

BEFORE THE INDEPENDENT HEARING PANELS

UNDER	the Resource Management Act 1991
IN THE MATTER	of hearing submissions and further submissions on Greater Wellington Regional Councils Proposed Change 1 to the Regional Policy Statement.
Submitter	R P MANSELL, A J MANSELL AND M R MANSELL (Submitter)

BRIEF OF EVIDENCE OF CHRISTOPHER ADRIAN HANSEN ON BEHALF OF R P MANSELL, A J MANSELL AND M R MANSELL

Hearing Stream 4: Urban Development (HS4)

21 September 2023

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1. INTRODUCTION

Qualifications

- 1.1 My full name is Christopher Adrian Hansen. My qualifications are a Bachelor of Regional Planning (Hons.) from Massey University, 1980. I am a full Member of the New Zealand Planning Institute and a certified Hearings Commissioner.

Experience

- 1.2 I am a Director in my own Company, Chris Hansen Consultants Ltd, which I established in 2010. I have over 40 years' experience in planning and resource management working for government agencies and multi-disciplinary consultancy companies. I provide a wide range of planning consultancy services including: advice and input into policy and plan preparation; preparation of resource consents; and advice on statutory processes. I have provided planning advice to a range of commercial and industrial sectors including transport; irrigation; utilities; hydro electricity generation; fertiliser; quarrying; retail and commercial; residential and coastal marine.

2. CODE OF CONDUCT

- 2.1 Although not necessary in respect of council hearings, I can confirm I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the hearing committee. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

3. SCOPE OF EVIDENCE

- 3.1 My statement of evidence is entirely focussed on the relevant submission points made by R P Mansell, A J Mansell and M R Mansell (**Mansells**) on the urban development provisions of Policy 55 that are addressed in the Section 42A Hearing Report Stream 4: Urban Development (**HS4**) of

Proposed Plan Change 1 (**PPC1**) to the Regional Policy Statement (**RPS**) for the Wellington Region. I cover the following matters:

- (a) A brief commentary on the statutory and policy context in which to consider Policy 55;
- (b) A planning assessment of the recommended amendments to Policy 55 included in the s.42A Hearing Report.

4. STATUTORY AND POLICY CONTEXT

- 4.1 I note Section 2.0 Statutory Considerations of the s.42A Hearing Report provides an overview of the statutory context by which PPC1 is considered, and I do not intend to repeat these matters. In particular, the urban development provisions introduced into the RPS by PPC1 is intended to implement the National Policy Statement - Urban Development 2020 (**NPS-UD**) as updated in May 2022. As the Hearing Panel will know, the NPS-UD sets out objectives and policies for well-functioning urban environments under the RMA, and the updated version incorporates amendments made by s.77S(1) of the RMA as inserted by the Resource Management (Enabling Housing Supply and Other Matters) Amendments Act 2021.
- 4.2 Put simply, the NPS-UD requires councils to amend the planning instruments they are responsible for that implement the objectives and policies for well-functioning urban environments and to ensure urban development responds to the housing needs to the region/district, including the provision of affordable housing.
- 4.3 Within the planning context, objectives are a stated outcome, and policies are the means by which these stated outcomes are achieved.
- 4.4 The focus of PPC1 to the RPS is to implement and support the NPS-UD, as well as other matters relating to freshwater, climate change, indigenous biodiversity, and high natural character. The urban development related objectives and policies of the RPS provide directives to decision-makers when considering resource consent applications, plan changes and variations, or review of district plans for urban development.
- 4.5 The NPS-UD anticipates that providing for future housing needs will be through intensification of existing urban areas, and through undeveloped

(i.e., greenfield) areas. PPC1 introduced a new Objective 22 and 22B to implement the NPS-UD. Policy 55, along with Policy 56, as amended by PPC1 intended to implement these new objectives. In Policy 55, “urban development” occurring beyond the region’s existing urban areas is any greenfield development¹.

- 4.6 I note the operative RPS includes Policy 55 that intends to maintain a compact, well designed and sustainable regional urban form and provides guidance to decision-makers when considering an application for a resource consent, or a change, variation of review of a district plan for urban development beyond the region’s urban areas (as at March 2009). Matters the decision-maker needs to give particular regard to are listed.

Allocation of Policy 55 to the Fresh Water Planning Process

- 4.7 While not a matter raised by the Mansells in their submission, I note that part of Policy 55 intends to implement the National Policy Statement for Freshwater Management (**NPS-FM**), and as a result of including these provisions, the entire Policy 55 has been categorised (or allocated) as a Freshwater Planning Instrument (**FPI**) that is subject to Part 4 of Schedule 1 of the RMA. I understand this matter has been disputed by a number of submitters and has been raised as a procedural matter at the beginning of each hearing, and I am therefore able to provide my opinion.
- 4.8 I note the s.42A Hearing Report confirms the original categorisation of Policy 55 as a FPI². I disagree with this categorisation as I consider it should not be subject to the Part 4 of Schedule 1 FPI process. Policy 55 is not exclusively aimed at implementing the NPS-FW, it is primarily concerned with giving effect to the NPS-UD. The FPI process also provides very limited appeal rights to a submitter under Part 4 of Schedule 1, and while this may be appropriate for freshwater provisions, it is an unfair process for submitters who have submitted only on the urban development provisions.
- 4.9 I also note that I have read the planning evidence filed by Ms Clarke on behalf of Winstone Aggregates, and support Ms Clarke’s analysis of the

¹ Recommended amendment to the first sentence of the Explanation to Policy 55; Page 17 of Appendix 1 of the s.42A Hearing Report

² Table 5, Page 18 of s.42A Hearing Report

Otago criteria and applicability of that decision to Policy 55. I would seek the Hearing Panel to reject the categorisation of Policy 55 as a FPI and consider the policy under the standard process included in Parts 1 – 3 of Schedule 1 of the RMA.

5. SUMMARY OF SUBMISSIONS ON POLICY 55

- 5.1 I have provided the full wording of the proposed amendments to Policy 55 included in the notified PPC1 in **Annexure 1** of this planning evidence. My summary of submission points below only refers to the urban development (i.e., greenfield) provisions of Policy 55.

Mansells' Submission

- 5.2 The Mansells in their submission³ generally supported the proposed amendments to Policy 55 and sought the intent of the proposed amendments to be retained as written. The exception to this support is the need for the explanation to accurately reflect the proposed new wording of Clause (b), and suggested the following wording to be added to the end of paragraph 2 of the Explanation:

“... or any local strategic growth and/or development framework or strategy that describes where or how future urban development should occur in a District.”

- 5.3 The Council did not receive any further submissions in support or opposition to the Mansells' submission points on Policy 55.
- 5.4 The s.42A Hearing Report recommends both of the Mansells' submission points be *accepted in part*. Notwithstanding this, I note a number of amendments to Policy 55 are recommended in the s.42A Hearing Report that substantially change the provisions supported by the Mansells, and I address these amendments below.

Mansells' Further Submission

- 5.5 The Mansells' further submission⁴ opposed a number of amendments sought by the Kāpiti Coast District Council to Policy 55 and sought the submission be disallowed. The Mansells did not agree with the submitter

³ Submission #S125.004;

⁴ Further Submission #FS18.004

that the range of amendments, including additional wording and the deletion of parts of the policy and the Explanation, are appropriate or necessary. The further submission considered these amendments do not retain the intent of Policy 55, which the submitter indicated they supported.

- 5.6 The s.42A Hearings Report recommends the Mansells' further submission be *accepted in part*. Notwithstanding this, I note a number of amendments to Policy 55 are recommended in the s.42A Hearing Report that substantially change the provisions supported by the Mansells, and I address these amendments below.

6. PLANNING ASSESSMENT OF RECOMMENDED AMEDEMMENTS TO POLICY 55

- 6.1 I have provided the full recommended amendments to Policy in the s.42A Hearing Report in **Annexure 2**. My assessment below only refers to the urban development (i.e., greenfield) provisions specific to the Mansells' submissions.

Intent of Policy 55

- 6.2 I note the intent of Policy 55 in the notified PPC1 is to provide for appropriate urban expansion, and in particular identifies what matters need to be given particular regard to ensure urban development (i.e., greenfield development) beyond the region's urban areas (as at August 2022) is appropriate. The matters that the decision-maker has to give particular regard to are, in my view, enabling and in particular:
- (a) In Clause (b) there is recognition that if a Future Development Strategy (in terms of the NPS-UD) is yet to be released, an assessment of the consistency of the urban development with any regional or local strategic growth and/or development framework or strategy is suffice;
 - (b) In Clause (c), particular regard is to be given whether a structure plan has been prepared, and if there is no structure plan, there is the ability of the decision-makers to move onto Clause (d) and assess the contribution the urban development would make to the development capacity, regardless whether it is out of sequence or unanticipated.
 - (c) Provided an interim framework to assess developments in advance of a Future Development strategy being released.

- 6.3 The s.42A Hearing Report recommends substantial amendments to the intent of Policy 55 in response to submissions received⁵. In particular the intent is changed to contributing to a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form. I disagree with change in the intent of Policy 55 from an enabling policy where providing for appropriate urban expansion (i.e., greenfield development) is the focus to a policy that intends to assess what level of contribution the urban development (i.e., greenfield development) will achieve, and is more restrictive in the processes new urban developments need to follow. I elaborate on this point below when I discuss the structure of Policy 55 as amended by the recommendations in the s.42A Hearing Report.
- 6.4 I note that the s.42A Report recommends a new matter Clause (a) 4. (ix) regarding the protection of mineral resources from incompatible and inappropriate adjacent land uses. I have no issue with this amendment that appears to be an appropriate addition to the Policy.
- 6.5 Apart from that addition I would seek that the Hearing Panel reject the substantial amendments recommended in the s.42A Hearing Report that change the intent of Policy 55, and retain the intent as notified in PPC1 and supported in the Mansell's submission.
- 6.6 In my opinion, the recommended amendments are not the most appropriate way to achieve the objectives of PPC1, and in particular Objectives 22 and 22B as contained in the notified PPC1, the NPS-UD, nor the purpose of the RMA⁶. I note the original s.32 evaluation did determine the notified PPC1 provisions were the most appropriate means, and I can find no reason why this position should change.

Structure of Policy 55

- 6.7 The structure of the notified Policy 55 took the following form:
- (a) The heading clearly identified the intent as being to provide for appropriate urban expansion – the key word here is 'appropriate' meaning not all urban expansion will meet the intent of the Policy, or higher order objectives (Objectives 22 and 22B) or the NPS-UD objectives;

⁵ Section 4.10; pages 119 – 136; s.42A Hearing Report

⁶ As required by s.32 (1) (b) of the RMA

- (b) The introduction clearly identifies when Policy 55 applies (when considering an application for a resource consent, or a change, variation or review of a district plan); what the matter Policy 55 applies to (urban development beyond the region's urban areas); and a directive that the clauses that follow are to be given particular regard to.
- (c) Clauses (a) – (b) are to be given particular regard to simultaneously as they are linked with the word 'and'. However, linking Clauses (c) and (d) is 'and/or' meaning the decision-maker can consider each clause separately or simultaneously. This is an important point when considering the structure of Policy 55.
- (d) Clause (c) only requires particular regard to be given to whether a structure plan has been prepared – if there is no structure plan, then the decision-maker has the ability to consider through Clause (d) whether the urban development (i.e. greenfield development) would provide for significant development capacity regardless of whether it is out of sequence or unanticipated by growth or development strategies.

6.8 The s.42A Hearing Report recommends significant amendments to the structure of Policy 55, including:

- (a) The heading is amended to essentially repeat the amended wording recommended for Objective 22 (I note the Mansell's supported the notified wording of Objective 22). In my opinion this amendment moves away from an enabling intent to addressing the requirements of the NPS-UD to provide for future housing needs in the notified Policy 55 to a more regulatory approach where determining contribution levels and meeting set parameters is the focus. This implies a 'picking winners' approach rather than a best practice planning approach.
- (b) While Clause (b) is recommended to be amended, in my opinion these amendments are not substantive and I do not oppose them.
- (c) Clause (c) is recommended to be amended to require a structure plan to be prepared and approved by the relevant city or district council, or prepared by the relevant city or district council in partnership with manawhenua/tangata whenua in consultation with the regional council. I disagree with the recommended amendments which in my opinion are unwieldy and bureaucratic and represents poor planning practice. The implementation of Policy 55, and subsequently Objective 22, is significantly affected by this amendment. Requiring a structure plan to be prepared only by a city or district council for future urban development (i.e. greenfield sites) will limit new urban development by causing a delay in responding to existing and future housing needs.
- (d) In my experience councils do not have the resources or priority to commit to preparing structure plans for new urban

development. The preparation of a structure plan can be a complex process depending on the size of the area and scale of potential development. Any structure plan for a new urban development needs to have urban design input into the preparation of a concept design and be supported by a range of technical expert reports addressing effects (i.e., environmental, cultural, social, economic, transport, three waters infrastructure, parks and open spaces etc.). Once a draft structure plan is prepared with the supporting documentation, it is wise to seek iwi and public comment before finalising for consideration and approval by council. The preparation of a structure plan for a greenfield development, in my experience, can take over 18 months or more if everything goes to plan (and not including any statutory processes discussed below).

- (e) Furthermore, this amendment assumes that any new urban development (i.e., greenfield development) requires a structure plan, regardless of the size or scale of the proposed development. In my view requiring a structure plan for all new urban development is over-restrictive and does not represent good planning practice, and will complicate and stall all new urban development which is contrary to the intent of the NPS-UD.
- (f) The s.42A Hearing Report also recommends that the “or” at the end of Clause (c) be deleted. I disagree with this recommendation which significantly changes the flow and structure of the Clauses as the effect is to require a structure plan for any urban development which, as I have discussed above, I consider does not represent good planning practice and will complicate and stall any new urban development (i.e. greenfield development) which is contrary to the intent of the NPS-UD and the objectives of PPC1. I strongly believe decision-makers should have the ability to consider a new urban development that would provide significant development capacity even if a structure plan is not in place. In particular, any matters that would have been addressed in a structure plan can be conditioned on any consent granted when considering a resource consent application.
- (g) Clause (d) in the notified PPC1 is recommended to be deleted, and a new Clause (d) is proposed. I disagree with this recommendation as the proposed new Clause (d) adds yet another layer of complexity by requiring any new urban development (i.e., greenfield development) to be in the form of a plan change. This is directly contrary to the intent of Policy 55 which provides decision-makers with guidance as they consider a resource consent application. In my opinion and experience, the plan change process will add considerable time and costs to any new urban developments (i.e., greenfield developments), and is completely contrary to the intention of the NPS-UD and the intention of PPC1 to respond to the existing and the future housing needs of the region.

6.9 I would seek the Hearing Panel rejects the substantial amendments recommended in the s.42A Hearing Report that change the urban

development provisions of Policy 55, and retain the provisions as notified in PPC1 and supported in the Mansells' submission. In my opinion, the amendments are not the most appropriate way to achieve the objectives of PPC1, and in particular Objectives 22 and 22B as contained in the notified PPC1, the NPS-UD, nor the purpose of the RMA⁷. I note the original s.32 evaluation did determine the notified PPC1 provisions were the most appropriate means to achieve these outcomes.

6.10 One other point I would also make is that the notified PPC1 changed the date for defining the region's urban area in the operative Policy 55, March 2009, to August 2022 (or a date where all District Councils within the Region have completed their intensification plan changes if some of these have not yet been completed). While at the time this seemed a logical amendment and the Mansells did not submit on this change, since the notification of PCC1 and the August 2022 date, new areas have been rezoned residential as part of the introduction of MDRS and Intensification provisions into district plans. Therefore, there are new urban areas that have been deemed acceptable for urban development (i.e., greenfield development) through a statutory plan change process that cannot be developed without going through the requirements of the new Policy 55. I consider this is contrary to the intent of introducing the NPS-UD requiring the introduction of MDRS and intensification provisions into district plans, and does not achieve the objectives of PPC1, the NPS-UD nor the purpose of the RMA. One way to address this issue would be to change the date that defines the region's urban areas to 20 August 2023, the date decisions had to be made by councils to introduce the new provisions that would have included rezoning land General Residential.

6.11 I note the s.42A Report concludes the amendments recommended are the most appropriate option for a number of reasons⁸, with only one relevant to the matters I have addressed above:

- (a) The amendments provide more specific and clearer direction on responsive planning, structure plans, and consistency with the FDS. The amendments will assist effective and efficient implementation of Policy 55 and thereby better achieve the outcomes sought for greenfield development, and Objective 22 and 22A. The increased clarity and specificity will have environmental, social, cultural and economic benefits by

⁷ As required by s.32 (1) (b) of the RMA

⁸ Section 4.10.4 Section 32AA Evaluation; pages 135-136 of s.42A Hearing Report

increasing the likelihood of the outcomes sought being achieved.

- 6.12 I disagree that the amendments will assist effective and efficient implementation of Policy 55 and therefore achieve better outcomes sought for greenfield development, and Objective 22, and the other benefits identified. To the contrary, in my view the amendments will have the opposite effect as I have discussed above.

Explanation

- 6.13 I note that the s.42A Hearing Report recommends some significant amendments to the Explanation to Policy 55, and of particular relevance to the Mansells include:

- (a) Additional wording to be added to the end of the first sentence in paragraph 1 to clarify that the urban development occurring beyond the region's existing urban areas is any greenfield developments. While in principle I do not oppose this clarification, the amendment does raise some significant issues with the amendments to the urban development (i.e. greenfield development) provisions recommended in the s.42A Hearing Report, as I have discussed above.
- (b) A new paragraph 2 is recommended in the s.42A Report that clarifies that Policy 55 intends to address greenfield developments in new urban-zoned areas. Presumably these new urban-zoned areas would have been part of the MDRS Intensification requirements of the NPS-UD (a decision required by August this year) and some land would have been rezoned since PPC1 has been notified. As per my discussion above, I disagree with this recommended amendment as, in my opinion, it adds yet another level of complexity and bureaucracy with inevitable delays and increased costs for any new urban development (i.e., greenfield development).

- 6.14 I would seek the Hearing Panel to reject the s.42A Hearing report recommendation to amend the Explanation to Policy 55 by adding a new paragraph 2. I consider the new paragraph is inappropriate and not necessary, as it addresses amendments recommended in the s.42A Hearing Report which I seek above be rejected.

7. CONCLUDING SUMMARY

- 7.1 The following are the key findings of my planning assessment:
- (a) I support the enabling intent of Policy 55 as amended in the notified PPC1 and supported by the Mansells' submission with the addition of the new Clause (a) 4. (ix);

- (b) I also support the structure of Policy 55 and the urban development provisions included in Clauses (a) – (d) as amended in the notified PPC1 and supported by the Mansells' submission;
- (c) I disagree with change in the intent of Policy 55 from an enabling policy where providing for appropriate urban expansion (i.e. greenfield development) is the focus to a policy that intends to assess what level of contribution the urban development (i.e., greenfield development) will achieve, and is more restrictive in the processes new urban developments need to follow;
- (d) I disagree with the recommended change in the heading of Policy 55 which moves away from the enabling intent of the notified PPC1;
- (e) I disagree with the recommended amendments to Clause (c) of Policy 55 that require a structure plan to be prepared and approved by only the relevant city or district council, which in my opinion, is unwieldy and bureaucratic and represents poor planning practice;
- (f) I disagree with this recommendation to delete the 'or' between Clause (c) and (d) which in my opinion significantly changes the flow and structure of the Clauses as the effect is to require a structure plan for any urban development; I consider this recommended amendment does not represent good planning practice and will complicate and stall any new urban development (i.e. greenfield development) which is contrary to the intent of the NPS-UD and the objectives of PPC1;
- (g) I disagree with the recommendation to replace Clause (d) with a new Clause (d) that adds yet another layer of complexity by requiring any new urban development (i.e. greenfield development) to be in the form of a plan change; I consider this is directly contrary to the intent of Policy 55 which provides decision-makers with guidance as they consider a resource consent application;
- (h) If the hearing Panel accept the matters I have identified above, I consider the new paragraph 2 recommended to be added to the Explanation is redundant and can be rejected.

7.2 Overall I consider the suite of recommended amendments to Policy 55 proposed in the s.42A Hearing Report are not the most appropriate way to achieve the objectives of PPC1, and in particular Objectives 22 and 22B as contained in the notified PPC1, the NPS-UD, nor the purpose of the RMA⁹. I would therefore seek the Hearing Panel to reject the substantial amendments recommended in the s.42A Hearing Report.

⁹ As required by s.32 (1) (b) of the RMA.

- 7.3 In addition, and while not a matter raised by the Mansells in their submission, I also disagree that Policy 55 is categorised as falling within the Freshwater Planning Instrument process. The reason for this is because Policy 55 is primarily intended to give effect to the NPS-UD not the NPS-FW. The FPI process provides limited appeal rights to a submitter under Part 4 of Schedule 1, and while this may be appropriate for truly freshwater provisions, it is an unfair process for submitters in relation to land development which contains a number of other non-NPS-FW matters to have their appeal rights curtailed.



Christopher Adrian Hansen
21 September 2023

ANNEXURE 1 – POLICY 55 WORDING INCLUDED IN PPC1

increase the risk and consequences from natural hazards. Policy 52 promotes these objectives.

Having established there is a need for protection works, non structural and soft engineering methods should be the first option for hazard mitigation. Soft engineering methods may include, for example; hazard avoidance or controlled activity zones; setback or buffer distances; managed retreat or land retirement; a 'do nothing' policy; restoration projects for wetlands, dunes or hillslopes prone to flooding, slipping or erosion.

Activities such as river bed gravel extraction which may assist in the avoidance or mitigation of natural hazards are also a consideration under this policy.

Structural measures or hard engineering methods can have significant environmental effects and should be considered as the least desirable option for natural hazard control. Where there is an unacceptable risk to development or property, there may be a place for structural measures or hard engineering methods, if they are part of a long term hazard management strategy that includes other measures. Policy 51 will need to be considered alongside policy 52(c) when deciding whether a development faces an unacceptable risk or not.

The risk that remains after protection works are put in place is known as the residual risk. Stopbanks, seawalls, and revetments and other engineered protection works can create a sense of security and encourage further development. In turn, this increases the extent and value of assets that could be damaged if the protection works fail or an extreme event exceeds the structural design parameters.

Amend Policy 55 as follows:

Policy 55: Providing for appropriate urban expansion Maintaining a compact, well designed and sustainable regional form— consideration



When considering an application for a resource consent, or a change, variation or review of a district plan for *urban* development beyond the region's *urban areas* (as at ~~March 2009~~ August 2022), particular regard shall be given to whether:

- (a) 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:
- (i) the *urban* development will be well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors;
 - (ii) 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:
 1. Avoiding inappropriate subdivision, use and development in areas at risk from natural hazards as required by Policy 29,
 2. Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values as identified by Policy 23,

3. Protecting outstanding natural features and landscape values as identified by Policy 25,
 4. Protecting historic heritage values as identified by Policy 22,
 5. Integrates Te Mana o Te Wai consistent with Policy 42,
 6. Provides for climate resilience and supports a low or zero carbon transport network consistent with Policies CC.1, CC.4, CC.10 and CC17.
 7. Recognises and provides for values of significance to mana whenua / tangata whenua,
 8. Protecting Regionally Significant Infrastructure as identified by Policy 8; and
- (b) the proposed urban development is consistent with any Future Development Strategy, or the Council's regional or local strategic growth and/or development framework or strategy that describes where and how future urban development should 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; and/or
- (d) 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. This includes ensuring that the qualities and characteristics of a well-functioning urban environment are provided for through clause (a), which includes recognising values or resources identified elsewhere in the RPS.

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 Future Development Strategy is in development, clause (b) also requires consideration to be given to the consistency with any regional 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 that would add significantly to development capacity, 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. 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 principles⁸ will be implemented

ANNEXURE 2 – POLICY 55 WORDING AS RECOMMENDED IN S.42A HEARING REPORT

Chapter 4.2: Regulatory policies – matters to be considered

Policy 55: 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 application for a resource consent, or a change, variation or review of a district plan for *urban development* beyond the region's *urban areas* (as at ~~March 2009~~ August 2022), its contribution to achieving a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form shall be determined by ~~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~~ well-connected to the existing or planned urban area, particularly if it is located which means:
 - i) adjacent to existing urban areas with access to employment and amenities, and
 - ii) along existing or planned multi-modal transport corridors, or
 - iii) supports the efficient and effective delivery of new or upgraded transport services; and
3. concentrates building heights and densities to:
 - i) maximise access to, and efficient use of, existing development infrastructure, and
 - ii) use urban-zoned land efficiently, and
 - iii) support viable and vibrant neighbourhood, local, town, metropolitan and city centres, and
 - iv) support travel using low and zero-carbon emission transport modes, including efficient provision of public transport services, and
4. ~~(ii) the proposed development proposal shall apply~~ 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, and

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.9A, 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, and

viii) Protecting Regionally significant infrastructure 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) the proposed urban development 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 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) it would add significantly to development capacity, 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 c~~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 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