3.13).

2.2.2 NPS-FM

24. The National Policy Statement for Freshwater Management (NPS-FM) requires freshwater to be managed on a whole-of-catchment basis that considers the effects of land use and development, including urban development, on freshwater and receiving environments. Clause 3.5 of the NPS-FM acknowledges the connections between development, infrastructure and freshwater.

2.2.3 NPS-HPL

25. The NPS-HPL came into force on 17 October 2022. Its purpose is to protect highly productive land from inappropriate use and development to protect land-based primary production activities from inappropriate subdivision, use and development. The NPS-HPL contains an interim framework of provisions that apply until highly productive land is mapped in RPS' and the NPS is implemented.


2.2.4 NAP and ERP

26. The National Adaptation Plan (NAP) and Emissions Reduction Plan (ERP) are discussed in Part A. Chapter 4 of the NAP recognises the role of the planning system in managing the location of climate-resilient development. The Plan specifically recognises the roles that FDS will have in managing development. Chapter 7 of the Plan also recognises that new and existing places are effectively planned to improve climate resilience, including housing development and centres development.

3. Provision by Provision Analysis

3.1 Urban Development Introduction

27. The notified amendments to the Operative Introduction read as follows:

Chapter introduction	
<p>Regional form is about the physical arrangement within and between urban and rural communities. Good urban design seeks to ensure that the design of buildings, places, spaces, and networks work well for <u>mana whenua / tangata whenua</u> and communities, and are environmentally responsive.</p> <p><u>The concept of well-functioning urban environments was introduced in the National Policy Statement on Urban Development 2020. There are a number of characteristics and qualities that contribute to forming a well-functioning urban environment. A compact and well-designed regional form Well-functioning urban environments enhances the quality of life for residents as it is easier to get around, allows for a greater supply and choice of housing close to where people work or to public transport, town centres are and provide vibrant, safe, and cohesive centres that enhance business activity. is enhanced. Energy consumption and carbon emissions are also reduced. Well-functioning urban environments enable communities and businesses are to be more resilient to the effects of climate change, and the uptake of zero and low-carbon emission modes is supported throughout the region. Well-functioning urban environments have compact urban form and are well-designed and planned through the use of spatial and development strategies and use of design guidance. Well-functioning urban environments are low impact, incorporating water sensitive urban design and managing the effects on other regionally significant values and features as identified in this RPS. oil shortages or crisis, and there is reduced pressure for new infrastructure and more efficient use of existing infrastructure.</u></p> <p>Central Wellington city contains the central business district for the region. Its continued viability, vibrancy and accessibility are important to the whole region. There are also a number of other regionally significant centres that are an important part of the region's form. These are the sub-regional city centres of Upper Hutt city centre, Lower Hutt city centre, Porirua city centre, Masterton town centre, Paraparaumu town centre, and the suburban centres in Petone, Johnsonville and Kilbirnie. These centres are significant areas of transport movement and civic and community investment. They also have the potential to support new development and increase the range and diversity of activities. Good quality high and medium density housing in and around these centres, and existing and planned rapid transit stops, would provide increased housing choice and affordability. Further medium and high density development must be enabled within the fast-growing districts of the Region, being those identified in the National Policy Statement for Urban Development as tier 1 territorial authorities. If this development occurs, it will further improve housing affordability. could increase housing choice and the use of services and public transport.</p>	

Encouraging use and development of existing centres of business activity can also lead to social and economic benefits. Additional local employment around these centres could also provide people with greater choice about where they work. The physical arrangement design of urban and rural communities/smaller centres, the region's industrial business areas, the port, the airport, the road and public transport network, and the region's open space network are fundamental to well-functioning urban environments and a compact and well-designed regional form.

The Wellington Regional Growth Framework³ provides a spatial plan that has been developed by local government, central government, and iwi partners in the Wellington-Horowhenua region. It sets out the key issues identified for urban growth and development and provides a 30-year spatial plan that sets a long-term vision for changes and urban development in the Wellington Region.

The region has a strong corridor pattern, yet is generally compact. The Wellington Regional Growth Framework identifies the three key growth corridors within the Wellington Region being the western, eastern and Let's Get Wellington Moving growth corridors. Two additional potential west-east corridors are identified. The corridors are shown in Figure 3 below.

The transport corridor pattern includes State Highway 1 and the North Island Main Trunk rail line which enters the region near Ōtaki and extends southwards through Kāpiti Coast, Pukerua Bay, Porirua and northern Wellington and through to Wellington city central business district. State Highway 1 continues through to Wellington International Airport. State Highway 2 and the Wairarapa railway line enter the region north of Masterton and extend southwest through Wairarapa, the Hutt valley and on to merge with State Highway 1 and the North Island Main Trunk rail line at Ngauranga. State Highway 58 provides a vital the current east-west link between State Highways 1 and 2.

This corridor pattern is a strength for the region. It reinforces local centres, supports passenger transport, reduces energy use and makes services more accessible.

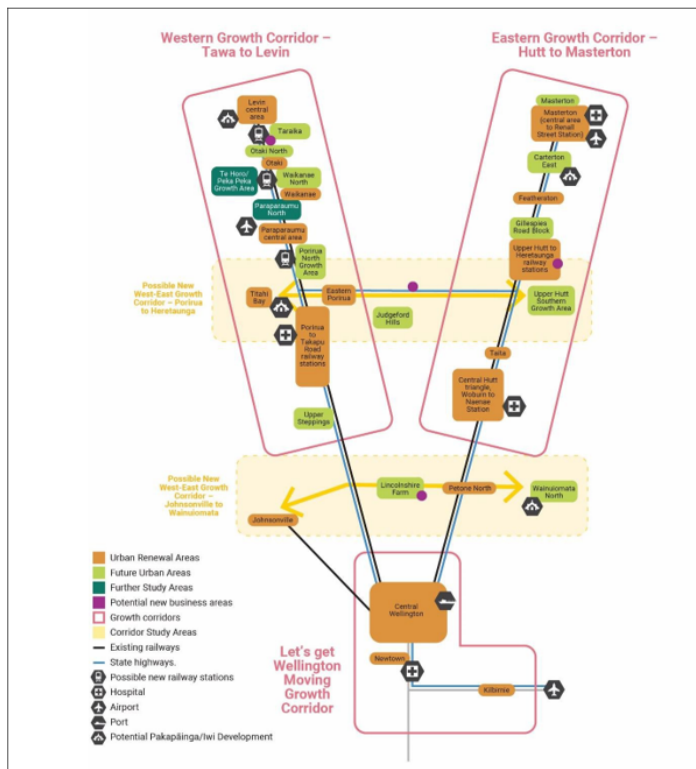


Figure 3: Wellington Regional Growth Framework corridors

The region is facing growth pressure. Based on the May 2022 Wellington Regional Housing and Business Development Capacity Assessment (HBA), the Greater Wellington urban environment is expected to grow by around 195,000 people by 2051. As of May 2022, district plans within the Greater Wellington region, does not provide sufficient development capacity for the long term with a shortfall of more than 25,000 dwellings.

In more and more areas of the region, housing is unaffordable for many people. Across the region the average rent per week increased by 24 percent between 2018 and 2021

and the average house price increased by 46 percent between 2018 and 2021⁴. The ratio of house values to annual average household income has been steadily increasing as house prices have risen without equivalent rises in incomes. For instance, the ratio for Wellington City as at March 2021 was 6.7⁵. Home ownership and access to affordable housing issues are exacerbated for Māori; 43 percent of Māori living in the Wellington region were living in owner occupied dwellings compared to 55 percent of the overall population⁶.

National direction provided through the National Policy Statement on Urban Development 2020 and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 supports increased supply of affordable housing. However, high levels of development without suitable constraints risks undermining other characteristics and qualities of a well-functioning *urban environment*. We need to recognise and provide for other regionally significant values and features, including managing freshwater, indigenous biodiversity, values of significance to mana whenua / tangata whenua and management of the *coastal environment*. Most of the region, including its existing urban areas, has significant exposure to multiple natural hazards, and there is continuing demand to build in coastal and/or natural hazard-prone areas. Development pressure can reduce transport efficiency and limit the ability of all centres to provide community services and employment. Medium and high-density development that is enabled through national direction has the potential to result in poor urban design outcomes, in the absence of sufficient design guidance.

There are, however, parts of the region where growth pressures exist and where the region's current compact form is beginning to fray at the edges, reducing transport efficiency and the ability of some centres to grow as community service and employment areas. The region also has limited east-west transport linkages, which means freight and commuter movements are focused along the north-south corridors, increasing congestion on some major routes.

In certain locations, the region's urban design has also been weakened by poorly designed developments which negatively affect the look, feel, health, safety, vitality and vibrancy of these areas.

The region's form, design and function have been examined by the region's nine local authorities, in conjunction with the region's iwi authorities, central government and business, education, research and voluntary sector interests, as part of the development of the Wellington Regional Strategy (2007), a sustainable economic growth strategy for the Wellington region. The Wellington Regional Strategy focuses on leadership and partnership, growing the region's economy and good regional form. It is recognised that

the region's form is a key component to making the Wellington region 'internationally competitive'.

3.1.1 Submissions, Evidence and Analysis

28. There were 29 original submissions and 26 further submissions on the proposed amendments to the Operative Introduction to Chapter 3.9 Regional form, design and function.
29. There were various requests to retain the Introduction as notified, or shorten, refine or clarify it, frame it in a more positive way and include subheadings. Some submitters asked for the text to be amended to emphasise that intensification should be focused around major centres and rapid transit nodes (Stride [S155.008] and Investore [S154.011]). Wellington Water [S113.008, S113.009] sought recognition of the role of regionally significant infrastructure in well-functioning urban environments. WFF [S163.039] and other submitters sought that the chapter focus on urban form, and that a new rural chapter be included in a full review of the RPS.

30. The role of the Introduction is to provide setting and context to the relevant provisions including by setting out the resource management issues facing the region and summarising the key related provisions. It is helpful in our view that this particular Introduction discusses the concepts of *Regional form*, well-functioning urban environments and areas, and gives a high level description of spatial planning in the region.
31. We discuss *Regional form* and well-functioning urban environments and areas below in our discussion about the Objectives.
32. We are generally comfortable with the version of the Introduction in the Reporting Officer’s Reply Evidence⁴ as it responds to key submitter relief seeking shorter, simpler and clearer text, provides guidance or signposting on the objective and policies in the chapter (HCC [S115.024]), discusses the role of urban areas in regional form, design and function (CDC [S25.012]), recognises the need for Māori to express their culture and traditions within regional form (Ātiawa [S131.038]) - a concept described by Taranaki Whānui as “cultural visibility” [S167.051] – restructures content under subheadings, removes the hierarchy of provisions in the notified version, presents a more balanced view of the potential benefits of development alongside its impacts, and recognises that intensification is to be focused around major centres and rapid transit zones (as requested by Stride and Investore). Ātiawa sought for stronger reference in the Introduction to the need for planning decisions to take into account the principles of Te Tiriti o Waitangi. The Officer supports this relief. We acknowledge the Officers’ efforts in responding to a range of submitter relief and providing a clearer and more concise Introduction to the Urban Development chapter.
33. Ms Horrox providing planning evidence for Wellington Water supported a development hierarchy in the Introduction but considered that the hierarchy was not clear from the drafting in the s 42A Report.⁵ Some concerns included that Policy UD.4 was not referenced, even though it is the provision that creates the hierarchy.⁶ In her Reply Evidence, Ms Zöllner

⁴ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, and Appendices.

⁵ Statement of evidence of Caroline Horrox on behalf of Wellington Water (Planning), Hearing Stream 4, 15 September 2023, paras 17 – 18.

⁶ Wellington Water Updated Position in response to Regional Council Rebuttal Evidence, 3 October 2023, Speaking notes: [HS4-S113-Wellington-Water-Ltd-Speaking-Notes-Handout-031023.pdf](https://www.gw.govt.nz/HS4-S113-Wellington-Water-Ltd-Speaking-Notes-Handout-031023.pdf) ([gw.govt.nz](https://www.gw.govt.nz))

recommends removing the hierarchy from the Introduction as it may lead to an interpretation that is inconsistent with Policy UD.4.⁷

34. Winstone Aggregates' planner, Ms Clarke, suggested some amendments in the Introduction regarding a "reliable local supply of aggregate to enable urban development and associated infrastructure."⁸ This relief is accepted by the Officer in her Rebuttal Evidence.
35. We do not support WFF's relief seeking to narrow the content of the Introduction to 'urban form, design and function' or 'urban form and development' [S163.039]. As the Reporting Officer explained, the chapter applies to 'regional form', that is urban and rural areas. An integrated lens is needed across the whole region, recognising that urban and rural development occurs in both urban and rural areas and the boundary between the two is constantly shifting at the peri-urban fringe.⁹
36. KCDC sought that the reference to Wellington Regional Growth Framework (WRGF) is deleted [S16.094]. We accept this relief and recommend that the paragraph about the WRGF is replaced with text regarding the Future Development Strategy (FDS), adopted in March 2024. Ms Zöllner gave information in her Reply Evidence about the development of the FDS and confirmed that once it is adopted, it will replace the WRGF.¹⁰ We provide more information on the FDS below.
37. We agree with the Officer that loss of productive land is included in the Introduction which gives partial relief to Hort NZ's submission point [S128.013].
38. We support the Officer's amendments that note the connection between a reliable local aggregate supply and urban development and associated infrastructure (Winstones [S162.041] and the evidence of Ms Clarke on behalf of Winstones.¹¹
39. We disagree with the words "balances different aspects of national direction" and recommend they are replaced with the words "gives effect

⁷ Reporting Officer's Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, para 52.

⁸ Statement of Evidence of Catherine Clarke on behalf of Winstone Aggregates, 19 September 2023 – Hearing Stream 4 – Urban Development, para 5.3.

⁹ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, para 337.

¹⁰ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, para 18.

¹¹ Statement of Evidence of Catherine Clarke on behalf of Winstone Aggregates, Hearing Stream 4 – Urban Development, 19 September 2023, paras 5.2 – 5.3.

to” to better reflect the role of the RPS and s 62(3), RMA. We note this gives partial effect to a submission point raised by Ātiawa [FS20.001].

3.1.2.1 Wellington Regional Growth Framework and FDS

40. During the Hearing, Council staff provided the panels with a presentation on the draft Future Development Strategy, which was notified on 9 October 2023. Following a submission period and hearings, the Wellington Regional Leadership Committee (a committee of local government, iwi and central government partners) adopted the final Wairarapa-Wellington-Horowhenua FDS on 19 March 2024. This is the first FDS for the Wellington Region and meets the requirements of Subpart 4 of the NPS-UD.
41. The FDS replaces the Wellington Regional Growth Framework. The FDS is a regional spatial planning document. It describes how sufficient development capacity will be provided in the next 30 years and where and when future housing and business development will be prioritised (which in turn supports the provision of infrastructure to support growth). The FDS also identifies where development should not occur in order to limit risks to communities and infrastructure and the environment. At the Hearing, Ms Rotherham and Ms Kelly from the Wellington Regional Leadership Committee provided a presentation on the FDS (which was still in draft stage at that time). Ms Rotherham commented that the main purpose of the FDS is to “look at that bigger picture of how we want to create well-functioning urban environments” in the region (including Horowhenua).¹²
42. The FDS says that over a 30 year timeframe, the Wairarapa-Wellington-Horowhenua region needs to plan for 200,000 more people, 99,000 more homes, a greater supply of business and industrial land, new community services and amenities in accessible locations, upgraded and new infrastructure, and the region becoming more climate and natural hazard resilient.¹³ The FDS states that there is enabled capacity for over 206,000 houses, which is twice as much as needed over the next 30 years.
43. There are 5 elements of the strategic direction in the FDS:
 - Providing for affordable housing that meets our needs, and for compact well-designed towns and cities

¹² Hearing Transcript, HS4 – Urban Development, Day 1, page 45, lines 2251 – 2253.

¹³ Wellington Regional Leadership Committee, Future Development Strategy 2024 – 2054, page 7.

- Realising iwi and hapū values and aspirations
 - Plan development for a low-emissions future
 - Prioritising nature, climate and culture through protection and restoration
 - Providing opportunity for productive, and sustainable local employment.
44. The FDS projects that through the prioritisation of development, 82% of housing will be in existing urban areas over the 30-year horizon of the FDS, and 18% will be within new greenfield sites.
45. The FDS sets out prioritised areas for development in the following order:
- Areas of importance to iwi for development
 - Growth along strategic public transport corridors with good access to employment, education and active mode connections¹⁴
 - Priority Development Areas: Lower Hutt Central, Te Aro Growth Corridor, Trentham, Featherston, Porirua Northern Growth Area, Ōtaki and Waterloo
 - Within existing rural towns around public transport nodes and active node connections
 - Greenfield developments that are well connected to existing urban areas in our towns and cities, can be easily serviced by existing and planned infrastructure (including by public and active transport modes), and where the location and design would maximise climate and natural hazard resilience.
46. The NPS-UD requires the development of a FDS to promote long-term strategic planning to respond to housing and business demand, including the integration with infrastructure. An FDS must identify where development capacity will be provided in existing and future urban areas over the long term, how infrastructure will be provided, and any constraints on development. An FDS must also include, ‘hapū and iwi values and aspirations for urban development’. The FDS requirements in subpart 4 contribute to NPS-UD Objective 6 and Objective 7; for planning decisions on urban development to be strategic, integrated with infrastructure, responsive, and informed by robust and frequently updated information.

¹⁴ Hearing Transcript, HS4 – Urban Development, Day 1, page 47, lines 2360 - 2370.

47. Ms Rotherham advised that industrial land is a particular challenge for the region and the Wellington Regional Leadership Committee was undertaking a separate project to look at the best locations for industrial land.¹⁵ Ms Rotherham said that there is plenty of capacity in the region for housing as 99,000 homes were needed and capacity for over 206,000 homes has been enabled, but that the HBA is a “point in time document”.¹⁶ She also noted that the HBA identifies that building density outside of Wellington, Porirua and Hutt Valley is more challenging from an economic perspective, so the Regional Leadership Committee was looking at incentives and opportunities to facilitate more intensive development in those areas. Ms Rotherham pointed out that as part of creating well-functioning urban environments, all councils needed to provide community services and amenities, upgrade infrastructure to meet current needs and growing needs. She noted that the Committee would not support development that did not meet the priorities in the FDS (outlined above).¹⁷
48. Clause 3.17 of the NPS-UD states that every tier 1 and 2 local authority must have regard to the FDS when preparing or changing RMA planning documents, which includes the RPS.
49. In response to questions we asked during HS7 in Minute 27, the Reporting Officer recommended consequential changes to the Introduction in light of the approved FDS, replacing “the Wellington Regional Growth Framework 2021” with references to the FDS but with some amendments to improve readability and clarity.¹⁸ We agree with these amendments and that Figure 3 showing WRGF corridors is deleted.

3.1.2 Finding and s 32AA Evaluation

50. We largely agree with the Reporting Officer’s recommendations on the Regional form, design and function Introduction and recommend it is approved as set out in the Officer’s Reply and as amended in Appendix 1 to the Officer’s Statement in Response to Minute 27, for the reasons above, and as set out in the Officer’s s 42A Report, Rebuttal, Reply Evidence and Statement in Response to Minute 27. We recommend an amendment to delete the reference to “balances different aspects of national direction” and replace this with text that more accurately reflects

¹⁵ Hearing Transcript, HS4 – Urban Development, Day 1, page 45, lines 2299– 2302.

¹⁶ Hearing Transcript, HS4 – Urban Development, Day 1, page 45, lines 2310 – 2319.

¹⁷ Hearing Transcript, HS4 – Urban Development, Day 1, page 45, lines 2369 – 2370.

¹⁸ Statement in Response to Minute 27 by Mika Zöllner on behalf of Wellington Regional Council, Hearing Stream 7, 30 May 2024, paras 12 -14, and Appendix 1.

the statutory direction in s 61 of the RMA (ie give effect to NPS' and have regard to management plans and strategies). We consider this is a minor amendment that is more align with statutory requirements.

3.1.3 Recommendation

Chapter 3.9: *Regional form, design and function*

~~The Wellington Region is facing multiple pressures, including population growth and change, poor housing stock quality and increasing unaffordability and quality, degradation of ecosystems, loss of productive land, and increasing exposure to natural hazards and the impacts of climate change. It is also important to recognise the impact and adverse effects of historic patterns of urban development and growth have had ongoing impacts and adverse effects on mana whenua / tangata whenua throughout the Wellington Region, and their relationship with their culture, land, water, sites wāhi tapu and other taonga. The region is facing growth pressure. Most of the region, including its existing urban areas, has significant exposure to multiple natural hazards, and there is continuing demand to build in coastal and/or natural hazard-prone areas.~~

~~Subdivision, use and development pressure, that is poorly planned, designed, serviced and connected to existing urban areas and transport networks can reduce transport, infrastructure and land use efficiency and limit the ability of all centres to provide community services and employment. Poorly designed urban development and infrastructure constraints have affected the quality, viability and accessibility of some urban, suburban and rural areas. If not environmentally responsive and well-designed, subdivision, use and development can have significant adverse effects, including cumulative effects, on the natural environment, sites and areas of significance to Māori, the quality, viability and accessibility of urban areas, suburban and rural areas and the ability to manage, use and operate, existing infrastructure. Responding to the pressures facing the region presents opportunities to do things better.~~

Regional form is about the physical arrangement within and between urban and rural communities. Good urban design and planning seeks to ensure that the design of buildings, places, spaces, and networks works well for mana whenua / tangata whenua and communities, and that they are environmentally responsive.

~~However, high levels of development without suitable constraints risks undermining other characteristics and qualities of a well-functioning urban environment. We need to recognise and provide for other regionally significant values and features, including managing freshwater, indigenous biodiversity, values of significance to mana whenua / tangata whenua and management of the coastal environment. Medium and high-density development that is enabled through national direction has the potential to result in poor urban design outcomes, in the absence of sufficient design guidance.~~

How this chapter works

~~The Wellington Region has a strong corridor pattern, yet is generally compact. This chapter~~

seeks to maintain this compact form, and for subdivision, use and development to contribute to an accessible, *climate-resilient*, and well-designed *regional form*, which is responsive to, and enhances, the natural environment and the relationship of mana whenua / tangata whenua with their culture, land, water, sites wāhi tapu and other taonga. A holistic approach to how development occurs in the Wellington Region is necessary to achieve this, while recognising and providing for significant values and features as required by this Regional Policy Statement.

The *regional form*, design and function chapter applies to the whole region, which includes *urban environments*, smaller urban centres, and *rural areas*. It provides an strategic, integrating frame for how and where development is undertaken in the Wellington Region's *urban and rural areas*, which balances different aspects of gives effect to relevant national direction and statutory requirements, and has regard to management plans and strategies prepared under other Acts. It also emphasises the value of spatial planning to ensure that development is responsive to the local characteristics, values, location and accessibility of *land*, protects natural and cultural values, and is sequenced with the provision and maintenance of all necessary *infrastructure*.

The chapter and associated provisions include:

- a) An over-arching objective for *regional form* ~~across the whole region~~ (Objective 22). This sets out the outcomes to be achieved in *urban*, ~~peri-urban~~ and *rural areas* and how these areas are connected to each other. There is also a specific objective about meeting housing demand (Objective 22A).
- b) A policy articulating what contributing to well-functioning *urban areas* means in the Wellington Region (Policy UD.5).
- c) Policies providing direction to development to seek a strategic approach to enabling development capacity, including by integrating with *infrastructure* and transport planning and seeking that planning decisions can be responsive (Policy UD.4, Policy 31, Policy 32, Policy 33, Policy 55, Policy 56, Policy 57, Policy 58, Policy UD.3). meeting housing and business demand:
 - 1.—~~Firstly urban development within existing urban areas through intensification in and adjacent to centres with a range of commercial activities, and along existing or planned public transport corridors (Policy 31);~~
 - 2.—~~Then other intensification within existing urban areas (Policy 31);~~
 - 3.—~~Then urban development in areas identified for future urban development through appropriate growth strategies or plans (Policy 55);~~
 - 4.—~~Then other urban development where it adds significantly to development capacity (Policy UD.3), in places connected to existing urban areas;~~
 - 5.—~~Then residential development in the region's rural areas (Policy 56).~~
- d) ~~Support for objectives in other parts of the Regional Policy Statement to ensure an integrated approach is taken to development, particularly in relation to freshwater, climate change, indigenous biodiversity, mana whenua / tangata whenua values;~~

and regionally significant infrastructure.

d) Provisions to enable the expression of Māori cultural and traditional norms in use and development (Policy UD.2) and the occupation, use and development of ancestral *land* by *mana whenua / tangata whenua* (Policy UD.1).

e) Methods to achieve the policies.

Well-functioning urban environments and areas

The concept of *well-functioning urban environments* was introduced in the National Policy Statement on *Urban development 2020* (NPS-UD), which provides a minimum definition. ~~There are a number of characteristics and qualities that contribute to forming a well-functioning urban environment.~~ The Wellington Region contains several *urban environments*, as well as smaller centres that contain *urban zoning*, for example some towns in the Wairarapa. ~~Most of the direction from the NPS-UD for well-functioning urban environments, such as housing affordability and choice, is relevant to all areas in the Wellington Region that are zoned as urban.~~ The term ‘well-functioning *urban areas*’ has been used throughout this chapter where the direction applies to all *urban areas*. Well-functioning *urban areas* encapsulate *well-functioning urban environments* as defined in the NPS-UD.

~~A compact and well designed regional form~~ Well-functioning *urban areas* **environments** enhances the quality of life for residents as it is easier to get around, allows for a greater supply and choice of housing close to where people work or to public transport, **support equitable access to green and open space as well as housing,** ~~town centres are~~ and provide vibrant, safe, and cohesive centres that **are well connected by public and active transport and** enhance business activity. ~~is enhanced. Energy consumption and carbon emissions are also reduced.~~ Well-functioning *urban areas* enable Māori to express their culture and traditions, and provide for the cultural visibility of *mana whenua / tangata whenua* to be incorporated, integrated, and expressed through design guides and other opportunities. ~~The NPS-UD also requires~~ Planning decisions relating to *urban environments* ~~to~~ must take into account the principles of Te Tiriti o Waitangi as required by the NPS-UD.

Well-functioning *urban areas* ~~environments~~ enable ~~Communities and businesses are~~ to be more *resilient* to the effects of climate change, and **support** the uptake of zero and low-carbon emission modes ~~is supported~~ throughout the region. ~~Well-functioning urban environments~~ They have compact urban form; **through urban intensification,** and are well-designed and planned ~~through the use of spatial and development strategies and use of design guidance.~~ Well-functioning *urban areas* environments are to be low impact, and **give effect to Te Mana o Te Wai,** and retain productive rural *land*. ~~by incorporating water sensitive urban design and managing the effects of urban development on other regionally significant values and features, including mana whenua / tangata whenua values as required by in this Regional Policy Statement RPS.~~ Well-functioning *urban areas* are supported by interdisciplinary design guides, prepared in partnership with *mana whenua / tangata whenua*, to ensure best practice *urban design* is undertaken which supports the health and wellbeing of people and the region’s natural resources. Well-functioning *urban areas* ~~support the efficient use of existing urban-zoned land and infrastructure,~~ and **protect regionally significant infrastructure** from potentially incompatible development and **reverse sensitivity effects.** ~~The retention of productive rural land is promoted through compact urban form.~~ Well-functioning *urban areas* and they are supported by ~~They also support~~

~~the reliable local supply of aggregate to support enable urban development and associated infrastructure where necessary. By being compact they also retain productive rural land: oil shortages or crisis, and there is reduced pressure for new infrastructure and more efficient use of existing infrastructure.~~

Supporting intensification in centres and along transport corridors

~~In more and more areas parts of the region, housing is unaffordable for many people. Based on the May 2022 Wellington Regional Housing and Business Development Capacity Assessment (HBA), the Greater Wellington urban environment is expected to grow by around 195,000 people by 2051. As of May 2022, district plans within the Greater Wellington Region, does not provide sufficient development capacity for the long term, with a shortfall of more than 25,000 dwellings. Across the region, the average rent per week increased by 24 percent between 2018 and 2021 and the average house price increased by 46 percent between 2018 and 2021⁴. The ratio of house values to annual average household income has been steadily increasing, as house prices have risen without equivalent rises in incomes. For instance, the ratio for Wellington City as at March 2021 was 6.7⁵. Issues associated with home ownership and access to affordable housing issues are exacerbated for Māori; 43 percent of Māori living in the Wellington region were living in owner occupied dwellings compared to 55 percent of the overall population⁶.~~

~~National direction provided through the NPS-UD and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 supports increased supply of affordable housing, which includes a range of housing typologies and sizes to assist in meeting the housing needs of the region. Both statutory documents direct urban intensification and development to occur in around urban environments, centres and existing and planned rapid transit stops, provided there are no qualifying matters limiting development. Further medium and high higher density development must be enabled within the fast-growing districts of the Wellington Region, being those identified in the NPS-UD as tier 1 territorial authorities. If this development occurs, it will further contribute to improvements in improve housing affordability.~~

Supporting the role of regional spatial planning

~~The central Wellington City contains the central business district for the region. Its continued viability, vibrancy and accessibility are important to the whole region. There are also a number of other regionally significant centres that are an important part of the region's form. These are the sub-regional city centres of Upper Hutt city centre, Lower Hutt city centre, Porirua city centre, Masterton town centre, Paraparaumu town centre, and the suburban centres in Petone, Johnsonville and Kilbirnie. These centres are significant areas of transport movement and civic and community investment. They also have the potential to support new development and increase the range and diversity of activities. Good quality high and medium density housing in and around these centres of business activity, and existing and planned rapid transit stops, would benefit the viability of centres and provide increased housing choice, quality and affordability. Enabling intensification in the right places can bring significant environmental, social and economic benefits that are necessary for achieving well-functioning urban areas. Additional local employment and educational opportunities in and around these centres could also provide people with greater choice about where they work, learn, and live. Connections between communities~~

~~and community resilience can also be fostered by more people living, commuting, and accessing services and amenities within neighbourhoods. could increase housing choice and the use of services and public transport.~~

~~Encouraging use and development of existing centres of business activity can also lead to social and economic benefits. The physical arrangement design of urban and rural communities/smaller centres, the region's industrial business areas, the port, the airport, the road and public transport network, and the region's open space network are fundamental to well-functioning urban environments and a compact and well designed regional form.~~

~~Collaborative spatial planning supports well-functioning urban areas and a compact, well-designed regional form. It takes by taking a strategic approach to determining how development capacity is enabled and delivered housing and business demand is met, by so that it responding to the characteristics, location, values, capability, and limitations of land, and is coordinated with land release sequencing, infrastructure provision, and maintenance.~~

~~The Wellington Regional Growth Framework³ Future Development Strategy provides a 30-year regional spatial plan that has been developed by local government, central government, and iwi partners in the Wellington-Horowhenua region. It sets out the key issues identified for urban growth and development and provides a 30-year spatial plan that sets a long-term vision for changes and urban development in the Wellington Region. The Wellington Regional Growth Framework identifies the three key growth corridors within the Wellington Region being the western, eastern and Let's Get Wellington Moving growth corridors. Two additional potential west-east corridors are identified. The corridors are shown in Figure 3 below. Territorial authorities may also have their own local frameworks or strategies about where and how future urban development should occur in that district.~~

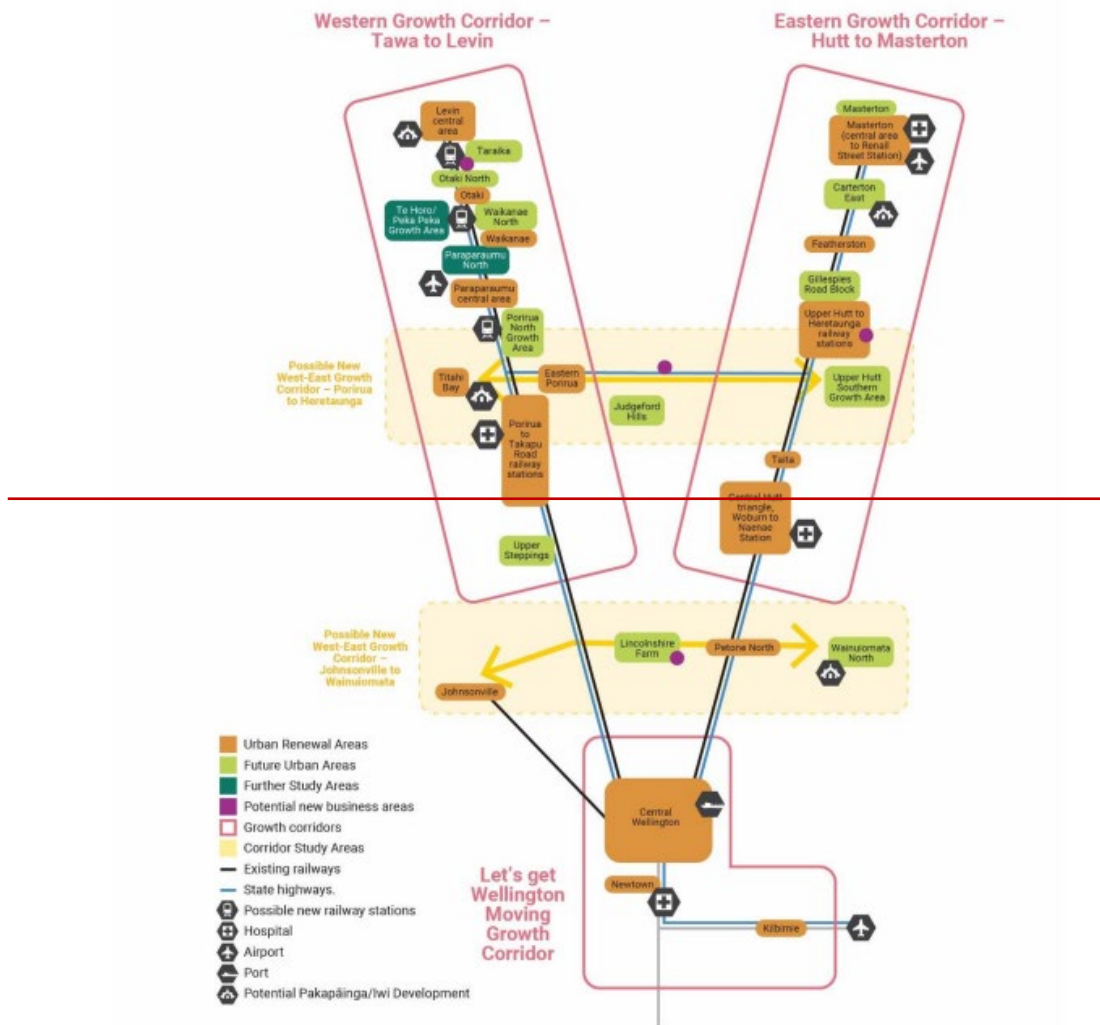


Figure 3: Wellington Regional Growth Framework corridors

The transport corridor pattern includes State Highway 1 and the North Island Main Trunk rail line which enters the region near Ōtaki and extends southwards through Kāpiti Coast, Pukerua Bay, Porirua and northern Wellington and through to Wellington city central business district. State Highway 1 continues through to Wellington International Airport. State Highway 2 and the Wairarapa railway line enter the region north of Masterton and extend southwest through Wairarapa, the Hutt valley and on to merge with State Highway 1 and the North Island Main Trunk rail line at Ngauranga. State Highway 58 provides a vital the current east-west link between State Highways 1 and 2.

~~This corridor pattern is a strength for the region. It reinforces local centres, supports passenger transport, reduces energy use and makes services more accessible.~~

There are, however, parts of the region where growth pressures exist and where the region's current compact form is beginning to fray at the edges, reducing transport efficiency and the ability of some centres to grow as community service and employment areas. The region also has limited east-west transport linkages, which means freight and commuter movements are focused along the north-south corridors, increasing congestion on some major routes:

In certain locations, the region's urban design has also been weakened by poorly designed developments which negatively affect the look, feel, health, safety, vitality and vibrancy of those areas.

The region's form, design and function have been examined by the region's nine local authorities, in conjunction with the region's iwi authorities, central government and business, education, research and voluntary sector interests, as part of the development of the Wellington Regional Strategy (2007), a sustainable economic growth strategy for the Wellington region. The Wellington Regional Strategy focuses on leadership and partnership; growing the region's economy and good *regional form*. It is recognised that the region's form is a key component to making the Wellington region 'internationally competitive'.

3.2 Regionally significant issues

51. The amendments to the Issues as notified read:

The regionally significant issues and the issues of significance to the Wellington region's iwi authorities for regional form, design and function are:

A. Lack of housing

The Wellington Region lacks sufficient, affordable, and quality (including healthy) housing supply and choice to meet current demand, the needs of projected population growth and the changing needs of our diverse communities. There is a lack of variety of housing types, including papakāinga. Housing affordability has declined significantly over the last decade, causing severe financial difficulty for many lower-income households, leaving some with insufficient income to provide for their basic needs and well-being. There is a lack of supporting infrastructure to enable the development of sufficient housing and the provision of quality urban environments.

B. Inappropriate development



Inappropriate and poorly managed urban land use and activities in the Wellington region have damaged, and continue to jeopardise, the natural environment, degrade ecosystems, particularly aquatic ecosystems, and increased the exposure of communities to the impacts of climate change. This has adversely affected mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga.

1. Poor quality urban design



Poor quality urban design can adversely affect public health, social equity, land values, the cultural practices and wellbeing of mana whenua / tangata whenua and communities, the vibrancy of local centres and economies, and the provision of, and access to, civic services. It can also increase the use of non-renewable resources and vehicle *emissions* in the region.

2. Sporadic, uncontrolled and/or uncoordinated development



Sporadic, uncontrolled and/or uncoordinated, development (including of infrastructure) can adversely affect the region's compact form. This can, among other things, result in:

- (a) new development that is poorly located in relation to existing infrastructure (such as roads, public transport, water supply, sewage and stormwater systems) and is costly or otherwise difficult to service
- (b) development in locations that restrict access to the significant physical resource in the region – such as *aggregate*
- (c) the loss of rural or open space land valued for its productive, ecological, aesthetic and recreational qualities
- (d) insufficient population densities to support public transport and other public services

- (e) development in locations that undermine existing centres and industrial employment areas
- (f) loss of vitality and/or viability in the region's central business district and other centres of regional significance
- (g) displacement of industrial employment activities from established industrial areas
- (h) adverse effects on the management, use and operation of infrastructure from incompatible land uses under, over, on or adjacent.
- (i) adverse effects on mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga.

3. Integration of land use and transportation

A lack of integration between land use and the region's transportation network can create patterns of development that increase the need for travel, the length of journeys and reliance on private motor vehicles, resulting in:

- (a) increased *emissions* to air from a variety of pollutants, including *greenhouse gases*
- (b) increased use of energy and reliance on non-renewable resources
- (c) reduced opportunities for alternate means of travel (such as walking and cycling), increased community severance, and increased costs associated with upgrading roads
- (d) increased road congestion leading to restricted movement of goods and services to, from and within the region, and compromising the efficient and safe operation of the transport network
- (e) inefficient use of existing infrastructure (including transport orientated infrastructure).

3.2.1 Submissions, Evidence and Analysis

52. There were 18 original submissions and 14 further submissions on the regionally significant issues.
53. The regionally significant issues the Officer supports¹⁹ relating to regional form, design and function are:
- a. Lack of housing supply and choice
 - b. Inappropriate development
 - c. Poor quality urban design
 - d. Inadequate infrastructure
 - e. Sporadic, uncontrolled or uncoordinated development
 - f. Integration of land use and transportation (not in Change 1).
54. We support the Officer's amendments to the Issues, including to delete the reference to 'supporting infrastructure' from Issue A (renumbered as

¹⁹ As set out in the Reporting Officer's Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, Appendix 1, pages 6 – 7.

Issue 1) and include a new issue “Inadequate infrastructure” which was requested by Wellington Water [S113.010] and is largely based on wording recommended by Mr Smeaton on behalf of PCC.²⁰ We recommend a minor amendment to renumbered Issue 4, to reference the “maintenance and upgrading of existing infrastructure”. The Officer, commenting on the relief requested by Wellington Water and Kāinga Ora notes that capacity constraints and the need for large-scale maintenance and upgrades to support urban development is a significant issue across the Region.²¹

55. We recommend that the change to the chapeau to refer to “iwi authorities in the Wellington Region...” (rather than the existing “Wellington Region’s iwi authorities” which inadvertently implies ownership) be made as a Schedule 1, clause 16 minor amendment as it is not within the scope of any particular submission.²² This sentence occurs throughout Change 1 (and provisions in the RPS not amended through Change 1). We recommend the Council make this amendment across Change 1 as a minor amendment and then address the drafting in a subsequent full review of the RPS.
56. Kāinga Ora and Winstone Aggregates asked for the words “territorial authorities” to be included before “iwi authorities”. We asked the Officer about this and she raised a consistency issue as this sentence appears in all chapters of the operative RPS, including those not amended by Proposed Change 1. The Officer also noted that that sentence was not proposed to be amended by the Change document.²³ We do not recommend that “territorial authorities” is added into the sentence. The issues of significance to TAs may come within the words “regionally significant issues” at the start of the sentence, and the reference to “iwi authorities” comes directly from s 62(1)(b) which does not refer to TAs.
57. We support the relief sought by HortNZ [S128.015] to amend Issue B (renumbered as Issue 2) to acknowledge that highly productive land can be adversely impacted and fragmented by inappropriate development. The wording we propose is altered slightly from that in HortNZ’s submission so it is suitably reflected within Issue 2. We acknowledge the

²⁰ Statement of Evidence of Rory Smeaton on behalf of Porirua City Council (Planning), 15 September 2023, Hearing Stream 4 – para 30.

²¹ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, para 367.

²² As recommended in the Reporting Officer’s Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, paras 54 – 55 in response to our question (j)(v) in Minute 14.

²³ Hearing Transcript, HS4 – Urban Development, Day 1, page 14, lines 660-665, (Reporting Officer, Ms Zöllner).

Officer's comments that loss of rural land is captured in Issue 5(c), however in our view Issue 5 is about ensuring development is coordinated and planned properly and so has a different focus from Issue 2 which is about the impacts of the inappropriate development on natural and other values. We consider that the amendment we support to Issue 2 also aligns with the amendments we support to the Integrated Management provisions (HS2) and Objective 22(f) regarding productive capacity of rural land.

3.2.2 Finding and s 32AA Evaluation

58. We largely agree with the Reporting Officer's recommendations on the Regional Form, design and function Issues and recommend they are approved as set out below for the reasons we have discussed above, and otherwise as set out in the Officer's s 42A Report, Rebuttal and Reply Evidence. We recommend a minor amendment to refer to iwi authorities in the Wellington Region as this more clearly expresses the intent. We also recommend an amendment to include the productive capacity of rural land in Issue 2 as this aligns with amendments recommended in HS2 and to Objective 22, and also appropriately recognises direction in the NPS-HPL. Finally, we recommend a minor amendment to refer to the maintenance of infrastructure as well as its upgrading in new Issue 4. This is a minor amendment and clarifies the policy intent. We do not consider there to be any cost implications from these amendments.

3.2.3 Recommendation

The regionally significant issues and the issues of significance to the Wellington region's iwi authorities in the Wellington Region for *regional form*, design and function are:

A-1. Lack of housing supply and choice

The Wellington Region lacks sufficient, affordable, and quality (including healthy) housing supply and choice to meet current demand, the needs of projected population growth and the changing needs of our diverse communities. There is a lack of variety of housing types and sizes across the region, including papakāinga- and medium and high density residential living in and around centres and existing and planned transit nodes, all of which impacts housing affordability in the region. Housing affordability has declined significantly over the last decade, causing severe financial difficulty for many lower-income households, leaving some with insufficient income to provide for their basic needs and well-being. There is a lack of supporting infrastructure to enable the development of sufficient housing and the provision of quality urban environments.

B: 2. Inappropriate development

Inappropriate and poorly managed urban land use and activities in the Wellington Region have damaged, and continue to jeopardise, the natural environment including the productive capacity of rural land, degrade ecosystems, particularly aquatic ecosystems, and increased the exposure of communities to the impacts of climate change. This has adversely affected mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga.

1-3. Poor quality urban design

Poor quality urban design can adversely affect public health, social equity, land values, the cultural practices, visibility, identity and well-being of mana whenua / tangata whenua and communities, the vibrancy of local centres and economies, and the provision of, and access to, civic services. It can also increase the use of non-renewable resources and vehicle emissions in the region.

4. Inadequate infrastructure

~~There is insufficient supporting infrastructure to enable urban development, while providing for high-quality. The development of well-functioning urban areas, including providing for sufficient development capacity, is constrained in many locations within the Wellington Region by a lack of capacity in existing infrastructure. These constraints include the availability and affordability of funding required for delivery of new infrastructure, or the maintenance and upgrading of existing infrastructure.~~

2: 5. Sporadic, uncontrolled and/or uncoordinated development

Sporadic, uncontrolled, and/or uncoordinated, development (including of infrastructure) can adversely affect the region's compact form and function. This can, among other things, result in:


- a) new development that is poorly located in relation to existing infrastructure (such as roads, public transport, water supply, sewage and stormwater systems) and is costly or otherwise difficult to service
- b) development in locations that restrict access to the significant physical resource in the region – such as *aggregate*
- c) the loss of rural or open space land valued for its productive, ecological, aesthetic and recreational qualities
- d) insufficient population densities to support public transport and other public services
- e) development in locations that undermine existing centres and industrial employment areas
- f) loss of vitality and/or viability in the region's central business district and other centres of regional significance
- g) displacement of industrial employment activities from established industrial areas

- h) adverse effects on the management, use and operation of *infrastructure* from incompatible land uses under, over, on or adjacent
- i) adverse effects on mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga.

3-6. Integration of land use and transportation (not in Change 1)

3.3 Objective 22

59. Objective 22 as notified reads:

<p>Objective 22 </p> <p><u>Urban development, including housing and infrastructure, is enabled where it demonstrates the characteristics and qualities of well-functioning urban environments, which:</u></p> <p>(a) <u>Are compact and well designed; and</u></p> <p>(b) <u>Provide for sufficient development capacity to meet the needs of current and future generations; and</u></p> <p>(c) <u>Improve the overall health, well-being and quality of life of the people of the region; and</u></p> <p>(d) <u>Prioritise the protection and enhancement of the</u></p>	<p><u>quality and quantity of freshwater; and</u></p> <p>(e) <u>Achieve the objectives in this RPS relating to the management of air, land, freshwater, coast, and indigenous biodiversity; and</u></p> <p>(f) <u>Support the transition to a low-emission and climate-resilient region; and</u></p> <p>(g) <u>Provide for a variety of homes that meet the needs, in terms of type, price, and location, of different households; and</u></p> <p>(h) <u>Enable Māori to express their cultural and traditional norms by providing for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga; and</u></p>	<p>(i) <u>Support the competitive operation of land and development markets in ways that improve housing affordability, including enabling intensification; and</u></p> <p>(j) <u>Provide for commercial and industrial development in appropriate locations, including employment close to where people live; and</u></p> <p>(k) <u>Are well connected through multi-modal (private vehicles, public transport, walking, micro-mobility and cycling) transport networks that provide for good accessibility for all people between housing, jobs, community services,</u></p>	<p><u>natural spaces, and open space.</u></p> <p>A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:</p> <p>(a) <u>a viable and vibrant regional central business district in Wellington city;</u></p> <p>(b) <u>an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality;</u></p> <p>(c) <u>sufficient industrial-based employment locations or capacity to meet the region's needs;</u></p> <p>(d) <u>development and/or management of the Regional Focus Areas identified in the Wellington Regional Strategy;</u></p>	<p>(e) <u>urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;</u></p> <p>(f) <u>strategically planned rural development;</u></p> <p>(g) <u>a range of housing (including affordable housing);</u></p> <p>(h) <u>integrated public open spaces;</u></p> <p>(i) <u>integrated land use and transportation;</u></p> <p>(j) <u>improved east-west transport linkages;</u></p> <p>(k) <u>efficiently use existing infrastructure (including transport network infrastructure); and</u></p> <p>(l) <u>essential social services to meet the region's needs.</u></p>
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60. Objective 22 states the outcomes the RPS wants to achieve in relation to the *Regional form*, design and function issues.

61. The Reporting Officer says the Objective is intended to be an over-arching and integrating objective²⁴ that articulates what a well-functioning urban environment is in the context of the Wellington Region.²⁵

62. The Objective aims to respond to the lack of sufficient, affordable and quality housing supply and choice to meet current demand, the needs of projected population growth and the changing needs of diverse communities. In addition, the Objective responds to inappropriate development that has threatened (and continues to threaten) the natural environment and increases exposure to the effects of climate change.²⁶

3.3.1 Submissions, Evidence and Analysis

63. There were 35 original submissions and 20 further submissions on Objective 22.

²⁴ Reporting Officer's Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, para 60.

²⁵ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, para 167.

²⁶ Section 32 Report, Proposed RPS Change 1 2022, pages 106 - 107.

64. The Officer recommended that a more overarching version of Objective 22 replace Objectives 22A and 22B. Objective 22 was therefore recommended to be almost completely replaced by a new version through the s 42A Report.
65. There was considerable evidence presented at the Hearing about Objective 22. We have structured the analysis below into the following subheadings focusing on the key issues raised. We have gone into some detail and also looked at these issues vertically through Change 1, given their cascade from the Objective.
- a. Regional form and well-functioning urban areas
 - b. Tier 3 local authorities
 - c. Managing environmental and climate change effects
 - d. Mana whenua / tangata whenua perspectives
 - e. Compact form, centres hierarchy, and a strategic approach to enabling development capacity
 - f. Intensification
 - g. Greenfield development
 - h. Infrastructure
 - i. Housing affordability, access, quality, choice
 - j. Productive land
 - k. Integrated transport and multi-modal access
 - l. Climate change and low emission
66. In response to our questions in Minute 14, Ms Zöllner recommends:
- a. Inserting “quality” into Objective 22(a)
 - b. Deleting “local and regional” before ‘centres’ in Objective 22(e)
 - c. Inserting the words “including retaining the productive capacity of rural land” in Objective 22(f)
 - d. Inserting reference to “efficient” operation of RSI in Objective 22(k)
 - e. Not including the hierarchy in the Objective, and instead amending Policy UD.4 to elevate the prominence and clarity of the hierarchy.
67. We support these amendments but propose one amendment regarding clause (f). We also recommend some minor changes below.
- 3.3.1.1 Regional form and well-functioning urban areas**
68. PCC [S30.022] had sought reference to “regional form” in the chapeau in their requested redrafting of Objective 22. Various submitters supported this approach, with some modifications. For instance, Ms Heppelthwaite,

providing evidence for Waka Kotahi, agreed with an overarching objective for regional form, but requested that the word “safely” is added to clause (g) and the potential for reverse sensitivity effects are recognised in a new clause.

69. The Officer explains in the s 42A Report that “regional form” refers to rural areas, urban areas, urban environments (which are a subset of the Region’s urban areas), transport network, open space, special purpose zones, infrastructure and peri-urban areas.²⁷ We found Figure 1 in the s 42A Report a helpful image explaining the relationship between rural development, urban development and regional form. We understand that regional form includes smaller towns, rural areas, cities, infrastructure, open space and the connections between them i.e. the linkages between urban and rural communities,²⁸ and also the linkages within urban communities and rural communities.
70. Objective 22 aims to do more than give effect to Objective 1 and Policy 1 of the NPS-UD (which are about achieving / contributing to well-functioning urban environments). The regionally significant issues which it links to apply across the whole Region, and are broader than the concepts in the NPS-UD Objective 1 and Policy 1, and therefore, as Rangitāne’s submission [S168.030] notes, it is important that the activities addressed by the policies and methods are supported by an objective that provides integrated direction on the regionally significant issues and takes a holistic, integrated approach to urban and rural development, consistent with the Council’s s 30, RMA functions. We accept Ms Zöllner’s assessment of the other statutory matters relevant to this point, including s 6 and other Part 2 provisions relevant to this chapter.²⁹
71. The Officer recommends amendments in the s 42A Report to expand the Objective to address not only “urban development” (as notified), but also “regional form” that has “well-functioning *urban areas* and *rural areas*”. We support these amendments. UHCC was concerned that the objective goes beyond the requirements of the NPS-UD [S34.089]. We agree, but are satisfied of the rationale for this and the importance of the connections between urban areas and rural areas.
72. While the NPS-UD provides strong policy direction for “well-functioning urban environments”, the regional form chapter in the RPS also has other

²⁷ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, para 168.

²⁸ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, paras 176 and 178.

²⁹ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, paras 176 and 191.

purposes discussed. We therefore support the Officer’s recommendation to delete “well-functioning urban environments” from the chapeau of Objective 22 and replace this with “well-functioning *urban areas and rural areas*”. As the Officer concisely puts it, all of these areas should be able to function well.³⁰

73. Different elements of the Objective address the Issues in a series of clauses. Ms Rojas, presenting evidence for UHCC said her preference was for the clauses in Objective 22 to be deleted because an objective should “seek to enable the policies rather than direct them through the supporting policies, especially as an overarching objective”.³¹ She felt that the version of Objective 22 supported by the Officer left almost no room for the regional plan and district plans to drill into specifics and the clauses essentially gave policy direction in the objective.
74. We understand this concern, and do note what seems to be repetition of similar concepts throughout the HS4 provisions which may seem like a belts and braces approach. We do not see this as adding to the regulatory burden for plan makers and consent/NoR applicants. The approach the Council has taken reflects the complexity that occurs when seeking to achieve integrated management and implement various national direction and management strategies.
75. Policy 1 of the NPS-UD requires planning decisions to contribute to well-functioning urban environments. Looking at this issue vertically, we are satisfied that Objective 22 and the policies that implement it, give effect to Policy 1. Change 1 therefore appropriately articulates at the regional level, the following characteristics of well-functioning urban environments (as required by Policy 1, NPS-UD):
- a. Supporting compact development patterns (eg chapeau of Objective 22, Objective 22(d) and (i), Policies 30, 31, UD.4, UD.5)
 - b. Access through low and zero-carbon emission transport modes (Objective 22(d), Policies 57, 58, CC.1, CC.9, UD.5)
 - c. Supports reductions in GHGe (Objective 22(d) and (e), Policies 30, 31, 33, UD.4, 55, 56, 57, 58, UD.5, CC.1, CC.9)
 - d. Diversity of housing typologies (Objective 22(a) and (j), Policies UD.3, UD.5)

³⁰ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, paras 183.

³¹ Hearing Transcript, HS4 – Urban Development, Day 2, page 12, lines 542 – 550; and page 17 lines 839 – 840.

- e. Multi-modal connections between housing, employment, services, green space and local centres (Objective 22(e), Policies 30, 31, 33, UD.4, 55, 57, 58, UD.5)
- f. Providing for and protecting mana whenua values, sites of significance and the relationship of mana whenua / tangata whenua to their culture, lands, water, sites, wāhi tapu and other taonga (Objective 22(b), Policies 55, 56, UD.2)
- g. Avoiding/mitigating adverse effects of urban development on the natural environment (definition of *environmentally responsive*, Objective 22(c), Policy UD.5)
- h. Supports the competitive operation of land and development markets (Objective 22(a), Policies UD.4, 55 and UD.3)
- i. Avoiding/mitigating adverse effects on the ability to manage, use, operate existing infrastructure (development is integrated) (Objective 22(g), (h), 55, 58, UD.3, UD.5)
- j. Protecting the operation and safety of regionally significant infrastructure from potential reverse sensitivity effects (Objective 22(k), Policies 55, UD.5)
- k. Enables a variety of sites suitable for business and industrial sectors (Objective 22(j), Policy 32, 56, UD.4).
- l. Resilience to climate change effects (definition of *climate resilience*, chapeau of Objective 22 and Policies 55, 29 and 51)

76. In our view, to achieve integrated management and implement relevant direction, it is appropriate for the Change 1 provisions to:

- a. Support intensification within the existing urban form, ahead of greenfield development
- b. Provide strong direction for urban development to be compact and higher density
- c. Ensure environmental effects and effects from climate change are managed
- d. Ensure development occurs on the basis of infrastructure being available, having capacity or being provided
- e. Focus on local and active transport to reduce infrastructure costs and reduce GHGe
- f. Allows unanticipated or out of sequence development if it would add significantly to development capacity and contribute to well-functioning urban environments.

77. We think the provisions for the main part achieve this, but we recommend some amendments to improve the clarity of the policy intent. As Objective

22 states the outcome that the policies are all intending to achieve, we provide a more detailed assessment below of the key themes throughout HS4 which all touch on Objective 22 in some way.

3.3.1.2 Tier 3 local authorities

78. CDC [S25.012] and SWDC [S79.016] disputed the application of the NPS-UD to them, and Ms McGruddy for WFF said that the chapter should focus on urban development and ensure that does not unduly encroach on rural land.³² She said that a “compact regional form” does not make sense and the Objective should be directed specifically and exclusively to urban areas.³³ SWDC [S79.016] noted that Objective 22 has to provide direction to all territorial authorities including those that are not Tier 1, 2 and 3 authorities.
79. We acknowledge and accept the Officer’s analysis in the s 42A Report assessing the relevance of the NPS-UD direction to the Wairarapa Councils.³⁴ We are comfortable that Objective 22 applies to all local authorities in the Region (including Tier 3) and that MDC contains an urban area that meets the definition of *urban environment*. We also accept the Officer’s analysis that the towns in CDC and SWDC (Carterton, Greytown, Martinborough and Featherston) all well-connected to the housing and labour markets of Masterton, Wellington, Lower and Upper Hutt and therefore meet test (b) in the definition of *urban environment*.³⁵
80. We agree that replacing the term “well-functioning urban environments” in the Objective with “well-functioning urban areas” will give effect to SWDC’s relief and CDC’s relief as it is more inclusive. The NPS-UD itself refers in various places to “urban areas” and “rural areas”. The evidence the Officer provided on the pressures experienced by councils in the Wairarapa on housing affordability and choice, especially for renting, was not challenged.³⁶ The Officer also discussed the potential for mode shift and improved access for travel within and between the Wairarapa towns, and the potential for the towns to be highly walkable given they are relatively compact, and each contains a town centre with services, parks and employment opportunities close to residential areas.³⁷ Therefore, we

³² Hearing Transcript, HS4 – Urban Development, Day 2, page 26, lines 1264 – 1274.

³³ Hearing Transcript, HS4 – Urban Development, Day 2, page 26, lines 1287 – 1293.

³⁴ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, paras 203 – 213.

³⁵ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, para 205.

³⁶ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, paras 210 – 211, and Table 8.

³⁷ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, para 209.

are satisfied of the appropriateness of Objective 22 applying to all local authorities in the Region.

3.3.1.3 Managing environmental and climate change effects

81. We support the wording recommended by the Officer to the chapeau, including “*climate resilient, accessible, and environmentally responsive*” for the reasons given in the Officer’s evidence.³⁸ We think the definition the Officer proposes for “environmentally responsive” should be amended to focus more on managing adverse effects on the natural environment. The version supported by the Officer seems to select particular aspects of Part 2 and could lead to unintended outcomes. Various experts commented on the definition, including Ms McCormick for Ātiawa. We also consider that “identified qualifying matters” should be included in the definition of *environmentally responsive* for the reasons explained under Policy 31 and in the Definitions section.

3.3.1.4 Mana whenua / tangata whenua perspectives

82. Ātiawa [S131.045] sought consistent wording for s 6(e) matters, as currently the provisions contain different drafting relating to “ancestral lands, water, sites, wāhi tapu and other taonga”. Ms McCormick said she acknowledged that other mana whenua in the rohe have also sought amendments so she would welcome the inclusion of drafting that provides for “our ways of understanding the natural world through kupu Māori” because presently there is not a “consistent narrative throughout”.³⁹

83. Te Ātiawa and Rangitāne sought that s 6(e), RMA matters be reflected in urban expansion and rural development. This point was discussed in the Hearing, and the Officer recommended an amendment to Policy UD.2 to refer to “ancestral” lands. We recommend amendments to give effect to relief sought by iwi.

84. Ātiawa considered that Policy UD.5 prioritised providing for housing and infrastructure aspects of urban development, but did not give adequate consideration to the natural and physical aspects that contribute to well-functioning urban areas.⁴⁰ While this comment is specifically in relation to Policy UD.5, we consider that there is an imbalance in the chapter and we recommend amendments to Objective 22 to ensure, as Ms McCormick

³⁸ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, para 182.

³⁹ Hearing Transcript, HS4 – Urban Development, Day 1, page 55, lines 2793 – 2807.

⁴⁰ Hearing Transcript, HS4 – Urban Development, Day 1, page 56, lines 2833 – 2835.

expressed it, that “the urban environment forms part of the broader, interconnected environment. Therefore, in developing a well-functioning urban environment, the well-being of the environment must be provided for.”⁴¹

3.3.1.5 Compact form, centres hierarchy, and a strategic approach to enabling development capacity

85. We recommend Objective 22 retains the words “compact, well-designed” in the notified version of the chapeau. We found Ms Zöllner’s explain of these terms helpful:⁴²

A compact regional form refers to well-connected urban areas with compact urban form, surrounded by well-functioning rural areas. A well-designed regional form means it is supported by design guides, holistic urban design principles and robust spatial planning processes using up to date information, including the sequencing of infrastructure.

86. Paragraph (a) of Objective 22 as proposed to be amended by the Officer, is about sufficient “development capacity”; the capacity of land to be developed for housing or for business use. We think the issue of ‘providing options / choice’ should also be incorporated into paragraph (j) so the provisions would read “a variety of residential, commercial, mixed use and industrial development in appropriate locations provides choice and contributes to viable and vibrant...”.

87. Mr Lewandowski for PPFL wanted clause (a) amended to state “there is at least sufficient development capacity” for alignment with Policy 2 of the NPS-UD. The Officer said the NPS direction was at a policy level, and including the words “at least” sounded clunky when stated as an outcome. In our view, the word “sufficient” is appropriate for an outcome provision, and the policies that link to this clause will provide further direction on what is meant by “sufficient development capacity” in the context of the particular plan change document or consent application.

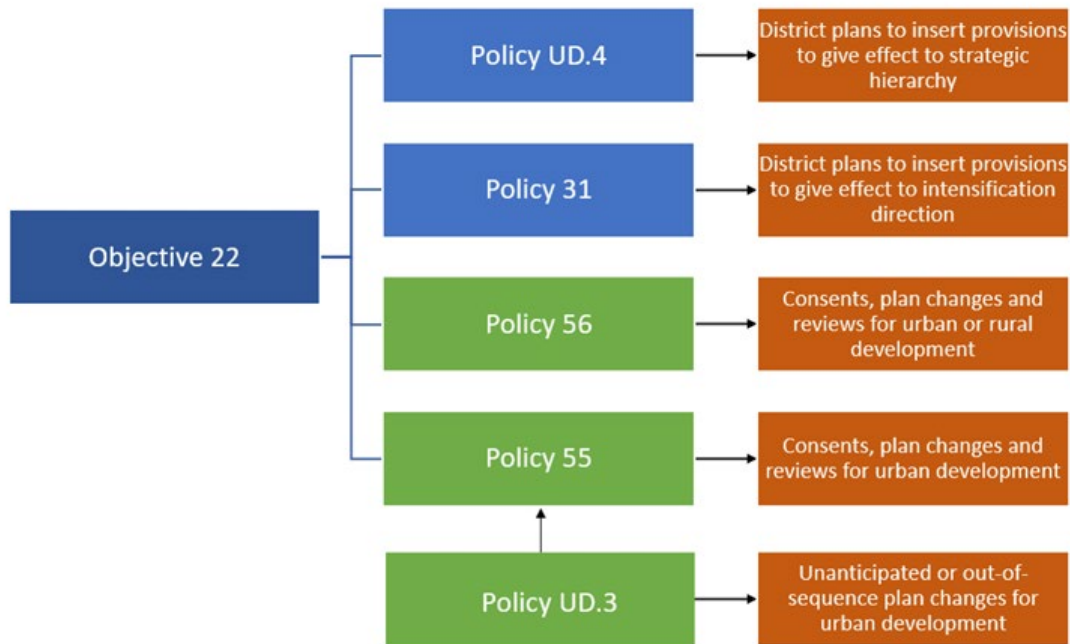
88. The notified version referred to “improve the overall health, well-being and quality of life of the people of the region”. Through her Rebuttal and Reply Evidence, the Officer recommends that “health and well-being” are incorporated into the definition of “environmentally responsive”. As we state in our discussion below on the definition of “environmentally

⁴¹ Hearing Transcript, HS4 – Urban Development, Day 1, page 56, lines 2852 – 2856.

⁴² Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, paras 179.

responsive”, we do not think this is necessary as health and well-being” also comes into clause (e) of Objective 22, and Policy 67.

89. We found this diagram Ms Zöllner included in her Reply Evidence, helpful to show the relationships between policies relevant to the development hierarchy.⁴³



90. Ms Heppelthwaite presenting planning evidence for Waka Kotahi recommended the content of para (c) in the Introductory ‘How the Plan Works’ section be expressed as a policy. This is now reflected in Policy UD.4. However, at the Hearing, Ms Heppelthwaite said that the hierarchy should be identified in Objective 22 because of its importance.⁴⁴ As Ms Heppelthwaite said:⁴⁵

Also, it directs application of other policies. If it sits at a policy level itself then we need to be very careful about balancing those out. There may be a situation where an applicant may try and balance or rebalance in a way that wasn’t anticipated if all of ... UD.4 and the policies it refers to all sit at policy levels.

⁴³ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, para 157.

⁴⁴ Hearing Transcript, HS4 – Urban Development, Day 2, page 61, lines 3091 – 3096; page 62, lines 3125 – 3130.

⁴⁵ Hearing Transcript, HS4 – Urban Development, Day 2, page 61, lines 3098 – 3101.

91. We are satisfied that it is open to the Proposed Change 1 provisions to express a “preferential directive” (to use Ms Heppelthwaite’s words).⁴⁶ The provisions cannot, and we are satisfied that they do not, preclude greenfield development, including unanticipated or out of sequence development. They provide for responsive planning by providing a pathway.
92. We found Ms Heppelthwaite’s analysis useful but accept the Officer’s reasons in her Reply Evidence as to why the hierarchy is appropriately contained in Chapter 4.1, Policy UD.4.⁴⁷ The Officer’s recommended amendments to Policy UD.4 apply a clear hierarchy to the policies named within Policy UD.4.
93. Kāinga Ora broadly supported the provisions in Proposed Change 1, particularly the direction to achieve compact and concentrated urban form and densification, especially for residential and commercial land uses, and well-functioning and quality urban environments based around transit-oriented development and connected centres.⁴⁸ However, it sought a regionally driven centres hierarchy that is more directive of where intensification is to occur in the Region.
94. We discuss this issue further in Policies 30 and 31.

3.3.1.6 Intensification

95. The Reporting Officer notes that the Change 1 provisions as a whole support intensification and recognise the benefits of intensification and higher density development. We agree with the Officer that meeting housing and business demand through development within existing urban areas and through intensification, is the most effective way to respond to the multiple issues facing the region.⁴⁹ We also agree with the Officer that intensification can achieve multiple outcomes more effectively than greenfield development, including reducing transport-related emissions, supporting housing affordability and choice, and more efficiently utilising, providing and maintaining infrastructure. We agree that Objective 22 should clearly signal this direction but that the policy intent could be clarified in the drafting recommended by the Officer.

⁴⁶ Hearing Transcript, HS4 – Urban Development, Day 2, page 62, line 3146.

⁴⁷ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, paras 59 – 60.

⁴⁸ Statement of Primary Evidence of Timothy Heath on behalf of Kāinga Ora – Homes and Communities (Economics), 15 September 2023, para 4.3.

⁴⁹ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, para 221.

96. The Officer says that the wording she supports is more focused on an outcome than the process of intensification (which should be policy direction).⁵⁰ However, we recommend that a clear statement that intensification is enabled within existing urban areas where it is environmentally responsive still expresses the outcome sought but also recognises qualifying matters (which was a point raised by various submitters including Kāinga Ora [S158.012]).
97. We acknowledge PCC’s concerns that the Objective could lead to a poly-centric urban form (which we understand to be an urban form with many centres), rather than one where there is hierarchy between centres through intensification levels. However, we think that this level of direction can be set through the policies (especially Policy 30) and there is a risk that specifying a directive centres hierarchy in the Objective could be overly restrictive for some territorial authorities and conflict with other direction in the NPS-UD.
98. The Officer recommends adding in a new clause to Objective 22: “The biophysical characteristics, location, values, capability and limitations of land inform its use and development, including retaining the productive capacity of rural land”. The Officer says this clause summarises the direction for the preparation of FDS at a high level, while also picking up on RPS direction to manage natural hazard risk, locate development near existing infrastructure capacity and transport routes, and consider other spatial factors such as values and sites and areas of significance to Māori. The recommended wording also aligns with the nature-based solutions policy package, because achieving the clause also involves responding to the ability of natural features and ecosystems to provide nature-based solutions.⁵¹ We support the amendment proposed but recommend a minor amendment to refer to “recognised values” to avoid any inference that ‘values’ is referred to land values.

3.3.1.7 Greenfield development

99. PPFL is concerned that Proposed Change 1 does not impose inappropriate hurdles in the consideration of what it considered to be otherwise appropriate new greenfield areas across the region.⁵² Mr Lewandowski, presenting planning evidence for PPFL, said that in his view, the provisions will have a detrimental effect on the competitive operation of land and

⁵⁰ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, para 223.

⁵¹ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, para 231.

⁵² Statement of Evidence of Maciej Lewandowski on behalf of Peka Peak Farm Limited (Submitter 18) – HS4 – Urban Development, October 2023, page 5.

development markets, and that these impacts have not been properly assessed in the s 32 analysis or through the s 42A Report. In essence, the key point seemed to be that Proposed Change 1 did not appropriately provide for unanticipated or out of sequence development.⁵³ We discuss this further in our assessment of Policies UD.4, 55 and UD.3, but note that the provisions do not, in our view, preclude greenfield development.

100. Through the Hearing, there was discussion about whether it was appropriate for the HS4 provisions to establish a development hierarchy, and if so, where that should be reflected, for instance, in the Introduction, Objective 22, Policy UD.4 or elsewhere.
101. We agree with the Officer's recommendation, and support Wellington Water's relief to provide for a hierarchy of urban development within the provisions. Taking an integrated and structured approach to the relevant national direction and management plans, it is appropriate that options for enabling development capacity via intensification are the first priority, then sequenced and planned greenfield development, then unanticipated and out-of-sequence greenfield, then development in rural areas. We discuss this further in our analysis of Policy UD.4.
102. We also agree with the Officer, responding to concerns raised by Wellington Water at the Hearing, that the hierarchy for plan making in Policy UD.4 cannot apply to consenting. Resource consents cannot demonstrate prioritisation of different kinds of development.

3.3.1.8 Infrastructure

103. Ms Hunter providing planning evidence for WIAL, sought a reference to the safe and efficient operation of RSI in Objective 22, which is wording that is more consistent with qualifying matter (c) in clause 3.32 of the NPS-UD. The Officer has supported this relief.
104. WIAL supported the Officer's recommendations to Policy UD.5 (discussed below) regarding protecting the operation and safety of RSI from potential reverse sensitivity effects, but requested an amendment to Objective 22 to 'hang the Policy UD.5 amendment from'.⁵⁴ Ms Hunter explained that the NPS-UD recognises there are limits on intensification in the form of "qualifying matters'. The Officer has not recommended Ms Hunter's

⁵³ Statement of Evidence of Maciej Lewandowski on behalf of Peka Peak Farm Limited (Submitter 18) – HS4 – Urban Development, October 2023, page 3.

⁵⁴ Statement of Evidence by Claire Hunter, 15 September 2023, Hearing Stream 4 – Urban Development, para 17.

precise wording, but has included reference in (f) to the “biophysical characteristics, location, values, capability and limitations of land” which inform its use and development.

105. In its hearing statement, Powerco requested that clause (h) be amended to include a qualifier, “where practicable”.⁵⁵ Mr Rowe said that the integration and sequencing of infrastructure with development can be problematic in some circumstances, for instance, if a developer is staging in a manner that is at odds with the way in which Powerco provides its infrastructure and services for a development.
106. At the Hearing we asked the Reporting Officer a question about clause (i) regarding development densities. Ms Zöllner explained that the clause is about strategically clustering density to best support both existing and new infrastructure.⁵⁶ The Officer noted that this flows from Issue 5(d) regarding sporadic, uncontrolled or uncoordinated development, and also links to Policy 55 which seeks density to be clustered where it can make the most efficient use of infrastructure.
107. Mr Lewandowski for PPFL stated at the Hearing that he did not think the word “effectively” was needed in clause (g) as he did not see how infrastructure could be used ‘ineffectively’.⁵⁷ He noted this was not a major issue for PPFL. We understand the Officer supported the word “effectively” in response to Wellington Water’s proposed amendment to clause (g) seeking that existing infrastructure use is both efficient and effective.⁵⁸
108. The Officer recommends deleting Objective 22B. This gives effect to the relief of submitters who were not clear about the meaning of “strategically planned” (eg PCC [S118.014]), and it allows development in rural areas to be considered within Objective 22. We support the deletion.

3.3.1.9 Housing affordability, access, quality, choice

109. We asked the Reporting Officer at the Hearing if there was a distinction between “affordable housing” and “housing affordability”. Ms Zöllner

⁵⁵ So (h) (as proposed to be amended by the Officer would read “new or upgraded infrastructure... is integrated and sequenced with development where practicable”. Miles Rowe, Hearing Statement on behalf of Powerco, Hearing Stream 4 – Urban Development, 15 September 2023, paras 2.2 – 2.4.

⁵⁶ Hearing Transcript, HS4 – Urban Development, Day 1, page 22, lines 1097 - 1105, (Reporting Officer, Ms Zöllner).

⁵⁷ Hearing Transcript, HS4 – Urban Development, Day 1, page 63, lines 3197 – 3201.

⁵⁸ Statement of Rebuttal Evidence of Mika Zöllner on behalf of Wellington Regional Council – Hearing Stream 4, 25 September 2023, para 37.

advised that the NPS-UD seeks that housing affordability is improved and that “we want housing affordability to be improved for anyone across the region. We also specifically want more provision of more affordable housing. Housing affordability is intended to capture both or all of those”.⁵⁹ Mr Lewandowski for PPFL sought that the reference to affordable housing be deleted as this issue is best addressed through enabling sufficient supply to provide competition.⁶⁰

110. We recommend the Objective refer to “improving housing affordability” (rather than “adequate housing affordability”) and we propose wording to reflect this in our recommendations below. In our view, this amendment gives better effect to Objective 2 of the NPS-UD, and it recognises that sufficient development capacity can improve housing affordability. We consider this accepts PPFL’s relief at least in part, and talks to the importance of the competitive operation of land and development markets. This relief was supported by Mr McDonnell on behalf of HCC.⁶¹
111. We support the reference to “choice” in clause (a) but recommend some restructuring of the clause to improve readability. Mr Lewandowski for PPFL noted some duplication in clause (a) regarding “choice” and “a diversity of housing typologies”.⁶² We accept some refinement is justified to remove duplication, and propose amendments below. We support the Officer’s recommendation to include the phrase “access to a diversity of housing typologies within neighbourhoods” and note the discussion at the Hearing about the need to ensure homes and opportunities are built for all people in Wellington Region.⁶³ We also recommend a minor amendment to clause (j) to refer to a variety of development “providing choice”.

3.3.1.10 Productive land

112. HortNZ sought alignment with the NPS-HPL in its submissions including recognition of the benefits, and protection, of highly productive land

⁵⁹ Hearing Transcript, HS4 – Urban Development, Day 1, page 17, lines 837-853, (Reporting Officer, Ms Zöllner).

⁶⁰ Statement of Evidence of Maciej Lewandowski on behalf of Peka Peak Farm Limited (Submitter 18) – HS4 – Urban Development, October 2023, page 9.

⁶¹ Hearing Transcript, HS4 – Urban Development, Day 2, page 6, lines 264 – 273.

⁶² Statement of Evidence of Maciej Lewandowski on behalf of Peka Peka Farm Limited – Hearing Stream 4 – Urban Development, October 2023, para 5.6; and Hearing Transcript, HS4 – Urban Development, Day 1, page 62, lines 3170 – 3172.

⁶³ Hearing Transcript, HS4 – Urban Development, Day 1, page 23, lines 1146 – 1165, (Reporting Officer, Ms Zöllner).

through the Issues [S128.015], Objective 22 [S128.017], Policy 55 [S128.048] and Policy 56 [S128.049] among other provisions.⁶⁴

113. The Reporting Officer Mr Jeffreys expressed a preference that the NPS-HPL was not implemented in a piecemeal way and that it contained a reasonably strong interim framework which would apply regardless of whether it was implemented in Change 1 or not. Ms Zöllner noted that Policy 59 of the operative RPS requires particular regard be given in consenting, plan changes, variations, reviews and NoRs to “safeguarding productive capability on Class I and II land” and so references in Change 1 to “highly productive land” would need to ensure there are no policy conflicts. As Ms Zöllner explained, a lot of the policy framework would need to be brought in from the NPS-HPL to ensure consistency with it, and then there are issues of definitions and exemptions.⁶⁵ We understand the complexity, the risks of partial and/or inadequate implementation, and also issues and related problems of scope.
114. The Officers commented in their Reply Evidence that incorporation of the NPS-HPL is crucial and undoubtedly relevant to subdivision, use and development but that the strong interim direction in the NPS means that there is not a significant risk in not incorporating its provisions into Change 1.⁶⁶ The Officers’ also cautioned against using the term “highly productive land” given the term “highly productive agricultural land” in the operative RPS which includes only LUC classes 1 and 2, rather than clauses 1, 2, and 3.⁶⁷ We do not consider it appropriate through Proposed Change 1 to incorporate the definitional changes sought by Hort NZ.⁶⁸ There is interim protection for highly productive land, including land identified as LUC III in the NPS-HPL and we agree with Officers that a comprehensive change is required at a future date to properly implement the NPS-HPL.

⁶⁴ See summary in Industry Statement to be Tabled by Emily Levenson for Horticulture New Zealand, HS4, 15 September 2023, para 11.

⁶⁵ Hearing Transcript, HS4 – Urban Development, Day 1, page 20, lines 973 - 994, (Reporting Officer, Ms Zöllner).

⁶⁶ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, paras 21 – 22.

⁶⁷ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, para 27.

⁶⁸ Industry Statement to be Tabled by Emily Levenson for Horticulture New Zealand, HS4, 15 September 2023, para 30.

115. While we appreciate there is existing direction in the RPS, namely:
- a. Policy 59 - which is a consideration policy requiring particular regard to be given to safeguarding the productive capability on Class I and II land, and
 - b. Objective 30 – which states “Soils maintain those desirable physical, chemical and biological characteristics that enable them to retain their ecosystem function and range of uses”

we consider that some recognition and protection of productive capacity is important in the regional form suite of provisions given the close relationship with subdivision, use and development and loss of productive land and the Regional Council’s integrated management functions. As Ms Levenson for HortNZ explained in her evidence, “as soon as urban development expands onto highly productive land that soil resource is lost”.⁶⁹ We do not view highly productive land as a constraint that can be accommodated on the basis it is a qualifying matter (and we note Mr Whittington’s caution against the RPS being able to do so)⁷⁰ as the identification of qualifying matters is for territorial authorities. Similarly, Policy 4 of the NPS-UD allows an RPS to modify building height and density to accommodate qualifying matters but we don’t consider that this applies to highly productive land.

116. We support the Officer’s recommendation to “retain the productive capacity of rural land” within Objective 22, although with the amendments below to improve readability. In our view, the provision does not sit too comfortably in (f) as the Officer recommended, so we recommend it be included in its own subclause.
117. We recommend a minor amendment in clause (j) to improve the clarity of the drafting and also refer to a “range” of industrial-based employment locations. This is a minor drafting change but we consider there is scope from SWDC’s submission [S79.016] which sought an amendment to the Objective to “provide for commercial and industrial development in appropriate locations”.

⁶⁹ Hearing Transcript, HS4 – Urban Development, Day 2, page 55, lines 2765 – 2766.

⁷⁰ Hearing Transcript, HS4 – Urban Development, Day 3, page 14, lines 653 – 657, although this submission was in relation to a submitter seeking that qualifying matters be listed in the RPS.

3.3.1.11 Integrated transport and multi-modal access

118. We recommend some amendments to clause (e) to provide for stronger direction of the integration of transport with urban development to meet the health and well-being needs of all people. We acknowledge the submission of DAST seeking that the RPS contains more recognition of the health benefits of active transport and mode-shift. The Officer's amendments to clause (e), together with the amendments we recommend, recognise that having access through active transport to jobs, housing, community services and other things people need, can help to meet their health and wellbeing needs. We recommend an amendment to clause (e) to refer to "integrated transport infrastructure" and "active transport".

3.3.1.12 Climate change and low emission

119. PPFL sought that "low emission" be deleted from (d) and be replaced with "contributes to reducing *greenhouse gas emissions*". The Officer supported this change. PPFL sought a similar amendment to Policy 56 which has also been accepted by the Officer.

3.3.2 Finding and s 32AA Evaluation

120. We largely agree with the Reporting Officer's recommendations on Objective 22 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence. We recommend the following amendments:
- a. Some minor restructuring in clause (a) to improve readability and a reference to "improving housing affordability"
 - b. Amendments to clause (b) to better reflect s 6(e) of the RMA and the relationship of mana whenua / tangata whenua with their ancestral lands
 - c. A new clause stating that intensification is enabled within existing urban zones where it is environmentally responsive
 - d. An amendment to the definition of *environmentally responsive* which we discuss in the Definitions section below
 - e. A minor amendment to clause (f) to refer to "recognised values"
 - f. Incorporating "the productive capacity of rural land" in its own clause

- g. An amendment to clause (e) to refer to “integrated transport infrastructure” and “active transport”
- h. An amendment to clause (j) to state that a variety of development in appropriate locations including “a range” of industrial-based employment locations “enables choice”.

121. We consider these amendments to be relatively minor as they do not change the policy intent but express the desired outcomes in a clearer way in our view and align more closely with national direction. The amendments improve the interpretation of the Objective and therefore enhance the effectiveness and efficiency of the provisions they relate to. We do not consider there to be any cost implications from the amendments.

3.3.3 Recommendation

Objective 22

A compact, well-designed, climate-resilient, accessible, and environmentally responsive regional form with well-functioning urban areas and rural areas, where:

Urban development, including housing and infrastructure, is enabled where it demonstrates the characteristics and qualities of well-functioning urban environments, which:

(a) Are compact and well designed; and

(a) ~~(b) there is Provide for~~ sufficient development capacity to meet the needs of current and future generations, affordable improve adequate housing affordability, and quality and housing choice, and provide, to meet the needs of current and future generations, with and access to a diversity of housing typologies within neighbourhoods which enable choice; and

(b) ~~(h) Enable~~ Māori are able to express their culture ~~at~~ and traditions ~~at norms, and the relationship of~~ by providing for mana whenua / tangata whenua and their relationship with their culture, ancestral land, water, sites, wāhi tapu and other taonga is provided for; and

(c) ~~(d) Te Mana o Te Wai is given effect to Prioritise the protection and enhancement of the quality and quantity of freshwater; and~~

(cc) intensification is enabled within existing urban zones in appropriate places where it is environmentally responsive; and

(d) ~~(f) subdivision, use and development is located, designed, and constructed in a way that is climate-resilient and contributes to reducing greenhouse gas emissions and is Supports the transition to a low-emission and climate-resilient region; and~~

~~(e)(k) built environments, including integrated transport infrastructure, meet the health and wellbeing needs of all people. Are well-connected through with high-quality housing and multi-modal access (private vehicles, public transport, walking, micromobility and cycling) transport networks that provide for good accessibility for all people including active transport, to and between housing, jobs, community services, local and regional centres, green space, natural spaces, and open space; and~~

~~(f) the biophysical characteristics, location, recognised values, capability and limitations of land inform its use and development, including retaining the productive capacity of rural land; and~~

~~(ff) the productive capacity of rural land is retained; and~~

~~(g) existing urban-zoned land; and infrastructure capacity including transport infrastructure; is used effectively and efficiently; and~~

~~(h) new or upgraded infrastructure, including transport infrastructure, is integrated and sequenced with development; and~~

~~(i) development densities are sufficient to support the its provision and ongoing maintenance of infrastructure; and~~

~~(ij) Provide for a variety of residential, commercial, mixed use and industrial development in appropriate locations is provided which contributes to viable and vibrant centres at a range of scales, and a range of industrial-based employment locations; and, including employment close to where people live; and~~

~~(k) the safe and efficient operation of regionally significant infrastructure is protected from potential reverse sensitivity effects.~~

~~(c) Improve the overall health, well-being and quality of life of the people of the region; and~~


~~(e) Achieve the objectives in this RPS relating to the management of air, land, freshwater, coast, and indigenous biodiversity; and~~

~~(g) Provide for a variety of homes that meet the needs, in terms of type, price, and location, of different households; and~~

~~(i) Support the competitive operation of land and development markets in ways that improve housing affordability, including enabling intensification; and~~

3.4 Objective 22B

122. As notified Objective 22B read:

Objective 22B  **FW**
Development in the Wellington Region's rural area is strategically planned and impacts on significant values and features identified in this RPS are managed effectively.

123. This Objective stated that development in the Region's rural areas is strategically planned, and impacts on significant values and features are managed effectively.

3.4.1 Submissions, Evidence and Analysis

124. Various submitters, including PPFL, sought either clarification of the meaning of the Objective, or that it be deleted (see for instance HCC [S115.026] and also WFF). The Officer has recommended it is deleted and that Objective 22 also addresses development in rural areas.

3.4.2 Finding

125. We agree with the Reporting Officer's recommendations on Objective 22B for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

3.4.3 Recommendation

Objective 22B

~~Development in the Wellington Region's rural area is strategically planned and impacts on significant values and features identified in this RPS are managed effectively.~~

3.5 Policy 30: Maintaining and enhancing the viability and vibrancy of regionally and locally significant centres – district plans

126. As notified, Policy 30 stated:

Policy 30: Maintaining and enhancing the viability and vibrancy of regionally and locally significant centres – district plans

District plans shall include policies, rules and/or methods that enable and manage a range of land use activities that maintain and enhance the viability and vibrancy of ~~regional central business district in the Wellington city and the:~~

1. the regionally significant central business district of Wellington City;
2. other regionally significant centres:
 - (i) Upper Hutt ~~city centre;~~
 - (ii) Lower Hutt ~~city centre;~~
 - (iii) Porirua ~~city centre;~~
 - (iv) Paraparaumu ~~town centre;~~
 - (v) Masterton ~~town centre;~~ and the
3. the locally significant centres of Suburban centres in:
 - (i) Petone;
 - (ii) Kilbirnie; ~~and~~
 - (iii) Johnsonville.;

- (iv) Ōtaki;
- (v) Waikanae;
- (vi) Featherston;
- (vii) Greytown
- (viii) Carterton; and
- (ix) Martinborough.

~~(a)~~ Sub-regional centres of:

- (i) ~~Upper Hutt city centre;~~
- (ii) ~~Lower Hutt city centre;~~
- (iii) ~~Porirua city centre;~~
- (iv) ~~Paraparaumu town centre;~~
- (v) ~~Masterton town centre; and the~~

~~(b)~~ Suburban centres in:

- (i) ~~Petone;~~
- (ii) ~~Kilbirnie; and~~
- (iii) ~~Johnsonville.;~~

Explanation

Policy 30 identifies the hierarchy of regional and locally significant centres within the Wellington Region for which district plans must maintain and enhance their vibrancy and vitality. The centres identified are of significance to the region's form for economic development, transport movement, civic or community investment. Maintaining and enhancing the viability and vibrancy of these centres is important in order to encourage investment and development that supports an increased range and diversity of activities. It is also important for their prosperity and resilience in the face of social and economic change. The regional central business district is the major centre in the Wellington region; the other key centres also provide significant business, retailing and community services. This policy does not limit territorial authorities from identifying additional centres of local significance within the district plan.

The centres listed in policy 30 were identified during the development of the Wellington Regional Strategy as centres of significance to the region's form for economic development, transport movement, civic or community investment. The Wellington central business district is the regional central business district, with 73,000 people working there each day. The subregional centres of regional significance are the civic centres of Upper Hutt city centre, Lower Hutt city centre, Porirua city centre, Paraparaumu town centre, and Masterton town centre. The suburban centres of regional significance are in Petone, Kilbirnie and Johnsonville. Maintaining and enhancing the viability and vibrancy of these centres is important in order to encourage investment and development that supports an increased range and diversity of activities. It is also important for their prosperity and resilience in the face of social and economic change. The regional central business district is the major centre in the Wellington region; the sub-regional centres also provide significant business, retailing and community services. The range of appropriate land

~~uses to be encouraged through this policy will vary depending on the character and context of each centre. For this reason, policy 30 requires the region's district and city councils to determine the range and location of land uses, supported by appropriate social infrastructure to be encouraged and/or controlled in order to maintain and enhance the viability and vibrancy of the relevant centre managed through its district plan. However, when maintaining and enhancing regionally significant centres within a district, councils also need to consider the viability and vibrancy of the regionally significant centres outside their district, including the regional central business district as the major centre in the Wellington region.~~

127. This Policy is about creating a regional form that is compact. It directs district plans to include provisions that enable and manage subdivision use and development that maintains and enhances the viability and vibrancy of Central Wellington as the main centre, and then other regionally significant centres, locally significant centres and other local and neighbourhood centres.
128. This 'strategic hierarchy of centres' approach is intended to support the Region's form, recognising these areas provide business, retailing and

community services at different geographic scales, which in turn serve different catchment scales.⁷¹

3.5.1 Submissions, Evidence and Analysis

129. There were 21 original submission points and 12 further submission points on Policy 30.
130. The Officer explained in the s 42A Report that while the National Planning Standards specify centre zone descriptions (such as ‘Metropolitan centre zone’), the RPS is not required to comply with these as they are part of the District Plan Structure Standard.⁷² The RPS was therefore able to set the hierarchy using the terms “regionally significant centres” and “locally significant centres” and so on.
131. While Policy 3 of the NPS-UD refers to enabling development in “city centre zones”, “metropolitan centre zones” and other zones, there is no requirement in our view for the RPS to define or identify these areas in the Region. That is instead a specific implementation task for tier 1 TAs under clause 3.3.1.
132. We see a key issue with Policy 30 is whether the RPS should be identifying where intensification is to happen in the Region. There were strong differences in opinion regarding the level of direction the RPS should contain.
133. Kāinga Ora [S158.040, 158.042, FS12.015 and FS12.016] sought amendments to Policy 30 to achieve a regionally consistent approach in the hierarchy of centres, better alignment with the National Planning Standards and better direction of where high-density development should occur. Kāinga Ora’s legal counsel and experts explained that the housing and employment market is regional, and so the centres hierarchy should be set at the regional level, rather than be left to each territorial authority to determine.⁷³ If a TA disagreed about a particular centre, it may be able to apply a qualifying matter to say that there was a ‘district level reason’ why the RPS was not necessarily right.⁷⁴
134. Kāinga Ora sought a defined centres hierarchy with Wellington City Centre identified as the “City Centre” (and therefore aligned with Policy 3(a) of the

⁷¹ Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, para 758.

⁷² Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, para 740.

⁷³ See for instance Hearing Transcript, HS4 – Urban Development, Day 3, page 15, lines 693 – 695 (Mr Whittington).

⁷⁴ Hearing Transcript, HS4 – Urban Development, Day 3, page 15, line 705 – 708 (Mr Whittington).

NPS-UD), Metropolitan Centres including Johnsonville Centre, Kilbirnie, Porirua Centre, Petone Centre and Upper Hutt and Lower Hutt Centres, as well as Masterton Centre and Paraparaumu Centre to recognise the level of intensification they are directed to achieve through Policy 3(b) of the NPS-UD. They also sought that Newtown, Miramar, Tawa, Mana, Waikanae and other specific centres be identified in the RPS as Larger Town Centres, which also recognised their future growth projections.

135. Mr Heath, presenting Economic evidence for Kāinga Ora, discussed the economic benefits of consolidating activities within commercial centres and establishing a centres hierarchy with the highest enabled height thresholds in the commercial hubs as these were the areas where it was most economically efficient for built form density to occur. A staggered approach to building height and density would occur as you move down the centre hierarchy.⁷⁵ This hierarchy would, according to Mr Heath, maximise land use efficiencies (a key purpose of planning) and the locational advantages of centres, including amenity, agglomeration and productivity gains, transportation efficiency, increased utilisation of community facilities and other public assets, and efficient land use.⁷⁶
136. Mr Heath presented information on the economic metrics of the main commercial centres in the Region. His evidence was comprehensive and we understand the main difference of view with the Council Officer is that Mr Heath would prefer the “*regionally significant centres*” to be described as “Metropolitan centres” to align with the wording in the National Planning Standards. The same 8 centres Mr Heath identifies, on the basis of economic analysis as “Metropolitan centres”, the Officer identifies as “regionally significant centres” to avoid zoning by proxy. Mr Heath’s “Larger Town Centres” which includes areas with anticipated future growth to become ‘large town centres’, are the same as the Officer’s “locally significant centres” although Mr Heath also identifies Miramar, Newtown, Tawa, Naenae, Waterloo and Mana, and the Officer does not include this within the description of “locally significant centres”. On the other hand, the Officer includes “Ōtaki Main Road [and] Ōtaki Township” and these feature on Mr Heath’s lists of “Smaller Town Centres”.⁷⁷

⁷⁵ Statement of Primary Evidence of Timothy Heath on behalf of Kāinga Ora – Homes and Communities (Economics), 15 September 2023, paras 1.6, 3.4, 3.6 and 6.1.

⁷⁶ Statement of Primary Evidence of Timothy Heath on behalf of Kāinga Ora – Homes and Communities (Economics), 15 September 2023, paras 6.10 – 6.29.

⁷⁷ Statement of Primary Evidence of Timothy Heath on behalf of Kāinga Ora – Homes and Communities (Economics), 15 September 2023, Page 18, Table 1.

137. Kāinga Ora said that the centres hierarchy should be driven from the regional level as part of the Council’s integrated management function, with the territorial authorities then tasked with identifying how much intensification in a particular centre is appropriate.⁷⁸ Kāinga Ora therefore sought a regionally consistent approach to the hierarchy of centres. Mr Whittington, Counsel for Kāinga Ora explained the outcomes Kāinga Ora was seeking in this way:⁷⁹

Kāinga Ora has to address the significant disparity between the number of people who are seeking housing and the number of spots in the public housing register that are available to them. It needs to close that gap. And that means that when it's doing that it needs to acquire land and construct housing in the most significant places; in the places that have best scope for intensification, amenities for Kāinga Ora’s tenants, community services and jobs importantly. That's why this is important. That's where the rubber will hit the road.

138. Mr Liggett for Kāinga Ora, explained that they have a waiting list issue, and in the next 18 months, they will deliver 840 new homes to the Region, but they are unable to meet the demand they see today, let alone what is forecast for the future.⁸⁰

139. Mr Heath, presenting planning evidence for Kāinga Ora, highlighted the economic efficiency of density around centres and noted that Johnsonville and Kilbirnie were two significant economic assets in the Region that were underperforming, and were strategically located to provide and deliver intensification.⁸¹ Mr Heath noted that the RPS was simply providing a policy framework and the market would have to deliver. He summarised the aims of Kāinga Ora in this way:

We want to provide I suppose competitive advantages to locations that will provide the most economic efficiency. That’s what we are trying to do with the signals we’re sending in the hierarchy. The status of each of those centres gives a strong signal to the level of infrastructure investment in those centres moving forward, to help deliver some of those intensification targets and the economic efficiencies that can be generated as a result of that.⁸²

⁷⁸ Hearing Transcript, HS4 – Urban Development, Day 3, page 15, lines 702 – 705.

⁷⁹ Hearing Transcript, HS4 – Urban Development, Day 3, page 15, lines 719 – 726.

⁸⁰ Hearing Transcript, HS4 – Urban Development, Day 3, page 18, lines 859 – 871.

⁸¹ Hearing Transcript, HS4 – Urban Development, Day 3, page 31, lines 1543 – 1544; 1553 – 1555.

⁸² Hearing Transcript, HS4 – Urban Development, Day 3, page 31, lines 1557 – 1566.

140. Mr Heale listed in his evidence the factors that distinguish centres in the hierarchy, including journey to work data.
141. Mr Whittington, said that:
- if all the centres' hierarchy in the RPS does is align with where the District Councils have ended up, then it is not adopting a regional wide approach to the management.⁸³
142. As some of the planners on behalf of the territorial authorities said, there is a sequencing issue as many councils within the Region, apart from the Wairarapa Councils, have substantially given effect to the NPS-UD through fast-tracked plan changes incorporating the medium density standards and NPS-UD directions.⁸⁴
143. Mr Heale for Kāinga Ora explained the problem in this way:⁸⁵
- [the] process has been run backwards as Independent Hearings Panel (IHP) recommendations have already been released in some territorial authorities and IPI hearings have largely been completed for district plans ahead of the RPS which makes it difficult for district plans to give effect or have regard to the RPS in accordance with RMA requirements. This has resulted in missed opportunities to achieve regional integration and associated cost savings.
144. We agree with Mr Whittington, Counsel for Kāinga Ora that even though the RPS is lagging behind many of the IPIs, that can't be allowed to mean that the RPS does not drive the policy and integrated management across the region.⁸⁶ As Mr Heale says, Policies 30 and 31 should be guiding district plan development in a regionally consistent way, and should not be led by the outcome of IPIs,⁸⁷ nor should the hierarchy be left to territorial authorities through their plan change processes.⁸⁸
145. Mr Whittington's view was that Policies 30 and 31, as supported by the Officer, do not achieve Policy 3 of the NPS-UD because "enable" is

⁸³ Above.

⁸⁴ Mr McDonnell for HCC, Hearing Transcript, HS4 – Urban Development, Day 2, page 3, lines 124 – 129.

⁸⁵ Statement of Primary Evidence of Matt Heale on behalf of Kāinga Ora – Homes and Communities (Planning), 15 September 2023, para 6.10(c).

⁸⁶ Hearing Transcript, HS4 – Urban Development, Day 3, page 13, lines 630 – 636.

⁸⁷ Statement of Primary Evidence of Matt Heale on behalf of Kāinga Ora – Homes and Communities (Planning), 15 September 2023, para 6.10.

⁸⁸ Statement of Primary Evidence of Matt Heale on behalf of Kāinga Ora – Homes and Communities (Planning), 15 September 2023, para 6.10(d).

directive and if the RPS essentially repeats Policy 3, then it is not taking a regional focus to the differentiation between the centres listed in the Policy.⁸⁹

146. Kāinga Ora said its approach places more emphasis on providing a competitive market by providing more choice and opportunity for developers through supply, therefore better achieving Objective 2 of the NPS-UD.
147. At the Hearing, Mr Heale said that the changes he supported would allow zoning flexibility. This is because Policy 30 directs where the intensification is to occur, and Policy 31 directs the level of intensification.⁹⁰ TAs would still be able to determine the spatial extent of centres.⁹¹ As Mr Heale said:

⁹²

... use of the term Regionally and Locally significant in the RPS is also confusing as this is not utilised in the Standards or defined in the RPS, and the reporting officer has made it clear that these represent Metropolitan and Town Centres, so why not call them that. Calling centres by their relevant type will also create better links to density outcomes in Policy 31 and allow the RPS to advance regional planning beyond what NPS-UD policy 3 broadly states.

The inclusion of the terms Metropolitan and Town Centre in Policy 30 is not effectively zoning these areas in the RPS as District Plans will still need to determine the spatial extent of centres and their walkable catchments (within parameters). This approach will still allow Centre heights to be determined in District Plans, they will just have to be above six stories.

148. Mr McDonnell for HCC said that he supported Petone being identified as a *regionally significant centre*.⁹³ He also confirmed that he supported the Rebuttal version of Policy 31 that gives the territorial authorities discretion as to zoning while also still setting out a hierarchy of centres.⁹⁴
149. In our view, Policy 30 as recommended by the Officer, provides an appropriate level of direction that is consistent with the Council's

⁸⁹ Hearing Transcript, HS4 – Urban Development, Day 3, page 31, lines 1580 – 1597.

⁹⁰ Hearing Transcript, HS4 – Urban Development, Day 3, page 23, lines 1112 – 1114.

⁹¹ Hearing Transcript, HS4 – Urban Development, Day 3, page 23, lines 1116 – 1117.

⁹² Speaking Notes of Matt Heale for Kāinga Ora, HS4 RPS – 4 October 2023, paras 9(e) and (f).

⁹³ Hearing Transcript, HS4 – Urban Development, Day 2, page 7, lines 317 – 318.

⁹⁴ Hearing Transcript, HS4 – Urban Development, Day 2, page 7, lines 327 – 331.

statutory functions and the direction in Policy 3 of the NPS-UD for the RPS to ‘enable’ intensification.

150. In his speaking notes, Mr Heale said that Kāinga Ora’s approach sets “some limits but allow[s] zoning flexibility for district plans to determine the spatial extent of centres, parameters around lower order centres, the extent of walkable catchments, and to determine height and density beyond minimum parameters.” However, in our view, the amendments Mr Heale supports would set the zoning that TAs would have to implement, and this is contrary to clause 3.31 of the NPS-UD.
151. In Minute 14, we invited TAs to comment on the changes sought by Kāinga Ora to the centres hierarchy in Policy 30. We asked the Reporting Officers to consider the TAs’ responses in their Reply, and the comments are summarised in paragraphs 12 to 17 of the Reply Evidence.
152. None of the three territorial authorities that provided comments, supported Kāinga Ora’s relief. WCC had, in its further submission [FS13.024], supported Kāinga Ora’s relief [S158.026] for a regionally consistent approach in the hierarchy of centres and Counsel for Kāinga Ora raised a natural justice concern with this change of position. Mr Whittington said the Regional Council’s position in its Reply had to be considered against the scope of submissions.⁹⁵ It is not unusual for parties to change their views on provisions in the course of a hearing, but even if we take WCC’s position on Policy 30 as set out in its original submission and further submission, this does not change our finding that it is appropriate for each TA to be able to set its own zoning.
153. Neither HCC nor PCC thought that the hierarchy in Policy 30 should use zoning terminology such that the amendments Kāinga Ora sought would require them to rezone centres as ‘Town Centre Zones’ where they are not currently zoned as such. They identified that if Kāinga Ora’s relief was accepted, they would be required to rezone Miramar, Newtown, Tawa, Naenae, Waterloo and Mana as Town Centres, and this would require a new chapter and associated provisions in the District Plans to reflect these new zones. While we felt it important to canvas TAs’ views, we must still follow the statutory framework in our assessment of submitters’ relief.
154. We are comfortable with the Reporting Officer Mr Jeffreys’ rationale, which is supported by the comments received by the three TAs who provided

⁹⁵ Memorandum of Counsel for Kāinga Ora – Homes and Communities, Hearing Stream 4 (Urban Development), 7 November 2023.

substantive comments (PCC, HCC and WCC) that Policy 30 would create zoning by proxy if it used the zoning terminology from the Standards as each TA would have to zone the centre in accordance with this hierarchy when giving effect to the Policy. Clause 3.3.1 of the NPS-UD requires TAs to identify location, building heights and densities and they must be enabled by the RPS to do so under Policy 3. The National Planning Standards provide for a centres hierarchy through the centres zoning framework. We agree with the Reporting Officer that it is not appropriate for Policy 30 to adopt zoning centres terminology as zoning is a District Council function.⁹⁶

155. We therefore agree with retaining the terms “regionally significant” and “locally significant” in Policy 30.
156. The Officer agrees with Mr McDonnell for HCC that Petone should be listed as a regionally significant centre, rather than a locally significant centre.⁹⁷
157. Mr Smeaton for PCC sought that Johnsonville and Kilbirnie should not be recognised as regionally significant centres. He said that including them would undermine the overall centres hierarchy and specifically the importance of regionally significant centres such as Porirua.⁹⁸ Mr Smeaton presented commuter data to support his position but acknowledged this may reflect a historic situation and only captured people travelling to work or school, and not for recreation, retail or other activities.⁹⁹ The Reporting Officer disagreed with this. We found Mr Heath’s economic evidence persuasive on this point¹⁰⁰ and are satisfied with the second tier categorisation for Kilbirnie and Johnsonville.
158. The Officer took care to point out that identification in Policy 30 as a “regionally significant centre” would not amount to zoning by proxy, and each territorial authority would still have to apply Policy 3 in the NPS-UD.
159. A key difference is the identification of ‘third tier’ “locally significant centres” as described by the Officer, and “Town Centre Zones” as

⁹⁶ Statement of Rebuttal Evidence of Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4, 25 September 2023, para 19.

⁹⁷ Statement of Rebuttal Evidence of Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4, 25 September 2023, para 10.

⁹⁸ Statement of Evidence of Rory Smeaton on behalf of Porirua City Council (Planning), 15 September 2023, para 40.

⁹⁹ Above.

¹⁰⁰ ¹⁰⁰ Statement of Primary Evidence of Timothy Heath on behalf of Kāinga Ora – Homes and Communities (Economics), 15 September 2023, paras 8.11 – 8.18.

described by Mr Heath. Mr Heath accepted that Miramar was not a ‘town centre’ based on economic metrics, but it was well positioned to facilitate density in the future given the efficiencies it provides the community from a regional perspective.¹⁰¹ Similarly, Mr Heath’s evidence explained why he thought Newtown and Tawa, align with the characteristics of ‘Town Centres’, and why Naenae, Waterloo, Mana, which allow a maximum building height of 6 storeys under the relevant IPIs show their potential for future expansion as Larger Town Centres.

160. As we understand it, the point Mr Heath makes is that higher density development is considered appropriate and encouraged under the district plans and a ‘Town Centre’ status would send appropriate signals to the market. Mr Heath takes a future, capacity potential focus to these areas¹⁰² that factors in the height enabled through respective territorial authority IPI processes. As he explained, the Centres approach he promotes identifies centres “with opportunity to fulfil higher order functions in the future based on their strategic positioning within the region and ability to accommodate higher density development in the future”.¹⁰³ This approach will, he says, help achieve a more consolidated urban form and a corresponding range of agglomeration and other benefits including transport and infrastructure efficiencies.¹⁰⁴ The RPS is not just looking at what is happening today, but what should be in the future to help facilitate intensification of employment and residential over the long term, and to send the right signals to market about where intensification can be more efficiently delivered.¹⁰⁵
161. Mr Heale explained that there would be an expectation that there would be more density in the larger urban areas, and that as part of the technical work they’ve done, Miramar, Newtown and Tawa qualify as ‘Town Centres’ in terms of the description in the NPS-UD.¹⁰⁶ Mr Heale also said that ‘Town Centres’ are included in Policy 30 already, they’re just called ‘locally significant centres’.¹⁰⁷

¹⁰¹ ¹⁰¹ Statement of Primary Evidence of Timothy Heath on behalf of Kāinga Ora – Homes and Communities (Economics), 15 September 2023, para 8.38 and

¹⁰² ¹⁰² Statement of Primary Evidence of Timothy Heath on behalf of Kāinga Ora – Homes and Communities (Economics), 15 September 2023, paras 8.45 – 8.48.

¹⁰³ Statement of Primary Evidence of Timothy Heath on behalf of Kāinga Ora – Homes and Communities (Economics), 15 September 2023, para 9.1.

¹⁰⁴ Statement of Primary Evidence of Timoty Heath on behalf of Kāinga Ora – Homes and Communities (Economics), 15 September 2023, para 9.2.

¹⁰⁵ Hearing Transcript, HS4 – Urban Development, Day 3, page 17, lines 803 – 808 (Mr Heath).

¹⁰⁶ Hearing Transcript, HS4 – Urban Development, Day 3, page 16, lines 754 – 759.

¹⁰⁷ Hearing Transcript, HS4 – Urban Development, Day 3, page 16, lines 750 – 752.

162. Having considered the relevant statutory and planning framework and submissions and evidence, we accept that the centres hierarchy should take a long-term 30 year perspective and we are satisfied with Mr Jeffreys' position. We agree with the Officer that the RPS can identify a hierarchy of centres, but the TAs should determine the zoning within those centres because otherwise there could be a misalignment if the zoning changes in a district plan change.¹⁰⁸ We think this is consistent with the direction in clause 3.31 of the NPS-UD. The Officer also thought it would be overly and unnecessarily directive for the RPS to specify mandatory zoning and we agree.
163. We are not convinced that integrated management will be better achieved through specifying a zoning hierarchy in Policy 30, nor do we think there is a disconnect between Policies 30 and 31, or that the National Planning Standards require the use of centre typologies or zoning terminology. We also note the associated costs with implementing the changes sought by Kāinga Ora.
164. We are satisfied that the provisions as supported by the Officer give appropriate effect to the NPS-UD. We note that Johnsonville and Kilbirnie are identified as Metropolitan Centres in the Wellington Proposed District Plan (Appeals version) and various areas are identified as Town Centres including Newtown and Miramar, but, we understand, with varying building heights / densification within these areas. Policy 30 is not intended to prescribe zoning and it has expressly avoided using zoning terminology, leaving this up to each TA to determine. We consider this appropriate and consistent with direction in the NPS-UD.
165. We support the change in Policy 30 to “Central Wellington” rather than “central business district”, including because, as Mr McDonnell described at the Hearing, the latter term does not reflect the range of activities that happen in an urban centre, which is much broader than business.¹⁰⁹ We also accept the economic evidence presented on this point by Mr Heath.

3.5.2 Finding

166. We agree with the Reporting Officer's recommendations on Policy 30 for the reasons above, and otherwise as set out in the Officer's s 42A Report,

¹⁰⁸ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 744.

¹⁰⁹ Hearing Transcript, HS4 – Urban Development, Day 2, page 7, lines 353 – 355.

or the Officer's Rebuttal and Reply Evidence. We correct one minor typo in the recommendation below.

3.5.3 Recommendation

Policy 30: Maintaining and enhancing the viability and vibrancy of regionally and locally significant centres – district plans

District plans shall include objectives, policies, rules and/or methods that enable and manage appropriate subdivision, use and development ~~a range of land use activities~~ that maintains and enhances the viability and vibrancy of ~~regional central business district in the Wellington city and the:~~

1. Central Wellington as the main centre of the Region ~~the regionally significant central business district of Wellington City;~~
2. other regionally significant centres:
 - i. ~~Upper Hutt city centre;~~
 - ii. ~~Lower Hutt city centre;~~
 - iii. ~~Porirua city centre;~~
 - iv. ~~Paraparaumu town centre;~~
 - v. ~~Masterton town centre; and the~~
 - vi. ~~Johnsonville; and~~
 - vii. ~~Kilbirnie; and~~
 - viii. Petone
3. the locally significant centres of Suburban centres in:
 - i. ~~Petone;~~
 - ii. ~~Kilbirnie; and~~
 - iii. ~~Johnsonville.;~~
 - iv. Paraparaumu Beach
 - ii. ~~Ōtaki Main Road;~~
 - iii. ~~Ōtaki Township;~~
 - iv. ~~Raumati Town;~~
 - v. ~~Waikanae;~~
 - vi. ~~Featherston;~~
 - vii. ~~Greytown;~~
 - viii. ~~Carterton; and~~
 - ix. ~~Martinborough.~~
4. Other local and neighbourhood centres that provide for the daily and weekly needs of their residential catchments.
 - a. Sub-regional centres of:
 - i. ~~Upper Hutt city centre;~~

- ii. Lower Hutt city centre;
 - iii. Porirua city centre;
 - iv. Paraparaumu town centre;
 - v. Masterton town centre; and the
- b. Suburban centres in:
- i. Petone;
 - ii. Kilbirnie; and
 - iii. Johnsonville.;

Explanation

Policy 30 identifies the hierarchy of regionally and locally significant centres within the Wellington Region ~~for which district plans must maintain and enhance their vibrancy and vitality~~. The centres identified are of significance to the region's form for economic development, transport movement, civic or community investment.

~~By identifying these centres and in enabling their planned purpose and role in the urban environment and wider region, Policy 30 is intended to help achieve a regional form that delivers other outcomes identified in the RPS. This includes, reducing greenhouse gas emissions, ensuring an equitable access to commercial and community services, economic development, and land use-transport integration.~~

~~District Plans are required to identify these centres and include provisions that enable them to achieve their planned purpose and role.~~ Maintaining and enhancing the viability and vibrancy of these centres is important in order to encourage investment and development that supports an increased range and diversity of activities. It is also important for their prosperity and resilience in the face of social and economic change.


~~The regional central business district is the major centre in the Wellington region; the other key centres also provide significant business, retailing and community services. This policy does not limit territorial authorities from identifying additional centres of local significance within the district plan.~~

~~The centres listed in policy 30 were identified during the development of the Wellington Regional Strategy as centres of significance to the region's form for economic development, transport movement, civic or community investment. The Wellington central business district is the regional central business district, with 73,000 people working there each day. The subregional centres of regional significance are the civic centres of Upper Hutt city centre, Lower Hutt city centre, Porirua city centre, Paraparaumu town centre, and Masterton town centre. The suburban centres of regional significance are in Petone, Kilbirnie and Johnsonville. Maintaining and enhancing the viability and vibrancy of these centres is important in order to encourage investment and development that supports an increased range and diversity of activities. It is also important for their prosperity and resilience in the face of social and economic change. The regional central business district is the major centre in the Wellington region; the sub-regional centres also provide significant business, retailing and community services. The range of appropriate~~

land uses to be encouraged through this policy will vary depending on the character and context of each centre. For this reason, policy 30 requires the region's district and city councils to determine the range and location of land uses, supported by appropriate social *infrastructure* to be encouraged and/or controlled in order to maintain and enhance the viability and vibrancy of the relevant centre managed through its district plan. However, when maintaining and enhancing regionally significant centres within a district, councils also need to consider the viability and vibrancy of the regionally significant centres outside their district, including the regional central business district as the major centre in the Wellington region

3.6 Policy 31: Identifying and enabling a range of building heights and density - district plans

167. The notified amendments to Policy 31 stated:

Policy 31: Identifying and enabling a range of building heights and density promoting higher density and mixed use development – district plans	
<p><u>District plans shall include policies, rules and/or methods that identify and enable a range of different building heights and density within <i>urban areas</i> where it contributes to maintaining, establishing or improving the qualities and characteristics of well-functioning <i>urban environments</i>, including as a minimum:</u></p> <p>(a) <u>For any tier 1 territorial authority, identify areas for high density development within:</u></p> <p>(i) <u>City centre zones and metropolitan centre zones; and</u></p> <p>(ii) <u>any other locations, where there is with good access to:</u></p> <ol style="list-style-type: none">1. <u>existing and planned rapid transit;</u>2. <u>edge of city centre zones and metropolitan centre zones; and/or</u>3. <u>areas with a range of commercial activities and community services.</u> <p>(b) <u>For any tier 1 territorial authority, identify areas for medium density residential development within any relevant residential zone.</u></p> <p>(c) <u>For any other territorial authority not identified as a tier 1 territorial authority, identify areas for greater building height and density where:</u></p> <p>(i) <u>there is good access to existing and planned active and public transport to a range of commercial activities and community services; and/or</u></p> <p>(ii) <u>there is relative demand for housing and business use in that location.</u></p> <p>District plans shall:</p> <p>(b) identify key centres suitable for higher density and/or mixed use development;</p> <p>(c) identify locations, with good access to the strategic public transport network, suitable for higher density and/or mixed use development; and</p> <p>(d) include policies, rules and/or methods that encourage higher density and/or mixed use development in and around these centres and locations,</p>	

~~so as to maintain and enhance a compact, well designed and sustainable regional form.~~

Explanation

Policy 31 requires identification of areas suitable for intensification, and enables intensification in these areas, giving effect to Policy 3 of the National Policy Statement on Urban Development 2020. Policy 31 also enables greater building height and densities to be provided for in non-tier 1 territorial authorities which includes Masterton being a tier 3 territorial authority as well as Carterton and South Wairarapa. Providing for this development is consistent with Policy 5 of the National Policy Statement on Urban Development 2020.

~~Policy 31 directs district and city councils to determine key centres and other locations with good access to the strategic public transport network, suitable for higher density or mixed-use development, where they will reinforce the region's compact form. District plans will then need to include policies, rules and/or other methods to encourage higher density and mixed use activities in these locations to support this form.~~

~~Objective 22 outlines the range of elements to be achieved by a compact, well designed and sustainable regional form. This includes a viable and vibrant regional central business district in Wellington city and an increased range and diversity of activities in and around other centres listed in policy 30.~~

~~Key centres include the regionally significant centres identified in policy 30, as well as other significant local centres that a city or district council considers are integral to the functioning of the region's or a district's form. This includes centres identified for higher density and/ or mixed use development in any Council growth and/or development framework or strategy.~~

~~Examples of growth and/or development framework or strategies in the region are:~~

- ~~• The Upper Hutt Urban Growth Strategy~~
- ~~• Wellington City Northern Growth Management Framework~~
- ~~• Porirua Development Framework~~
- ~~• Kapiti Coast: Choosing Futures Development Management Strategy and local outcomes statements contained in the Kapiti Coast Long term Council Community Plan.~~

~~Higher density and mixed use development can be achieved in a number of ways – such as infill development, comprehensive re-development and/or multi-storey developments that support complementary living and other uses.~~

~~Mixed use development means a variety of compatible and complementary uses within an area. This can include any combination of residential, commercial, industrial, business, retail, institutional or recreational uses.~~

168. Policy 31 aims to give effect to the direction in Objective 3 and Policies 3 and 5 of the NPS-UD about intensification within existing urban areas. Policy 55 is about greenfield development.

3.6.1 Submissions, Evidence and Analysis

169. There were 25 original and 13 further submissions points on Policy 31.
170. Some submitters thought Policy 31 repeated direction in the NPS-UD unnecessarily (eg PCC [S30.052], HCC [S115.052]), UHCC thought that clause (b) was not consistent with the MDRS [S34.091], and KCDC sought the policy to be amended to ensure consistency with the NPS-UD and their Intensification Planning Instrument [S16.085]. Kāinga Ora sought more specific direction for where high-density development should occur.
171. Objective 3 of the NPS-UD says RPS' enable more people to live in, and more businesses and community services to be located in, areas of an urban environment that have one or more specific features relating to proximity to a centre zone or other area with employment opportunities, being well-serviced by existing or planned public transport, and there being high demand for housing or business land in the area.
172. This also achieves other features of well-functioning environments including good accessibility between housing, jobs and community services, and supporting reductions in GHGe.
173. Policy 3 applies to tier 1 local authorities (that is, WRC, WCC, PCC, HCC, UHCC and KCDC) and requires them to enable an urban form in:
- (a) city centre zones that realises as much development capacity as possible, to maximise the benefits of intensification, and
 - (b) In metropolitan centre zones, building heights and density of urban form that reflect demand for housing and business use with building heights of at least 6 storeys; and
 - (c) Within a walkable catchment of:
 - a. Existing and planned rapid transit stops
 - b. The edge of city centre zones
 - c. The edge of metropolitan centre zones building heights of at least 6 storeys.

174. Policy 4 applies to tier 1 urban environments and says that building height or density requirements under Policy 3 should be modified to the extent necessary to accommodate a qualifying matter in that area.
175. Policy 5 applies to tier 2 and 3 urban environments and enables heights and density of urban form commensurate with levels or accessibility by existing or planned active or public transport to services or relative demand for housing and business in that location.
176. The Officer explained that the Regional Land Transport Plan (RLTP) identifies, at a high level, what the rapid transport network is, but that is subject to change every three years when the RLTP is reviewed. The NPS-UD defines “rapid transit service” as any existing, or planned frequent, quick, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic. And “rapid transit stop” means a place where people can enter or exit a rapid transit service, whether existing or planned.
177. The Officer explained that this determines under the NPS-UD the locations for high-density development under Policy 3, but that this was being resolved at the District Plan level.¹¹⁰
178. Mr McDonnell, providing planning evidence for HCC, said he disagreed with HCC’s submission which sought to delete Policy 31, because Policy 3 of the NPS-UD requires the RPS to enable intensification.¹¹¹ Mr McDonnell also noted that the territorial authorities, with perhaps the exception of the Wairarapa Councils, had also implemented the medium density and building height/density of urban form directives in the NPS-UD in their Intensification Planning Instruments (IPIs).¹¹²

(a) Application of the Policy to tier 3 territorial authorities

179. Policy 31(b) gives effect to Policy 3(d) and Policy 5 of the NPS-UD. Mr Jeffries for WCC had initially asked for Policy 31 to be deleted on the basis it provided no additional direction to that stated in the NPS-UD, and could even conflict with it.¹¹³ At the Hearing, Mr Jeffries accepted that the Policy

¹¹⁰ Hearing Transcript, HS4 – Urban Development, Day 1, page 14, lines 646-650 (Reporting Officer, Ms Zöllner)

¹¹¹ Hearing Transcript, HS4 – Urban Development, Day 2, page 7, lines 294 – 297.

¹¹² Hearing Transcript, HS4 – Urban Development, Day 2, pages 3 and 7, lines 124 -129, and 299 – 304.

¹¹³ Hearing Transcript, HS4 – Urban Development, Day 2, page 19, lines 931 – 932.

provides direction to the Wairarapa Councils around intensification and therefore he supported retaining clause (b) and deleting clause (a).¹¹⁴

180. We do not agree with deleting clause (a) as Policy 3 of the NPS-UD requires that a RPS enable the densification stated in the Policy. Policy 31(b)(i) of Proposed Change 1 requires non-Tier 1 TAs to identify areas for increased building height and density within, and adjacent to *town centre zones* where appropriate, and where either there is good access to existing or planned active and public transport and a range of commercial activities and community services, or to meet relative demand for housing and business use in that location. Counsel for the Council confirmed in legal submissions that “adjacent” means “near”, “close” or “neighbouring”. We recommend Council review the numbering or sentence structure in Policy 31(b). As explained in the s 42A Report, the clause:¹¹⁵

gives direction to the Wairarapa councils to enable intensification in and around centres and transport corridors, and/or where there is demand.

181. We consider there is a potential drafting issue with the references to “and/or” in clause (b) and these be reviewed to ensure they give appropriate effect to the NPS-UD direction.
182. In light of the meaning of “adjacent” we consider the direction to the Wairarapa Councils in clause (b) is appropriate.

(b) Qualifying matters

183. We also considered that it is important that this regulatory Policy include reference to qualifying matters, which are relevant to consenting and therefore a s 104 assessment (which includes the RPS policies). We understand that IPIs are in place for the Region (although some may not have taken legal effect yet). Given the relevance of qualifying matters to consenting, we recommend that clause (a) is amended to refer to “identified qualifying matters” (that is, those identified by TAs in plans). The relevance of qualifying matters as constraints on housing developments was raised by WIAL [S148.009] and also Kiwirail Holdings Limited [S124.006] (in relation to Policy 31), and Kāinga Ora [S158.012] in relation to the Regional form, design and function introductory text. The

¹¹⁴ Hearing Transcript, HS4 – Urban Development, Day 2, page 19, lines 945 – 949.

¹¹⁵ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 394.

relevance of qualifying matters to provisions in an RPS is also set out in Policy 4 of the NPS-UD.

184. We had considered including qualifying matters in the definition of *environmentally responsive*. Given qualifying matters are not relevant to the whole region, we consider on balance that it is appropriate to refer to them specifically in relation to Tier 1 authorities. As we discuss below in the Definitions section of this chapter, we also recommend that the definition of *environmentally responsive* be amended to refer to the context, constraints and opportunities of a place. This will allow any relevant factors such as identified qualifying matters to be assessed as part of the particular consenting, NoR or planning issue.

(c) **Enabling building heights of at least 6 storeys vs providing for building heights of at least 6 storeys**

185. PCC sought that Policy 31 be amended to “provide for building heights of at least 6 storeys”. The Reporting Officer stated at the Hearing that a decision was made to not be prescriptive and allow TAs some flexibility, while being consistent with the NPS-UD. The Officer explained that the definition of “high density development” refers to an “anticipated building height of at least 6 storeys”. The directive in Policy 31 is to “enable” *high density development* and in our view, this is consistent with Policy 3 of the NPS-UD. The Officer’s view is that being more directive would go further than the minimum direction in Policy 3 and this was not appropriate.¹¹⁶
186. Kāinga Ora sought that Policy 31 should direct high-density development in ‘town centre zones in larger urban areas’. The Officer did not support this relief on the basis that this direction is better determined through district plan processes, where appropriate building heights and densities, that are commensurate with the level of commercial activity and community services, have been determined in detail for each centre.¹¹⁷
187. As stated above, we do not agree with submitters who stated Policy 31 is redundant as it simply repeats national direction. Policies 3 and 5 of the NPS-UD place specific requirements on RPS’, and Policy 31 responds to that. The Policy also implements the compact regional form outcomes in Objective 22.

¹¹⁶ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, para 85.

¹¹⁷ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, para 85.

188. We agree with the amendments recommended by the Officer in the s 42A Report to maximise development capacity in city centre zones and to incorporate the definition of “walkable catchments” recommended by the Climate Change Transport Reporting Officer. We agree with the Officer that a high-level definition of this term will not (or at least is less likely to) conflict with territorial authorities’ identification of ‘walkable catchments’ in their plans. We also support changes to reflect Kāinga Ora’s relief to provide greater recognition for town centre zones, and distinguishing between city and metropolitan centre zones.
189. In our view, the Officer’s revised amendments seek to provide the high level framework for the different levels of intensification, while allowing territorial authorities the ability to determine the specific areas that come within each centre description.
190. We agree with amending “urban areas” to “urban zones” as recommended in the Officer’s Rebuttal Evidence.¹¹⁸ Intensification is to be enabled and prioritised in urban zones, and development beyond urban zones is greenfield development (and subject to Policy 55). We agree that “urban areas” incorporates broader categories such as open space and recreational zones, and these should not be subject to intensification.¹¹⁹ Therefore, in our view, it is appropriate to include a separate definition for “urban zones” (which are areas identified by territorial authorities as subject to intensification) and this will support the direction in other policies in Change 1 (including Policy UD.4, Policy 55, Policy UD.3 and Policy UD.5) to enable urban intensification.
191. UHCC had queried the role of “settlement zones”. The Officer recommended that they are addressed as part of “rural areas” to align with the National Planning Standards. We agree with this analysis. This is discussed further in relation to Policy 55 and in the Definitions section of this chapter.

3.6.2 Finding and s 32AA Evaluation

192. We largely agree with the Reporting Officer’s recommendations on Policy 31 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence. We recommend that identified qualifying matters are incorporated into clause (a), and that the Council review the sentence structure in clause (b) as the use of and/or is

¹¹⁸ Statement of Rebuttal Evidence of Mika Zöllner on behalf of Wellington Regional Council – Hearing Stream 4, 26 September 2023, paras 172 and 52-63.

¹¹⁹

not correct in our view, and we consider some minor amendments are required for readability. It may be that the clause will more accurately align with Policies 3 and 5 of the NPS-UD if it says:

- (b) For any other territorial authority not identified as a *tier 1 territorial authority*, identifying areas for greater building height and urban form densities within, and adjacent to *town centre* zones where appropriate, and either:
 - (i) where there is good access to existing or planned active and public transport ~~or to~~ a range of commercial activities and community services, or
 - (ii) to meet relative demand for housing and business use in that location.

3.6.3 Recommendation

Policy 31: ~~Identifying and enabling a range of building heights and density promoting higher density and mixed use development~~ Enabling intensification to contribute to well-functioning urban areas – district plans

District plans shall include policies, rules and/or methods that ~~identify and enable intensification within existing urban zones~~ urban areas where it contributes to a compact, well-designed, *climate-resilient, accessible and environmentally responsive regional form with well-functioning urban areas* ~~(as articulated in Policy UD.5) by: a range of different building heights and density within urban areas where it contributes to maintaining, establishing or improving the qualities and characteristics of well-functioning urban environments, including as a minimum:~~

- (a) ~~F~~for any tier 1 territorial authority, identifying a range of building heights and urban form densities (while recognising identified qualifying matters in that area) to:
 - (i) realise as much development capacity as possible in city centre zones;
and
 - (ii) ~~enable identify areas for high density development within:~~ City centre zones metropolitan centre zones; and any other locations, within at least a walkable catchment of ~~where there is with good access to:~~
 1. existing and planned rapid transit stops, along networks identified as existing and planned rapid transit in the current Regional Land Transport Plan; or
 2. edge of city centre zones and metropolitan centre zones; and/or
 3. areas with a range of commercial activities and community services; and

- (iii) ~~(b) For any tier 1 territorial authority, identify areas for enable medium density residential development within any relevant residential zone;~~ and
 - (iv) ~~otherwise reflect the purpose of, and level of commercial activities and community services, within and adjacent to, town, local and neighbourhood centres;~~ and
- (b) ~~(c) For any other territorial authority not identified as a tier 1 territorial authority, identifying areas for greater building height and urban form densities where:~~
- ~~i. within, and adjacent to town centre zones where appropriate; and either:~~
 - ~~i. ii. where there is good access to existing and/or planned active and public transport and to a range of commercial activities and community services; and/or~~
 - ~~ii. iii. there is to meet relative demand for housing and business use in that location.~~

District plans shall:

- ~~(a) identify key centres suitable for higher density and/or mixed use development;~~
- ~~(b) identify locations, with good access to the strategic public transport network, suitable for higher density and/or mixed use development; and~~
- ~~(c) include policies, rules and/or methods that encourage higher density and/or mixed use development in and around these centres and locations, so as to maintain and enhance a compact, well designed and sustainable regional form.~~

Explanation

Policy 31 requires identification of ~~locations areas~~ suitable for intensification, and enables intensification in these ~~locations areas~~, giving effect to Policy 3 of the National Policy Statement on *Urban development 2020*. ~~Sufficient development capacity to meet expected housing demand in the short, medium, and long term must be achieved in any tier 1 urban environment, as required by Objective 22A. Rapid transit is as identified in the current Regional Land Transport Plan.~~

Policy 31 also enables greater building height and densities to be provided for in non-tier 1 territorial authorities, ~~which includes Masterton being a tier 3 territorial authority, as well as Carterton and South Wairarapa~~. Providing for this development is consistent with Policy 5 of the National Policy Statement on *Urban development 2020*.

Policy 31 directs district and city councils to determine key centres and other locations with good access to the strategic public transport network, suitable for higher density or mixed use development, where they will reinforce the region's compact form. District plans will then need to include policies, rules and/or other methods to encourage higher density and mixed use activities in these locations to support this form.

Objective 22 outlines the range of elements to be achieved by a compact, well designed and sustainable regional form. This includes a viable and vibrant regional central business

district in Wellington city and an increased range and diversity of activities in and around other centres listed in policy 30:

Key centres include the regionally significant centres identified in policy 30, as well as other significant local centres that a city or district council considers are integral to the functioning of the region's or a district's form. This includes centres identified for higher density and/or mixed use development in any Council growth and/or development framework or strategy:

Examples of growth and/or development framework or strategies in the region are: • The Upper Hutt Urban Growth Strategy • Wellington City Northern Growth Management Framework • Porirua Development Framework • Kapiti Coast: Choosing Futures Development Management Strategy and local outcomes statements contained in the Kapiti Coast Long-term Council Community Plan:

Higher density and mixed use development can be achieved in a number of ways – such as infill development, comprehensive re-development and/or multi-storey developments that support complementary living and other uses. Mixed use development means a variety of compatible and complementary uses within an area. This can include any combination of residential, commercial, industrial, business, retail, institutional or recreational uses. Density is a measure of how compact development is in a given area. For example, the number of people per square kilometre, the variety of land uses or activities (mixed use development) per square kilometre, or square meters of retail space per square kilometre of land area.


The strategic public transport network is those parts of the region's passenger transport network that provide a high level of service along corridors with high demand for public transport. It connects the region's centres with the central business district in Wellington city. It includes the rail network and key bus corridors within Wellington region:

Locations with good access to the strategic public transport network include those:

- Within reasonable walk times to stops or stations on the strategic public transport network (research indicates a walk time of up to 10 minutes is 'reasonable')
- With frequent and reliable public transport services
- With accessibility, by public transport, to key destinations in the region, and
- Without physical barriers to public transport (for example, busy roads, lack of footpaths or crossing facilities, steep hills):

3.7 Policy 32: Identifying and protecting key industrial-based employment locations – district plans

193. As notified, the amendments to Policy 32 stated:

<p>Policy 32: Identifying and protecting key industrial-based employment locations – district plans</p>	
<p>District plans should <u>shall</u> include policies, rules and/or methods that identify and protect key industrial-based employment locations where they <u>contribute to the qualities and characteristics of well-functioning urban environments by: maintain and enhance compact, well designed and sustainable regional form</u></p> <ul style="list-style-type: none"> (a) <u>Recognising the importance of industrial based activities and the employment opportunities they provide.</u> (b) <u>Identifying specific locations and applying zoning suitable for accommodating industrial activities and their reasonable needs and effects including supporting or ancillary activities.</u> (c) <u>Identifying a range of land sizes and locations suitable for different industrial activities, and their operational needs including land-extensive activities,</u> (d) <u>Managing the establishment of non-industrial activities, in industrial zones, by avoiding activities likely to result in reverse sensitivity effects on industrial activities, or likely to result in an inefficient use of industrial zoned land or infrastructure.</u> <p>Explanation</p> <p><u>Policy 32 directs that district plans must protect key industrial based employment opportunities where they contribute to the qualities and characteristics of well-functioning urban environments. Further direction is provided on how this is achieved through clauses (a) – (d). Key industrial employment locations are important as they provide for economic growth, employment opportunities and development.</u></p>	
<p><u>Management of other land use activities where significant historical investment or existing infrastructure may be adversely affected by competing or conflicting activities.</u></p> <p>This policy uses “should” to recognise that in some locations there is limited information about the supply of and demand for industrial employment activities, and that this makes it difficult for city and district councils to identify key industrial based employment locations.</p> <p>Objective 22 outlines the range of elements to be achieved by a compact, well designed and sustainable regional form.</p> <p>The introduction of non industrial uses such as large scale retail, wholesaling activities, showrooms, offices and residential activities into industrial based employment locations can displace industrial employment activities from established industrial areas. Key industrial based employment locations that maintain and enhance the region’s compact form need to be protected in order to, amongst other matters, reduce the demand for new infrastructure, and promote the efficient use of existing infrastructure.</p>	

194. Policy 32 aims to protect key industrial-based employment locations where they contribute to well functioning urban and rural areas.

3.7.1 Submissions, Evidence and Analysis

195. A number of submitters sought that Policy 32 be retained as notified (CDC [S25.034], MDC [S166.034], HCC [S115.053], WCC [S140.054], Ātiawa [S131.077] supported by Ngā Hapū [FS20.347], Taranaki Whānui [S167.093], Rangitāne [S168.0165], Muaūpoko [S133.070], Fish and Game [S147.061], Kāinga Ora [S158.028], BLNZ [S78.014], and CentrePort Ltd [S83.004] supported by the Fuel Companies [FS10.001].
196. Others sought its deletion on the grounds that it unnecessarily repeats the NPS-UD (Robert Anker [S31.023], Philip Clegg [S62.022], and Dr. Sarah Kerkin [S96.018]), or partial deletion (UHCC [S34.092]) as the direction in Policy 32 is beyond the Regional Council’s legislative ability to direct district plans to protect some types of industrial development.
197. A few submitters sought readability and clarification changes, including application to quarrying activities (SWDC [S79.092]).
198. In relation to this last point, the s 42A Reporting Officer stated that “‘Industrial or trade process’ is a defined term under the RMA and was a well understood concept in their opinion.¹²⁰ The Officer agreed that quarrying is covered by Policy 32, but did not consider it necessary to identify a specific industrial activity over others as then other activities could be interpreted as being excluded from the Policy.
199. More generally the Officer states that it is appropriate for the RPS to provide the direction in Policy 32 and its deletion would leave a gap where these issues are not adequately addressed.¹²¹ The Officer does not agree that Policy 32 duplicates direction contained in the NPS-UD.
200. Regarding the Council’s legislative function the Officer advises that under section 30 of the RMA, regional councils may prepare provisions to respond to regionally significant issues and to ensure there is adequate business land to meet the expected demands of the region and the Policy contributes to achieving these functions.

¹²⁰ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 418.

¹²¹ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, paras 419 - 420

201. There was no submitter evidence presented on this Policy at the Hearing.

3.7.2 Finding

202. We agree with the Reporting Officer's recommendations on Policy 32 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

3.7.3 Recommendation

District plans ~~should~~ shall include policies, rules and/or methods that identify and protect key industrial-based employment locations where they contribute to a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form with well-functioning urban areas and rural areas ~~the qualities and characteristics of well-functioning urban environments~~ by: ~~maintain and enhance compact, well designed and sustainable~~ *regional form*

- (a) Recognising the importance of industrial based activities and the employment opportunities they provide; ~~and~~
- (b) Identifying specific locations and applying zoning suitable for accommodating industrial activities and their reasonable needs and effects including supporting or ancillary activities; ~~and~~
- (c) Identifying a range of land sizes and locations suitable for different industrial activities, and their operational needs including land-extensive activities; ~~and~~
- (d) Managing the establishment of non-industrial activities; ~~in industrial zones, by avoiding activities likely to result in reverse sensitivity effects on industrial activities, or likely to result in an inefficient use of industrial zoned land or infrastructure.~~

Explanation

Policy 32 directs that district plans must protect key industrial based employment opportunities where they contribute to Objective 22 ~~the qualities and characteristics of well-functioning urban environments~~. Further direction is provided on how this is achieved though clauses (a) – (d). Key industrial employment locations are important as they provide for economic growth, employment opportunities and development.


This policy uses “should” to recognise that in some locations there is limited information about the supply of and demand for industrial employment activities, and that this makes it difficult for city and district councils to identify key industrial based employment locations. Objective 22 outlines the range of elements to be achieved by a compact, well designed and sustainable regional form.

~~The introduction of non-industrial uses such as large scale retail, wholesaling activities, showrooms, offices and residential activities into industrial based employment locations~~

can displace industrial employment activities from established industrial areas. Key industrial-based employment locations that maintain and enhance the region's compact form need to be protected in order to, amongst other matters, reduce the demand for new infrastructure, and promote the efficient use of existing infrastructure.

3.8 Policy 33: Supporting well-functioning urban environments and a reduction in transport related greenhouse gas emissions – Regional Land Transport Plan Strategy

203. The notified amendments to Policy 33 stated:

<p>Policy 33: Supporting <u>well-functioning urban environments and a reduction in transport related greenhouse gas emissions</u> a compact, well designed and sustainable regional form – Regional Land Transport <u>Plan</u> Strategy</p>	
<p>The Wellington Regional Land Transport <u>Plan</u> Strategy shall contain objectives and policies that support <u>well-functioning urban environments and a reduction in transport related greenhouse gas emissions</u> and vehicle kilometres travelled of the <u>light vehicle fleet</u>. maintenance and enhancement of a compact, well designed and sustainable regional form.</p> <p>Explanation</p> <p><u>Policy 33 provides direction to the Wellington Regional Land Transport Plan, acknowledging the role of the objectives and policies in that plan in achieving well-functioning urban environments and a reduction in transport related greenhouse gas emissions.</u></p> <p>The Wellington Regional Land Transport Strategy provides a policy framework for regional transport decisions that play an important role in the maintenance and enhancement of a compact, and well designed and sustainable regional form.</p> <p>Objective 22 outlines the elements that are to be achieved by a compact, well designed and sustainable regional form. Elements of particular relevance will include efficient use of existing infrastructure and improved east west transport linkages.</p>	

204. This Policy aims to support Objectives 22 and CC.3, by providing direction for the RLTP to address reductions in transport GHGe.

3.8.1 Submissions, Evidence and Analysis

205. There were 15 original and 8 further submission points on Policy 33.

206. A number of submitters sought that Policy 33 be retained as notified, including UHCC [S34.039], HCC [S115.054], WCC [S140.055], Ātiawa [S131.078] supported by Ngā Hapū [FS20.348], Taranaki Whānui [S167.094], Rangitāne [S168.0166], Muaūpoko [S133.071], and Fish and Game [S147.062]

207. Other submitters sought:

- that Policy 33 reflect the requirements of Objective CC.3 and specify a reduction of 35% of 2019 transport emissions by 2030 (Forest and Bird [S165.059])
- amendments to provide a clear link between Policy 33 and Objective 30 to provide for benefits of the use of local quarrying/aggregate supply to achieve a well-functioning urban environment and a reduction in transport emissions (Winstones [S162.035], supported by Fulton Hogan Ltd [FS11.013]).
- amendment to recognise that intensification should be focused around major centres and rapid transit nodes to support efficient use of infrastructure and create well-functioning and sustainable urban environments (Investore [S154.009] and Stride Investment [S155.007])

208. The s 42A Reporting Officer does not agree that there is a mismatch between Policy 33 and Objective CC.3 provisions as Policy 33 is aiming to contribute to the targets in Objective CC.3 and specifying targets in the Policy would cause it to be out of step with other policies that give effect to the Objective.¹²² We agree.

209. The Reporting Officer also disagrees that Policy 33 be amended to direct recognition of quarrying and aggregate resources in the RLTP as that is intended to set strategic direction to guide integrated land transport planning and investment in long-term plans and set the vision and objectives for the Region's land transport network. The RLTP is not concerned with where specific goods are being transported to and from and if the transport of aggregate were mentioned, then other industries that also supply locally and therefore support reductions in transport-related greenhouse gas emissions, would also need to be mentioned.¹²³

210. On the need to focus intensification around major centres and rapid transit nodes, the Reporting Officer does not consider that this is relevant to Policy 33.¹²⁴ She considers that amendments recommended to other provisions in this topic, such as Objective 22, Policy 31 and Policy 55, will provide the relief sought by these submissions.

¹²² Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 432.

¹²³ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 430.

¹²⁴ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 431.

211. In Minute 16, and during the Hearing, we asked Ms Heppelthwaite, planner for Waka Kotahi, some specific questions on terminology in Policy 33. In her Supplementary Evidence, Ms Heppelthwaite said the definition of “well-functioning urban environments” captures accessibility, reductions in greenhouse gas emissions and effects of climate change, and therefore it was not necessary to repeat these again in the Policy as proposed in the s 42A Report.¹²⁵ In Reply Evidence, the Reporting Officer agreed that there is some duplication and that the Policy should refer to regional form rather than well-functioning urban environments as direction to the RLTP should not be constrained to urban environments only.¹²⁶ The Officer considered it appropriate to retain the phrase “a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form” to retain the connection with the wording in Objective 22. The Officer also considered it important to retain the reference to reductions in transport-related greenhouse gas emissions and vehicle kilometres travelled as the policy intent is that the RLTP will specifically support transport emissions reductions to contribute to Objectives 22 and CC.3
212. In her Supplementary Evidence, Ms Heppelthwaite also raised a concern regarding the level of direction provided in the Policy to the RLTP and suggests that it may not be appropriate for the RPS to direct RLTP content through use of the word “shall”. The Officer raised issues of scope and natural justice in relation to this matter as this point was not addressed in the Minute nor in Waka Kotahi’s submission. The strength of direction to the RLTP has not been raised in other hearings nor in the planners’ caucusing on the Climate Change Transport subtopic provisions regarding Policy EIW.1. With the repeal of the Natural and Built Environment Act, we understand that s 14(c) of the Land Transport Management Act 2003 requires a regional transport committee to take a relevant regional policy statement into account before submitting a RLTP to a regional council. In any event, because we have not heard other submissions on this and other submitters who may be interested in this issue have not had the opportunity to comment, we do not take Ms Heppelthwaite’s Supplementary Evidence further.
213. We agree with the Officer’s recommendations on Policy 33 as they are appropriate to give effect to relevant national direction and Objective 22.

¹²⁵ Supplementary statement of evidence of Catherine Heppelthwaite for Waka Kotahi, Hearing Stream 4, 20 October 2023.

¹²⁶ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council, Hearing Stream 4, 24 November 2023, paras 194 – 205.

3.8.2 Finding

214. We agree with the Reporting Officer's recommendations on Policy 33 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

3.8.3 Recommendation

Policy 33: Supporting ~~a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form and well-functioning urban environments~~ and a reduction in transport related greenhouse gas emissions a compact, well designed and sustainable regional form– Regional Land Transport Plan Strategy

The Wellington Regional Land Transport Plan Strategy shall contain objectives and policies that ~~support well-functioning urban environments and~~ contribute to a reduction in transport related ~~greenhouse gas emissions and vehicle kilometres travelled of the light vehicle fleet, to contribute to a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form.~~ maintenance and enhancement of a compact, well designed and sustainable ~~regional form.~~

The Wellington Regional Land Transport Strategy provides a policy framework for regional transport decisions that play an important role in the maintenance and enhancement of a compact, and well designed and sustainable regional form. Objective 22 outlines the elements that are to be achieved by a compact, well designed and sustainable regional form. Elements of particular relevance will include efficient use of existing infrastructure and improved east west transport linkages.

Explanation

Policy 33 provides direction to the Wellington Regional Land Transport Plan, acknowledging the role of the objectives and policies in that plan in achieving ~~well-functioning urban environments, and~~ a reduction in transport related ~~greenhouse gas emissions and Objective 22.~~

The Wellington Regional Land Transport Strategy provides a policy framework for regional transport decisions that play an important role in the maintenance and enhancement of a compact, and well designed and sustainable regional form.

Objective 22 outlines the elements that are to be achieved by a compact, well designed and sustainable regional form. Elements of particular relevance will include efficient use of existing infrastructure and improved east west transport linkages.

3.9 Policy UD.1 Providing for the occupation, use, development and ongoing relationship of mana whenua / tangata whenua with their ancestral land – district plans

215. Proposed Change proposes the inclusion of new Policy UD.1 that reads:

<p><u>Policy UD.1: Providing for the occupation, use, development and ongoing relationship of mana whenua / tangata whenua with their ancestral land – district plans</u></p> <p><u>District plans shall include objectives, policies, rules and/or methods that provide for the occupation, use, development and ongoing relationship of mana whenua / tangata whenua with their ancestral land, by:</u></p> <p>(a) <u>enabling mana whenua / tangata whenua to exercise their Tino Rangatiratanga; and</u></p> <p>(b) <u>recognising that marae and papakāinga are a Taonga and making appropriate provision for them; and</u></p> <p>(c) <u>recognising the historical, contemporary, cultural, and social importance of papakāinga; and</u></p> <p>(d) <u>if appropriate, identifying a Māori Purpose Zone; and</u></p> <p>(e) <u>recognising Te Ao Māori and enabling mana whenua / tangata whenua to exercise Kaitiakitanga; and</u></p> <p>(f) <u>providing for the development of land owned by mana whenua / tangata whenua.</u></p> <p><u>Explanation</u></p> <p><u>Policy UD.1 directs that district plans must provide for the occupation, use, development, and ongoing relationship of mana whenua / tangata whenua with their ancestral land and provides the minimum requirements in doing so. Enabling mana whenua / tangata whenua to exercise Tino Rangatiratanga may be achieved through District Councils working in partnership with mana whenua / tangata whenua during the plan review, change or variation process. Papakāinga is specifically referenced in the policy and are required to be provided for, which is consistent with Policy 1(a)(ii) of the National Policy Statement for Urban Development. Clause (d) provides the ability for identifying a Māori Purpose Zone, having the same meaning as the National Planning Standards.</u></p>
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216. Policy UD.1 directs district plans around enabling the occupation, use, development, and ongoing relationship of mana whenua / tangata whenua with their ancestral land.

3.9.1 Submissions, Evidence and Analysis

217. There were 13 submission points and 10 further submission points received on proposed Policy UD.1.

218. There was general support from submitters for this Policy. The key issue raised was clarity as to what land the Policy covers, and whether there is a

need for a definition of ancestral land (eg WCC [S140.056] and HCC [S115.055]). Tuma Paeroa [S102.077, S102.097] sought that the policy be broadened to include providing for development for land owned by Māori landowners.

219. The Reporting Officer explained at the Hearing “that within the s 42A Report there was a statement that mana whenua preference was for [ancestral land] not to be defined” and on this basis, the Officer did not recommend a definition.¹²⁷ However, the Officer has suggested amendments to the explanation text to identify that ancestral land includes freehold land owned by mana whenua / tangata whenua, but excludes general land owned by Māori. General land owned by Māori is broadly captured under Policy UD.2.
220. Further, in response to questioning in Minute 14 as to whether it is appropriate to use the term “ancestral land” in s 6(e), RMA in Policy UD.1 and/or UD.2, the Reporting Officer responded that the term “ancestral land” as per s 6(e) is appropriate in Policy UD.1 as the policy specifically seeks to provide for the ongoing relationship of mana whenua / tangata whenua with their ancestral land.¹²⁸
221. Muaūpoko [S133.072] sought that they are specifically recognised through the Policy. The Reporting Officer advises in the s 42A Report that the wider issue of the status of Muaūpoko as mana whenua was addressed in Hearing Stream 1.¹²⁹

3.9.2 Finding

222. We agree with the Reporting Officer’s recommendations on Policy UD.1 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

3.9.3 Recommendation

Policy UD.1: Providing for the occupation, use, development and ongoing relationship of mana whenua / tangata whenua with their ancestral land – district plans

¹²⁷ Hearing Transcript, HS4 – Urban Development, Day 1, page 11, lines 517 – 519.

¹²⁸ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council, Hearing Stream 4, 24 November 2023, para 130.

¹²⁹ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, paras 933 – 934.

District plans shall include objectives, policies, rules and/or methods that provide for the occupation, use, development and ongoing relationship of mana whenua / tangata whenua with their ancestral land, by:

- a. enabling mana whenua / tangata whenua to exercise their Tino Rangatiratanga; and
- b. recognising that marae and papakāinga are a Taonga and making appropriate provision for them; and
- c. recognising the historical, contemporary, cultural, and social importance of papakāinga; and
- d. if appropriate, identifying a Māori Purpose Zone; and
- e. recognising Te Ao Māori and Mātauranga Māori, and enabling mana whenua / tangata whenua to exercise Kaitiakitanga; and
- f. providing for the development of land owned by mana whenua / tangata whenua.

Explanation

Policy UD.1 directs that district plans must provide for the occupation, use, development, and ongoing relationship of mana whenua / tangata whenua with their ancestral land, including freehold land owned by mana whenua / tangata whenua but excluding general land owned by Māori, and provides the minimum requirements in doing so. Enabling mana whenua / tangata whenua to exercise Tino Rangatiratanga may be achieved through District Councils working in partnership with mana whenua / tangata whenua during the plan review, change or variation process. Papakāinga is specifically referenced in the policy and are required to be provided for, which is consistent with Policy 1(a)(ii) of the National Policy Statement for *Urban development*. Clause (d) provides the ability for identifying a Māori Purpose Zone, having the same meaning as the National Planning Standards.

3.10 Policy UD.4: Achieving a compact regional form – district and regional plans

223. The Officer proposed including this Policy in the s 42A Report to respond to general submissions and submissions on Policies 55 and UD.3. The Officer explains that Policy UD.4 not only implements the NPS-UD but also implements other national direction, addresses regionally significant issues, and the Council’s s 30 functions.¹³⁰
224. The Policy implements the “compact regional form” outcome in Objective 22 and directs district and regional plans to support the following hierarchy of development:

Policy UD.4: Achieving a compact regional form – district and regional plans

District and regional plans shall include objectives, policies, rules and/or methods requiring that subdivision, use and development occurs in a way that contributes to a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form with well-functioning urban areas and rural areas. This includes:

- (a) preventing dispersed growth patterns by prioritising:
- (i) firstly, urban development (including unanticipated or out-of-sequence brownfield development) should occur within urban areas in and adjacent to centres with a range of commercial activities and along existing or planned public transport corridors, then
 - (ii) urban development that does not meet (i) within urban areas (including unanticipated or out-of-sequence brownfield development), then
 - (iii) sequenced and planned urban development beyond urban areas, consistent with Policies 55 and 56, then
 - (iv) unanticipated or out-of-sequence greenfield urban development that is well-connected to the existing urban area and along existing or planned transport corridors, consistent with Policies 55 and 56, and adds significantly to development capacity consistent with Policy UD.3, then
 - (v) residential development in rural areas, consistent with Policy 56, and

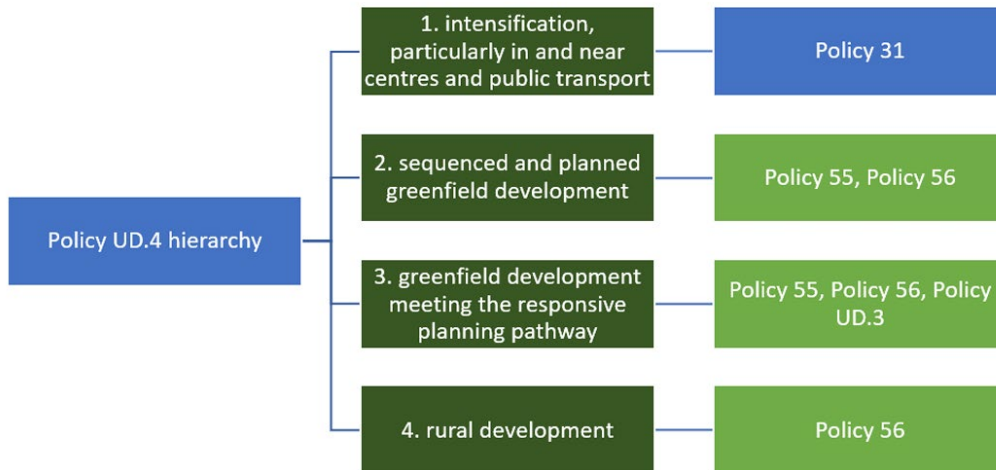
3.10.1 Submissions, Evidence and Analysis

225. We agree with the Officer that the Policy responds appropriately to relief sought by Waka Kotahi [S129.024] seeking the prioritisation of

¹³⁰ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council, Hearing Stream 4, 24 November 2023, para 162.

intensification of existing urban areas which enables more efficient use of infrastructure.

226. The Officer provided the following diagram as Figure 2 in her Reply Evidence showing how Policy UD.4 relates to other relevant provisions in Proposed Change 1:



227. The Officer explained that Policy 31 is not referred to in Policy UD.4 because it is a plan-making provision which district plans must give effect to anyway and including it in Policy UD.4 could cause confusion.

228. The hierarchy outlines an order of priority, namely options for first enabling development capacity through intensification within and near centres and transport networks, then planned greenfield development beyond existing urban zones, then unplanned development that is well-connected along transport corridors, and then rural development.¹³¹ We understand that subdivision, use and development that does not come within the hierarchy can still be provided for in district and regional plans, but that it won't be as enabled or supported as proposals that align with the hierarchy. We think this is appropriate for achieving Objective 22.

229. We support Ms Zöllner's recommendation that the provisions referenced in Policy UD.4 do not themselves refer to the hierarchy as this would merge consenting decisions with plan-making decisions,¹³² and there is limited scope for considering alternatives in the former. As Mr Slyfield explained,

¹³¹ Reporting Officer's Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, para 170.

¹³² Reporting Officer's Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, para 172.

“the heavy lifting has to be done at the planning level and not at the consenting level”.¹³³

230. Wellington Water supported the development hierarchy but considered that it needed to be more prominent and expressed more clearly.¹³⁴ Mr Slyfield, counsel for Wellington Water, said that “a hierarchy is an important mechanism for ensuring that development happens first and foremost where it is going to be best served by infrastructure and that there is an avoidance of unplanned and ad hoc infrastructure requirements elsewhere”.¹³⁵
231. We agree with the inclusion of the words “supports compact growth by prioritising” inserted through the Officer’s Reply Evidence and think this addresses Wellington Water’s concerns that the hierarchy within the Policy is down-played by the wording in the chapeau.¹³⁶ The wording the Officer supports in her Reply Evidence, is clear the Policy implements the “compact form” ambitions of the HS4 provisions.
232. We are satisfied that the hierarchy should remain articulated in Policy UD.4 and not in the Objective or in the Introduction, for the reasons Ms Zöllner provides in her Reply.¹³⁷
233. We agree with the Officer that although the NPS-UD supports development that is “both up and out” where it contributes to well-functioning urban environments, it does place greater emphasis on intensification than on enabling greenfield development.¹³⁸ We do not consider Policy UD.4 prevents responsive planning to unanticipated or out-of-sequence developments, but it provides for them in a way that gives effect to Policy 8 of the NPS-UD, and is otherwise consistent with the directions in the NPS-UD.
234. Mr Lewandowski, providing planning evidence on behalf of Peka Peka Farm and Summerset¹³⁹ sought that Policy UD.4 is deleted on the basis

¹³³ Hearing Transcript, HS4 – Urban Development, Day 2, page 35, lines 1747 – 1748.

¹³⁴ Wellington Water Ltd Speaking Notes Handout, 3 October 2023.

¹³⁵ Hearing Transcript, HS4 – Urban Development, Day 2, page 33, lines 1630 – 1634.

¹³⁶

¹³⁷ Reporting Officer’s Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, para 60.

¹³⁸ Statement of Rebuttal Evidence of Mika Zöllner on behalf of Wellington Regional Council – Hearing Stream 4, 26 September 2023, para 70.2.

¹³⁹ Statement of Evidence of Maciej Lewandowski on behalf of Peka Peka Farm Limited – Hearing Stream 4 – Urban Development, October 2023, para 5.64 – 5.70; and Statement of Evidence of Maciej Lewandowski on behalf of Summerset Group Holdings Limited – Hearing Stream 4 – Urban Development, October 2023, para 5.63 – 5.68.

that it is fundamentally flawed, would constrain and implement the NPS-UD in an unbalanced way, and is fundamentally inconsistent with the provisions in the NPS-UD. We understand that the primary concern is that policy directs the prioritisation of urban development within existing urban areas ahead of urban expansion that is sequenced and planned, and urban expansion that is unanticipated or out of sequence. Mr Lewandowski says the NPS-UD allows all of these types of development to occur to provide for development capacity, and the impact of Policy UD.4 (in particular on the competitive operation of land and development markets and Peka Peka Farm's and Summerset's ability to be responsive to land availability) has not been assessed by way of a s 32AA assessment.

235. We do not agree with Mr Lewandowski's views. We consider the direction in Proposed Change 1 to prioritise intensification in existing urban areas ahead of greenfield development is supported by Objectives 3, 8 and Policy 1 of the NPS-UD, the NAP and ERP, and the Council's integrated management functions. We recognise that Objective 6(c) and Policy 8 of the NPS-UD require the RPS to be responsive to out-of-sequence or unanticipated opportunities for development. In addition, Policy 2 requires sufficient development capacity to be provided as a minimum to meet expected demand.

236. Clause 3.17(1)(a) of the NPS-UD requires tier 1 and 2 authorities to have regard to the relevant FDS when preparing or changing an RPS, and clause 3.20 says the Housing and Business Capacity Assessment (HBA) informs RMA planning documents.

237. The latest HBA states that there is almost twice as much capacity available as need. The FDS lists greenfield developments that are well connected to existing urban areas in towns and cities and can be easily serviced by existing and planned infrastructure (including by public and active transport modes) as Priority '5' (out of 5 priority areas). The FDS says:¹⁴⁰

Development of greenfield areas sits lowest in the priority for development due to the significant capacity for growth within our existing urban areas in our towns and cities.

238. We consider the approach in Policy UD.4 is aligned with the FDS and has had appropriate regard to the HBA. The strategic development hierarchy in

¹⁴⁰ Wellington Regional Leadership Committee, Future Development Strategy, 2024 – 2054, page 61.

the Policy gives appropriate effect to direction in the NPS-UD, while also taking into account the regional council's functions and other relevant documents and strategies such as the ERP.

239. The word “enable” in Objective 3 and also Policy 3 regarding intensification in city centre and other zones, is reasonably directive. Objective 3 of the NPS-UD seeks that RPS’ enable people to live in areas of an urban environment which are near centres zones or areas with many employment opportunities, well-served by existing or planned public transport, or where there is high demand for housing. Objective 6 of the NPS-UD seeks decisions on urban development which are integrated, strategic, and responsive. Policies 1 and 2 are also relevant, and seek planning decisions contribute to well-functioning urban environments, and that sufficient development capacity is provided. While the NPS-UD does not contain an explicit hierarchy, one can be inferred from the individual policies in the NPS-UD and applying the ‘integrating frame’ which includes consideration of the ERP.
240. In our view, the planning framework requires intensification to be *enabled*, while also being responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments.
241. We consider that Policy UD.4 provides useful signposting and that the amendments Ms Zöllner has recommended to the Policy in her Reply Evidence:
- a. provide clear direction and an express hierarchy for development
 - b. require the infrastructure needed to support development to be provided in an integrated and efficient way prioritising the use or upgrading of existing infrastructure over the creation of new infrastructure
 - c. provide for a range of housing typologies, and
 - d. require plans to demonstrate that additional urban zoned land is necessary to enable sufficient development capacity.
242. Ms Anderson, Counsel for the Council, filed legal submissions on 25 September 2023 addressing the issue of whether the hierarchy in Policy UD.4 is in accordance with the NPS-UD. Ms Anderson explained that the NPS-UD requires the RPS to be responsive to significant development

capacity coming in through out-of-sequence or unanticipated development and essentially this means ensuring there is a pathway available. Ms Anderson also explained that Policy UD.4 gives this development a priority in existing urban areas (in clause (a)) but certainly does not prevent it outside of existing urban zones or areas.¹⁴¹ Further, clause 3.8 of the NPS-UD:¹⁴²

sits in the part of the NPS which sets out a 'non-exhaustive list of things that local authorities must do to give effect to the objectives and policies' of the NPS. It clearly states that nothing in this implementation part of the NPS-UD 'limits the general obligation under the Act to give effect to those objectives and policies'. This suggests that the NPS-UD anticipates that the objectives and policies are key, and the implementation clauses set out ways those objectives and policies can be met. However, the Regional Council is not limited to only doing those things.

243. Ms Anderson submitted that Policy UD.4 is responsive to out-of-sequence or unanticipated urban development because it provides for it as part of the hierarchy, prioritises it in existing urban zones, and does not prevent it in areas outside of existing urban zones.
244. In response at the Hearing, Mr Lewandowski confirmed that he was not saying Policy UD.4 was *ultra vires*, but he did consider that it was inappropriate as the NPS-UD does not place a priority on intensification. Ms Zöllner explained in her Reply Evidence that Policy UD.4 was not just about implementing the NPS-UD, but it also relates to addressing regionally significant issues and the council's functions under s 30 of the RMA as well as other national policy statements. She reiterated her comment at the Hearing that the hierarchy is not inconsistent with the NPS-UD.¹⁴³
245. The s 42A Report refers to research finding there to be overall higher external costs from greenfield development arising particularly from greater transport infrastructure costs, congestion, and environmental externalities although intensification scenarios also had infrastructure, air quality and shadowing costs. The Officer says the research supports

¹⁴¹ Hearing Transcript, HS4 – Urban Development, Day 1, page 42, lines 2104 – 2109.

¹⁴² Legal submissions in reply on behalf of Wellington Regional Council – Hearing Stream 4, 26 September 2023, para 13.

¹⁴³ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council, Hearing Stream 4, 24 November 2023, para 162.

prioritising well-designed intensification as a response to multiple pressures in the region.¹⁴⁴

246. We agree with the Council that Policy UD.4 is responsive to unanticipated or out-of-sequence urban development because it provides a pathway for it and there is nothing in the national direction that says this pathway must be provided for in all situations. We consider the Policy to be consistent with the direction in the NPS-UD.
247. WWL noted its support for Policy UD.4 prioritising the use or upgrading of existing infrastructure over the creation of new infrastructure.¹⁴⁵
248. We had doubts about whether Policy 56 should be referred to in clause (c) as we understand the intention is for unanticipated or out-of-sequence greenfield urban development to be assessed in accordance with Policy 55. The s 42A Report states that Policy 56 does not provide any specific consideration of out-of-sequence development or significant development capacity.¹⁴⁶ However, on reflection, we consider that the intention here is that if urban development occurs in a rural area, the matters in Policy 56 are also relevant (eg to ensure that the productive capacity of the land is retained).

3.10.2 Finding

249. We agree with the Reporting Officer's recommendations on Policy UD.4 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

3.10.3 Recommendation

Policy UD.4: Achieving a compact regional form – district and regional plans

~~District and regional plans shall include objectives, policies, rules and/or other methods requiring that subdivision, use and development occurs in a way that supports compact growth by prioritising:~~

~~contributes to a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form with well-functioning urban areas and rural areas. This includes:~~

~~(a) (b) preventing dispersed growth patterns by prioritising supporting compact growth~~

¹⁴⁴ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 570.

¹⁴⁵ Wellington Water Ltd Speaking Notes Handout, 3 October 2023.

¹⁴⁶ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 793.

by:

~~(a) (i) firstly, prioritising urban development (including unanticipated or out-of-sequence brownfield development) should occur within existing urban zones urban areas, with a preference for higher densities in and adjacent to centres with a range of commercial activities and along existing or planned public transport corridors, then~~

~~(ii) urban development that does not meet (i) within urban areas (including unanticipated or out-of-sequence brownfield development), then~~

~~(b) (iii) (ii) second, sequenced and planned greenfield urban development beyond existing urban zones urban areas, consistent with Policies 55 and 56, then~~

~~(c) (iv) (iii) third, unanticipated or out-of-sequence greenfield urban development that is well-connected to the existing urban area and along existing or planned transport corridors, consistent with Policies 55 and 56, and adds significantly to development capacity consistent with Policy UD.3, then~~

~~(d) (v) (iv) fourth, residential or mixed use development in rural areas, consistent with Policy 56; and~~

District and regional plans shall apply this hierarchy to enable development capacity while:

~~(i) (a) enabling Māori to express their culture and traditions, and~~

~~(ii) (e) (d) requiring all infrastructure necessary to support development to be provided in an integrated and efficient way which prioritises the use or upgrading of existing infrastructure over the creation of new infrastructure; and~~

~~(iii) (f) (e) providing for a range of housing typologies and land uses, including mixed use development; and; and~~

~~(iv) (d) (c) for clauses (b) (a) (iii) and (c) (a) (iiiiv), demonstrating that additional urban-zoned land is necessary and the most appropriate option to enable sufficient development capacity. meet housing and business demand, including consideration of existing realisable development capacity enabled within existing urban zones the urban area; and~~


~~(f) enabling Māori to express their culture and traditions, and~~

Explanation

Policy UD.4 provides strategic direction to district plans on how housing and business demand is to be met. Clause (d)(a)(iv) relates to residential rural lifestyle development as well as development in settlement zones.

3.11 Policy UD.2: Enable Māori cultural and traditional norms – consideration

250. As notified, the proposed Policy stated:

Policy UD.2: Enable Māori cultural and traditional norms – consideration	
<p><u>When considering an application for a resource consent, notice of requirement, or a plan change of a district plan for use or development, particular regard shall be given the ability to enable Māori to express their culture and traditions in land use and development, by as a minimum providing for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga.</u></p>	
<p><u>Explanation</u></p> <p><u>Policy UD.2 supports Māori to express their cultural traditions and norms in land use and development. This includes recognising taonga and sites and areas of significance, awa and moana and important places where mana whenua / tangata whenua still practice mātauranga.</u></p>	

251. Policy UD.2 is a consideration policy that enables Māori to express their culture and traditions in land use and development activities.

3.11.1 Submissions, Evidence and Analysis

252. There were 13 original and 12 further submission points on Policy UD.2.

253. A number of submitters requested that Policy UD.2 be retained as notified or sought no amendment (Te Tumu Paeroa [S102.078], Ātiawa [S131.0103] supported by Ngā Hapū [FS29.218], WCC [S140.080], MDC [S166.061], and Fish and Game [S147.072]).

254. Other submitters sought amendments including:

- Recognition of Muaūpoko connections to Te Whanganui-a-Tara (Muaūpoko [S133.073])
- Amendments to protect against proposed developments on land surrounding marae/urupā and other sites (Taranaki Whānui [S167.0121])
- Strengthening of the wording and inclusion of reference to Kaupapa Māori-based models and frameworks to help build the social, cultural, environmental and economic capacity of iwi and hapū, and allow iwi and hapū to express relationships with their land,

water, sites, culture, wāhi tapu and other taonga (Rangitāne [S168.0168] supported by Sustainable Wairarapa [FS31.097])

- Amendments so that Policy UD.2 does not apply to resource consents (UHCC [S34.094])
- Consideration of how urban Māori are represented in the Policy and amendment to the Policy explanation to read “...and important places to mana whenua / tangata whenua in accordance with Mātauranga Māori” (UHCC [S34.094] supported by Ngāti Toa [FS6.002])
- Deletion of the Policy because it is too open-ended in relation to resource consent applications (WFF [S163.078], supported by BLNZ [FS30.150]), and it has no value beyond section 6(e) of the RMA (PCC [S30.076]). PCC note that ‘have particular regard’ is a lower regulatory bar than ‘recognise and provide for’ and seek amendment to provide clear and appropriate direction to plan users in line with objectives.

255. The Reporting Officer said that the policy is most appropriate at a broad level so that it does not preclude or put additional weight on potential avenues for giving effect to the policy.¹⁴⁷ The Officer said that for example, the implementation of Policy UD.2 is likely to be different across the Region depending on the values and interests of mana whenua / tangata whenua in their rohe, and opportunities that arise through specific urban development projects.

256. At the Hearing the Reporting Officer talked about the broad intent in this Policy to enable Māori to express their culture and traditions, and that the policy applied to mana whenua as well as other kinship groups (Mātāwaka).¹⁴⁸ The Officer explained that in an urban development project, this would include considering urban design opportunities, including Māori being enabled to apply mātauranga Māori in urban spaces (kaupapa Māori led urban development).

257. In response to relief sought by Muaūpoko, we agree with the Reporting Officer that it is not appropriate to identify the status of specific iwi/hapu in the RPS provisions.

¹⁴⁷ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 595.

¹⁴⁸ Hearing Transcript, HS4 – Urban Development, Day 1, page 17, lines 803-806 (Reporting Officer, Mr Jeffreys).

258. In response to submitters who were concerned about the application of Policy UD.2 to resource consents, the Reporting Officer said that the Policy is consistent with other consideration policies in Change 1 and that if the Policy has already been given effect by the district plan, it does not add any additional work as a consent application will already need to meet these requirements.¹⁴⁹
259. There is strong national direction supporting Policy UD.2. The NPS-UD says that Māori are enabled to express their cultural traditions and norms as a part of well-functioning urban environments.¹⁵⁰ Section 6(e) of the RMA also states that the relationship of Māori and their culture and traditions with their ancestral lands is to be recognised and provided for as a matter of national importance therefore providing strong national direction. Adverse effects of development on cultural practices and wellbeing of mana whenua / tangata whenua, and a lack of weight historically being given Te Ao Māori and Mātauranga Māori, are recognised as a regionally significant issues in various topics in Change 1.
260. Policy UD.2 contributes to addressing these issues and, in doing so, appropriately applies to resource consents. The Officer says that in practice, this means that consent applicants should demonstrate genuine intent and actions to enable Māori to express their culture and traditions to support cultural visibility and identity in land use and development, commensurate to the scale and type of consent application.¹⁵¹ The policy is not prescriptive regarding what this must involve which provides flexibility for different activities. We agree with the Officer’s assessment and are of the view that this analysis also addresses submitters who sought the deletion of the Policy.
261. The Reporting Officer further considered the wording of Policy UD.2 in their Reply Evidence in response to questions posed in Minute 14. The Officer recommended several amendments to strengthen the policy direction and to include reference to “ancestral lands” for consistency with s 6(e).

¹⁴⁹ Statement of Rebuttal Evidence of Mika Zöllner on behalf of Wellington Regional Council – Hearing Stream 4, 26 September 2023, para 178.

¹⁵⁰ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 598.

¹⁵¹ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 598.

3.11.2 Finding

262. We agree with the Reporting Officer's recommendations on Policy UD.2 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

3.11.3 Recommendation

Enable Māori to express their culture and traditions – consideration


When considering an application for a resource consent, notice of requirement, or a ~~plan~~ change of a *district plan* for subdivision, use or development, particular regard shall be given the ability seek to enable Māori to express their culture and traditions in land use and development by, as a minimum:

~~;(a) providing for mana whenua / tangata whenua to express and their relationship with their culture, ancestral lands, water, sites, wāhi tapu, and other taonga; and~~

(b) recognising taonga and sites and areas of significance, awa and moana and important places where mana whenua / tangata whenua practice Mātauranga Māori, including marae and urupā.

3.12 Policy 55: Providing for appropriate urban expansion – consideration

263. As notified, Policy 55 reads:

<p>Policy 55: <u>Providing for appropriate urban expansion – Maintaining a compact, well-designed and sustainable regional form – consideration</u></p>	
<p>When considering an application for a resource consent, or a change, variation or review of a district plan for <i>urban</i> development beyond the region’s <i>urban areas</i> (as at March 2009 August 2022), particular regard shall be given to whether:</p> <p>(a) the <i>urban proposed development</i> is the most appropriate option to achieve Objective 22 <u>contributes to establishing or maintaining the qualities of a well-functioning <i>urban environment</i>, including:</u></p> <p style="margin-left: 20px;">(i) <u>the <i>urban development</i> will be well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors;</u></p> <p style="margin-left: 20px;">(ii) <u>the location, design and layout of the proposed development shall apply the specific management or protection for values or resources identified by this RPS, including:</u></p> <ol style="list-style-type: none"> 1. <u>Avoiding inappropriate subdivision, use and development in areas at risk from natural hazards as required by Policy 29,</u> 2. <u>Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values as identified by Policy 23,</u> 3. <u>Protecting outstanding natural features and landscape values as identified by Policy 25,</u> 4. <u>Protecting historic heritage values as identified by Policy 22,</u> 5. <u>Integrates <i>Te Mana o Te Wai</i> consistent with Policy 42,</u> 6. <u>Provides for climate resilience and supports a low or zero carbon transport network consistent with Policies CC.1, CC.4, CC.10 and CC17.</u> 7. <u>Recognises and provides for values of significance to <i>mana whenua / tangata whenua</i>,</u> 8. <u>Protecting <i>Regionally Significant Infrastructure</i> as identified by Policy 8; and</u> <p>(b) the <i>proposed urban development</i> is consistent with any <i>Future Development Strategy</i>, or the Council’s regional or local strategic growth and/or development framework or strategy that describes where and how future <i>urban development</i> should occur in that district or region, should the <i>Future Development Strategy</i> be yet to be released; and/or</p> <p>(c) a structure plan has been prepared; and/or</p> <p>(d) <u>Any <i>urban development</i> that would provide for significant development capacity, regardless of if the development was out of sequence or unanticipated by growth or development strategies.</u></p> <p>Explanation</p> <p><u>Policy 55 gives direction to the matters that must be considered in any proposal that will result in urban development occurring beyond the region’s existing urban areas. This includes ensuring that the qualities and characteristics of a well-functioning <i>urban environment</i> are provided for through clause (a), which includes recognising values or resources identified elsewhere in the RPS.</u></p>	

264. Policy 55 is a consideration policy that provides direction to greenfield development beyond existing urban zones. The Policy informs the consideration of proposals for consents, plan changes, variations and reviews, and NoRs and applies to all greenfield development, including plan changes to out-of-sequence or unanticipated developments. The aim is to ensure all greenfield development can demonstrate its contribution to a compact, well-designed, resilient, accessible and environmentally responsive regional form.

3.12.1 Submissions, Evidence and Analysis

265. There were 34 original and 24 further submissions on Policy 55.

266. As the Reporting Officer says, “the intent of Policy 55 is to send a clear signal that greenfield development must be able to provide for a well-functioning urban environment, maximise the efficient use of existing infrastructure, and be able to provide any new infrastructure that may be necessary to support the development”.¹⁵²

267. WCC wanted references to resource consents in Policies 55, 56, 57 and 58 deleted on the basis that it is inappropriate for RPS policies to direct decision-making at the consent level and instead, they should seek to provide regional direction which is implemented through district plans. We note that in a Memorandum dated 8 September 2023, the Manager for WCC’s District Planning team advised that WCC’s submission did not have sufficient scope to address matters of importance to WCC, but their planning evidence was within the scope of other territorial authorities’ submissions, and/or Kāinga Ora.¹⁵³

268. The Maunsell Family Trust and UHCC sought the deletion of the dates in the chapeau (ie “as at August 2022”) so that the current urban extent was not set at a point in time. The Officer supported this relief and explained that the urban extent changes over time and including a date reduced the responsiveness of the Policy.¹⁵⁴ The same relief applies to Policy 56.

¹⁵² Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 515.

¹⁵³ Memo from Michael Duindam, Manager District Planning, Wellington City Council, to Chair RPS Hearing Panel, 8 September 2023, Hearing Stream 4.

¹⁵⁴ Hearing Transcript, HS4 – Urban Development, Day 1, page 38, lines 1892 – 1899, (Reporting Officer, Ms Zöllner);

3.12.1.1 Relationship to the FDS

269. We support the amendment to require the FDS to be “had regard to”, rather than a “consistency with” requirement. This supports the change sought by Mr Jeffries for WCC in his evidence¹⁵⁵ (although we note WCC has no scope to seek this change) and gives better effect to the NPS-UD. The amendment also accepts in part, PPFL’s relief. Mr Lewandowski, presenting PPFL’s planning evidence, observed that a private plan change that is unanticipated or out of sequence will, by definition, not be consistent with a FDS.¹⁵⁶ At the Hearing Ms Zöllner stated that a development that was unanticipated or out-of-sequence could try to demonstrate it was consistent with the strategic direction in the FDS, and that this was appropriate for a consideration policy.¹⁵⁷
270. We put the question to Officers in Minute 14 whether a requirement for greenfield development to be “consistent with” the FDS gives proper effect to the NPS-UD. The Officers said that clause 3.17 of the NPS requires planning documents to have regard to the relevant FDS, but that direction does not apply to consents or NoRs. However, because Policy 55 applies to plan changes and reviews as well as consents and NoRs, they supported the wording “consistent with” be replaced with “has regard to”. We agree with that change.
271. Mr Jeffries for WCC raised concerns about the relationship between the FDS and the HS4 provisions. He showed wording from the draft FDS at the Hearing which raised, in his view, a conflict regarding influence and application of the FDS. He said Policy 55, and its direction regarding the FDS, went beyond what is required to give effect to Policy 8 of the NPS-UD¹⁵⁸ which requires local authorities to be responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments.
272. The FDS 2024 – 2054 has now been adopted. Page 9 describes how areas will be prioritised for development. It lists five areas (in order of priority):¹⁵⁹
- a. Areas of importance to iwi for development

¹⁵⁵ Hearing Transcript, HS4 – Urban Development, Day 2, page 20, lines 989 – 990.

¹⁵⁶ Statement of Evidence of Maciej Lewandowski on behalf of Peka Peka Farm Limited – Hearing Stream 4 – Urban Development, October 2023, para 5.20.

¹⁵⁷ Hearing Transcript, HS4 – Urban Development, Day 1, page 68, lines 3447 – 3457.

¹⁵⁸ Hearing Transcript, HS4 – Urban Development, Day 2, page 21, lines 1039 – 1070.

¹⁵⁹ Wellington Regional Leadership Committee, Future Development Strategy 2024 – 2054.

- b. Areas along strategic public transport network corridors with good access to employment, education and active mode connections
 - c. Priority Development Areas
 - d. Within existing rural towns around current and proposed public transport nodes and strategic active mode connections
 - e. Greenfield development that are well connected to existing urban areas and can be easily serviced by existing and currently planned infrastructure, including public and active transport modes, and where the location and design would maximise climate and natural hazard resilience supporting low-carbon lifestyles.
273. The FDS says that any areas not specifically identified as priorities for development may still be appropriate to develop according to local needs and constraints but will not be prioritised at a regional level.
274. Ms Rotherham and Ms Kelly from the Wellington Leadership Committee presented to us at the hearing on the FDS. They said that the FDS, which had now been completed and endorsed by Council, focused development within the existing urban footprint, with a few greenfield extensions.¹⁶⁰ They confirmed that development outside of the Otaki urban extent would not meet one of the FDS development priorities, and that capacity for 65,000 homes had been identified through their analysis of district plans and strategies within the region and Horowhenua.¹⁶¹

3.12.1.2 Structure plans

275. Clause (c) of Policy 55 had initially required a structure plan to be prepared and approved by the relevant council, or prepared by the council in partnership with mana whenua / tangata whenua. Mr Lewandowski for PPFL noted that a private plan change application could not meet this part of the Policy as it does not have a structure plan prepared and approved by a council. The Officer accepted this and recommended deleting these particular words from (c) and instead requiring a structure plan to be prepared to a level of detail commensurate to the scale of the urban development. We support this change.
276. Ātiawa sought an amendment to Policy 55(c) to require structure plans to be prepared in partnership with mana whenua / tangata whenua, to ensure

¹⁶⁰ Hearing Transcript, HS4 – Urban Development, Day 1, page 45, lines 2392 – 2394.

¹⁶¹ Hearing Transcript, HS4 – Urban Development, Day 1, page 45, lines 2513 – 2521.

involvement during the design and development phase. The Officer has accepted this relief where structure plans are undertaken by a local authority. We support that change.

277. We recommend an amendment in clause a.2(iii) to refer to “planned” new or upgraded transport infrastructure which we consider gives better effect to the direction in Objective 6 of the NPS-UD regarding integration with infrastructure planning and funding, and Objective 3(b) regarding areas of an urban environment being well-serviced by existing or planned public transport.

3.12.1.2 Adjacent

278. Mr Lewandowski for PPFL sought that the word “adjacent” in Policy 55(a)(2)(i) is replaced with “well-connected” as the notified wording could require development to be located directly next to existing urban areas.¹⁶² The Officer did not support this amendment. Counsel for Council, although discussing a different provision in HS4, stated at the hearing that caselaw has established that “adjoining” means directly next to, and “adjacent” means nearby.¹⁶³ We understand from Counsel’s comments that there is discussion in cases as to how close “nearby” is, but “adjacent” is not as strict as “adjoining”. We consider Mr Lewandowski’s suggestion to use the word “well-connected” would result in a circular interpretation given that Policy 55(a)(2) is giving meaning to what “well-connected” means. Given that “adjacent” does not mean ‘immediately next to’, we support retaining the word “adjacent”. We discussed Counsel’s comments with Mr Lewandowski at the hearing. He said that the term “well-connected” is used in clause 3.8 of the NPS-UD and he was concerned that the Officer’s Rebuttal evidence was saying that a ‘direct connection’ was required but he did get some assurance from caselaw on the word “adjacent”.¹⁶⁴
279. In our view the requirement to be adjacent to “existing *urban zones*” also allays some of Mr Lewandowski’s concerns and it is open for the Council to interpret “well-connected along transport corridors” as meaning “adjacent to existing urban zones” in Policy 55(1)(2)(a). Further, as Ms Zöllner states in her Rebuttal Evidence, Policy 55 does not only give effect

¹⁶² Statement of Evidence of Maciej Lewandowski on behalf of Peka Peka Farm Limited – Hearing Stream 4 – Urban Development, October 2023, para 5.25.

¹⁶³ Hearing Transcript, HS4 – Urban Development, Day 1, page 26, lines 1270 – 1274.

¹⁶⁴ Hearing Transcript, HS4 – Urban Development, Day 1, page 63, lines 3269 – 3274.

to clause 3.8 of the NPS-UD but it must also be consistent with other provisions in Proposed Change 1.¹⁶⁵

280. Mr Lewandowski sought that the linkage between clauses (c) and (d) should be an ‘or’ rather than an ‘and’.¹⁶⁶ We support the reasoning in Ms Zöllner’s Rebuttal Evidence that structure plans should apply to both private plan changes and resource consents, but that an assessment of scale will determine the level of detail needed.¹⁶⁷ If a consent application for a greenfield development occurs after a private plan change, then the structure plan for the plan change could be referred to quite simply.¹⁶⁸

3.12.1.3 Settlement zones

281. Ms Rojas for UHCC, sought that settlement zones are considered as urban zones. She explained that the settlement zone in Upper Hutt is intended to work around the existing Maymorn Station and provide a density which is symbiotic with the further development of that Station. It has existing multi modal connections, including public transport, to existing urban areas of Upper Hutt and intends to provide a mix of housing typologies, but most development in the Zone would not rely on reticulated services therefore it would not come within the definition of ‘urban development’ and therefore be exempt from Policy 55.
282. The Officer did not consider it appropriate for settlement zones to be considered urban zones as then they would be exempt from Policy 55 and defining them as urban zones would suggest that intensification within them is encouraged.¹⁶⁹ Ms Rojas’ view was that subjecting settlement zones to Policy 55 would present unnecessary hurdles in front of an already zoned and developed area, even though it was partly disconnected from existing urban areas.
283. The Officer’s view is that settlement zones are intended to be rural in National Planning Standards and are not considered to form part of the urban area or be urban zones for the purposes of the RPS. The Officer recommended that to provide more clarity on the issue, the definition of

¹⁶⁵ Statement of Rebuttal Evidence of Mika Zöllner on behalf of Wellington Regional Council – Hearing Stream 4, 26 September 2023, para 113.

¹⁶⁶ Hearing Transcript, HS4 – Urban Development, Day 1, page 66, lines 3377 - 3381.

¹⁶⁷ Statement of Rebuttal Evidence of Mika Zöllner on behalf of Wellington Regional Council – Hearing Stream 4, 26 September 2023, para 125.

¹⁶⁸ Statement of Rebuttal Evidence of Mika Zöllner on behalf of Wellington Regional Council – Hearing Stream 4, 26 September 2023, para 125; see also the discussion at the hearing on this point, Hearing Transcript, HS4 – Urban Development, Day 1, page 67, lines 3391 – 3394.

¹⁶⁹ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council, Hearing Stream 4, 24 November 2023, para 97.

rural area is amended to include settlement zones. We agree with the Officer's assessment and analysis.

3.12.1.4 Productive land

284. At the Hearing, Ms Levenson for HortNZ said that Policy 55 provides little protection for rural areas from urban expansion, even though horticultural and highly productive land is often located adjacent to existing urban areas making it vulnerable to urban expansion.¹⁷⁰ We considered giving effect to HortNZ's relief by including a subclause in Policy 55(4), referencing Policy 59 of the RPS which requires particular regard to be given to safeguarding productive capability on Class I and II land. On balance, we think it is better to not recommend this amendment because the protection in the NPS-HPL is arguably stronger (because, among other things it applies to LUC III land), and also because Policy 59 applies anyway, and it may be unhelpful to incorporate this amendment now in the event it could be interpreted as giving (inadequate) effect to the NPS-HPL.
285. Winstone Aggregates' planner, Ms Clarke, supported the amendments in Policy 55 (4)(ix) to protect significant mineral resources from incompatible or inappropriate adjacent land uses, consistent with Policy 60.

3.12.1.5 Relationship with Policy UD.3

286. In Reply Evidence and in response to a question about Policy UD.3, the Reporting Officer said that the actual act of undertaking responsive planning occurs through Policy 55(d) where the development capacity provided by such a plan change is considered, alongside whether it contributes to a well-functioning urban environment and is well-connected along transport corridors.¹⁷¹ We asked Ms Zöllner how a person would know if they satisfied the criteria in (d). She clarified that most realistically, it would be an assessment of the developments that are anticipated in that area over the short to medium term, and infrastructure provision and the FDS may be relevant as well. In our view, the Reply version that links (d) to Policy UD.3 makes a logical and clear connection between the two policies and avoids the risk of inadvertently mis-stating the issues in Policy UD.3 which could lead to interpretation difficulties.

¹⁷⁰ Hearing Transcript, HS4 – Urban Development, Day 2, page 53, lines 2652 – 2657.

¹⁷¹ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council, Hearing Stream 4, 24 November 2023, para 151.

287. In Minute 27 we asked the Officer to consider whether any consequential amendments were appropriate to Policy 55 in light of the FDS being adopted in March 2024. In response, the Officer recommended amendments to Policy 55(b) and the Explanation (shown in brown text below), to update references to the FDS. We agree with the Officer's recommendations.

3.12.2 Finding and s 32AA Evaluation

288. We largely agree with the Reporting Officer's recommendations on Policy 55 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence. We recommend some drafting amendments below to improve readability and clarify the policy intent and to refer to "planned" infrastructure which we consider gives better effect to Objectives 3 and 6 of the NPS-UD. We do not consider there to be any cost implications from these changes.

3.12.3 Recommendation

Policy 55: ~~Managing greenfield development to contribute to well-functioning urban areas and rural areas~~ ~~Contributing to a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form~~ ~~Providing for appropriate urban expansion~~ ~~Maintaining a compact, well designed and sustainable regional form – consideration~~

~~When considering an~~ ~~An~~ application for a resource consent, ~~notice of requirement~~, or a change, variation or review of a district plan for *urban development* beyond the region's ~~existing urban zones~~ ~~urban areas (as at March 2009~~ ~~August 2022)~~, will contribute to ~~its contribution to~~ ~~achieving a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form~~ ~~shall be determined by~~ ~~if~~ particular regard shall be given to ~~whether~~:

a) ~~the location, design and layout of~~ the *urban* ~~proposed development is the most appropriate option to achieve Objective 22~~ ~~contributes to~~ ~~establishing or maintaining the qualities of a well-functioning urban environment, including:~~

1. ~~contributes to well-functioning urban areas, as articulated in Policy UD.5; and~~
2. ~~(i) the urban development will be~~ ~~is~~ well-connected to the existing ~~or planned urban area, particularly if it is located which means it:~~
 - i) ~~is adjacent to existing urban zones~~ ~~urban areas~~ with access to employment and amenities, and ~~either,~~
 - ii) ~~is~~ along existing or planned ~~multi-modal~~ transport corridors that provide for multi-modal transport options, including

- public transport, or
- iii) supports the efficient and effective delivery of planned new or upgraded transport infrastructure including for public transport services; and
3. concentrates building heights and densities to:
- i) maximise access to, and efficient use of, existing development infrastructure; and
- ii) use land to be zoned urban-zoned land efficiently; and
- iii) support viable and vibrant neighbourhood, local, town, metropolitan and city centres; and
- iv) support reductions in greenhouse gas emissions by use of travel using low and zero-carbon emission transport modes, including efficient provision of public transport services; and
4. (iii)the proposed development proposal shall applies the specific management or protection for values or resources identified required by this Regional Policy Statement, including:
- i) Avoiding inappropriate Managing subdivision, use and development in accordance with the areas at risk from natural hazards as required by Policy 29,
- ii) Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values as identified by Policy 23,
- iii) Protecting outstanding natural features and landscape values as identified by Policy 25,
- iv) Protecting historic heritage values as identified by Policy 22,
- v) Integrates Giving effect to Te Mana o Te Wai consistent with Policy 42
- vi) Providing for climate-resilience and supporting a low and-or zero-carbon multi-modal transport network consistent with Policies CC.1, CC.4, CC.4A, CC.910, CC.14 and CC.14A7.,
- vii) Recognises and providing for mana whenua / tangata whenua values, including their relationship with their culture,

~~ancestral lands, water, sites, wāhi tapu and other taonga for values, of significance to mana whenua / tangata whenua~~

- viii) ~~Protecting Regionally significant infrastructure from incompatible or inappropriate adjacent land uses, consistent with as identified by~~ Policy 8,
- ix) ~~Protecting significant mineral resources from incompatible or inappropriate adjacent land uses, consistent with Policy 60,~~
- x) ~~Managing effects on natural character in the coastal environment, consistent with Policy 36; and~~

~~(b) it the proposed urban development has regard to is consistent with any the Wellington Region Future Development Strategy or, if the Future Development Strategy has not been notified, the Council's regional or local strategic growth and/or development framework or strategy that describes where and how future urban development should will occur in that district or region, should the Future Development Strategy be yet to be released; and/or~~

~~(c) a structure plan has been prepared to a level of detail commensurate to the scale of the urban development, in partnership with mana whenua / tangata whenua where undertaken by a local authority and approved by the relevant city or district council, or prepared by the relevant city or district council in partnership with mana whenua / tangata whenua and in consultation with the regional council; and/or~~

~~(d) for a plan changes, it would add significantly to development capacity in accordance with Policy UD.3, even if it is out of sequence with planned land release or unanticipated by the district plan., if it is:~~

- ~~1. — in the form of a plan change, and~~
- ~~2. — in a city or district containing part or all of an urban environment, and~~
- ~~3. — in accordance with Policy UD.3.~~

~~Any urban development that would provide for significant development capacity, regardless of if the development was out of sequence or unanticipated by growth or development strategies.~~

Explanation

Policy 55 gives direction to the matters that must be considered in any proposal that will result in *urban development* occurring beyond the region's existing *urban areas*, which is ~~any greenfield development~~. This ~~includes involves~~ ensuring that **Objective 22** is

~~achieved. the qualities and characteristics of a well-functioning urban environment are provided for through clause (a), which includes managing values or resources as required identified elsewhere in the RPS.~~

Policy 55 seeks that greenfield developments demonstrate appropriate development densities to use the new *urban-zoned* land efficiently. They should also be located, zoned, laid out, and designed to best support existing urban development or existing or new centres (for example through mixed use zoning) and provide for low and zero-carbon travel, to support compact, connected, *climate-resilient*, diverse and low-emission neighbourhoods.

Clause (b) requires consideration to be given to the consistency of the development with the *Future Development Strategy* which will look to deliver well-functioning *urban environments* through a regional spatial plan. ~~To provide for the interim period where the Wellington Region Future Development Strategy is in development, clause (b) also requires consideration to be given to the consistency with any regional or local strategic growth and/or development framework which is currently the Wellington Regional Growth Framework.~~

Clause (c) requires consideration to be given to whether a structure plan has been provided. A structure plan is a framework to guide the development or redevelopment of an area by defining the future development and land use patterns, areas of open space, the layout and nature of *infrastructure* (including transportation links), and other key features and constraints that influence how the effects of development are to be managed.

Clause (d) requires consideration of ~~any proposal a plan change~~ that would add significantly to development capacity, ~~which regardless of whether it is out of sequence or unanticipated by growth or development strategies. This clause~~ gives effect to Policy 8 of the National Policy Statement on *Urban development 2020*. ~~Clause (d) should be considered in conjunction with Policy UD.3:~~

Urban development beyond the region's urban areas has the potential to reinforce or undermine a compact and well designed regional form. The region's urban areas (as at March 2009) include urban, residential, suburban, town centre, commercial, community, business and industrial zones identified in the Wellington city, Porirua city, Lower Hutt city, Upper Hutt city, Kāpiti coast and Wairarapa combined district plans:

Urban development is subdivision, use and development that is characterised by its planned reliance on reticulated services (such as water supply and drainage) by its generation of traffic, and would include activities (such as manufacturing), which are usually provided for in urban areas. It also typically has lot sizes of less than 3000 square metres:

Examples of growth and/or development frameworks or strategies in the region are:

- The Upper Hutt City Council Urban Growth Strategy
- Wellington City Northern Growth Management Framework
- Porirua City Development Framework


- Kapiti Coast: Choosing Futures Development Management Strategy and local outcome statements contained in the Kapiti Coast Long Term Council Community Plan

Policies 54 and 56 also need to be considered in conjunction with policy 55. In addition, there are also a range of ‘related policies’ in the Regional Policy Statement that set out matters to be considered in order to manage effects on natural and physical resources. Structure planning integrates land use with infrastructure – such as transport networks, community services and the physical resources. Structure planning should also deliver high quality urban design. The content and detail of structure plans will vary depending on the scale of development. Notwithstanding this, structure plans, as a minimum, should address:

- Provision of an appropriate mix of land uses and land use densities
- How environmental constraints (for example, areas at high risk from natural hazards) and areas of value (for example, indigenous ecosystems, rivers, streams and ephemeral streams, wetlands, areas or places with historic heritage, outstanding landscapes, or special amenity landscapes) are to be managed
- Integration with existing and proposed infrastructure services, such as, connections to existing and proposed transportation systems and provision of public and active transport linkages by undertaking an integrated transport assessment
- The integration of the development with adjoining land use activities including measures to avoid, remedy or mitigate reverse sensitivity effects
- Integration of social infrastructure and essential social services as necessary
- Development staging or sequencing
- How the region’s urban design principles will be implemented

3.13 Policy UD.3: Developments that provide for significant development capacity – consideration

289. As notified, proposed Policy UD.3 stated:

<p><u>Policy UD.3: Responsive planning to developments that provide for significant development capacity – consideration</u></p>	
<p><u>When considering a change of a district plan for a development in accordance with clause (d) of Policy 55, particular regard shall be given to whether the following criteria is met:</u></p> <p>(a) <u>the location, design and layout of the proposal:</u></p> <p>(i) <u>contributes to establishing or maintaining the characteristics and qualities of a well-functioning urban environment identified in Policy 55(a)(ii) and Objective 22.</u></p>	
<p>(ii) <u>is well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors,</u></p> <p>(iii) <u>for housing will apply a relevant residential zone or other urban zone that provides for high density development or medium density residential development.</u></p> <p>(b) <u>the proposal makes a significant contribution to meeting a need identified in the latest Housing and Business Development Capacity Assessment, or a shortage identified in monitoring for:</u></p> <p>(i) <u>a variety of housing that meets the regional, district, or local shortages of housing in relation to the particular type, size, or format,</u></p> <p>(ii) <u>business space or land of a particular size or locational type, or</u></p> <p>(iii) <u>community, cultural, health, or educational facilities, and</u></p> <p>(iv) <u>the proposal contributes to housing affordability through a general increase in supply or through providing non-market housing, and</u></p> <p>(c) <u>when considering the significance of the proposal's contribution to a matter in (b), this means that the proposal's contribution:</u></p> <p>(i) <u>is of high yield relative to either the forecast demand or the identified shortfall,</u></p> <p>(ii) <u>will be realised in a timely (i.e., rapid) manner,</u></p> <p>(iii) <u>is likely to be taken up, and</u></p> <p>(iv) <u>will facilitate a net increase in district-wide up-take in the short to medium term.</u></p> <p>(d) <u>required development infrastructure can be provided effectively and efficiently for the proposal, and without material impact on planned development infrastructure provision to, or reduction in development infrastructure capacity available for, other feasible, likely to be realised developments, in the short-medium term.</u></p>	
<p><u>Explanation</u></p> <p><u>Policy UD.3 provides for responsiveness in considering significant development capacity under Policy 55(d) and outlines the criteria that need to be met for a development to be considered to provide 'significant development capacity' as required by Subpart 2 of the National Policy Statement on Urban Development 2020.</u></p>	

3.13.1 Submissions, Evidence and Analysis

290. Policy UD.3 gives effect to Policy 8 of the NPS-UD and responds to the requirements of clause 3.8 of the NPS-UD. Policy UD.3 applies to plan changes for urban development that are unanticipated by the District Plan, or that have been brought forward from the planned land release.¹⁷² As Ms Zöllner explained at the Hearing, the provision focuses on developments in the short to medium term, as the aim of a responsive planning pathway is to be responsive to developments that can provide significant development capacity now, or soon, as opposed to the long term.¹⁷³
291. Clause 3.8(3) of the NPS-UD requires a regional council to include criteria in its RPS for determining what plan changes will be treated as adding significantly to development capacity. Policy UD.3 specifies this criteria.¹⁷⁴ Policy 3.8(2) of the NPS-UD states that the criteria developed in the RPS must be had “particular regard to” when considering the plan change.
292. We accept that Policy UD.3 is appropriately identified as a “consideration” policy that sits within Chapter 4.2 of the RPS. We also agree with the Officer that it is appropriate for the criteria to be expressed as mandatory requirements that must be met to satisfy the test of providing “significant development capacity”; and then that development capacity can be given particular regard under the responsive planning pathway.¹⁷⁵
293. The Officer recommended two additional criteria through the s 42A Report. The first seeks justification of the need for additional urban-zoned land in that location having considered existing feasible, planned and reasonably expected to be realised development capacity; and the second requires the plan change to demonstrate it will mitigate any potential adverse effects on the ability of existing urban areas and rural areas to be well-functioning, including minimising potential reverse sensitivity effects on the feasibility, affordability, or deliverability of anticipated urban development.

¹⁷² Hearing Transcript, HS4 – Urban Development, Day 1, page 7, lines 299-302.

¹⁷³ Hearing Transcript, HS4 – Urban Development, Day 1, page 30, lines 1521 - 1523.

¹⁷⁴ Ms Zöllner commented at the Hearing that Policy 55, which applies to all greenfield development, gives effect to the other two tests in Policy 3.8 of the NPS-UD (Transcript, line 586).

¹⁷⁵ Hearing Transcript, HS4 – Urban Development, Day 1, page 7, lines 304-307.

294. Mr McDonnell for HCC suggested a range of amendments to Policy UD.3 to better implement the NPS-UD and be more concise and directive.¹⁷⁶ Many of these changes were agreed to by the Officer. Some of the key differences are that Mr McDonnell sought that clauses (e) and (f) are deleted, whereas the Officer sought they be retained with amendments. Mr McDonnell considered that these clauses were not consistent with the intent of the relevant clauses in the NPS-UD, and that clause (e) presupposed the final outcome of a plan change, rather than consideration of whether it would be treated as adding significantly to development capacity.¹⁷⁷
295. At the Hearing, some submitters said the criteria were too stringent to provide for responsive planning. Mr Lewandowski for PPFL said that the NPS-UD did not express a prioritisation for development in existing urban zones, nor did it express a preference for medium density and high density housing.¹⁷⁸ Mr Jeffries for WCC also said that the words “medium and high density” should be deleted as Policy 8 of the NPS-UD requires local authorities to be responsive to plan changes without clarification on the type of housing or level of density enabled¹⁷⁹ (although we note WCC accepts it has no scope for this relief).¹⁸⁰ The Officer has recommended the addition of the words “as part of a mix of housing typologies” and Mr Lewandowski accepted at the hearing that these words are helpful.¹⁸¹ Mr Jeffries opined that the change improves the problem from his perspective but does not solve it because it could be interpreted as requiring at least medium density development which could be viewed as meaning at least three stories.
296. We think the Officer’s recommendation to note these forms as part of a mix of housing typologies, gives at least partial effect to submitter relief. The definition of “medium density development” now supported by the Officer, no longer includes reference to “a minimum building height of 3 stories”, so we think there is sufficient flexibility, and will constrain ‘responsive planning’ in the way Mr Jeffries suggests.¹⁸² Mr Jeffries said

¹⁷⁶ Statement of Evidence of Torrey McDonnell on behalf of Hutt City Council (Planning), Hearing Stream 4 – Urban Development, 15 September 2023, para 62.

¹⁷⁷ Statement of Evidence of Torrey McDonnell on behalf of Hutt City Council (Planning), Hearing Stream 4 – Urban Development, 15 September 2023, para 61.

¹⁷⁸ Statement of Evidence of Maciej Lewandowski on behalf of Peka Peka Farm Limited – Hearing Stream 4 – Urban Development, October 2023, para 5.54.

¹⁷⁹ Hearing Transcript, HS4 – Urban Development, Day 2, page 22, lines 1077 – 1083.

¹⁸⁰ [HS4-S140-Wellington-City-Council-Memo-Expert-Planning-Evidence-080923.pdf \(gw.govt.nz\)](#).

¹⁸¹ Hearing Transcript, HS4 – Urban Development, Day 1, page 73, lines 3736 – 3752.

¹⁸² Hearing Transcript, HS4 – Urban Development, Day 2, page 22, lines 1088 – 1094.

that it was important to not conflate “enabling” medium density development with “requiring” it and that in some circumstances, substantial housing capacity could be added at lower densities than medium.¹⁸³ We do not think that in the context of Policy UD.3(c), the words “provide for... development” (as part of a mix of housing typologies) requires that development, but rather, the plan change must enable it. We think the final wording recommended by the Officer gives appropriate effect to Policy 8 (which we note references ‘well-functioning urban environments’ in Policy 1, which are environments that have a variety of homes).

297. The Officer also recommended change to Policy UD.3(d) and (e) to refer to “feasible, reasonably expected to be realised” development. Mr Lewandowski said he was concerned that (e) overly elevated the importance of the existing environment.¹⁸⁴ In our view, the Officer’s proposed changes requiring existing feasible, reasonably expected to be realised development capacity within existing urban zones to be considered in the plan change assessment is appropriate and also aligned with clause 3.2(2)(c) of the NPS-UD regarding ‘sufficient development capacity for housing’.
298. Mr Lewandowski sought that Policy UD.3(c)(iii) (which is now (b)) refer to “long term” rather than only short-medium term given the timeframes involved with larger greenfield developments.¹⁸⁵ At the Hearing we discussed with Mr Lewandowski the timeframe in the HBA and that there needed to be a demonstrated demand in the short-medium term. Mr Lewandowski pointed to Objective 6 of the NPS-UD which requires local authorities to make strategic decisions over the medium term and long-term, and that responsive development is also part of Objective 6. In her Rebuttal Evidence, Ms Zöllner said she did not support adding in “long-term” (which is defined in the NPS-UD as between 10 and 30 years) because that creates “too much uncertainty as the Housing and Business Development Capacity Assessment and demand profile could change considerably over 30 years”. The Officer also noted that Objective 7 of the NPS-UD says local authorities have robust and frequently updated information about urban environments and use that to inform planning

¹⁸³ Hearing Transcript, HS4 – Urban Development, Day 2, page 22, lines 1095 – 1101.

¹⁸⁴ Hearing Transcript, HS4 – Urban Development, Day 1, page 75, lines 3840 – 3842.

¹⁸⁵ Hearing Transcript, HS4 – Urban Development, Day 1, page 73, lines 3722 – 3728

decisions, and PPFL's relief could allow outdated information to be used to inform decisions.¹⁸⁶

299. At the Hearing, we asked the Officer if a plan change could demonstrate that it makes a significant contribution to meeting a need identified in the latest HBA given that there is approximately more than double the capacity enabled through the various IPIs and MDRS provisions. The Officer explained that the provision has to sit independently from what the most recent HBA is saying and that the HBA needs to be reviewed every three years so different situations could arise.¹⁸⁷ That explanation is logical to us and we see no issues with the policy intent in (a). Mr Jeffries for WCC made the point that the purpose of the HBA is to find out if you have minimum capacity, but it does not set an upper limit and to stop zoning once you get to it. The competitive operation of land and development markets does provide greater opportunities for development and potentially improves affordability.¹⁸⁸
300. Mr Smeaton for PCC also cautioned at the Hearing that although the HBA is the source of truth about capacity, whether that capacity will be realised through intensification within existing urban areas is often debateable.¹⁸⁹
301. In response to questioning at the Hearing, the Officer proposed deleting the text in the Introduction which required unanticipated and unresponsive development to be "in places connected to existing urban areas".¹⁹⁰ We consider that deletion appropriate and gives effect in part to relief requested by Summerset and Peka Peka Farm.
302. We questioned the meaning of the phrase "feasible and reasonably likely to be realised developments" with Ms Zöllner at the Hearing. Ms Zöllner explained that they are NPS-UD terms, and "feasible" means commercially viable to develop, and "reasonably expected to be realised" is a smaller subset and are those developments actually expected to be developed in a short to medium term timeframe.¹⁹¹ Ms Zöllner confirmed that the provision is focussing on development capacity in the short to medium term and that is where the housing and business capacity

¹⁸⁶ Statement of Rebuttal Evidence of Mika Zöllner on behalf of Wellington Regional Council – Hearing Stream 4, 26 September 2023, para 149.

¹⁸⁷ Hearing Transcript, HS4 – Urban Development, Day 1, page 32, lines 1615-161.

¹⁸⁸ Hearing Transcript, HS4 – Urban Development, Day 2, page 23, lines 1137 – 1144.

¹⁸⁹ Hearing Transcript, HS4 – Urban Development, Day 3, page 10, lines 438 – 442.

¹⁹⁰ Hearing Transcript, HS4 – Urban Development, Day 1, page 13, lines 600-603; and see Reply version of Introduction with the text deleted.

¹⁹¹ Hearing Transcript, HS4 – Urban Development, Day 1, page 29, lines 1456-1461.

assessment has the most detailed information. The focus was on plan changes that will be delivered beyond ten years from now.¹⁹² We prefer the drafting in the Officer’s Reply Evidence, repeating the phrase “feasible, reasonably expected to be realised” in both clauses (d) and (e)

303. There was a discussion about the words “in that particular location” in (e). PPFL wanted a broader reference to “in the urban area” which the Officer considered was too broad. We agree with that. The Officer explained that the words “in that particular location” are referring to the level of spatial detail that the HBA and other information sources are referring to.¹⁹³ We are comfortable with that explanation and the phrase “in that particular location”.
304. We also queried whether the phrase “responds to demonstrated demand for housing or business types proposed” in (b)(iii) was broad enough to cover all the types of development acknowledged in the NPS-UD.¹⁹⁴ The Officer supports the wording “land use types proposed” and we agree that is more appropriate.
305. Mr Smeaton presenting PCC’s planning evidence said that in his view, clause (e) was not appropriate as it presupposed the final outcome of a plan change rather than setting out a criterion for whether it adds significantly to development capacity.¹⁹⁵ Mr Smeaton accepted that the NPS-UD requires the Regional Council to set criteria for responsive planning but at the Hearing, he said that Policy UD.4 was setting a “bottom line” that had to be met, and clause 3.8 of the NPS-UD allowed “criteria” to be set, ie “things that you would score against”.¹⁹⁶ We understand the point and consider that this is a matter of the interpretation of clause 3.8(3), which we do consider to be directive. We were assisted by Counsel for the Council’s legal submissions on this point which stated that the use of the words “must be met” is consistent with clause 3.8 of the NPS-UD which directs the Council to set “criteria” for determining what constitutes significant development capacity. As Counsel said, “By their very nature,

¹⁹² Hearing Transcript, HS4 – Urban Development, Day 1, page 30, lines 1515-1519 (Reporting Officer, Ms Zöllner);

¹⁹³ Hearing Transcript, HS4 – Urban Development, Day 1, page 31, lines 1541 - 1542 (Reporting Officer, Ms Zöllner);

¹⁹⁴ Hearing Transcript, HS4 – Urban Development, Day 1, page 31, lines 1550 - 1553 (Reporting Officer, Ms Zöllner);

¹⁹⁵ Statement of Evidence of Rory Smeaton on behalf of Porirua City Council (Planning), 15 September 2023, Hearing Stream 4 – para 74.

¹⁹⁶ Hearing Transcript, HS4 – Urban Development, Day 3, page 9, lines 422 – 430.

criteria are something that need to be met”.¹⁹⁷ We agree with Counsel’s submissions that Policy UD.4 gives effect to the NPS-UD by providing a pathway for out-of-sequence or unanticipated development and sets criteria for determining what plan changes will be treated as adding significantly to development capacity.

306. We are satisfied that Policy UD.3 gives effect to the NPS-UD and other relevant direction and it is appropriate that it sets a high bar for out-of-sequence and unanticipated plan changes in order to achieve Objective 22.

3.13.2 Finding

307. We agree with the Reporting Officer’s recommendations on Policy UD.3 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

3.13.3 Recommendation

Policy UD.3: ~~Responsive planning to~~ ~~P~~plan changes developments that provide for significant development capacity – consideration

~~For local authorities with jurisdiction over part, or all, of an urban environment, W~~when determining ~~considering whether~~ a plan change ~~of a district plan for a urban development in accordance with clause (d) of Policy 55, particular regard shall be given to whether will be treated as adding~~s significantly to development capacity ~~that is not otherwise enabled in a plan or is not in sequence with planned land release, the following criteria is~~ must be met:

- ~~(i) — contributes to establishing or maintaining the characteristics and qualities of a well-functioning urban environment identified in Policy 55(a)(ii) and Objective 22;~~
- ~~(ii) — is well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors;~~

~~(a) (b)~~the plan change ~~proposal~~ makes a significant contribution to meeting a need identified in the latest Housing and Business Development Capacity Assessment, or a shortage identified ~~in through~~ monitoring ~~or otherwise~~ for:

- (i) a variety of housing that meets the regional, district, or local shortages~~s~~ of housing in relation to the particular type, size, or format, ~~or~~
- (ii) business space or ~~land of a particular size or locational type, or~~
- (iii) ~~community, cultural, health, or educational facilities;~~ and

¹⁹⁷ Legal submissions in reply on behalf of Wellington Regional Council – Hearing Stream 4, 23 November 2023, para 16.1.1.

~~(b) (c)~~ a plan change will make a significant ~~when considering the significance of the proposal's~~ contribution to a matter in ~~(ba)~~ if it: ~~;~~ ~~this means that the proposal's contribution:~~

- (i) is of high yield relative to either the forecast demand or the identified shortfall,
- (ii) will be realised in a timely ~~(i.e., rapid)~~ manner ~~and earlier than any urban development anticipated by the district plan,~~ and
- (iii) ~~responds to demonstrated demand for housing or business~~ the land use types proposed, for the short-medium term in that ~~particular~~ location ~~is likely to be taken up; and~~
- ~~(iv) will facilitate a net increase in district-wide up-take in the short to medium term;~~

~~(c) (b) (iii)~~ where it provides for housing, ~~the plan change proposal will:~~

- ~~(i) will apply a relevant residential zone or other urban zone that as part of a mix of housing typologies,~~ provides for ~~high density development or medium density residential development,~~ and
- ~~(ii) (iv) the proposal~~ contributes to increasing housing affordability through a general increase in housing choice and supply or through providing non-market housing, and

~~(d) the~~ required ~~development infrastructure~~ can be provided effectively and efficiently for the proposal, and without material impact on ~~the capacity provided by existing or committed development infrastructure planned development infrastructure provision to, or reduction in development infrastructure capacity available for,~~ other feasible, ~~reasonably expected likely~~ to be realised developments, in the short-medium term, ~~and~~

~~(e) the plan change proposal~~ justifies the need for additional ~~urban-zoned land in that particular location as the most appropriate option to meet housing and business demand,~~ demonstrating ~~including consideration of existing~~ feasible, ~~reasonably expected to be realised~~ ~~realisable~~ development capacity ~~enabled within existing urban zones the urban area,~~ and

~~(f) the plan change proposal~~ can demonstrate it will mitigate any potential adverse effects on the ability of existing ~~urban areas and rural areas to be well-functioning,~~ including by ~~minimising potential reverse sensitivity effects land use conflicts~~ and impacts on the feasibility, affordability, or deliverability of ~~urban development anticipated by the district plan.~~

Explanation

Policy UD.3 ~~provides for responsiveness in considering significant development capacity under Policy 55(d) and~~ outlines the criteria that need to be met for a development to be considered to provide 'significant development capacity' as required by ~~Subpart 2 clause 3.8 (3)~~ of the National Policy Statement on *Urban development* 2020. ~~Responsive planning applies to both greenfield and brownfield (infill/intensification) developments. All of Policy~~

55 will also need to be considered for any out-of-sequence or unanticipated plan change for greenfield development.

For proposals that are providing for housing, they can provide for *high density development* or *medium density development* through a relevant residential zone, a centre zone or a mixed use zone, and by clustering housing to suit the site characteristics if necessary. Development *infrastructure* as referred to in clause (f) includes but is not limited to three waters *infrastructure* and transport *infrastructure*, including low or zero carbon, multi-modal and public transport *infrastructure*.

3.14 Policy UD.5: Contributing to well-functioning urban areas - consideration

308. Policy UD.5 was proposed for inclusion in the s 42A Report. The proposed Policy stated:

Policy UD.5: Contributing to well-functioning urban areas – consideration

When considering applications for a resource consent, or a change, variation or review of a district plan for urban development, including housing and supporting infrastructure, seek to achieve well-functioning urban areas by:

- (a) providing for the characteristics of well-functioning urban environments, in a way that uses urban-zoned land efficiently and, where providing housing, improves housing affordability, quality and choice, including providing for a diversity of housing typologies in close proximity, and
- (b) providing for safe access between housing, employment, services, amenities, green space, and local centres, preferably within walkable catchments and using low and zero-carbon emission transport modes, and
- (c) providing for and protecting mana whenua / tangata whenua values and sites of significance to mana whenua / tangata whenua, and
- (d) avoiding or mitigating potential adverse effects, including cumulative effects, of urban development on the natural environment and the ability to manage, use, and operate existing infrastructure, and
- (e) protecting and enhancing the quality and quantity of freshwater, and
- (f) protecting the operation and safety of regionally significant infrastructure from potential reverse sensitivity effects.

Explanation

Policy UD.5 articulates what contributing to well-functioning urban areas, as sought in Objective 22, means in the Wellington Region. This policy applies to all areas zoned residential, commercial or industrial and all local authorities in the region, and seeks to support the efficient use of urban-zoned land and infrastructure.

Clause (a) references the characteristics of well-functioning urban environments as defined in Policy 1 of the National Policy Statement on Urban development 2020. Meeting clause (a) involves providing for a range of housing typologies, particularly including modest (i.e. small footprint) and multi-unit housing, to contribute to housing affordability and choice. This also includes non-market or partially subsidised affordable housing. Using land in urban areas efficiently means that both brownfield and greenfield development demonstrate compact development patterns.

Clause (d) provides for environmentally responsive and integrated urban development, which uses existing infrastructure efficiently, while also ensuring that the impacts of urban development on existing infrastructure are anticipated and appropriately managed. It requires consideration of how the pattern and location of development might affect the natural environment and provide population densities necessary to the ability to continue to maintain infrastructure.

3.14.1 Submissions, Evidence and Analysis

309. Policy UD.5 sets out the key attributes of well-functioning urban areas. The Policy applies to urban development in “urban areas”, and not just larger areas that meet the definition of “urban environments”.
310. The Policy is a consideration policy that supports the implementation of Objective 22 and the regulatory policy (Policy 31).
311. Policy UD.5 was introduced through the s 42A Report and the Officer explains that it responds to submissions from KCDC and the Regional Council stating that Objective 22 is written more like a policy rather than an objective. The s 42A Report explains the Officer’s view of the social, environmental, cultural and also economic benefits that will stem from the Policy, including through achieving more coordinated and integrated development.¹⁹⁸
312. The Policy sets out the characteristics of well-functioning urban areas that should be ‘sought to be achieved’ in consenting, NoRs, and plan changes/reviews/variations. These characteristics include:
- a. integration with infrastructure (including considering how the pattern and location of development might affect existing infrastructure)
 - b. land use and transport integration
 - c. housing affordability and variety
 - d. safe, multi modal access between housing, employment, services, amenities, green space and local centres
 - e. providing for and protecting mana whenua / tangata whenua values
 - f. protecting regionally significant infrastructure from reverse sensitivity effects
 - g. compact (efficient) use of land.
313. Ātiawa supported the inclusion of clause (c), which has now been renumbered to (d). They also considered that para (e) about “protecting and enhancing the quality and quantity of freshwater” did not fully

¹⁹⁸ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 319.

recognise Te Mana o te Wai, and that urban development must meet the Objective in the NPS-FM to prioritise the health and well-being of water bodies and freshwater ecosystems.¹⁹⁹ The Officer has proposed deleting (e) regarding freshwater, because:

- a. the freshwater policies provide the necessary nuance in implementing NPS-FM direction and this cannot be captured in Policy UD.5
- b. clause (e) is not necessary to support implementation of the freshwater policies in Change 1, and
- c. clause (d), which is now renumbered (e), directs that adverse effects of urban development on the natural environment (which includes freshwater) is avoided or mitigated.

314. While we agree in part, we also consider that ‘avoiding or mitigating adverse effects’ does not give adequate effect to Te Mana o te Wai. We were influenced on this point by Ms Hapeta’s comments provided on behalf of Ngā Hapū o Ōtaki²⁰⁰ and also Ms McCormick’s evidence seeking that Te Mana o te Wai is provided for in the Policy.²⁰¹

315. Therefore, we recommend an amendment to clause (e) referring to Policy 42 (which is in the Freshwater Planning Instrument and is about managing the effects on freshwater and receiving environments from urban development).

316. We appreciated Ms Horrox’ explanation at the Hearing of examples of what would be considered under clause (e) in terms of avoiding or mitigating adverse effects on the natural environment. Mr Horrox referred to stormwater capacity, impacts on flooding and increases in permeable surfacing in the development among other examples.²⁰²

317. Transpower requested that clause (f) refer to “protecting the operation and safety of RSI including from potential reverse sensitivity effects”. The Officer did not support this relief on the basis that the general protection of RSI from direct effects is addressed in Policy 8 of the Operative RPS. We

¹⁹⁹ Ātiawa ki Whakarongotai Charitable Trust, Speaking notes to HS 4, Urban Development – presented by Melanie McCormick, page 2.

²⁰⁰ Hearing Transcript, HS4 – Urban Development, Day 2, page 44, lines 2205 – 2207.

²⁰¹ Hearing Transcript, HS4 – Urban Development, Day 1, page 56, lines 2837 – 2840.

²⁰² Hearing Transcript, HS4 – Urban Development, Day 2, page 40, lines 2002 – 2014.

also note the amendments we have recommended to Policies 7 and 39 as part of HS3.

318. We consider that it is useful to separate infrastructure from clause (e) and provide for it in a separate clause. This could also refer to prioritising the use of existing infrastructure although we have recommended that this is also included in Policy UD.4.
319. Mr Smeaton, presenting planning evidence for PCC, sought that Policy UD.5 be deleted on the basis that it lacks clarity and does not seem to provide additional direction beyond what is already in the RPS. He also thought that it set the bar too high for future urban development, to the extent that most, if not all, development may struggle to meet the Policy.²⁰³ At the Hearing, Mr Smeaton acknowledged that the Officer's changes had improved the Policy and he supported some changes such as the deletion of clause (3) regarding freshwater.²⁰⁴
320. We agree with the Officer that it is important the Policy is retained as there is no consideration policy applying to urban development within existing urban areas to support the implementation of Policy 31.
321. We support the amendment proposed by the Officer to (d) to better recognise s 6, RMA matters – the relationships of mana whenua/tangata whenua to their culture, ancestral lands, water, sites, wāhi tapu and other taonga.

3.14.2 Finding and s 32AA Evaluation

322. We largely agree with the Reporting Officer's recommendations on Policy UD.5 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence. We recommend a minor drafting amendment in the chapeau to clarify that an 'application' is not made for an NoR. We also recommend a reference to Policy 42 in clause (e) to bring in a stronger focus on freshwater impacts from urban development (which are assessed under Policy 42). We finally recommend that infrastructure is removed from clause (e) and located in a separate clause which also refers to the need to prioritise existing infrastructure where possible. We consider that these amendments are primarily drafting amendments that improve the clarity of the existing policy. The prioritisation of existing infrastructure over new infrastructure is already

²⁰³ Statement of Evidence of Rory Smeaton on behalf of Porirua City Council (Planning), 15 September 2023, para 77.

²⁰⁴ Hearing Transcript, HS4 – Urban Development, Day 3, page 9, lines 396 – 402.

provided for the Officers' Right of Reply recommendations to Policy UD.4 but that is a regulatory policy applying to plan-making, and we consider it helpful to include the provision in the consideration policy.

3.14.3 Recommendation

Policy UD.5: Contributing to well-functioning urban areas – consideration

When considering an applications for a resource consent, a notice of requirement, or a change, variation or review of a district plan for urban development, including housing and supporting infrastructure, seek to achieve well-functioning urban areas by:

(a) providing for the characteristics of well-functioning urban environments, in a way that uses urban-zoned land efficiently; and;

(b) where providing housing, seeks to improve housing affordability, quality and choice; and provide including providing for a diversity of housing typologies in close proximity; and

~~(b)~~(c) providing for safe multi-modal access between housing, employment, services, amenities, green space, and local centres, preferably within walkable catchments and using low and zero-carbon emission transport modes; and

~~(e)~~(d) providing for and protecting mana whenua / tangata whenua values, and sites of significance to mana whenua / tangata whenua, and their relationship to their culture, ancestral lands, water, sites, wāhi tapu and other taonga; and

(e) avoiding or mitigating potential adverse effects, including cumulative effects, of urban development on the natural environment, including in accordance with Policy 42 and the ability to manage, use, and operate existing infrastructure; and

(ee) coordinating development with infrastructure while prioritising, where possible, the effective and efficient use of existing infrastructure; and

~~(e)~~ protecting and enhancing the quality and quantity of freshwater; and

(f) protecting the operation and safety of regionally significant infrastructure from potential reverse sensitivity effects.

Explanation

Policy UD.5 articulates what contributing to well-functioning urban areas, as sought in Objective 22, means in the Wellington Region. This policy applies to all areas zoned residential, commercial or industrial and all local authorities in the region, and seeks to support the efficient use of urban-zoned land and infrastructure.

Clause (a) references the characteristics of well-functioning urban environments as defined in Policy 1 of the National Policy Statement on Urban development 2020. Meeting clause (a) involves providing for a range of housing typologies, particularly including

modest (i.e. small footprint) and multi-unit housing, to contribute to housing affordability and choice. This also includes non-market or partially subsidised affordable housing. Using land ~~in urban areas~~ efficiently means that both brownfield and greenfield development demonstrate compact development patterns.

Clause ~~(de)~~ provides for *environmentally responsive* and integrated *urban development*, which manages impacts on freshwater in accordance with Policy 42. Clause (ee) requires ~~uses~~ existing *infrastructure to be used* efficiently, while also ensuring that the impacts of *urban development* on existing *infrastructure* are anticipated, *coordinated* and appropriately managed. It requires consideration of how the pattern and location of development might affect the natural environment and provide population densities necessary to the ability to continue to maintain *infrastructure*.

3.15 Policy 56 – Managing development in *rural areas* – consideration

323. The notified amendments to Policy 56 stated:

Policy 56: Managing development in rural areas – consideration
<p>When considering an application for a resource consent or a change, variation or review of a district plan, in <i>rural areas</i> (as at March 2009 August 2022), particular regard shall be given to whether:</p> <ul style="list-style-type: none">(a) the proposal will result in a loss of productive capability of the rural area, including cumulative impacts that would reduce the potential for food and other primary production and reverse sensitivity issues for existing production activities, including extraction and distribution of <i>aggregate</i> minerals;(b) the proposal will reduce aesthetic and open space values in <i>rural areas</i> between and around settlements;(c) the proposals location, design or density will minimise demand for non-renewable energy resources; and(d) the proposal is consistent with <u>any Future Development Strategy, or the city or district regional or local strategic growth and/or development framework or strategy that addresses future rural development, should the Future Development Strategy be yet to be released</u>; or(e) in the absence of such a framework or strategy, the proposal will increase pressure for public services and infrastructure beyond existing infrastructure capacity.
<p><u>Explanation</u></p> <p><u>Policy 56 recognises the tension that exists between urban and rural development on the fringe of urban areas and seeks to manage this tension such that well-functioning urban environments and urban areas are established and maintained.</u></p> <p>Policy 56 addresses development in the region’s rural areas. This policy relates to urban development and rural residential development.</p> <p>Rural areas (as at March 2009) include all areas not defined as the region’s urban areas (as at March 2009).</p> <p>The region’s urban areas (as at March 2009) include urban, residential, suburban, town centre, commercial, community, business and industrial zones identified in the Wellington city, Porirua city, Lower Hutt city, Upper Hutt city, Kāpiti coast and Wairarapa combined district plans.</p>
<p>Settlements are clusters of residential lots.</p> <p>Demand for non-renewable energy resources can be minimised by locating residential developments close to public transport services, through energy efficient design and on-site use of renewable energy resources.</p>

3.15.1 Submissions, Evidence and Analysis

324. Policy 56 applies to urban development in the rural area (ie urban development beyond existing urban areas), and also rural development in rural areas.²⁰⁵ It focuses on the effects of urban and rural residential development in rural areas. The policy applies to consent applications or district plan changes, variations or reviews. It is appropriate for the policy to sit within Chapter 4.2 as a regulatory “consideration” policy.
325. UHCC stated that mixed use development can happen, particularly in settlement zones in rural areas. Settlement zones come within the definition of “rural areas” and the explanatory text to Policy 56 says that the Policy applies to urban development and rural residential development, including potential mixed-use development within a settlement zone. This text is not within the Policy itself, but given the Policy applies broadly to “subdivision, use, and development” it would apply to a wide range of proposals and activities. Ms McGruddy for WFF said that the Policy was intended to be about rural residential development and the wording should clarify this intent, or otherwise retain the operative version which adequately manages development in rural areas.²⁰⁶
326. We do not agree that it is not appropriate for Chapter 3.9 to address development in rural areas. The chapter is about regional form, and the amendments relating to managing development in *rural areas*, are not just about ensuring “compact form” but also “function” (see the amendments proposed by the Officer to Issue 5). As part of its integrated management function, the Regional Council is able to include provisions to achieve well-functioning *rural areas*. We disagree with Ms McGruddy that the focus of the provisions is “density done well”²⁰⁷ as they respond to a broader range of issues including urban development in rural areas.
327. KCDC had sought for the reference to the FDS to be deleted from the Policy. We agree with the Officer that the reference to the FDS should be retained. The FDS informs strategic planning to achieve well-functioning urban environments including in future urban areas (clause 3.13 of the NPS-UD), therefore it is relevant to rural residential growth and tier 1 and 2 local authorities are required to have regard to it under clause 3.17 of the

²⁰⁵ Hearing Transcript, HS4 – Urban Development, Day 1, page 15, lines 613-614 (Reporting Officer, Ms Zöllner)

²⁰⁶ Hearing Transcript, HS4 – Urban Development, Day 2, pages 26 - 27, lines 1312 – 1392.

²⁰⁷ Hearing Transcript, HS4 – Urban Development, Day 2, page 30, lines 1487 – 1491.

NPS-UD. We understand that this development is development “other than urban development” and therefore agree with the Officer’s recommended amendments in his Rebuttal evidence to delete “rural residential” from Policy 56(i)i and replace it with “other development”. We also agree with the recommendations in the Officer’s response to Minute 27 to update references to the FDS in clause (i)i.

328. We considered whether the Policy should apply to NoRs and could, therefore relate to irrigation infrastructure. We accept the Officer’s view that there is no scope to make this change.²⁰⁸
329. We support the reframing in (b) to “minimises the potential for reverse sensitivity issues” on production activities including extraction of aggregate, and note this is supported by Ms Clarke in her planning evidence for Winstone Aggregates.²⁰⁹
330. HortNZ [S128.049] sought that Policy 56 is amended to enable the use of highly productive land. PPFL sought that clause (a) be deleted on the basis that the NPS-HPL provisions have immediate effect and provide an interim framework until the RPS maps highly productive land.²¹⁰ We acknowledge the Officer’s careful consideration of HortNZ’s relief in Reply Evidence which notes that while the NPS-HPL must be given effect to in the RPS, not doing so through Change 1 does not pose a significant risk given the interim protection provided in the NPS.²¹¹ We have addressed this issue in various other provisions in Proposed Change 1 and consider that Policy 56(a) is appropriate in this context. However, we recommend amending the clause to refer to “productive capacity” rather than “productive capability” as we consider this is more aligned with the recommendation we have suggested to Issue 2, Objective 22 and also the language in the Officers’ Reply which refers to “productive capacity in the context of subdivision, use and development”.²¹²

²⁰⁸ Statement of Rebuttal Evidence of Mika Zöllner on behalf of Wellington Regional Council – Hearing Stream 4, 26 September 2023, para 108.

²⁰⁹ Statement of Evidence of Catherine Clarke on behalf of Winstone Aggregates, Hearing Stream 4 – Urban Development, 19 September 2023, para 8.0.

²¹⁰ Statement of Evidence of Maciej Lewandowski on behalf of Peka Peka Farm Limited – Hearing Stream 4 – Urban Development, October 2023, para 5.32.

²¹¹ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, paras 19 – 32.

²¹² Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, paras 30, 26, 28.

3.15.2 Finding and s 32AA Evaluation

331. We largely agree with the Reporting Officer’s recommendations on Policy 56 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence. We recommend a minor drafting amendment to clause (a) to refer to the productive “capacity” of the rural area. This is a minor drafting amendment that does not change the policy intent but is more aligned with the amendments we recommended to Issue 1 and Objective 22 which both refer to “productive capacity”. We also recommend the word “and” is included at the end of clause (e) to continue the same sentence structure as the other clauses in the Policy.

3.15.3 Recommendation

Policy 56 – Managing development in rural areas - consideration

When considering an application for a resource consent or a change, variation or review of a district plan for subdivision, use, and development in rural areas ~~(as at March 2009)~~August 2022, seek to manage impacts-adverse effects on rural areas by considering whether the proposal: particular regard shall be given to whether:

- (a) ~~the proposal will result in a loss of~~ retains the productive ~~capability~~ capacity of the rural area, including cumulative impacts that would reduce the potential for food and other *primary production* ~~and reverse sensitivity issues for existing production activities, including extraction and distribution of aggregate minerals; and~~
- (b) minimises the potential for results in ~~reverse sensitivity issues, including on existing production activities, and extraction and distribution of aggregate minerals operations; and~~
- (c) ~~(b) the proposal will reduce~~ retains or enhances the amenity aesthetic, cultural and open space values in rural areas between and around settlements; and
- (d) provides for mana whenua / tangata whenua values, including the relationship with their traditions, ancestral lands, water, sites, wāhi tapu and other taonga; and
- (e) ~~(c) the proposal’s location, design or density will~~ supports reductions in greenhouse gas emissions ~~minimises demand for non-renewable energy resources through appropriate location, design and density of development; and~~ and
- (f) is climate-resilient; and
- (g) gives effect to Te Mana o Te Wai; and
- (h) for urban development, is consistent with Policy 55; and
- (i) ~~(d) for other development rural residential, the proposal~~
 - i. has regard to is consistent with any the Future Development Strategy, or, if the Future Development Strategy has not been notified, the city or district Council’s regional or local strategic growth and/or development framework or strategy that addresses future rural development urban development in that

- ~~district or region, should the *Future Development Strategy* be yet to be released;~~ or
- ii. ~~where inconsistent with the *Future Development Strategy* in the absence of a framework or strategy, the proposal would~~ increase pressure for public services and *infrastructure* beyond existing *infrastructure* capacity; ~~and~~
- ~~(j) for urban development, is consistent with Policy 55.~~

Explanation

Policy 56 considers *urban development* and rural residential development within the *region's rural areas, including potential mixed use development within a settlement zone*. The policy seeks to ensure rural development occurs in a manner that maintains the rural environment's character and values, and recognises that development in the rural area can lead to the cumulative erosion of the productive capability of the rural area if not appropriately managed.

The policy also seeks to ensure that reverse sensitivity issues are appropriately considered, and that the amenity, open space, and mana whenua values of the rural area are maintained. Where development in the rural area occurs, it should be consistent with the relevant growth strategy or framework to ensure that rural residential development achieves well-functioning *rural areas* and aligns with the desired *regional form*. Development should also be *climate-resilient* to ensure that rural communities and future urban communities are able to respond to the effects of climate change.

~~recognises the tension that exists between urban and rural development on the fringe of *urban areas* and seeks to manage this tension such that well-functioning *urban environments* and *urban areas* are established and maintained.~~

Policy 56 addresses development in the region's rural areas. This policy relates to *urban development* and rural residential development.

Rural areas (as at March 2009) include all areas not defined as the region's *urban areas* (as at March 2009).

The region's *urban areas* (as at March 2009) include urban, residential, suburban, town centre, commercial, community, business and industrial zones identified in the Wellington city, Porirua city, Lower Hutt city, Upper Hutt city, Kāpiti coast and Wairarapa combined district plans.

3.16 Policy 57 – Integrating land use and transportation

332. As notified, Policy 57 reads:

Policy 57: Integrating land use and transportation – consideration
<p>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, for subdivision, use or development, <u>require land use and transport planning within the Wellington Region is integrated in a way which:</u></p> <ul style="list-style-type: none">(a) <u>supports a safe, reliable, inclusive and efficient transport network;</u>(b) <u>supports connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity;</u>(c) <u>minimises private vehicle travel and trip length while supporting mode shift to public transport or active modes and support the move towards low and zero-carbon modes;</u>(d) <u>encourages an increase in the amount of travel made by public transport and active modes;</u>(e) <u>provides for well-connected, safe and accessible multi modal transport networks while recognising that the timing and sequencing of land use and public transport may result in a period where the provision of public transport may not be efficient or practical;</u>(f) <u>supports and enables the growth corridors in the Wellington Region, including:</u><ul style="list-style-type: none">(i) <u>Western Growth Corridor – Tawa to Levin;</u>(ii) <u>Eastern Growth Corridor – Hutt to Masterton;</u>(iii) <u>Let's Get Wellington Moving Growth Corridor.</u> <p><u>to the following matters, in making progress towards achieving the key outcomes of the Wellington Regional Land Transport Strategy:</u></p> <ul style="list-style-type: none">(a) <u>whether traffic generated by the proposed development can be accommodated within the existing transport network and the impacts on the efficiency, reliability or safety of the network;</u>(b) <u>connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity, open spaces or recreational areas;</u>(c) <u>whether there is good access to the strategic public transport network;</u>(d) <u>provision of safe and attractive environments for walking and cycling; and</u>(e) <u>whether new, or upgrades to existing, transport network infrastructure have been appropriately recognised and provided for.</u> <p>Explanation</p> <p><u>Progress towards the Wellington Regional Land Transport Plan key outcomes cannot be achieved by that Strategy alone. Subdivision, use and development decisions also</u></p> <p><u>need to consider impacts on the Strategy's outcomes. Policy 57 lists matters that need to be given particular regard when considering all proposals that affect land transport outcomes. It seeks to align with the Wellington Regional Land Transport Plan and support decarbonising the transport system in the Wellington Region.</u></p> <p><u>Progress towards the Wellington Regional Land Transport Strategy key outcomes cannot be achieved by that Strategy alone. Subdivision, use and development decisions also need to consider impacts on the Strategy's outcomes.</u></p>

~~Policy 57 lists matters that need to be given particular regard when considering all proposals in terms of their effect on land transport outcomes.~~

~~The Wellington Regional Land Transport Strategy key outcomes are:~~

- ~~• Increased peak period passenger transport mode share~~
- ~~• Increased mode share for pedestrians and cyclists~~
- ~~• Reduced greenhouse gas emissions~~
- ~~• Reduced severe road congestion~~
- ~~• Improved regional road safety~~
- ~~• Improved land use and transport integration~~
- ~~• Improved regional freight efficiency~~

~~The strategic public transport network is those parts of the region's passenger transport network that provide a high level of service along corridors with high demand for public transport.~~

~~Locations with good access to the strategic public transport network include those:~~

- ~~• Within reasonable walk times to stops or stations on the strategic public transport network (research indicates a walk time of up to 10 minutes is 'reasonable')~~
- ~~• With frequent and reliable public transport services~~
- ~~• With accessibility, by public transport, to key destinations in the region~~
- ~~• Without physical barriers to public transport (for example, busy roads, lack of footpaths or crossing facilities, steep hills)~~

3.16.1 Submissions, Evidence and Analysis

333. Parents for Climate Aotearoa [S71.002], Finn Hall [S74.004], Steven Ensslen [S19.002, VUWSA [S75.002] and several other submitters sought integration between urban development and transport to reduce transport emissions associated with new urban development.

334. In the s 42A Report, the Reporting Officer explains that Policy 57 intends to ensure development is occurring in the appropriate areas to minimise private vehicle travel and promote connectivity to the public transport network,²¹³ whereas Policy 58 has a broader focus on all development infrastructure including transport infrastructure.

335. In Minute 14 we asked the Officer to liaise with the Climate Change Transport subtopic Officer to discuss whether any integration-related amendments were required to Policy 57 and/or Policy CC.9. The Officer recommended some minor drafting amendments only, but stated the following regarding the relationship between the two provisions:²¹⁴

²¹³ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 854.

²¹⁴ Reporting Officer Right of Reply of Mika Zöllner and Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4 – 24 November 2023, para 120.

I acknowledge that Policy CC.9 speaks to maximising mode shift from private vehicles to public transport whilst Policy 57(f) speaks to minimising private vehicle use and trip length whilst supporting mode shift to public transport. However, I consider that the wording of Policy 57 is appropriate to be retained. In my opinion minimising private vehicle use and trip length is appropriate direction when considering the integration of land use and transport, including from a spatial perspective where development should be located where the connectivity with public services or activities and key centre of employment and retail activity is supported, as per clause (e). This contributes to achieving well-functioning urban environments.

I do not consider that the policy should be exclusively focused on maximising public transport use as per the wording of Policy CC.9, which is more appropriate given the purpose of Policy CC.9 in reducing greenhouse gas emissions from transport, which maximising public transport use can achieve as well as supporting mode shift to walking and cycling which is also addressed through Policy CC.9.

336. On the basis of this advice, we consider there is an important and distinct role for Policy 57 that is focused on integration with low and zero-carbon modes, integration with the wider transport network and minimising private vehicle travel and trip length.
337. Various submitters opposed the proposed amendments to Policy 57 and said that it duplicated other policies in the RPS or addressed matters outside the control of TAs. Some submitters said it would be too onerous to require the Policy apply to resource consent applications and that integration of land use and transport planning can best occur at the plan provision level. Mr Smeaton on behalf of PCC clarified at the Hearing that while he did not have too many concerns with the concepts in Policy 57, there were other regulatory policies which covered this and so it would be unnecessary duplication and add to the consenting burden to require a consent application to also set out the assessment required in this Policy.
338. Mr Heale for Kāinga Ora supported the addition of “well-designed” to Policy 57(d). We agree with this amendment. DAST [S116.002 and S116.004] sought that the Policy be amended to require a quantitative assessment of mode shift options and a health assessment of transport.

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²¹⁵ Hearing Transcript, HS4 – Urban Development, Day 3, pages 7- 8, lines 325 – 343; 363 – 371.

The Officer said it would be up to the consent processing officer to determine if the information provided with an application is sufficient to address the matters in Policy 57 commensurate with scale/location, and that a health assessment is beyond the scope of the RMA. We agree with this assessment but note that we have recommended amendments to Policy CC.1 in the Climate Change provisions to require council take into account the health benefits of active transport modes when developing provisions to meet the requirements of Policy CC.1.

339. Kāinga Ora had sought inclusion of the Johnsonville Rail Line in Policy 57(e). The Officer has recommended “rapid transport network” be included, and Mr Heale accepts that this includes the Johnsonville Rail line.²¹⁶ We understand this change incorporates Kāinga Ora’s relief satisfactorily.
340. The Officer explained in the s 42A Report that there are no regulatory policies under the regional form chapter of Change 1 or the operative RPS which relate to integrating land use and transport, although Policies CC.2 and CC.3 in the Climate Change provisions relate to transport demand from new development. The Officer said that until district plans give effect to these climate change provisions, Policy 57 will provide this direction at the resource consent level and this is an important function of consideration policies in the RPS.²¹⁷ The Officer further explained the policy intent in this way:²¹⁸

When a district or city council receives a resource consent application, I consider that the matters detailed under this policy are relevant considerations to ensure growth in the region is not only achieving well-functioning urban environments and areas, but also ensuring that where development occurs, the opportunities for integration with the transport network are being realised. I consider this also applicable for notices of requirement, for example a new designation for a school, which should be integrated with the wider transport network.

341. In terms of application to the Wairarapa Councils, the Officer acknowledged that the public transport network within the Wairarapa is not as extensive as in other areas but that public transport is still available

²¹⁶ Speaking Notes of Matt Heale for Kāinga Ora, HS4 RPS – 4 October 2023, para 22.

²¹⁷ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 841.

²¹⁸ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 842.

and development in these areas should still be seeking to achieve integration with the public transport network that does exist with benefits including access for people to a range of transport modes which can support additional investment in the network. The Officer also notes the flexibility in application of the Policy and that this meant it did not only need to apply to urban areas or areas proposed for urban expansion as proposed by WFF.

342. In his Rebuttal Evidence, the Officer recommended accepting the amendments proposed by Ms Heppelthwaite on behalf of Waka Kotahi to set out the different statutory considerations / weighting that apply to resource consents, NoRs and plan changes in the chapeau. We do not recommend these amendments are made as they make the phrasing and structure of the Policy very different from other policies in Chapter. We consider that the amendments recommended by the Officer in HS2 to the Introduction to Chapter 4.2 appropriately sets out the statutory requirements for consideration policies. The Officer says that the amendments he supports will provide for stronger direction at the change, variation or review of a district plan level for integrating land use and transport planning with positive social, environmental and economic effects associated with achieving integration.²¹⁹
343. However, we consider that the policy intent can be retained using the same construction as other consideration policies. It may lead to interpretation issues if Policy 57 takes a different construction in the chapeau. The RMA statutory assessments apply so that a plan change must give effect to Policy 57 in accordance with s 75(3) of the RMA. In addition, as there is no ‘application’ for a NoR or change, variation or review, we recommend the chapeau read: “When considering an application for a resource consent, a notice of requirement, or a change, review or variation of a district plan, seek to achieve...”. We also consider that the Officer’s recommendation to include the word “require” in Policy 57(3) conflicts with evidence in the s 42A Report where the Officer notes (in relation to Policy 58) that using “require” in consideration policies conflicts with the direction provided in the amended introductory text to Chapter 4.2.²²⁰

²¹⁹ Statement of Rebuttal Evidence of Owen Jeffreys on behalf of Wellington Regional Council, Hearing Stream 4 – Urban Development, 25 September 2023, para 58.

²²⁰ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 884.

344. We also recommend some drafting amendments to provide clearer direction on what we consider is needed to achieve integrated transport and land use. We consider these amendments give better effect to Objective 3 of the NPS-UD which refers to areas of an urban environment being well-serviced by existing or planned public transport, and Policy 1 regarding characteristics of well-functioning urban environments, including that planning decisions support reductions in greenhouse gas emissions and have “good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport” (Policy 1(c)). We consider that reference should be made in the Policy to public services and amenities, rather than activities, as we understand the intent is to refer to schools, libraries, etc as public services, and parks, sports venues, galleries, cinemas, etc as amenities. We recommend this wording is used consistently in new clause (ba) and (d).
345. We understand that the ‘Let’s Get Wellington Moving’ Corridor referred to in clause (e) is no longer an active programme of work. We do not consider there is scope to remove this from the clause, although Council may be able to make that amendment under clause 16(2), Schedule 1.

3.16.2 Finding and s 32AA Evaluation

346. We largely agree with the intent of the Reporting Officer’s recommendations on Policy 57 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence. We recommend drafting amendments to the chapeau to align the policy with the drafting in other consideration policies, and to simplify the drafting in the clauses so they express the policy intent more clearly and concisely while retaining the key elements and alignment with the NPS-UD (in particular Objectives 3, 6 and Policy 1). We do not consider that the amendments we recommend change the policy intent. We consider the word “amenities” is more consistent in new clause (d) and should replace “activities” and we support retaining the reference to ‘maximising mode shift’ in the Policy but including the concept in clause (a).

3.16.3 Recommendation

Policy 57 – Integrating land use and transportation – consideration

~~When considering an application for:~~

~~(a) (1) a resource consent have regard to, or:~~

~~(b) (2) A notice of requirement have particular regard to, or;~~

~~(c) (3) a change, variation or review of a district plan, for subdivision, use or development, require, seek to achieve~~

When considering an application for a resource consent, a notice of requirement, or a change, review or variation of a district plan, seek to achieve integrated land use and transport integration between land use and transport planning within the Wellington Region ~~is integrated in a way which to by:~~

~~(a) locating development in areas near centres and well-served by existing or planned public transport, to minimise where private vehicle travel and trip length and maximise mode shift to public transport or active modes is minimised; and~~

~~(b) maximising mode shift from private vehicles to public transport or active modes; and~~

~~(b) supporting connectivity with, and accessibility to or provision of access to, public services or activities amenities, key centres of employment activity or retail activity via public and active transport networks; and~~

~~(c) supporting a safe, reliable, equitable, inclusive and efficient transport network including through connections with the wider transport network; and~~

~~(c) minimises private vehicle travel and trip length while supporting mode shift to public transport or active modes and support the move towards low and zero-carbon modes; and~~

~~(d) encourages an increase in the amount of travel made by public transport and active modes;~~

~~(d)(e) provides for well-connected, well-designed, safe and accessible multi-modal transport networks while recognising that the timing and sequencing of land use and public transport may result in a period where the provision of public transport may not be efficient or practical; and~~

~~(e) Providing safe and accessible multi-modal transport networks along connected routes that are designed for public and active transport, while recognising that the delivery of public transport services may not always be efficient or practical;~~

~~(e)(f) supports and enables the rapid transport network and the growth corridors in the Wellington Region as illustrated in Figure 3, including:~~

- i. Western Growth Corridor – Tawa to Levin;
- ii. Eastern Growth Corridor – Hutt to Masterton;
- iii. Let's Get Wellington Moving Growth Corridor; and

~~(f) (f) minimising the potential for reverse sensitivity effects on the safe and efficient operation of transport corridors.~~

to the following matters, in making progress towards achieving the key outcomes of the Wellington Regional Land Transport Strategy:

- a. whether traffic generated by the proposed development can be accommodated within the existing transport network and the impacts on the efficiency, reliability or safety of the network;
- b. connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity, open spaces or recreational areas;
- c. whether there is good access to the strategic public transport network;
- d. provision of safe and attractive environments for walking and cycling; and
- e. whether new, or upgrades to existing, transport network *infrastructure* have been appropriately recognised and provided for.

Explanation

Progress towards the Wellington Regional Land Transport Plan key outcomes cannot be achieved by that Strategy alone. Subdivision, use and development decisions also need to consider impacts on the Strategy's outcomes. Policy 57 lists matters that need to be given particular regard when considering all proposals that affect land transport outcomes. It seeks to align with the Wellington Regional Land Transport Plan and support de-carbonising the transport system in the Wellington Region.

~~Progress towards the Wellington Regional Land Transport Strategy key outcomes cannot be achieved by that Strategy alone. Subdivision, use and development decisions also need to consider impacts on the Strategy's outcomes.~~

~~Policy 57 lists matters that need to be given particular regard when considering all proposals in terms of their effect on land transport outcomes.~~

~~The Wellington Regional Land Transport Strategy key outcomes are:~~

- ~~• Increased peak period passenger transport mode share~~
- ~~• Increased mode share for pedestrians and cyclists~~
- ~~• Reduced greenhouse gas emissions~~
- ~~• Reduced severe road congestion~~
- ~~• Improved regional road safety~~
- ~~• Improved land use and transport integration~~
- ~~• Improved regional freight efficiency~~

~~The strategic public transport network is those parts of the region's passenger transport network that provide a high level of service along corridors with high demand for public transport.~~

~~Locations with good access to the strategic public transport network include those:~~

- ~~• Within reasonable walk times to stops or stations on the strategic public transport network (research indicates a walk time of up to 10 minutes is 'reasonable')~~
- ~~• With frequent and reliable public transport services~~

- ~~With accessibility, by public transport, to key destinations in the region~~

~~Without physical barriers to public transport (for example, busy roads, lack of footpaths or crossing facilities, steep hills)~~

3.17 Policy 58 – Co-ordinating land use with development and operation of *infrastructure* – consideration

347. The notified amendments to Policy 58 stated:

<p>Policy 58: Co-ordinating land use with development and operation of infrastructure – consideration</p>
<p>When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan for subdivision, use or development, <u>require all new urban development including form, layout, location, and timing is sequenced in a way that:</u></p> <p>(a) <u>the development, funding, implementation and operation of infrastructure serving the area in question is provided for; and</u></p> <p>(b) <u>all infrastructure required to serve new development, including low or zero carbon, multi modal and public transport infrastructure, is available, or is consented, designated or programmed to be available prior to development occurring.</u></p>
<p>particular regard shall be given to whether the proposed subdivision, use or development is located and sequenced to:</p> <p>(a) — make efficient and safe use of existing infrastructure capacity; and/or</p> <p>(b) — coordinate with the development and operation of new infrastructure.</p> <p><u>Explanation</u></p> <p><u>Policy 58 requires development to be sequenced such that infrastructure that is necessary to service the development will be provided before the development occurs. This includes both three waters infrastructure and transport infrastructure that would be necessary to support the development.</u></p> <p>Subdivision, use and development, (including infrastructure) decisions have a direct bearing upon or relationship to the sequencing and development of new infrastructure, including new infrastructure for the electricity transmission network and the region’s strategic transport network. The region’s strategic transport network is described in the Wellington Regional Land Transport Strategy 2007-2016.</p>

3.17.1 Submissions, Evidence and Analysis

348. There were 23 original submissions and 7 further submissions on the Policy.

349. The focus in the Policy is on ensuring urban development is supported by the necessary infrastructure.

350. Ātiawa wanted to ensure that all infrastructure, whether for an existing or new development, needs to be provided in a way that is sequenced appropriately for the development.²²¹ At the Hearing, Ms McCormick seemed to acknowledge that the provision needed to have some balance

²²¹ Hearing Transcript, HS4 – Urban Development, Day 1, page 58, lines 2958 – 2959.

as infrastructure for new developments may not always be provided ahead of the development occurring.²²² We consider the amendments the Officer supports provide an appropriate balance and Ms McCormick supported the rationale.

351. Mr Lewandowski raised concerns about a new development needing to be serviced by all *infrastructure* which, given the broad definition of the term in the Operative RPS, would include public transport, and that was something essentially out of a developer’s hands.²²³ Mr Jeffreys confirmed in his Reply that the definition of *Infrastructure* includes “structures for transport on land by cycleways, rail, roads, walkways, or any other means” and the explanation to Policy 58 refers to “low or zero carbon, multi modal and public transport infrastructure”, so this is included in the scope of the Policy.
352. Various submitters questioned whether the direction in the Policy was beyond the functions of TAs or consent applicants. The Officer said in the s 42A Report that the Policy does not require public transport or other infrastructure to be delivered by either a council or applicant, but TAs are “responsible for ensuring that urban development is located where it can be supported by the appropriate infrastructure”.²²⁴ The Officer also said that Objective 6 of the NPS-UD seeks to ensure decisions on urban environments are integrated with infrastructure planning and funding decisions, and Objective 3, Policy 1 and Policy 3 also support urban development to be serviced by infrastructure and intensification to occur in locations which are supported by existing and planned public transport.
353. The Officer said that although the Policy applies to all urban development of any scale, including infill development, if there is existing servicing in place then the policy direction would be met.²²⁵
354. Ms Horrox for WWL sought that Policy 58(a) refer to “optimising”. The Officer considered that the addition of the word “effective” was clearer. We agree with that change and it was supported by Ms Horrox at the Hearing.²²⁶ Mr Slyfield presenting legal submissions for WWL queried whether Policy 58(b) added any benefit and the words “provides for” may

²²² Hearing Transcript, HS4 – Urban Development, Day 1, page 58, lines 2962 – 2967.

²²³ Hearing Transcript, HS4 – Urban Development, Day 1, page 71, lines 3617 – 3637.

²²⁴ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 881.

²²⁵ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 887.

²²⁶ Hearing Transcript, HS4 – Urban Development, Day 2, page 36, lines 1792 – 1793.

not be appropriate. The Officer recommends retaining (b) as clause (c) does not encompass funding or operation of infrastructure, but proposes an amendment so it is clearer that 'provision must be made' for these matters, rather than requiring that they must be provided for.²²⁷ We consider that change appropriate.

355. Ms Penfold for Wellington Water provided some useful context at the Hearing regarding the way in which Wellington Water works with developers to ensure as far as possible, alignment between development and the provision of three waters infrastructure. Ms Penfold said that if there was a situation where infrastructure could not be delivered in a timeframe appropriate to service the development, those concerns could be expressed through the process and Policy 58 provides a policy backdrop to encourage Council to take a firm stance.²²⁸

356. Ms Hapeta's statements at the hearing on the issue of infrastructure provision were also insightful:²²⁹

Ōtaki is not ready for the major planned urban growth in our district. With instruction from central government to enable urban growth without appropriate infrastructure place first is a terrible way to work. To increase housing and bank on the revenue of rates to put infrastructure in place later, or to catch-up with infrastructure is too late in our opinion. We cannot be assured that measures will happen in time. It is neglectful to entire communities. Our schools are at maximum numbers, let alone parks where children play etc. We are requesting that urban development is prohibited where adequate infrastructure is not in place. It feels like developers and councils lead the direction of planning, which we would like to see change. We urge the Regional Policy Statement and subsequent plans ensures the wellbeing of the community, taiao, wai are in place first to cope with anticipated numbers. We ask you to support our request to do things in the right sequence and care for our taiao first. That is the responsible thing to do.

357. We consider that this evidence summarises the key issues the Policy is seeking to address. For the reasons set out under Policy 57, we do not consider it appropriate, or that it aids interpretation, to set out the RMA

²²⁷ Statement of Rebuttal Evidence of Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4, 25 September 2023, paras 76 – 77.

²²⁸ Hearing Transcript, HS4 – Urban Development, Day 2, pages 38 – 39, lines 1926 – 1951.

²²⁹ Hearing Transcript, HS4 – Urban Development, Day 2, page 46, lines 2302 – 2318.

statutory tests in the chapeau. We recommend similar amendments to Policy 57 and that the introductory text to Chapter 4.2 (in HS2) summarise the RMA requirements. We recommend the word “application” is deleted from the chapeau as there are no applications for NoRs or plan reviews etc.

358. We consider the Officer’s amendments appropriately capture infrastructure that has been programmed to be delivered, but we recommend one further amendment to reflect the Officer’s statement in his Rebuttal Evidence (in response to Mr Smeaton’s evidence) that there can be “significant timeframes between development and infrastructure delivery”.²³⁰ We recommend clause (c) acknowledge the timing and staging of development that may occur.

3.17.2 Finding

359. We largely agree with the Reporting Officer’s recommendations on Policy 58 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence. We recommend amendments to the chapeau to align the policy with the drafting in other consideration policies, and to amend clause (c) to refer to timing and staging considerations which were discussed by some submitters. We consider this aligns the clause with Policy 57(g) which refers to the timing and sequencing of land use and public transport. We do not consider that the amendments we recommend change the policy intent.

3.17.3 Recommendation

Policy 58 - Co-ordinating land use with development and operation of *infrastructure* – consideration

~~When considering an application for:~~

~~(a) (1) a resource consent have regard to, or;~~

~~(b) (2) Aa notice of requirement have particular regard to, or;~~

~~(c) (3) a change, variation or review of a district plan, for subdivision, use or development, require, seek to achieve~~

~~When considering an application for a resource consent, a notice of requirement, or a change, review or variation of a district plan, seek to achieve development that is integrated with infrastructure, for subdivision, use or development, require, seek to the co-~~

²³⁰ Statement of Rebuttal Evidence of Owen Jeffreys on behalf of Wellington Regional Council – Hearing Stream 4, 25 September 2023, para 73.

ordination of *urban development* and *infrastructure* integration including form, layout, location, and timing is sequenced in a way that:

- (d) (a) makes effective, efficient and safe use of existing *infrastructure* capacity; and
- (e) (b) makes provisiones is made for the development, funding, implementation and operation of *infrastructure* serving the area in question is provided for; and
- (f) (c) all *infrastructure* required to serve new development; including low or zero carbon, multi modal and public transport *infrastructure*; is available, or is able to be delivered in a timeframe appropriate to service the development and this may require timing or staging development accordingly. or is consented, designated or programmed to be delivered, through a long-term plan, transport plan or Infrastructure Strategy commensurate to the scale and type of infrastructure. available. prior to development occurring.

particular regard shall be given to whether the proposed subdivision, use or development is located and sequenced to:-

(a) make efficient and safe use of existing *infrastructure* capacity; and/or

(b) coordinate with the development and operation of new *infrastructure*.

Explanation


Policy 58 seeks to avoid isolated ensure *urban development* which is not is appropriately serviced by *infrastructure* necessary for that development. The policy seeks that requires *urban development* to be is sequenced to ensure existing *infrastructure* capacity is efficiently and effectively used and such that *infrastructure* that is necessary to service the development will be provided before the development occurs. This includes both all *infrastructure*, such as three waters *infrastructure* and transport *infrastructure*, including low or zero carbon, multi modal and public transport *infrastructure*, that would be necessary to support the development.

The delivery of publicly funded infrastructure should be planned for through a long-term plan, transport plan, or Infrastructure Strategy, whilst privately funded infrastructure can be delivered through other mechanisms, such as developer agreements and financial contributions. To avoid significant delays between development occurring and infrastructure being provided, the delivery of infrastructure should be appropriately timed to service development.

Subdivision, use and development, (including *infrastructure*) decisions have a direct bearing upon or relationship to the sequencing and development of new *infrastructure*; including new *infrastructure* for the electricity transmission network and the region's strategic transport network. The region's strategic transport network is described in the Wellington Regional Land Transport Strategy 2007-2016.

3.18 Policy 67: Establishing and maintaining the qualities and characteristics of well-functioning urban environments – non regulatory

360. As notified, Policy 67 reads:

<p>Policy 67: Establishing and maintaining the qualities and characteristics of well-functioning urban environments and enhancing a compact, well designed and sustainable regional form – non-regulatory</p>	
<p>To establish and maintain and enhance the qualities and characteristics of well-functioning urban environments a compact, well designed and sustainable regional form by:</p>	
<p>(a) implementing the New Zealand Urban Design Protocol and any urban design guidance that provides for best practice urban design and amenity outcomes, including for high density development and medium density residential development;</p> <p>(b) promoting best practice on the location and design of rural residential development;</p> <p>(c) recognising and enhancing the role of the region’s open space network;</p> <p>(d) encouraging providing for a range of housing types and developments to meet the community’s social, cultural, and economic needs, including affordable housing and improve the health, safety and well-being of the community;</p>	
<p>(e) implementing the actions in the Wellington Regional Strategy for the Regional Focus Areas Future Development Strategy, or the regional and local strategic growth and/or development framework or strategy that describes where and how future urban development should occur in the region; and</p> <p>(f) work together and partner with mana whenua / tangata whenua to prepare papakāinga design guidelines that are underpinned by kaupapa Māori.</p> <p>(g) safeguarding the productive capability of the rural area.</p>	
<p>Explanation</p> <p>Policy 67 supports the non-regulatory measures such as urban design guidance and other best practice guidance in contributing to the qualities and characteristics a well-functioning urban environment.</p> <p>The New Zealand Urban Design Protocol promotes a national cross-sector commitment to the principles of good urban design. It provides access to resources, training and a network of signatories with a range of urban design experience. The New Zealand Urban Design Protocol plays an important role in improving the quality of urban design in the region.</p> <p>Rural residential activities offer investment, development and growth opportunities, but present challenges in terms of rural productivity, provision of infrastructure and sustainable management.</p> <p>Best practice guidance will look at how districts and cities can benefit from rural residential activities while:</p> <ul style="list-style-type: none"> • Maintaining rural economies that are functioning and productive • Managing sensitive environmental and amenity values • Avoiding natural hazards • Considering infrastructure limitations and requirements • Managing urban development and protecting future urban development areas 	

The region's open space network has helped define the region's existing urban form and is a fundamental element of quality of life for residents. The region's open space is managed by a number of organisations, including Wellington Regional Council, the region's district and city councils and the Department of Conservation. Policy 67 seeks to enhance the role of the region's open space network in supporting the region's compact form. This will require authorities to work together and identify gaps and opportunities.

The location of the Regional Focus Areas is shown in Figure 3 below. These are areas predicted to either come under significant development pressure (for example, the northern Waikanae edge and Pauatahanui Inlet) or provide significant development opportunities for a range of land use activities (for example, Porirua, Aotea, Linden and Upper Hutt). They are areas of critical importance to the achievement of a compact and well designed regional form. Developing growth and/or development

....

361. Policy 67 is an operative non-regulatory Policy with amendments proposed in Proposed Change 1 to refer to urban design guidance and other best practice guidance, to contribute to achieving Objective 22. The amendments recognise that non-regulatory actions are required to support the implementation of best practice urban and rural development.

3.16.1 Submissions, Evidence and Analysis

362. A number of submitters requested that Policy 67 be retained as notified or sought no amendment (BLNZ [S78.020], Te Tumu Paeroa [S102.079], Waka Kotahi [S129.029], Fish and Game [S147.082], Kāinga Ora [S158.031], Forest and Bird [S165.091], and Taranaki Whānui [S167.0134]).
363. Other submitters sought amendments including:
- An amendment to clause (a) to include mātauranga Māori (Ātiawa [S131.0116] supported by Ngā Hapū [FS29.232])
 - An amendment to clause (f) to refer to “partnering with mana whenua / tangata whenua” (Rangitāne [S168.0181])
 - Amendment to recognise Muaūpoko connections to Te Whanganui-a-Tara (Muaūpoko [S133.075])
 - Reference to the values of highly productive land, including long-term for food production (HortNZ [S128.054])
 - Amendments to the Explanation to refer to all urban areas in the Region and inclusion of the word “improve” in the Policy (Wellington Regional Council [S137.037]), and
 - Amendments to recognise that intensification should be focused around major centres and rapid transit nodes to support efficient use of infrastructure and create well-functioning and sustainable urban environments (Investore [S154.007] and Stride [S155.005]).

364. HCC [S115.090] opposed the inclusion of non-regulatory policies and methods applying to territorial authorities and sought amendments to make clear that Policy 67 does not apply to city or district councils. PCC [S30.088] sought the deletion of the Policy or its amendment to provide clear and appropriate direction. KCDC [S16.083] thought that the references to high density development and medium density residential development were inconsistent with both the NPS-UD and their Intensification Planning Instrument and growth/ development frameworks and sought that clauses (a) and (e) be deleted.
365. The Reporting Officer considers that Policy 67 provides useful recognition of the role of non-regulatory measures to achieve Objective 22, and considers it should be retained.²³¹ The Officer notes that the RPS has many non-regulatory methods that apply to city and district councils to contribute to delivery of policies. In addition, the Officer says the implementation of Policy 67 through Methods UD.1 and UD.2 is through the Wellington Regional Leadership Committee which includes territorial authorities. The Officer recommends several wording amendments to make it clear that the actions to be implemented through the Policy are non-regulatory only.
366. The Officer considered that some submitter relief was addressed in other (regulatory) policies and some relief sought was not appropriate for a non-regulatory policy. The Officer has responded to other submissions with some rewording of Policy 67, including:
- Inclusion of mātauranga Māori in clause (a)
 - An added paragraph to the Explanation
 - Addition of enhancing to the chapeau and expansion of the chapeau to be more descriptive of sustainable regional form.
367. At the Hearing, Ātiawa sought that Policy 67(f) be amended to refer to “and other urban design guidelines” as mana whenua may have interests in urban development that go beyond papakāinga.²³² We agree with this amendment.

3.16.2 Finding

368. We largely agree with the Reporting Officer’s recommendations on Policy 67 for the reasons above, and otherwise as set out in the Officer’s s 42A

²³¹ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 617.

²³² Hearing Transcript, HS4 – Urban Development, Day 1, page 57, lines 2871 – 2874.

Report, or the Officer's Rebuttal and Reply Evidence. We recommend an amendment to clause (f) to include reference to "other urban design guidelines". This is a minor amendment that we consider does not have any cost implications but will better implement Objective 22(b) as requested by mana whenua / tangata whenua.

3.18.1 Recommendation

Policy 67: Establishing, ~~and m~~Maintaining ~~the qualities and characteristics of well-functioning urban environments and enhancing a compact, well designed, climate-resilient, accessible, and environmentally responsive regional form~~ and sustainable regional form – non-regulatory

To establish, ~~and~~ maintain ~~and enhance a compact, well-designed, climate-resilient, accessible, and environmentally responsive regional form with well-functioning urban areas and rural areas~~ ~~the qualities and characteristics of well-functioning urban environments~~ and sustainable regional form by:

- (a) implementing the New Zealand Urban Design Protocol and any urban design guidance, including mātauranga Māori, that provides for best practice urban design and amenity outcomes, including for *high density development and medium density residential development*; ~~and~~
- (b) promoting best practice on the location and design of rural residential development; ~~and~~
- (c) recognising and enhancing the role of the region's open space network; ~~and~~
- (d) ~~encouraging~~ providing for supporting the provision of a range of housing types and developments to meet the community's social, cultural, and economic needs, including affordable housing, and to improve the health, safety and well-being of the community; ~~and~~
- (e) implementing ~~the non-regulatory~~ actions in the ~~Wellington Regional Strategy for the Regional Focus Areas~~ Wellington Region Future Development Strategy or, the regional and local strategic growth ~~and/or~~ development framework or strategy that describes where and how future *urban development* ~~should will~~ occur in ~~thethat district or~~ region; ~~and~~
- (f) ~~work together and~~ partnering with mana whenua / tangata whenua to prepare papakāinga design guidelines and other urban design guidelines that are underpinned by kaupapa Māori; ~~and~~

(g) safeguarding the productive capability of rural areas.

Explanation

Policy 67 supports the non-regulatory measures, such as urban design guidance and other best practice guidance, to in ~~contributing to~~ achieving Objective 22 the qualities and characteristics a well-functioning urban environment.

Policy 67 recognises that non-regulatory actions are required to support the

implementation of best practice urban and rural development. The policy outlines the actions that local authorities in the Wellington Region can undertake to ensure that the way development occurs achieves a compact, well-designed, *climate-resilient*, accessible, and *environmentally responsive regional form*, with well-functioning urban and rural areas.

The *New Zealand Urban Design Protocol* promotes a national cross-sector commitment to the principles of good urban design. It provides access to resources, training and a network of signatories with a range of urban design experience. The *New Zealand Urban Design Protocol* plays an important role in improving the quality of urban design in the region:

Rural residential activities offer investment, development and growth opportunities, but present challenges in terms of rural productivity, provision of infrastructure and sustainable management. Best practice guidance will look at how districts and cities can benefit from rural residential activities while:

- Maintaining rural economies that are functioning and productive
- Managing sensitive environmental and amenity values
- Avoiding natural hazards
- Considering infrastructure limitations and requirements
- Managing urban development and protecting future urban development areas

The region's open space network has helped define the region's existing urban form and is a fundamental element of quality of life for residents. The region's open space is managed by a number of organisations, including Wellington Regional Council, the region's district and city councils and the Department of Conservation. Policy 67 seeks to enhance the role of the region's open space network in supporting the region's compact form. This will require authorities to work together and identify gaps and opportunities.


The location of the *Regional Focus Areas* is shown in Figure 3 below. These are areas predicted to either come under significant development pressure (for example, the northern Waikanae edge and Pauatahanui Inlet) or provide significant development opportunities for a range of land use activities (for example, Porirua, Aotea, Linden and Upper Hutt). They are areas of critical importance to the achievement of a compact and well designed regional form. Developing growth and/or development frameworks or strategies, as identified in the Wellington Regional Strategy, for each of the *Regional Focus Areas* is therefore an important action to be carried out by the relevant district and city councils.

Housing design and the quality of housing developments can have a significant role in improving housing choice and affordability. Different housing types, particularly those that are less land intensive, can offer greater opportunities for more affordable housing. Likewise, housing developments that incorporate, or are well connected to, transport infrastructure and services, employment opportunities and community centres are likely to enhance the social and economic wellbeing of residents.

At present housing in the region generally becomes more affordable with distance from the regional central business district and other places of work. This has negative implications in terms of travel demand, associated living costs, access to employment and community networks. It can also limit economic development opportunities by reducing the ability of businesses to attract and retain a workforce with appropriate skills.

3.19 Method UD.1: Development manuals and design guides

369. As notified, proposed new Method UD.1 reads:

<u>Method UD.1: Development manuals and design guides</u>		
<u>Prepare the following development manuals and design guidance:</u>		
(a)	<u>Urban design guidance to provide for best practice urban design and amenity outcomes in accordance with Policy 67(a);</u>	
(b)	<u>Papakāinga design guidance that are underpinned by Kaupapa which is Māori in partnership with Mana Whenua in accordance with Policy 67(f);</u> <u>and</u>	
(c)	<u>Urban design guidance and development manuals to assist developers in meeting Policy CC.14 and Policy FW.3.</u>	
<u>Implementation: Wellington Regional Council and city and district councils (via the Wellington Regional Leadership Committee)</u>		

370. Method UD.1 is intended to support the policies in Change 1 providing direction to urban design and environmental integration through urban development. Clause (c) recognises the need for guidance to assist with the implementation of new policies in Change 1 on climate-resilience and freshwater.

3.19.1 Submissions, Evidence and Analysis

371. Several submitters requested that Method UD.1 be retained as notified or sought no amendments (eg Te Tumu Paeroa [S102.080], Fish and Game [S147.090], Forest and Bird [S165.0103], WCC [S140.099], MDC [S166.081] (although noting a need for further clarity), and Rangitāne [S168.0183]).

372. Mana whenua submitters generally supported Method UD.1 but sought amendments to clarify the role and involvement of iwi, hapū and Māori, and clarification of mana whenua involvement (Ngāti Toa [S170.074], Ngā Hapū [FS29.188] & [FS29.329], Ātiawa [S131.0122], Taranaki Whānui [S167.0149]. Ātiawa sought a partnership model for the entirety of Method UD.1. Taranaki Whānui [S167.0149] sought that the Method should not restrict mana whenua involvement to papakāinga, which does not represent the full range of Māori interest in development. Ātiawa also sought reference to adequate funding and resourcing.

373. The Reporting Officer agreed with the submissions of Ātiawa, Ngāti Toa and Taranaki Whānui and recommended that that the Method direct partnership with mana whenua / tangata whenua across all matters and

not just for papakāinga design guidance. This amendment would better reflect Policy 9 of the NPS-UD as well as Policy UD.2 and new Objective 22 of the RPS.²³³ The Officer has also added iwi authorities to the Implementation section of the Method.

374. In regard to the request by Ātiawa for reference to funding and resourcing to support the Method, the Reporting Officer advises that funding for work programmes where Council and mana whenua / tangata whenua are working as partners is supplied through Kaupapa Funding Agreements and that it was not necessary for resourcing and funding to be referred to in the Method.
375. Other submitters sought amendments relating to the guidance and development manuals referred to in the Method and that manuals and guides should be prepared where appropriate. The Reporting Officer agrees that the addition of “where appropriate” is useful for clarity and implementation of the Method. The Officer recommends other amendments to support the implementation of Policies CC.4A, CC.14A and through development manuals and design guides. At the Hearing Ātiawa sought a change in the Method to “Kaupapa Māori” rather than “Kaupapa which is Māori”.²³⁴ The Officer has supported this change in the Reply provisions.

3.19.2 Finding

376. We agree with the Reporting Officer’s recommendations on Method UD.1 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

3.19.3 Recommendation

Method UD.1: Development manuals and design guides

In partnership with mana whenua / tangata whenua, pPPrepare the following development manuals and design guidance where appropriate:

- (a) Urban design guidance to provide for best practice urban design and amenity outcomes in accordance with Policy 67(a); and
- (b) Papakāinga design guidance that are underpinned by Kaupapa ~~which is Māori~~ in partnership with Mana Whenua in accordance with Policy 67(f);

²³³ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 645.

²³⁴ Hearing Transcript, HS4 – Urban Development, Day 1, page 59, lines 2981 – 2983.

and

- (c) Urban design guidance and development manuals to assist developers ~~to~~ meeting ~~climate-resilience and freshwater~~ direction outlined in Policy CC.4, Policy CC.4A, Policy CC.14, CC.14A and Policy FW.3, as well as direction to reduce transport emissions associated with subdivision, use and development in Policy CC.9.

Implementation: Wellington Regional Council, ~~and~~ city and district councils ~~and iwi~~ authorities ~~(via the Wellington Regional Leadership Committee)~~

3.20 Method UD.2: Future Development Strategy

377. As notified, proposed Method UD.2 reads:

Method UD.2: Future Development Strategy
<p><u>Prepare a <i>Future Development Strategy</i> for the Wellington Region in accordance with Subpart 4 of the National Policy Statement for Urban Development 2020. The</u></p>
<p><u><i>Future Development Strategy</i> will set out the high-level vision for accommodating urban growth over the long term, and identifies strategic priorities to inform other development-related decisions, such as:</u></p> <ul style="list-style-type: none">(a) <u>district plan zoning and related plan changes;</u>(b) <u>priority outcomes in long-term plans and infrastructure strategies, including decisions on funding and financing; and</u>(c) <u>priorities and decisions in regional land transport plans.</u> <p><u>The <i>Future Development Strategy</i> will provide a framework for achieving Well-Functioning Urban Environments in the Wellington Region, including specifying how and where future growth will occur to provide for sufficient capacity to meet future growth needs over the next 30 years.</u></p> <p><u>Implementation: Wellington Regional Council and city and district councils (via the Wellington Regional Leadership Committee)</u></p>

3.20.1 Submissions, Evidence and Analysis

378. The Method directs that a FDS for the Wellington Region is developed in accordance with the NPS-UD.
379. Some submitters supported the Method and asked that it be retained. MDC [S166.080] sought clarification on how the Method applies to tier 3 councils. The Regional Council [S137.056] sought express reference to the impacts of climate change and some iwi submitters sought clarification about the impact on iwi, hapū and Māori.
380. The Officer did not think any amendments were needed in relation to MDC's relief as clause 3.12(4) of the NPS-UD allows tier 3 councils to prepare an FDS if they choose. The purpose of an FDS is to achieve well-functioning urban environments which includes resilience to effects of climate change. The Officer recommends an amendment that identifies that the FDS should support reductions in GHGe.
381. Ātiawa [S131.0135] sought the Method is amended to include reference to hapū and iwi values as well as requiring that the FDS includes provision for Ātiawa tino rangatiratanga and a review of the strategy on the Ātiawa settlement with the Crown. The Officer considered that specific reference to mana whenua / tangata whenua values and aspirations was not needed given the cross-reference in the Method to the NPS-UD which requires the

Council engage with hapū and iwi in preparation of the FDS. The Officer also considered that the other relief sought was not appropriate to be provided for through the Method which directs the preparation of the FDS.

382. As discussed earlier in this Report, we heard a useful presentation at the start of the Hearing about the FDS and also received comprehensive advice from Ms Zöllner in response to questions we asked in Minute 27 about the implications for the Change 1 provisions as a result of the adoption of the FDS earlier this year. We do not consider any amendments are required to this Method in light of that advice and the Method recognises the iterative nature of the FDS.

3.20.2 Finding

383. We agree with the Reporting Officer's recommendations on Method UD.2 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

3.20.3 Recommendation

Method UD.2: Future Development Strategy

Prepare a *Future Development Strategy* for the Wellington Region in accordance with Subpart 4 of the National Policy Statement for *Urban development 2020*. The *Future Development Strategy* will set out the high-level vision for accommodating urban growth over the long term, and identifies strategic priorities to inform other development-related decisions, such as:

- (a) district plan zoning and related plan changes;
- (b) priority outcomes in long-term plans and *infrastructure* strategies, including decisions on funding and financing; and
- (c) priorities and decisions in regional land transport plans.

The *Future Development Strategy* will provide a framework for achieving ~~W~~*Well-Functioning Urban environments* in the Wellington Region, including specifying how and where future growth will occur to provide for sufficient capacity to meet future growth needs over the next 30 years, *support reductions in greenhouse gas emissions and provide for climate-resilience.*

Implementation: Wellington Regional Council and city and district councils (via the Wellington Regional Leadership Committee)

3.21 Method UD.3

384. Proposed Method UD.3 was included through the s 42A Report. It read:

Method UD.3: Opportunities for Kaupapa Māori based frameworks for urban development

Partner with mana whenua / tangata whenua to identify opportunities for enabling the development and adoption of Kaupapa Māori based frameworks for urban development.

Implementation: Wellington Regional Council

3.21.1 Submissions, Evidence and Analysis

385. Method UD.3 was proposed by the Officer in the s 42A Report in response to Rangitāne seeking opportunities to apply Kaupapa Māori based frameworks to future urban development.

386. The Officer said that the Method was required to give effect to Policy UD.2 and the NPS-UD, and there were synergies with implementing Method UD.1. In addition, the Officer noted that the outcome of Method UD.3 could potentially feed into future urban development projects such as the FDS which will result in cultural benefits and improve the efficiency and effectiveness of implementation.

387. Ms McCormick for Ātiawa spoke about the Method in this way at the Hearing:²³⁵

that's how we can as mana whenua feed into these processes to ensure that our values and those section 6(3) matters are provided for through urban development... I think that by including this it provides the pathway for mana whenua to be actively involved or to put forward their own developments that support kaupapa Māori or are based in kaupapa Māori or mātauranga Māori.

388. No other evidence was presented on the proposed Method.

3.21.2 Finding

389. We agree with the Reporting Officer's recommendations on Method UD.3 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

3.21.3 Recommendation

Method UD.3: Opportunities for Kaupapa Māori based frameworks for urban development

²³⁵ Hearing Transcript, HS4 – Urban Development, Day 1, page 59, lines 3002– 3008.

Partner with mana whenua / tangata whenua to identify opportunities for enabling the development and adoption of Kaupapa Māori based frameworks for *urban development*.

Implementation: Wellington Regional Council

3.22 Method UD.4

3.22.1 Submissions, Evidence and Analysis

390. The Officer recommended this Method be included in the RPS through the s 42A Report.

Method UD.4: Definitions of marae and papakāinga

City and district councils will develop a definition of marae and papakāinga in partnership with mana whenua / tangata whenua and include these in their district plans.

Implementation: City and district councils

The Method requires TAs to develop a definition of marae and papakāinga in partnership with mana whenua / tangata whenua. These definitions support Policies UD.1 and UD.2, and the Officer noted in the s 42A Report that some councils had already defined these terms in their plans.²³⁶

3.22.2 Finding

391. We agree with the Reporting Officer's recommendations on Method UD.4 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

3.22.3 Recommendation

Method UD.4: Definitions of marae and papakāinga

City and district councils will develop a definition of marae and papakāinga in partnership with mana whenua / tangata whenua and include these in their district plans.

Implementation: City and district councils

²³⁶ Discussed during the Hearing, Hearing Transcript, HS4 – Urban Development, Day 1, page 15, lines 741-749 (Reporting Officer, Mr Jeffreys).

3.23 Table 9

392. Table 9 did not receive any submissions but consequential amendments are necessary as a result of amendments to other provisions, including the addition of new policies (such as Policy UD.4).
393. We recommend that the version of Table 9 in Council's Reply Evidence is adopted with any further consequential amendments required as a result of our recommendations on provisions. We include this version in Appendix 1 which sets out a collated version of the amendments we recommend to the Change 1 provisions.

3.24 Methods 40 – 47

394. Other than Method 46, these Methods were all proposed to be deleted in Proposed Change 1.

3.24.1 Submissions, Evidence and Analysis

395. There were either no submissions on most of the proposed deletions, or where there were some submissions, they supported deletion.

396. There were various submissions on Method 46. Ātiawa sought a reference in the Method to mana whenua / tangata whenua being included as partners, Forest and Bird [S165.0110] sought inclusion of the words “and engaging with stakeholders and the community”, and HCC [S115.0108] opposed the Method including on the basis that the definition of *complex development opportunities* was inadequate and the method was not appropriately support by higher order objectives and policies.

397. The Officer said that complex development opportunities are led by the Wellington Regional Leadership Committee and various projects had been identified in the Region to go through the process and the RPS could not effectively influence them at this stage.²³⁷ The Officer agreed with submitters that the process is underway via a third-party entity and the RPS did not add any value to it. Complex development opportunities may also be replaced by other future growth partnership projects in the future. The Officer recommended Method 46 be deleted and we agree with that recommendation.

398. Ātiawa opposed the deletion of Method 47 and sought that it is retained and amended to include a reference to working in partnership with mana whenua. The Method provided for a regional analysis of the range and affordability of housing in the Region and Ātiawa considered that this was important to understand the concept of well-functioning urban environment. The Officer agreed in principle but said that the Method was not required as an assessment of housing affordability and the competitiveness of housing markets had already been considered through the Regional Housing and Business Capacity Assessment required under the NPS-UD.²³⁸ We agree and recommend that the Method is deleted.

²³⁷ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, paras 632 – 633.

²³⁸ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, 4 September 2023, para 961.

3.24.2 Findings

399. We agree with the Reporting Officer's recommendations on Methods 40 – 47 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

3.24.3 Recommendations

Method 40: Sign the New Zealand Urban Design Protocol

Become a signatory to the New Zealand Urban Design Protocol and develop a joint local authority urban design action plan.

Implementation: Wellington Regional Council and city and district councils

Method 41: Integrate public open space

Identify gaps and opportunities to improve integration and use of public open space and develop a regionally agreed action plan.

Implementation: Wellington Regional Strategy

Method 42: Develop visions for the regionally significant centres

Develop a vision for each regionally significant centre identified in policy 30, and formulate a statement about the role that each plays in contributing to an overall vision for the region.

Implementation: Wellington Regional Strategy

Method 43: Develop principles for retail activities

Develop regional principles to manage the location of retail activities that are consistent with the provisions of Policy 30.

Implementation: Wellington Regional Strategy

Method 44: Analysis of industrial employment locations

Analyse factors and trends affecting supply and demand of industrial based employment locations.

Implementation: Wellington Regional Strategy

Method 45: Develop principles for rural residential use and development

Develop regional principles to guide the identification of areas suitable for rural residential development and promote best practice rural residential use and design.

Implementation: Wellington Regional Strategy

Method 46: ~~Develop complex development opportunities~~ ~~Develop strategies or development frameworks for each Regional Focus Area.~~

~~Jointly develop and implement plans and a framework for each Complex Development Opportunity with central government agencies.~~

~~*Implementation: Wellington Regional Council and city and district councils (via the Wellington Regional Leadership Committee)*~~

~~Develop growth and/or development frameworks or strategies for each Regional Focus Area.~~

~~*Implementation: Wellington Regional Strategy*~~

Method 47: ~~Analysis of the range and affordability of housing in the region~~

~~Complete a regional analysis of housing, including range and affordability, and explore with private sector developers innovative housing design and/or developments that increase the range of types and affordability in the region.~~

~~*Implementation: Wellington Regional Strategy*~~

3.25 Anticipated Environmental Results

400. As notified, the anticipated environmental results (AERs) read:

Anticipated environmental results (AER)
<p>1. District plans:</p> <p>(a) contain policies, rules and/or other methods that encourage a range of land use activities to maintain and enhance the viability and vibrancy of the regionally <u>and locally</u> significant centres, including the regional central business district; and</p> <p>(b) identify and contain policies and methods to <u>enable a range of building heights and density, including high and medium density development, encourage higher density and mixed-use activities around key centres and locations with good access to the strategic public transport network.</u></p>
<p>2. There is a <u>typology of housing provided including medium and high density residential, an increase in the density and mix of land use activities in and around the regionally significant centres.</u></p>
<p>3. City and District councils <u>plans contain policies, rules and/or other methods that identify and protect key industrial employment locations, have determined if they have key industrial employment locations, and if they have, they have been identified and protected in district plans.</u></p>
<p>4. <u>High quality, affordable housing and infrastructure is developed in a timely manner to meet growth projections.</u></p> <p>The percentage of residents who agree that "I feel a sense of pride in the way my city looks and feels" is:</p> <p>(a) over 80 per cent in Wellington city; and</p> <p>(b) over 65 per cent for the rest of the region's city's and districts.</p>
<p>5. <u>Urban expansion is carefully planned including occurring in locations and ways that are well connected, support the protection of freshwater ecosystems and improve resilience to the effects of climate change</u></p> <p>5. All new urban development is within the region's urban areas (as at February 2009); or in areas identified for urban development in a district growth frameworks or strategies; or in accordance with a structure plan.</p>
<p>6. <u>Subdivision, use and development assists and supports in the delivery of the key outcomes sought by the Wellington Land Transport Plan.</u></p> <p>6. There is a positive trend towards the 'key outcomes' in the Regional Land Transport Strategy.</p>
<p>7. <u>Actions of the Wellington Regional Growth Framework are enabled and implemented.</u></p> <p>7. All the 'good regional form' actions identified in the Wellington Regional Strategy are implemented.</p>

3.25.1 Submissions, Evidence and Analysis

401. Ātiawa supported the AERs in part and sought additional AERs to align with Objective 22 (enable Māori to express their cultural and traditional norms for providing for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga). Taranaki Whānui [S167.0190] sought the AERs are amended in partnership with mana whenua and that they should include mātauranga Māori. HortNZ [S128.062] sought reference in para 5 to highly productive land.
402. The Officer recommended various amendments in the s 42A Report including in relation to HortNZ’s relief regarding the productive capability of land in para 5. We agree with this amendment but recommend that the words “productive capacity” are used for consistency with Objective 22 and Policy 56. The Officer did not agree with Kāinga Ora’s relief seeking the levels of urban intensification enabled, including building heights around specific centres. We agree with the Officer that this is too prescriptive for an RPS.
403. We note Ms McCormick for Ātiawa supported para 7 in the AER at the Hearing.²³⁹
404. In Minute 23 we asked Council officers to review the AERs across Proposed Change 1. The Officers recommended various amendments to the AERs for Objective 22 in light of amendments recommended to the Objective.²⁴⁰ We agree with these recommendations and consider they are appropriate in light of the further amendments we have recommended in this chapter to Objective 22.

3.25.2 Finding and s 32AA Evaluation

405. We agree with the Reporting Officer’s recommendations on the AERs for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence. This does not change the intent or the expression of the outcome intended, but it does use wording that is consistent with Objective 22 and Policy 56 which promotes the interpretation and application of the provisions.

²³⁹ Hearing Transcript, HS4 – Urban Development, Day 1, page 57, lines 2898 – 2900.

²⁴⁰ Response to Questions in Minute 23 and Minute 27, 30 May 2024 and Appendix 1, Assessment of AERs, pages 10 -12.

3.25.3 Recommendations

Chapter 5: Monitoring the Regional Policy Statement and progress towards anticipated environmental results

1. *District plans:*

~~(a) provide sufficient development capacity; and~~

~~(b) (a) contain policies, rules and/or other methods that enable and manage encourage a range of land use activities subdivision, use and development to maintain and enhance the viability and vibrancy of the regionally and locally significant centres, including central Wellington as the main centre of the region the regional central business district; and~~

~~(c) (b) identify and contain policies, rules and/or methods to enable intensification by identifying a range of building heights and urban form densities, including high and medium density development.; and~~

~~(d) contain policies, rules and/or other methods that identify and protect key industrial employment locations.~~

~~encourage higher density and mixed use activities around key centres and locations with good access to the strategic public transport network.~~

2. There is a **range of housing typologies of housing** provided **within neighbourhoods**, including medium and high **density residential, to contribute to housing affordability and choice**. an increase in the density and mix of land use activities in and around the regionally significant centres:

3. City and ~~d~~District councils ~~plans contain policies, rules and/or other methods that identify and protect key industrial employment locations.~~ have determined if they have key industrial employment locations, and if they have, they have been identified and protected in district plans:

~~3. 4.~~ High quality, affordable housing and **supporting infrastructure** is developed in a timely, **integrated** manner to **contribute to well-functioning urban areas and** meet growth projections.

The percentage of residents who agree that “I feel a sense of pride in the way my city looks and feels” is:

- a. ~~over 80 per cent in Wellington city; and~~
- b. ~~over 65 per cent for the rest of the region’s city’s and districts.~~

~~4. 5.~~ Urban expansion is **compact, strategic and** carefully planned, including occurring in locations and ways that are well connected **and use existing infrastructure efficiently**, supporting the protection of **freshwater ecosystems, retain the productive capacity capability of land**, and **improve** ~~ing~~ **resilience** to the effects of climate change.

5. All new urban development is within the region’s urban areas (as at February 2009); or in areas identified for urban development in a district growth frameworks or strategies; or in accordance with a structure plan:

~~5. 6.~~ Subdivision, use and development assists and supports in the delivery of the key outcomes sought by the Wellington Land Transport Plan.

6. There is a positive trend towards the ‘key outcomes’ in the Regional Land Transport Strategy:







6.7. Actions and priorities of the *Future Development Strategy Wellington Regional Growth Framework* are enabled and implemented.







7. All the ‘good regional form’ actions identified in the Wellington Regional Strategy are implemented:

7. Mana whenua / tangata whenua live on and are sustained by their ancestral land in accordance with tikanga Māori, with development providing for the economic and social security of mana whenua / tangata whenua, and the unique history, identity and culture of mana whenua / tangata whenua are respected and given expression in the region.

3.26 Definitions

406. As notified the Definitions read:

City centre zone	
<u>Has the same meaning as in Standard 8 of the National Planning Standards: Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is the main centre for the district or region.</u>	
Complex development opportunities	
<u>Urban development projects identified by the Wellington Regional Leadership Committee, that:</u>	
(a) <u>support and unlock the significant residential and employment development potential in the Greater Wellington Region.</u>	
(b) <u>will create well-functioning urban environments that are integrated, strategic and responsive, and</u>	
(c) <u>are complex, and working in partnership is required in order to deliver at the desired pace and scale.</u>	
Future Development Strategy	
<u>Means any Future Development Strategy prepared for the Wellington Regional in accordance with Subpart 4 of the National Policy Statement for Urban Development.</u>	
High density development	
<u>Means areas used predominately for commercial, residential and mixed use activities with high concentration and bulk of buildings, such as apartments, and other compatible activities with a minimum building height of 6 stories.</u>	
Marae	
<u>Communal meeting places where significant events are held and decisions made. Marae are important cultural institutions and facilities, and provide a base for hapū and iwi gatherings</u>	
Medium density residential development	
Metropolitan centre zone	
Papakāinga	
<u>A village, ancestral settlement.</u>	

Relevant Residential Zone	
<p>Has the same meaning as in Section 2 of the Resource Management Act 1991:</p> <p>(a) <u>means all residential zones; but</u></p> <p>(b) <u>does not include –</u></p> <p style="padding-left: 20px;">(i) <u>a large lot residential zone;</u></p> <p style="padding-left: 20px;">(ii) <u>an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment;</u></p> <p style="padding-left: 20px;">(iii) <u>an offshore island;</u></p> <p style="padding-left: 20px;">(iv) <u>to avoid doubt, a settlement zone.</u></p>	
Rural areas (as at March 2009)	
<p>The region's rRural areas (as at March 2009) include <u>all areas not identified in the region's urban areas (as at March 2009) rural zones identified in the Wellington city, Porirua city, Hutt city, Upper Hutt city, Kāpiti coast and Wairarapa combined district plans.</u></p>	
Tier 1 territorial authority	
<p>Has the same meaning as in subpart 1.4 of the National Policy Statement for Urban Development 2020: <u>means each territorial authority listed in column 2 of table 1 in the Appendix.</u></p> <p><u>Note: In the Greater this is Wellington Region Wellington City Council, Hutt City Council, Upper Hutt City Council, Porirua City Council and Kapiti Coastal District Council.</u></p>	
Tree canopy cover	
<p>Means vegetative cover of any trees that are greater than <u>3 metres</u> in height and <u>1.5 metres</u> in diameter.</p>	
Urban areas (as at February 2009)	
<p>The region's urban areas (as at February 2009) include <u>residential zones, commercial, mixed use zones urban, residential, suburban, town centre, commercial, community, business and industrial zones identified in the Wellington</u></p> <p>city, Porirua city, Lower Hutt city, Upper Hutt city, Kāpiti coast and Wairarapa combined district plans.</p>	
Urban environment	
<p>Has the same meaning as in subpart 1.4 of the National Policy Statement for Urban Development 2020:</p> <p><u>means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:</u></p> <p style="padding-left: 20px;">(a) <u>is, or is intended to be, predominantly urban in character; and</u></p> <p style="padding-left: 20px;">(b) <u>is, or is intended to be, part of a housing and labour market of at least 10,000 people.</u></p>	

3.26.1 Submissions, Analysis and Evidence

407. WFF [S163.0106] opposed all amendments to definitions in Proposed Change 1 and sought their deletion. This submission was opposed by Forest and Bird, Ātiawa and Ngā Hapū. BLNZ [S78.040] sought that the

definitions of *city centre zone*, *complex development opportunities*, *future development strategy*, *high density development*, *key centres*, *marae*, *medium density residential development*, *metropolitan centre zone*, *papakāinga*, *regional form*, *regionally significant centres*, *relevant residential zone*, *tier 1 territorial authority*, *tier 1 urban environment*, *urban areas*, and *urban environment* are retained as they are intended to give effect to the NPS-UD.

408. The definition of *tier 1 territorial authority* was inserted directly into the RPS without the use of a Schedule 1 process as required by NPS-UD clause 3.6. The Officer recommended deleting *relevant residential zone* as this was not used in any provisions as a result of amendments recommended to Policy 31 and UD.3 (which we recommend are adopted).

3.26.1.1 *Future Development Strategy, medium density development and high density development, urban environment*

409. The Officer considered it useful to include a definition for *city centre zone* to support its use in Policy 31, and for the definition to be consistent with the National Planning Standards. We agree. We also agree with the definitions proposed in the notified Change document for *Future Development Strategy*, *high density development* and *medium density development* to support the interpretation of policies in Change 1, including Policies 55, 56, UD.3, and 67. The Officer agreed with submitters requesting these definitions be defined more clearly, and be broadened.
410. HCC sought that ‘commercial, residential and industrial’ in the definition of *medium density development* be replaced with ‘urban’ to encompass recreation and community facilities and to reflect that density can be provided for through various different zones. WCC sought that the words “with a minimum building height of six storeys” be deleted from *medium density development*. The Officer agreed as medium-density development enabled by the MDRS could be less than 3 storeys and it was therefore appropriate to remove the reference to a specific number of storeys.
411. WCC and the planning evidence of Mr Jefferies said that the reference to a “minimum building height of 6 storeys” be deleted from *high density development* as this imposes unnecessary rigidity and should instead, factor in density achieved over an area rather than an individual site (which may include development of less than 6 storeys on some sites). The Officer disagreed and said that a reference to building heights is useful in the definition to distinguish it from medium density development and to

align with Policy 3 of the NPS-UD. The Officer supported HCC's suggestion to refer to 'urban activities' and 'anticipated building heights of at least 6 storeys' as this accounts for local variations made by district plans in response to specific issues or qualifying matters.

412. There was one submission from KCDC [S16.087] on the definition of *Future Development Strategy* seeking that the definition clarify that only tier 1 local authorities must prepare a Future Development Strategy. The Officer accepted this relief in part and recommended some further minor amendments to increase clarity.
413. The proposed definition of *urban environment* is the same as the definition in the NPS-UD. We recommend it is retained.

3.26.1.2 *Complex development opportunities*

414. Some submitters requested that *complex development opportunities* be deleted. The Officer agreed and considered the term was not needed as Method 46 was recommended to be deleted (which we agree with).

3.26.1.3 *Regional form*

415. The Officer had recommended that the definition of *regional form* be reinstated to support the amendments to Objective 22. PCC had suggested amendments to the definition, but the Officer preferred wording that recognised the role of transport linkages. In response to a question we posed in Minute 14 relating to linkages 'through' as well as 'between' urban and rural areas, the Officer agreed to a further amendment in Reply Evidence.

3.26.1.4 *Urban areas and urban zones*

416. The definition of *urban areas* was addressed in WCC's submission and planning evidence, and the comment made that the definition was inconsistent with the NPS-UD which, although not including a definition of 'urban areas', does state that 'urban environments' are intended to be predominantly urban in character. WCC sought that the definition of *urban area* therefore include reference to 'future urban areas' and the 'Future Urban Zone'. UHCC said that the definition (together with the definition of *rural areas* left a gap regarding settlement zones).
417. The Officer explained the role of the definition of *urban areas* in her Rebuttal Evidence saying that it had three purposes; defining the current extent of urban zones within which intensification should be enabled and prioritised under Policies 31 and UD.4; defining the current extent beyond

which urban development is considered to be greenfield (and subject to Policy 55); and referring to the Region’s urban areas in a more general sense (ie well-functioning etc).²⁴¹

418. The Officer had originally sought for the definition to focus on existing urban zones within which intensification should be encouraged, but accepted that open space and future urban zones do form part of what could be considered the ‘urban area’ in a more holistic sense. The Officer therefore recommended including a new definition for *urban zones* which lists residential, commercial, mixed use and industrial zones; and broadening the definition of *urban areas* to include open space and recreation zones, future urban zones and relevant special purpose zones. *Urban areas* would therefore be used as part of ‘well-functioning urban areas’ and whenever the concept is referred to in its more general sense. The Officer said that settlement zones are intended to be rural in the National Planning Standards and should not therefore be considered to form part of the urban area or urban zones.

3.26.1.5 *Rural areas*

419. The Officer did not agree with WFF’s submission to amend the definition to say ‘consist of’ [rural zones identified in Wellington City etc] to increase certainty. The Officer did not support using exclusive language but did support including a note with the definition to clarify particular zones were included in the definition of *rural areas*. In Rebuttal Evidence, and in light of evidence presented by UHCC, the Officer also recommended adding settlement zones into the definition.

3.26.1.6 *Walkable catchments*

420. This definition was recommended to be included through the s 42A Report on the Climate Change Transport subtopic (HS3). The Reporting Officer recommended the following definition: “A walkable catchment is an area that an average person could walk from a specific point to get to multiple destinations. A walkable catchment consists of a maximum 20-minute average walk, or as otherwise defined in District Plans”. The Officer then recommended in Rebuttal Evidence that the definition be amended to say “identified by territorial authorities” rather than defined in plans.
421. Planning experts for PCC and Kāinga Ora sought that the definition be addressed in HS4 including to ensure alignment with the NPS-UD and HS4

²⁴¹ Statement of Rebuttal Evidence of Mika Zöllner on behalf of Wellington Regional Council – Hearing Stream 4, 26 September 2023, para 52.

provisions. The HS3 Reporting Officer agreed that the definition should be further addressed in this topic. The Officer agreed with the amendments proposed by the HS3 Officer as they would improve clarity and minimise the risk of unintended consequences. If a territorial authority has identified locally specific walkable catchments as part of giving effect to NPS-UD Policy 3, the definition as amended allowed for that.

422. Mr Heale for Kāinga Ora sought an amendment to the definition so it referred to “at least a 5 minute and a maximum 20 minute average walk”, and said this would support the intent in the NPS-UD which refers to enabling building heights of at least 6 storeys within ‘at least a walkable catchment’ of various areas (Policy 3). Mr Heale said it was appropriate for the walkable catchment to be at least 5 minutes (and this would not preclude higher density within a 3-minute walk for instance). The Officer did not support Mr Heale’s suggested changes and said that simpler language which could be easily understood in contexts outside of enabling intensification was more appropriate.

3.26.1.7 *Marae and Papakāinga*

423. Proposed Change 1 proposed to delete these definitions. This was opposed by Ātiawa [S131.0160], Taranaki Whānui [S167.0194] and Te Tumu Paeroa [S102.093]. The Reporting Officer said that his understanding of the reason for the proposed deletion is that each iwi may have their own definition of these terms and that it is inappropriate to have a region-wide definition which does not reflect localised differences.²⁴² The Officer also said that Marae and Papakāinga were not in the National Planning Standards, and some district and city plans contained a definition for one or other terms but there were variations in definitions between different plans. The Officer considered that including definitions in the RPS could result in inconsistency with the various definitions used in TAs’ plans, which may have been developed in partnership with mana whenua / tangata whenua.
424. The Officer recommended that the deletions not be re-instated but instead, a new Method is included that directs TAs to develop definitions of marae and papakāinga in partnership with mana whenua / tangata whenua.

²⁴² Section 42A Hearing Report, Hearing Stream 4 – Urban Development, para 1000.

3.26.1.8 *Tree canopy cover*

425. There were no submissions on this definition and it is not discussed in the s 42A Report. The definition was coded to the HS4 topic, but the term only appears in Policy CC.14, which is part of the FPI. The clause in Policy CC.14 which refers to the term refers to urban greening at a range of spatial scales to provide urban cooling, including working towards a target of 10 percent tree canopy cover at a suburb scale by 2030, and 30 percent cover by 2050. There was some planning evidence that raise ‘tree canopy cover’ but it was in the context of the application of the term in Policy CC.14 (ie, the 10 percent tree canopy cover target)²⁴³, or a concern that canopy cover was favoured over other vegetation types as a nature-based solution in Policy CC.14.
426. On this basis, it is appropriate for the definition of *Tree canopy cover* to be considered in this section of the Report by the P1S1 panel. We recommend it is retained as notified.

8.26.1.9 *Environmentally responsive*

427. In the s 42A Report, the Officer said a key aspiration of the regional form, design and function provisions, is that development occurs in a way that is integrated with the natural environment and not at its expense, to achieve the RMA’s sustainable management purpose.²⁴⁴
428. The Officer disagreed with submitters who said the HS4 provisions would unnecessarily constrain urban development. The Officer said that while development capacity is necessary, the RPS must ensure this occurs in an environmentally responsive way.
429. The Officer said the provisions seek to achieve the integrated, sustainable management of the Region’s natural and physical resources, seek to respond to a range of pressures, and influence the way development occurs so that it is environmentally integrated and achieves multiple co-benefits and objectives, and also achieves RMA s 6 matters.²⁴⁵ The Officer recommended in the s 42A Report, amending various policies to include the words “environmentally responsive *regional form*”, including Objective 22, Policies 31, 55 and 67, but had not included a definition for ‘environmentally responsive’.

²⁴³ Statement of Primary Evidence of Victoria Woodbridge on behalf of Kāinga Ora – Homes and Communities, Hearing Stream 3, Climate Change (Planning), 14 August 2023, para 4.11.

²⁴⁴ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, para 182.

²⁴⁵ Section 42A Hearing Report, Hearing Stream 4 – Urban Development, para 95.

430. Mr Smeaton on behalf of PCC said the words were not clear and an example of an ‘empty signifier’ that could mean anything.²⁴⁶ He said that draining a wetland may be environmentally responsive for one particular person.²⁴⁷ Mr McDonnell for HCC similarly said the term ‘environmentally responsive’ was not clear.²⁴⁸
431. In her Rebuttal Evidence, the Officer recommended including a definition of ‘environmentally responsive’, which was to be preferred over the term ‘sustainable’, which the Officer said did not “adequately capture the sensitivity for the context, constraints and features of a particular location”.²⁴⁹ The Officer also said the concept should be broader than purely responding to the environment, and should also convey the need to respond positively. The wording the Officer recommended for the definition was “Designed to respond positively to the natural and cultural values, and the landscape and climatic features, of a place.”
432. At the Hearing, Ms McCormick for Ātiawa said that the definition proposed by the Officer did not adequately recognise the integrated nature of both the natural and built environment. Ms McCormick said the words “responds positively” do not:²⁵⁰
- go far enough to provide protection or recognition of the wider environment, including ecosystem values and cultural values.
433. Ms McCormick suggested the following definition as an alternative:²⁵¹
- Recognises the integrated nature of both the physical and built environment, and provides for the cultural values, natural landscape, health and well-being of the wider environment.
434. In Reply Evidence, the Officer said they agreed the definition could better recognise the interconnectedness between built environments and natural environments, and the words ‘provides for’ are clearer than ‘responds positively’, but that the words “located, designed and implemented” were more appropriate than only “designed” as they

²⁴⁶ Statement of evidence of Rory Smeaton on behalf of Porirua City Council (Planning), 15 September 2023, para 18.

²⁴⁷ Hearing Transcript, HS4 – Urban Development, Day 2, page 8, lines 373 – 375.

²⁴⁸ Statement of evidence of Torrey McDonnell on behalf of Hutt City Council (Planning), 15 September 2023, para 27.

²⁴⁹ Statement of Rebuttal Evidence of Mika Zöllner on behalf of Wellington Regional Council – Hearing Stream 4, 26 September 2023, para 33.

²⁵⁰ Hearing Transcript, HS4 – Urban Development, Day 1, page 57, lines 2887 – 2889.

²⁵¹ Hearing Transcript, HS4 – Urban Development, Day 1, page 57, lines 2893 – 2895.

referred to the location of built environments, and their ongoing construction, operation and change.

435. The definition the Officer recommended was:

Environmentally responsive:

Located, dDesigned and implemented in a way that recognises the inter-relationship between natural and physical resources, and provides for to respond positively to the natural and cultural values, natural landscape and climatic features, and health and wellbeing of a place and its wider environment.

436. In our view, the definition supported by the Officer seems to select particular aspects of Part 2 and not others, and this could lead to unintended outcomes. We also do not think it is necessary to include “health and well-being” in the definition as this is included in Objective 22(e) and Policy 67(d).

437. WIAL [S148.009] requested, as part of its general comments on the HS4 provisions, that the provisions need to appropriately recognise that in some situations, housing developments can be constrained by qualifying matters. Similar relief was sought by Kiwirail Holdings Limited [S124.006] although in relation to Policy 31, and also Kāinga Ora [S158.012] in relation to the Regional form, design and function introductory text.

438. We consider including ‘identified qualifying matters’ in the definition of *environmentally responsive* but considered that because the definition applies to the whole region, it was more appropriate to refer to ‘qualifying matters’ in Policy 31(a) which is specific to Tier 1 authorities. We understand that the intent of the definition of *environmentally responsive* is to ensure that development is sensitive of the context in which it is occurring, and that its adverse environmental effects are managed appropriately. We recommend the definition is amended to more clearly provide for these matters. Limitations on development from biophysical characteristics, location, recognised values and limitations of the land itself are recognised in Objective 22(f), and we consider it appropriate to bring this through into the definition of *environmentally responsive*.

439. We also consider that the words “takes into account” are more appropriate in the definition than “recognises”. In legal submissions provided during HS2, Counsel for the Council stated that ‘take into account’ requires a decision-maker to “consider a factor, and weigh it up

with other factors whilst retaining the ability to give it considerable, moderate, little, or no weight at all as considered appropriate”.²⁵² The direction to “recognise” however, although still direct, does not require a decision-maker to make provision for the factor recognised.²⁵³ On this basis, we recommend that the definition refer to ‘location, design and implementation that takes into account the inter-relationships between natural and physical resources and the context, constraints and opportunities of a place, and appropriately manages environmental effects’. We consider that makes the definition more certain rather than referring to selected values, it gives better effect to Objective 22, and also clearly requires adverse environmental effects to be managed.

3.26.2 Finding and s 32AA Evaluation

440. We largely agree with the Reporting Officer’s recommendations on the definitions coded to Hearing Stream 4 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence. We recommend the definition of *environmentally responsive* be amended to refer to the stronger direction to “take into account” rather than “recognise”. We also recommend the selected values listed in the Officer-supported version of the definition be deleted, and replaced with a reference to “identified qualifying matters” which refers to qualifying matters TAs have identified in their plans. Further, we also recommend an amendment to refer to the appropriate management of adverse environmental effects as this clarifies that for something to be environmentally responsive, it must also manage adverse environmental effects. We consider that this drafting more clearly conveys the outcome sought in Objective 22 and the policies that refer to the term *environmentally responsive*.

3.26.3 Recommendation

City centre zone

Has the same meaning as in Standard 8 of the National Planning Standards: Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is the main centre for the district or region.

²⁵² Legal submissions on behalf of Wellington Regional Council – key terminology used and consideration policies in Hearing Stream 2, 23 June 2023, para 4.3, citing *Bleakley v Environmental Risk Management Authority* [2002] 3 NZLR 213 (HC).

²⁵³ Legal submissions on behalf of Wellington Regional Council – key terminology used and consideration policies in Hearing Stream 2, 23 June 2023, para 4.4.

Complex development opportunities:

Urban development projects identified by the Wellington Regional Leadership Committee, that:

(a) support and unlock the significant residential and employment development potential in the Greater Wellington Region;

(b) will create well-functioning *urban environments* that are integrated, strategic and responsive, and

(c) are complex, and working in partnership is required in order to deliver at the desired pace and scale.

Environmentally responsive:

Located, designed and implemented in a way that takes into account recognises the inter-relationships between natural and physical resources and the context, constraints and opportunities of a place, and appropriately manages adverse environmental effects, and provides for to respond positively to the natural and cultural values, natural landscape and climatic features, and health and wellbeing of a place and its wider environment.

Future development strategy:

Means any Future Development Strategy prepared and published for local authorities in the Wellington Region at in accordance with Subpart 4 of the National Policy Statement for *Urban development 2020*.

High density development:

Means areas used predominately for commercial, residential and mixed use urban activities with high concentration and bulk of buildings, such as apartments, and other compatible activities, with a minimum an anticipated building height of at least 6 stories.

Marae

Communal meeting places where significant events are held and decisions made. Marae are important cultural institutions and facilities, and provide a base for hapū and iwi gatherings

Medium density residential development:

Means areas used predominately for commercial, residential and mixed use urban activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities; with a minimum building height of 3 stories.

Metropolitan Centre Zone

Has the same meaning as in Standard 8 of the National Planning Standards: Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is a focal point for sub-regional urban catchments.

Papakāinga

~~A village, ancestral settlement.~~

Primary Production:

~~means:~~

- ~~(a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and~~
- ~~(b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in (a);~~
- ~~(c) includes any land and buildings used for the production of the commodities from (a) and used for the initial processing of the commodities in (b); but~~
- ~~(d) excludes further processing of those commodities into a different product.~~

Regional form:

~~The spatial distribution, arrangement and design of the region's urban areas and rural areas and linkages through and between them, infrastructure networks, open space, and their relationship with natural environment values and features.~~

~~The physical layout or arrangement of our urban and rural communities and how they link together. For example, transport networks (e.g. roads, rail, ports), and the patterns of residential, industrial, commercial and other uses alongside or around these networks, and in relation to the topography and geography of the region (e.g. its ranges and valleys, rivers, lakes and coastline). It includes the physical appearance or urban design, housing choice and density, and the arrangement of open spaces.~~

Relevant Residential Zone:

~~Has the same meaning as in Section 2 of the Resource Management Act 1991:~~

~~(a) means all residential zones; but~~

~~(b) does not include—~~

~~(i) — a large lot residential zone:~~

~~(ii) — an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment:~~

~~(iii) — an offshore island:~~

~~(iv) — to avoid doubt, a settlement zone:~~

Rural areas:

The region's ~~r~~Rural areas (as at March 2009) include all areas not identified in the region's ~~urban areas~~ (as at March 2009) rural zones [and settlement zones](#) identified in the Wellington city, Porirua city, Hutt city, Upper Hutt city, Kāpiti coast and Wairarapa combined district plans.

~~Note: For the avoidance of doubt, this includes the following zones [under the National Planning Standards](#):~~

- ~~[General rural zone](#)~~
- ~~[Rural production zone](#)~~
- ~~[Rural lifestyle zone](#)~~
- ~~[Settlement zone](#)~~
- ~~[Other relevant zones within the rural environment](#)~~

Tier 1 territorial authority:

~~Has the same meaning as in [subpart 1.4 of the National Policy Statement for Urban development 2020](#): means each territorial authority listed in column 2 of table 1 in the [Appendix Section 2 of the Resource Management Act 1991](#).~~

~~Note: In the [Greater this is](#) Wellington Region [this is](#) Wellington City Council, Hutt City Council, Upper Hutt City Council, Porirua City Council and [Kāpiti Coast](#) District Council.~~

Town centre zone:

~~Has the same meaning as in [Standard 8 of the National Planning Standards](#): Areas used~~

Tree canopy cover

~~Means vegetative cover of any trees that are greater than 3 metres in height and 1.5 metres in diameter.~~

Urban areas:

The region's urban areas ~~include residential zones, commercial, mixed use zones, and industrial~~ consist of the following zones as identified in the Wellington city, Porirua city, **City of Lower** Hutt **city**, Upper Hutt city, Kāpiti coast and Wairarapa ~~Combined~~ district plans:

~~Note: For the avoidance of doubt, this includes the following zones under the National Planning Standards:~~

- [Urban zones](#)
- [Future urban zone](#)
- [Open space and recreation zones](#)
- [Relevant special purpose zones in the urban area](#)

Urban environment

Has the same meaning as in subpart 1.4 of the National Policy Statement for Urban development 2020:

means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- is, or is intended to be, predominantly urban in character; and
- is, or is intended to be, part of a housing and labour market of at least 10,000 people.

Urban zones:

Means the following zones as identified in the Wellington city, Porirua city, City of Lower Hutt, Upper Hutt city, Kāpiti coast and Wairarapa combined district plans:

- [Large Lot Residential](#)
- [Low Density Residential](#)
- [General Residential](#)
- [Medium Density Residential](#)
- [High Density Residential](#)
- [Commercial and mixed use zones](#)
- [Industrial zones](#)

Walkable catchment:

~~A walkable catchment is an area that an average person could walk from a specific point to get to multiple destinations. A walkable catchment generally consists of a maximum 20 minute average walk, or as otherwise identified defined by territorial authorities in district plans.~~

Well-functioning urban environments:

~~Has the same meaning as in Policy 1 of the National Policy Statement for Urban Development 2020, that is, as a minimum:~~

- ~~(a) have or enable a variety of homes that:
 - ~~(i) meet the needs, in terms of type, price, and location, of different households; and~~
 - ~~(ii) enable Māori to express their cultural traditions and norms; and~~~~
- ~~(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and~~
- ~~(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and~~
- ~~(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and~~
- ~~(e) support reductions in greenhouse gas emissions; and~~
- ~~(f) are resilient to the likely current and future effects of climate change.~~