

**Proposed Change 1 to the Regional Policy
Statement for the Wellington Region**

**Section 42A Hearing Report
Hearing Stream 4 – Urban Development**

Topic: Urban Development

**Process: Freshwater Planning Process/Schedule 1 and Part 1
Process**

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Executive Summary (Mika Zöllner and Owen Jeffreys)

1. This report considers submissions received by Greater Wellington Regional Council ('the Council') in relation to the relevant provisions of Proposed Change 1 to the Regional Policy Statement for the Wellington Region ('Change 1') as they apply to regional form, design and function.
2. This topic is following both the Freshwater Planning Process and the Schedule 1, Part 1 Process of the Resource Management Act 1991.
3. The provisions notified as part of the Freshwater Planning Instrument in Change 1, for which **Mika Zöllner** is the reporting officer, are:
 - Regional form, design and function chapter introduction
 - Issue B – Inappropriate development
 - Issue 1 – Poor quality urban design
 - Issue 2 – Sporadic, uncontrolled and/or uncoordinated development
 - Objective 22
 - Objective 22B
 - Table 9
 - Policy 31
 - Policy 32
 - Policy 33
 - Policy 55
 - Policy 67
 - Policy UD.2
 - Policy UD.3
 - Method 46
 - Method UD.1
 - City centre zone definition
 - Future Development Strategy definition
 - High density development definition
 - Medium density development definition
 - Metropolitan centre zone definition
 - Relevant Residential Zone definition
 - Rural areas definition
 - Tier 1 territorial authority definition
 - Urban areas definition

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- Urban environment definition
 - Complex development opportunities definition.
4. The provisions notified under the standard Schedule 1 process, for which **Owen Jeffreys** is the reporting officer, are:
- Policy 30
 - Policy 56
 - Policy 57
 - Policy 58
 - Policy UD.1
 - Method 40
 - Method 41
 - Method 42
 - Method 43
 - Method 44
 - Method 45
 - Method 47
 - Method UD.2
 - Urban Development Issue A
 - Key centres definition
 - Marae definition
 - Papakāinga definition
 - Regionally significant centres definition
 - Regional form definition
 - Regional form, design and function Anticipated Environmental Results
5. A total of 865 submission points were received on this topic. The submissions on this topic were wide ranging. The following key issues were raised in submissions and are covered by this report:
- Implementation of the NPS-UD in the RPS
 - Providing for out-of-sequence and responsive planning as per the NPS-UD
 - Applying NPS-UD direction to territorial authorities that are not tier 1, 2 or 3
 - The direction of provisions to territorial authorities and the jurisdictional responsibilities between territorial and regional authorities
 - Strengthening direction for intensification and compact development
 - Ensuring mana whenua / tangata whenua values are represented and protected

- Identification of regionally significant and locally significant centres in the Wellington Region
 - Providing for aggregate extraction to support development and ensuring extraction is not stymied by development
 - Providing for climate-resilience in urban development provisions
 - Application of urban development policies within the rural environment
 - Giving effect to the NPS-HPL through Change 1
 - The legal status of the Wellington Regional Growth Framework and its inclusion in Change 1
 - Providing for infrastructure, including regionally significant infrastructure, and recognising reverse sensitivity effects
 - Providing for definitions of marae and Papakāinga
 - Providing clarity for wording and terminology throughout provisions
 - Addressing duplication and inconsistencies between provisions
6. Other issues raised by submitters in relation to this topic are also covered in the report along with a range of consequential amendments that have arisen in responding to submissions.
7. As a result of analysing the submissions and key issues, the authors have recommended a number of amendments to the Change 1 provisions. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, the recommended amendments to Change 1 are as set out in **Appendix 1** of this report. **Appendix 1** contains all relevant provisions considered in this report, with our recommended amendments shown in red underlined (addition) and red strikethrough (deletion).
8. The authors have undertaken a Section 32AA evaluation for the amendments recommended, which is included in the relevant sections of this report.
9. For the reasons outlined in the Section 32AA evaluation and outlined in this report, the authors consider that the proposed Issues, Objectives and related provisions, with the recommended amendments, will be the most appropriate means to:
- Achieve the purpose of the RMA (in respect of the proposed objectives) and give effect to higher order planning documents; and
 - Achieve the purpose of Change 1 and relevant objectives of the RPS in respect of the proposed provisions.

Interpretation

This report utilises a number of abbreviations as set out in the table below.

Table 1: Abbreviations of terms

Abbreviation	Means
Act/RMA	Resource Management Act 1991
AER	Anticipated Environmental Result
Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
Council	Greater Wellington Regional Council
ERP	Emissions Reduction Plan
FDS	Future Development Strategy
FPP	Freshwater Planning Process
IPI	Intensification Planning Instrument
LGA	Local Government Act
MDRS	Medium Density Residential Standards
NAP	National Adaptation Plan
NPS	National Policy Statement
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement on Highly Productive Land 2022
NPS-UD	National Policy Statement on Urban Development 2020
P1S1	Part 1, Schedule 1
RLTP	Regional Land Transport Plan
RPS	Operative Regional Policy Statement for the Wellington Region 2013
RSI	Regionally Significant Infrastructure
The Standards	National Planning Standards
WRGF	Wellington Regional Growth Framework

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
AQA	Aggregate and Quarry Association
Ātiawa	Ātiawa ki Whakarongotai Charitable Trust
Best Farm Ltd	Best Farm Ltd/Hunters Hill Ltd/Lincolnshire Farm Ltd/ Stebbings Farmlands Ltd
BLNZ	Beef + Lamb New Zealand Ltd
CDC	Carterton District Council
Chorus, Spark and Vodafone	Chorus New Zealand Ltd, Spark New Zealand Trading Ltd and Vodafone Spark New Zealand Trading Ltd
DCG	Director General of Conservation
EQC	Toka Tu Ake EQC
Fish and Game	Wellington Fish and Game Council
Forest and Bird	Royal Forest and Bird Protection Society
Fuel Companies	BP Oil NZ Ltd Mobil Oil NZ Ltd and Z Energy Ltd
Fulton Hogan	Fulton Hogan Limited
GBI	Guardians of the Bays Incorporated
GWRC	Greater Wellington Regional Council
HortNZ	Horticulture New Zealand
Investore	Investore Property Limited
KCDC	Kapiti Coast District Council
Kiwirail	KiwiRail Holdings Limited
Kāinga Ora	Kāinga Ora Homes and Communities
The Mansells	R P Mansell, A J Mansell & M R Mansell
Meridian	Meridian Energy Limited
Muaūpoko	Muaūpoko Tribal Authority
MDC	Masterton District Council

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Ngāti Toa	Te Rūnanga o Toa Rangatira
Ngā Hapu	Ngā Hapu o Otaki
NZCSC	NZ Centre for Sustainable Cities
PCC	Porirua City Council
Peka Peka Farm	Peka Peka Farm Limited
Powerco	Powerco Limited
Rangitāne	Rangitāne o Wairarapa Inc
RVANZ	The Retirement Villages Association of New Zealand
Stride	Stride Investment Management Limited
SWDC	South Wairarapa District Council
Summerset	Summerset Group Holdings Limited
Te Tumu Paeroa	Te Tumu Paeroa Office of the Māori Trustee
TKL	Templeton Kapiti Limited
UHCC	Upper Hutt City Council
VUWSA	Te Aka Taura - Victoria University of Wellington Students Association
Waka Kotahi	Waka Kotahi NZ Transport Agency
WCC	Wellington City Council
Wellington Water	Wellington Water Limited
WIAL	Wellington International Airport Limited
Winstones	Winstone Aggregates
WFF	Wairarapa Federated Farmers
WWUS	Wairarapa Water Users Society

1.0 Introduction (Mika Zöllner and Owen Jeffreys)

1.1 Purpose

10. This report has been prepared under section 42A of the RMA. The purpose of this report is to provide the Hearing Panels with an analysis of the original and further submission points received following notification of Change 1, make recommendations as to whether or not those submissions should be accepted or rejected, and where appropriate, provide recommendations for amendments to the Change 1 provisions.

11. The recommendations are informed by technical expertise and evaluation undertaken by the authors. The authors have also had regard to other Section 42A reports including:

- S42A report – General Submissions – Hearing Stream One
- S42A report – Integrated Management – Hearing Stream Two
- S42A report – Climate Change (General) – Hearing Stream Three
- S42A report – Climate Change (Transport) – Hearing Stream Three
- S42A report – Climate Change (Climate Resilience and Nature-based Solutions) – Hearing Stream Three
- S42A report – Climate Change (Natural Hazards) – Hearing Stream Three

12. This report should be read in conjunction with the Officer's report 'S42A Overview Report' from Hearing Stream One, which provides the background to Change 1, the statutory context, and administrative matters relating to Change 1.

1.2 Scope of this report

13. Change 1 has been notified via two plan-making processes under Schedule 1 of the RMA:

- The FPP under Part 4, Schedule 1 for the provisions that form the Freshwater Planning Instrument. These provisions are marked in the Change 1 document with the freshwater icon.
- The standard plan-making process in P1S1.

14. This report addresses provisions which are being considered under both the FPP and P1S1 processes. Table 3 below sets out the submission points relating to this topic and the process to which they relate. Note that following an assessment undertaken in section 3.2, the following provisions are recommended to be moved from the FPI into the standard Schedule 1 process:

- Objective 22B
- Policy 32
- Policy 33
- Method 46
- Complex development opportunities definition

Table 3: Allocation of provisions in the Urban Development hearing stream between planning processes

Urban development provisions being heard under FPP (Mika Zöllner)	Urban development provisions being heard under P1S1 (Owen Jeffreys)
Regional form, design and function chapter introduction	Policy 30
Issue B – Inappropriate development	Policy 56
Issue 1 – Poor quality urban design	Policy 57
Issue 2 – Sporadic, uncontrolled and/or uncoordinated development	Policy 58
Objective 22	Policy UD.1
Objective 22B	Method 40
Table 9	Method 41
Policy 31	Method 42
Policy 32	Method 43
Policy 33	Method 44
Policy 55	Method 45
Policy 67	Method 47
Policy UD.2	Method UD.2
Policy UD.3	Urban Development Issue A
Method 46	Key centres definition
Method UD.1	Marae definition
City centre zone definition	Papakāinga definition
Future Development Strategy definition	Regionally significant centres definition
High density development definition	Regional form, design and function Anticipated Environmental Results
Medium density development definition	

Urban development provisions being heard under FPP (Mika Zöllner)	Urban development provisions being heard under P1S1 (Owen Jeffreys)
Metropolitan centre zone definition	
Relevant Residential Zone definition	
Rural areas definition	
Tier 1 territorial authority definition	
Urban areas definition	
Urban environment definition	
Complex development opportunities definition	

15. **Appendix 1** includes the report authors proposed amendments to Change 1 recommended in this report.

16. **Appendix 2** includes a table setting out the submission points relevant to this hearing topic. In that table the authors have identified whether they recommend accepting, accepting in part or rejecting the submission point sought by the submitters, or make no recommendation. The authors have explained their reasons in the body of this report.

1.3 Authors

17. This report has been jointly authored. Mika Helena Zöllner is the author for the General Submissions and Freshwater sections of the report (sections 3.0 and 4.0) and Owen Jeffreys is the author for the P1S1 sections of the report (section 5.0).

1.3.1 Author 1 - Mika Zöllner

18. My full name is Mika Helena Zöllner. I am a Senior Policy Advisor at Greater Wellington Regional Council. I hold a Bachelor of Environments from the University of Melbourne and a Master of Environmental Science from Victoria University of Wellington Te Herenga Waka.

19. I have 2 years' experience in resource management and 2 years' experience in environmental science, with particular experience in hydrology and urban water quality. During this time, I have undertaken a mixture of policy and planning work, including engagement, on the district plans, plan changes, and central government legislation. I have had a particular focus on, and interest in, urban development issues for most of my career, particularly three waters and the relationship between land use and development and freshwater.

20. I was peripherally involved in the development of the provisions for Change 1, however, I did not contribute to the Section 32 report beyond drafting Appendix E on the allocation of Change provisions to the FPP. I did not write the provisions covered by Hearing Stream 4, however I have familiarised myself with the process that was followed and with the Section 32 evaluation report.

21. I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2023. I have complied with that Code when preparing this report and I agree to comply with it when I give any oral evidence.
22. The scope of my report relates to the Urban Development objectives, policies and methods in Change 1 which were notified as part of the FPI. I confirm that the issues addressed in this statement of evidence are within my area of expertise.
23. Any data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
24. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3.2 Author 2 - Owen Jeffreys

25. My name is Owen Edward Jeffreys. I am an Environmental Planner at GHD Limited, a planning consultancy. I hold a Bachelor of Science in Geography and Environmental Science from Oxford Brookes University. I am an Associate Member of the New Zealand Planning Institute.
26. I have 6 years' experience in resource management and planning in New Zealand and the United Kingdom, which includes working for local government and the private sector in both countries. During this time, I have undertaken a mixture of policy planning work, including plan changes, and resource consent planning work. I have worked on a variety of projects with a range of district and regional planning issues, including three waters linear infrastructure, urban development, rural development, designations, and open spaces. Before joining GHD I was a policy planner at Upper Hutt City Council, working on Residential and Rural, Open Spaces, and Significant Natural Area plan changes.
27. I have been engaged by the Council to respond to the submission points in relation to the P1S1 Urban Development topic for Change 1, and to prepare and present this s42A report. I was not involved in the development of the provisions for Change 1; however, I have familiarised myself with the process that was followed and with the Section 32 evaluation report.
28. I confirm that I have read the Code of Conduct for Expert Witnesses included in the Environment Court Practice Note 2023 and I agree to comply with it. I confirm I have considered all the material facts that I am aware of which might alter or detract from the opinions I express. This report is within my area of expertise, except where I state that I am relying on the evidence of another person. The scope of my report relates to the Urban Development provisions in Change 1 which are being considered in the P1S1 process.
29. Any data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence where I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
30. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.4 Supporting Evidence

31. The key documents the authors have used, or referred to, to inform their views while preparing this report are:

- The notified Change 1
- The Change 1 s32 report
- Relevant submissions
- Operative RPS
- NPS-UD 2020 (updated 2022)
- Technical guidance from MfE on the implementation of the NPS-UD
- NPS-FM (updated February 2023)
- NAP
- ERP
- The Standards
- NPS-HPL 2022
- RMA
- Resource Management Amendment Act 2020 (RMAA)
- RLTP

1.5 Key Issues

32. A total of 865 submission points were received on this topic. The submissions on this topic were wide ranging. The following key issues were raised in submissions and are covered by this report:

- Implementation of the NPS-UD in the RPS
- Providing for out-of-sequence and responsive planning as per the NPS-UD
- Applying NPS-UD direction to territorial authorities that are not tier 1, 2 or 3
- The direction of provisions to territorial authorities and the jurisdictional responsibilities between territorial and regional authorities
- Strengthening direction for intensification and compact development
- Ensuring mana whenua / tangata whenua values are represented and protected
- Identification of regionally significant and locally significant centres in the Wellington Region
- Providing for aggregate extraction to support development and ensuring extraction is not stymied by development
- Providing for climate-resilience in urban development provisions
- Application of urban development policies within the rural environment

- Giving effect to the NPS-HPL through Change 1
- The legal status of the WRGF and its inclusion in Change 1
- Providing for infrastructure, including RSI, and recognising reverse sensitivity effects
- Providing for definitions of marae and Papakāinga
- Providing clarity for wording and terminology throughout provisions
- Addressing duplication and inconsistencies between provisions

33. This report addresses each of these key issues, as well as any other issues raised by submissions.

34. At the time of writing this report there has not been any pre-hearing meetings, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

1.6 Report Structure

35. The issues raised in submissions are addressed by sub-topics within this report. Clause 49(4)(c) of Schedule 1, Part 4 of the RMA allows the Freshwater Hearings Panel to address submissions by grouping them either by the provisions to which they relate, or the matters to which they relate. Clause 10(3) of Schedule 1, Part 1 of the RMA specifies that the Council is not required to address each submission individually. On this basis, we have undertaken our analysis and evaluation on an issues and provisions-based approach, rather than a submission-by-submission approach.

36. This report should be read in conjunction with the submissions themselves and the summary of those submissions. **Appendix 2** sets out our recommendations on whether to accept or reject individual submission points based on the analysis contained within the body of the report.

37. Where the authors have recommended amendments to provisions as a result of relief sought by submitters, the authors have provided a marked-up version of the provisions with recommended amendments in response to submissions in **Appendix 1**. The authors have also provided a marked-up version of the amended provisions in each recommendations section, with the exception of the regional form, design and function chapter introduction.

38. The below key is provided to assist in the interpretation of amendments sought by submitters and amendments made in response to submitters.

Table 4: Formatting used for amendments throughout this report.

Red Strikethrough	Recommended text to be removed in response to submissions.
<u>Red underlined</u>	Recommended text to be added in response to submissions.
<u>Black underlined</u>	Change 1 additions in notified provisions.
Black strikethrough	Change 1 deletions in notified provisions.
Black bold strikethrough	Recommended deletions by submitters.
<u>Black bold underlined</u>	Recommended additions by submitters.

1.7 Format for Consideration of Submissions

39. For each provision, our analysis of submissions is set out in this report as follows:

- Matters raised by submitters
- Assessment and analysis
- Recommendations
- S32AA evaluation

2.0 Statutory Considerations (Mika Zöllner and Owen Jeffreys)

2.1 Resource Management Act 1991

40. Change 1 has been prepared in accordance with the RMA and in particular, the requirements of:

- Section 30 functions of regional councils under this Act
- Section 61 matters to be considered by regional council (policy statements)
- Section 62 contents of regional policy statements
- Section 80A Freshwater Planning Process
- Schedule 1 Part 1 and Part 4

2.2 National Direction

41. The following paragraphs summarise the relevant national direction in relation to Hearing Stream 4. Section 2 (Background), Section 5 (Regulatory and Policy Context), Appendix B (NPS-UD requirements addressed), and Appendix C (NPS-FM requirements addressed) of the Change 1 Section 32 report provide a more detailed description of the relevant national direction.

2.2.1 Resource Management Act 1991

42. Regional Policy Statements must be prepared in accordance with the provisions of Part 2, section 5, section 6, section 7 and section 8 of the RMA. Section 30 of the RMA sets out the functions of regional councils and section 61 sets out the matters to be considered by the Council in a regional policy statement. Section 30 parts that are of particular relevance to this topic include:

(ba) 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

(c) the control of the use of land for the purpose of—

(i) soil conservation

(ii) the maintenance and enhancement of the quality of water in water bodies and coastal water

(iii) the maintenance of the quantity of water in water bodies and coastal water

(iiia) the maintenance and enhancement of ecosystems in water bodies and coastal water

(iv) the avoidance or mitigation of natural hazards

(gb) the strategic integration of infrastructure with land use through objectives, policies, and methods

2.2.2 National Policy Statement on Urban Development 2020

43. The NPS-UD came into effect on 20 August 2020. This national policy statement is the primary driver for the urban development topic in Change 1. The NPS-UD 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.
44. The NPS-UD directs requirements for tier 1, tier 2, and tier 3 local authorities. The tier system reflects the different scale and characteristics of urban environments. Most direction is provided to tier 1 and tier 2 local authorities where the highest growth and demand is anticipated to occur, whilst tier 3 local authorities are strongly encouraged to follow the same direction provided to tier 1 and 2 local authorities. Within the Wellington Region, KCDC, PCC, WCC, HCC and UHCC are tier 1 local authorities as identified in Table 1 of the Appendix of the NPS-UD. The relationship of the NPS-UD to MDC, SWDC and CDC is discussed in section 4.2 paragraphs 203-212.
45. All local authorities containing part or all of an urban environment are required by the NPS-UD to provide for sufficient development capacity to meet expected demands for housing and business land in the short, medium and long terms. Tier 1 and 2 local authorities must set housing bottom lines in their RPS and District Plan documents. The NPS-UD provides direction on sufficient development capacity, which includes ensuring there is infrastructure to serve the development and enabled by the relevant zoning of a District Plan or identified in a relevant growth strategy. The NPS-UD also directs that relevant local authorities need to be responsive to plan changes that can provide significant development capacity.
46. The NPS-UD also seeks to ensure growth is strategically planned to provide for development capacity and achieve well-functioning urban environments. To achieve this, the NPS directs that a FDS must be prepared by every tier 1 and 2 local authority, however the FDS can apply to a wider area than the tier 1 and 2 urban environments.

2.2.3 National Policy Statement for Freshwater Management

47. The NPS-FM came into effect in August 2020 and was updated in February 2023. The NPS-FM is driven by the fundamental concept of Te Mana o te Wai, which recognises the importance of water and the health of the freshwater.
48. The single objective in the NPS-FM provides a hierarchy for managing natural and physical resources that prioritises the health and wellbeing of water bodies and freshwater, the health needs of people, and the ability to provide for social, cultural, and economic wellbeing.
49. The NPS-FM requires freshwater to be managed on a whole-of-catchment basis that considers the effects of use and development of the land (policy 3), which includes urban development. This integrated approach requires regional councils to update regional policy statements to provide for the integrated management of the effects of:

- a) the use and development of land on freshwater; and
- b) the use and development of land and freshwater on receiving environments.

2.2.4 National Adaptation Plan

50. The NAP is a required plan under section 5ZS of the CCRA and it brings together the Government's efforts to help build climate resilience and sets out the proposed future priorities and work programme. It was produced in response to the first National Climate Change Risk Assessment for Aotearoa-New Zealand (2020). The national climate change risk assessment provides an overall picture of the risks New Zealand faces from climate change and identifies 43 priority risks over five main areas (domains) covering the natural environment, communities, the economy, infrastructure and our governance systems. This laid the foundation for the NAP, which outlines the Government's response to these risks.

51. Section 61 of the RMA addresses matters to be considered in an RPS. It states in 61(2)(e) that when preparing or changing an RPS, the regional council shall have regard to: '*any national adaptation plan made in accordance with section 5ZS of the Climate Change Response Act 2002*'.

52. The NAP was published in August 2022. The Plan includes strategies, policies and proposals to achieve this long-term vision. Chapter 4 of the Plan seeks to ensure climate-resilient development is occurring in appropriate locations. This includes managing the location of development, and recognises the role of the planning system in enabling development in the best locations. 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.

2.2.5 National Emissions Reduction Plan

53. The Emissions Reduction Plan is a required plan under section 5ZI of the CCRA and it includes a wide range of policies and actions to reduce greenhouse gas emissions across the economy, including specific actions in relation to planning and infrastructure, transport, energy and industry, agriculture, forestry and waste. Section 61 of the RMA addresses matters to be considered in an RPS. It states in 61(2)(d) that when preparing or changing an RPS, the regional council shall have regard to: '*any emissions reduction plan made in accordance with section 5ZI of the Climate Change Response Act 2002*'.

54. Chapter 7 on planning and infrastructure recognises that decisions on land use, resources and infrastructure impact both climate change mitigation and resilience. The key actions listed in this chapter which relate to Hearing Stream 4 are:

- Housing and urban development supporting emissions reduction
- Using infrastructure efficiently
- Supporting the private sector to deliver low-emissions development

55. Chapter 7 also identifies that the planning and infrastructure system has an important role to play in supporting climate outcomes, including low-emissions buildings and infrastructure, well-functioning urban environments, mixed-use, medium and high-density development, strategic planning, active and public transport access, freight and transport services, supporting hapū, iwi and Māori to protect areas of cultural significance, and working with nature.

56. Chapter 10 on transport recognises that transport is one of our largest sources of greenhouse gas emissions, and seeks to:

- Reduce reliance on cars
- Support the use of walking, cycling and public transport
- Adopt low-emissions vehicles
- Decarbonise freight and heavy transport

57. Chapter 10 specifically identifies the need to integrate land-use planning and infrastructure to, 'allow more people to live in existing urban areas, where social and economic opportunities are greatest. Frequent and rapid public transport services will form the backbone of major urban developments and be well-connected with walking and cycling networks.' Chapter 4 on working with nature recognises the connection between climate change and biodiversity loss, and that nature-based solutions present an opportunity to take action to address both. It seeks that nature-based solutions are prioritised, and for integrated work programmes to deliver climate, biodiversity and wider environmental outcomes.

2.2.6 National Policy Statement for Highly Productive Land

58. The NPS-HPL came into force on 17 October 2022. The purpose of the NPS-HPL is to protect highly productive land from inappropriate use and development to ensure that land-based primary production activities are safeguarded. Policy 3 of the NPS-HPL specifically directs that highly productive land is mapped and included in regional policy statements. The policy framework of the NPS-HPL seeks to prioritise land-based primary production on highly productive land, and avoids urban rezoning, rural lifestyle rezoning and development, and subdivision of highly productive land.

59. Under part 3.5 of the NPS, a plan change must be notified no later than 3 months after the commencement date of the NPS to include land that is mapped as highly productive land. The NPS provides for exception to mapping highly productive land that is identified for future urban development.

2.2.7 National Planning Standards

60. The National Planning Standards provide direction on the structure and formatting of planning documents to improve efficiency and effectiveness of the planning system. The Standards include direction for both Regional Policy Statements and District Plans.

61. Whilst the purpose of Change 1 is not to give effect to The Standards, there are relevant provisions of this topic which are seeking to provide for consistency with the terminology and structure of The Standards.

2.3Section 32AA

62. In accordance with s32AA the authors have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations (1) A further evaluation required under this Act—

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

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

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

(d) must—

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

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

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

63. The required section 32AA evaluation for changes proposed as a result of the consideration of submissions with respect to this topic is located after each recommendations section for each provision.

2.4 Trade Competition

64. Trade competition is not considered relevant to this topic within Change 1. There are no known trade competition issues raised within the submissions.

3.0 Overarching Issues - Consideration of Submissions and Further Submissions (Mika Zöllner)

3.1 Overview (Mika Zöllner)

65. Mika Zöllner is the author of this section of the s42A report.

66. There are 72 original submissions and 33 further submissions of a general nature relating to this hearing stream, which are relevant to provisions that are in the FPI (addressed in Section 4) as well as provisions going through the standard Schedule 1 process (addressed in Section 5). This section therefore addresses overarching issues and common themes raised through general submission points.

3.2 Categorisation of provisions into the Freshwater Planning Instrument (Mika Zöllner)

67. Section 80A of the RMA, as at the time of notification of Change 1 in August 2022, provides the relevant tests for determining which parts of Change 1 should form part of the FPI:

(1) The purpose of this subpart is to require all freshwater planning instruments prepared by a regional council to undergo the freshwater planning process.

(2) A freshwater planning instrument means—

(a) a proposed regional plan or regional policy statement for the purpose of giving effect to any national policy statement for freshwater management:

(b) a proposed regional plan or regional policy statement that relates to freshwater (other than for the purpose described in paragraph (a)):

(c) a change or variation to a proposed regional plan or regional policy statement if the change or variation—

(i) is for the purpose described in paragraph (a); or

(ii) otherwise relates to freshwater.

(3) A regional council must prepare a freshwater planning instrument in accordance with this subpart and Part 4 of Schedule 1. However, if the council is satisfied that only part of the instrument relates to freshwater, the council must—

(a) prepare that part in accordance with this subpart and Part 4 of Schedule 1; and

(b) prepare the parts that do not relate to freshwater in accordance with Part 1 of Schedule 1 or, if applicable, subpart 5 of this Part.

68. GWRC undertook a process to categorise Change 1 provisions between the FPP and standard Schedule 1 process when Change 1 was notified in August 2022. This process applied the decision on the Proposed Regional Policy Statement for the Otago Region - Otago Regional Council v Royal Forest & Bird Protection Society of NZ Inc [2022] NZHC 1777 (the Decision).

69. The scope of the FPI as notified is shown in the notified Change 1 document through the use of the  symbol. Justification for each provision is provided in Appendix E of the S32 report. The Section 80A(2)(c) tests were specified in paragraphs 202 and 192 of the Decision as:

- give effect to parts of the NPS-FM that regulate activities because of their effect on the quality or quantity of freshwater, or
- relate directly to matters that will impact on the quality or quantity of freshwater.

70. These tests were applied to determine whether a provision was in the FPI or not. The categorisation process was undertaken at a provision level without splitting provisions. Therefore, if part of a provision met either test in paragraph 69, the whole provision was included in the FPI even if it also related to other matters. Each provision was assessed independently and its relationships to other provisions did not form the basis for including or not including it in the FPI.

71. Change 1 was drafted in an integrated way, and many provisions therefore contribute to the purpose for which Section 80A was enacted; to address the decline of freshwater quality. The fundamental concepts of Te Mana o Te Wai and ki uta ki tai informed how the objectives, policies and methods of Change 1 have been drafted. However, these concepts alone were not used to justify the categorisation of each provision to the FPI.

72. Submitters have raised concerns regarding the categorisation of provisions to the FPI. Winstones, Forest and Bird, WIAL and WFF attended Hearing Stream 1 to speak to their concerns regarding categorisation. The primary concerns raised were that too many provisions were notified as part of the FPI and that the justification for inclusion in the FPI was not clear enough in light of the Decision. This report section has been included in response to these concerns, and to assist the Hearing Panels in considering the categorisation of provisions.

Changes to RMA Section 80A

73. Changes to Section 80A are introduced as the Natural and Built Environment Bill and Spatial Planning Bill have proceeded through the parliamentary process. Counsel for the Council have advised the Panels of these changes by way of a memorandum of counsel dated 25 August 2023¹.

3.2.1 Matters raised by submitters

74. WFF [S163.040], supported by HortNZ [F28.036] and BLNZ [FS30.113] and opposed by Forest and Bird [FS37.084], Ātiawa [FS20.206] and Ngā Hapu [FS29.057], consider that all provisions in the regional form, design and function chapter should not be subject to the FPP. WFF specifically seek that the FW icon is deleted from Objective 22B [S163.041].

75. SWDC [S79.016], supported by MDC [FS14.021], question the allocation of Objective 22 to the FPP.

3.2.2 Analysis

76. The Hearing Panels for Change 1 jointly issued proposed directions regarding allocation of provisions between P1S1 and FPP processes on 4 June 2023 in Minute 5². This minute states that the proposed approach is for the P1S1 panels to make recommendations on the classification of provisions once all submissions on Change 1 have been heard. It states that the Freshwater Hearings Panel may recommend that particular provisions do not meet the Decision tests.

77. To inform the consideration of the provisions in this topic and respond to submissions, I have assessed each FPP provision addressed by this report according to the two tests that were applied to categorise each provision in Change 1 to either the FPP or to standard Schedule 1 process at the time of notification, being:

- give effect to parts of the NPS-FM that regulate activities because of their effect on the quality or quantity of freshwater, or
- relate directly to matters that will impact on the quality or quantity of freshwater.

78. All provisions addressed in section 4 of this report have been assessed. The results of my assessment are described in Table 5 below. In summary, I generally agree with the assessment to inform the scope of the FPI at the time of notification. The regional form, design and function chapter and many provisions in this topic are giving effect to the NPS-FM. I have outlined my general reasons for this view here and will not repeat them throughout Table 5.

79. The NPS-FM clause 3.5(2) requires regional councils to change their regional policy statements to, 'provide for the integrated management of the effects of (a) the use and development of land on freshwater, and (b) the use and development of land and freshwater on receiving environments.' Clause 3.5(1) refers to managing 'freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and wellbeing of water bodies, freshwater ecosystems, and receiving

¹ Memorandum of Counsel on amended section 80A of the RMA, dated 25 August 2023, <https://www.gw.govt.nz/assets/Documents/2023/08/GWRC-Memorandum-of-Counsel-as-to-section-80A-amendments.pdf>

² Minute 5 from the Hearing Panels - Proposed directions regarding allocation of provisions between P1S1 And FHP processes, dated 4 June 2023, <https://www.gw.govt.nz/assets/Documents/2023/07/Minute-5-Proposed-Directions-Regarding-Allocation-of-Provisions-between-P1s1-and-Fhp-Processes-4-June-2023-v2.pdf>

environments’ and encouraging ‘the co-ordination and sequencing of regional or urban growth’, as a part of giving effect to Te Mana o Te Wai. Clause 3.5(4) directly links urban development with ‘the health and wellbeing of water bodies, freshwater ecosystems, and receiving environments’. This connection is also explicitly provided for by RMA section 30, whereby regional councils must control the use of land for the maintenance and enhancement of freshwater quality and quantity as part of their functions.

80. Development and land use change can potentially impact freshwater quality and quantity in numerous different ways; examples include contributing to pressure on three waters infrastructure, increasing imperviousness and altering catchment hydrology, increasing stream erosion, generating particular contaminants such as zinc, copper, sediment, hydrocarbons, nitrates and soaps, and leading to the reclamation of stream and wetlands and direct loss of freshwater habitat. The NPS-FM directly connects land use and urban development with impacts on freshwater quality and quantity, as well as the specific role of both regional councils and territorial authorities to provide for this connection.

81. I am recommending amendments to the content of some provisions in the FPI throughout this report, and recommending some additional provisions. In these instances, I have addressed the potential impacts of the amendments in the recommendations of each provision, and whether the amendments would change my view on the categorisation of that provision to the FPI.

Table 5: S42A assessment of each provision notified as part of the FPI instrument.

Provision in FPI	S32 report justification	S42A assessment on notified provision	Assessment of impacts of recommended amendments
Regional form, design and function chapter introduction	Text discusses matters directly related to freshwater quality and quantity as part of achieving the characteristics and qualities and well-functioning urban environments.	I agree with the assessment. When discussing well-functioning urban environments, the chapter introduction makes it clear that 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.’ Water sensitive urban design is in my view directly related to the quality and quantity of freshwater. Beyond this, the chapter introduction discusses land use and development generally, which in my view directly impacts on freshwater quality and quantity. This connection is directly recognised by the NPS-FM and Section 30 of the RMA.	The recommended amendments do not affect my view on the categorisation of the provision to the FPI.
Objective 22	Clause (d) prioritises the protection and	I agree with the assessment that Objective 22 as notified should be in the	The recommended

Provision in FPI	S32 report justification	S42A assessment on notified provision	Assessment of impacts of recommended amendments
	<p>enhancement of freshwater quality and quantity as a characteristic of well-functioning urban environments. This protection of freshwater therefore represents a central part of the how the characteristics and qualities of well-functioning urban environments are articulated throughout RPS Change 1.</p>	<p>FPI. The wording of clause (d) links directly to the objective of the NPS-FM (2.1); for the health and wellbeing of water bodies and freshwater ecosystems to be prioritised. In my view, the NPS-FM objective seeks to regulate activities because of their effect on the quality and quantity of freshwater. Objective 22 forms part of the integrated implementation of the NPS-FM in the RPS and seeks to promote positive effects, and avoid, remedy or mitigate adverse effects of urban development on the health and wellbeing of water bodies, freshwater ecosystems, and receiving environments. Objective 22 therefore meets both tests described in paragraph 4 in my view.</p> <p>Climate-resilience, as sought by Objective 22, refers to being able to withstand stresses resulting from climate change, which includes those associated with increased rainfall intensity. Actions to contribute to Objective 22 include implementing measures such as water-sensitive urban design to manage stormwater flows to reduce flooding and retain natural stream-flows, as far as possible, to both protect communities and protect urban freshwater ecosystems.</p>	<p>amendments do not affect my view on the categorisation of Objective 22 to the FPI. Objective 22 is still implementing the NPS-FM for the purpose of maintaining and enhancing the quality and quantity of freshwater.</p>
Objective 22B	<p>Objective seeks to manage impacts on significant values and features identified in the RPS, which include historic heritage values, outstanding natural features and landscapes and special amenity landscapes, indigenous ecosystems and habitats, and values of rivers and</p>	<p>While I agree with the assessment that the significant values and features mentioned in this objective are directly related to freshwater quality and quantity, in this case I do not consider the relationship is direct. I therefore consider that this objective should not be in the FPI.</p>	<p>The amendments to Objective 22B do not change my view. I still consider that Objective 22B should be moved the Part 1 Schedule 1 process, however I recommend that it is deleted.</p>

Provision in FPI	S32 report justification	S42A assessment on notified provision	Assessment of impacts of recommended amendments
	lakes directly related to freshwater quality and quantity. Matters directly impacting freshwater quality and quantity therefore represent at least half of the values and features protected by this policy.		
Issue B – Inappropriate development	Issue discusses degradation of freshwater ecosystems and mana whenua / tangata whenua relationships to culture, land, water, sites, wāhi tapu and other taonga. It therefore directly relates to matters impacting freshwater quality and quantity	I agree with the assessment that this provision is directly related to matters impacting freshwater quality and quantity. The matters described form a direct relationship between inappropriate land use and development and impacts on aquatic ecosystems, which are inherently connected to freshwater quality and quantity through the NPS-FM.	No amendments are recommended.
Issue 1 – Poor quality urban design	Mana whenua / tangata whenua cultural practices and wellbeing relate directly to freshwater quality and quantity.	I agree with the assessment for the same reason as for Issue B; poor quality urban design has a direct relationship to freshwater receiving environments and practices such as mahinga kai.	The recommended amendments are minor and do not affect my view on the categorisation of the provision to the FPI.
Issue 2 – Sporadic, uncontrolled and/or uncoordinated development	Issue discusses three waters infrastructure and mana whenua / tangata whenua relationships to culture, land, water, sites, wāhi tapu and other taonga. It therefore directly relates to matters impacting freshwater quality and quantity.	I agree with the assessment for the same reason as for Issue B; poorly managed, sporadic development impacts freshwater receiving environments and the relationships of mana whenua / tangata whenua to freshwater receiving environments, including adverse effects on mahinga kai.	The recommended amendments are minor and do not affect my view on the categorisation of the provision to the FPI.
Table 9	Table contains objectives directly related to	I agree that given the table contains only objectives notified in the FPI, the table	No submissions received and no

Provision in FPI	S32 report justification	S42A assessment on notified provision	Assessment of impacts of recommended amendments
	freshwater quality and quantity	must accompany those objectives to support their interpretation.	amendments recommended.
Policy 31	The qualities and characteristics of well-functioning urban environments, as articulated in Objective 22, include protecting and enhancing freshwater quality and quantity.	I agree that this policy should be in the FPI. This policy's substance is primarily about enabling intensification through a range of building heights and densities of urban form. The process of intensifying urban land use impacts freshwater quality and quantity directly through pressures on infrastructure, changes in hydrology etc. The chapeau makes it clear that intensification is to be enabled where it contributes to well-functioning urban environments as articulated in Objective 22, which makes a clear connection between land use and freshwater.	The recommended amendments do not affect my view on the categorisation of the provision to the FPI.
Policy 32	The qualities and characteristics of well-functioning urban environments, as articulated in Objective 22, include protecting and enhancing freshwater quality and quantity.	While I agree that the provision is seeking to achieve well-functioning urban environments as articulated in Objective 22, which makes a clear connection between land use and freshwater, in this case I consider that the connection to freshwater quality and quantity is one step removed because the policy's substance is primarily about providing for industrial-based employment locations and protecting them from reverse sensitivity effects. I therefore consider that this policy should not be in the FPI.	The recommended amendments do not affect my view on the categorisation of the provision to the FPI.
Policy 33	The qualities and characteristics of well-functioning urban environments, as articulated in Objective 22, include protecting and enhancing freshwater quality and quantity.	While I agree that the provision is seeking to achieve well-functioning urban environments as articulated in Objective 22, which makes a clear connection between land use and freshwater, in this case I consider that the connection to freshwater quality and quantity is one step removed because the policy's substance is primarily about seeking a reduction in transport emissions through the RLTP. I therefore	The recommended amendments do not affect my view on the categorisation of the provision to the FPI.

Provision in FPI	S32 report justification	S42A assessment on notified provision	Assessment of impacts of recommended amendments
		consider that this policy should not be in the FPI.	
Policy 55	Policy integrates Te Mana o Te Wai and protecting indigenous ecosystems, which include freshwater ecosystems, as part of achieving well-functioning urban environments in urban expansion. This relates directly to protecting and enhancing freshwater quality and quantity	I agree that this policy should be in the FPI. I agree with the assessment that this policy specifically seeks to recognise the role of Te Mana o Te Wai in urban development and to achieve well-functioning urban environments as articulated in Objective 22. In my view Policy 55 forms part of the integrated implementation of the NPS-FM particularly the relationship to urban development in section 3.5, by seeking that greenfield development is environmentally responsive.	The recommended amendments do not affect my view on the categorisation of the provision to the FPI.
Policy UD.2	Mana whenua / tangata whenua relationships to culture, land, water, sites, wāhi tapu and other taonga relates directly to protecting and enhancing freshwater quality and quantity.	I agree with the assessment. Providing for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga is likely to involve recognising the connections between land use, freshwater receiving environments and practices such as mahinga kai. I therefore consider that this policy directly impacts freshwater quality and quantity.	The recommended amendments are minor and do not affect my view on the categorisation of the provision to the FPI.
Policy UD.3	The qualities and characteristics of well-functioning urban environments, as articulated in Objective 22, include protecting and enhancing freshwater quality and quantity.	I agree that this policy should be in the FPI. I agree with the assessment that this policy seeks to achieve well-functioning urban environments as articulated in Objective 22, which makes a clear connection between land use and freshwater. In my view Policy UD.3 forms part of the integrated implementation of the NPS-FM particularly the relationship to urban development in section 3.5, by seeking that unanticipated or out-of-sequence development is environmentally responsive.	The recommended amendments do not affect my view on the categorisation of the provision to the FPI.
Policy 67	The qualities and characteristics of well-	I agree that this policy should be in the FPI. This policy is seeking to achieve	The recommended

Provision in FPI	S32 report justification	S42A assessment on notified provision	Assessment of impacts of recommended amendments
	functioning urban environments, as articulated in Objective 22, include protecting and enhancing freshwater quality and quantity.	well-functioning urban environments as articulated in Objective 22, which makes a clear connection between land use and freshwater. Activities provided for, for example the urban design guidance in clause (a), are likely to contain guidance relating to the mitigation of potential adverse effects of urban development on freshwater, for example through the use of water sensitive urban design.	amendments do not affect my view on the categorisation of the provision to the FPI.
Method 46	The definition of complex development opportunities includes creating well-functioning urban environments, a characteristic of which is protecting and enhancing freshwater quality and quantity.	While I agree that complex development opportunities are seeking to achieve well-functioning urban environments as articulated in Objective 22, which makes a clear connection between land use and freshwater, in this case I consider that the connection to freshwater quality and quantity is one step removed. The notified wording of method 46 is in substance about achieving complex development opportunities. While these have a relationship to freshwater quality and quantity, I consider that this relationship is not direct. I therefore consider that this method should not be in the FPI.	The recommended amendments do not affect my view on the categorisation of the provision to the FPI. I still consider that Method 46 should be moved the Part 1 Schedule 1 process, however I recommend that it is deleted.
Method UD.1	Method implements Policy 67, Policy CC.14 and Policy FW.3, which are all directly related to protecting and enhancing freshwater quality and quantity. It also contributes to achieving Objective 12.	I agree with the assessment for the same reasons as in the S32 report. In my view Method UD.1 forms part of the integrated implementation of the NPS-FM, particularly the relationship to urban development in section 3.5, by seeking to mitigate potential adverse effects of urban development on freshwater receiving environments. It clearly directly impacts on freshwater quality and quantity.	The recommended amendments do not affect my view on the categorisation of the provision to the FPI.
City centre zone definition	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning	I agree with this reasoning, particularly given the faster timeframe for the FPP process which could otherwise mean that the provisions are considered and	The recommended amendments do not affect my view on the

Provision in FPI	S32 report justification	S42A assessment on notified provision	Assessment of impacts of recommended amendments
		recommendations made in absence of the relevant supporting definitions.	categorisation of the provision to the FPI.
Future Development Strategy definition	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning	I agree with this reasoning, particularly given the faster timeframe for the FPP process which could otherwise mean that the provisions are considered and recommendations made in absence of the relevant supporting definitions.	The recommended amendments do not affect my view on the categorisation of the provision to the FPI.
High density development definition	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning	I agree with this reasoning, particularly given the faster timeframe for the FPP process which could otherwise mean that the provisions are considered and recommendations made in absence of the relevant supporting definitions.	The recommended amendments do not affect my view on the categorisation of the provision to the FPI.
Medium density development definition	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning	I agree with this reasoning, particularly given the faster timeframe for the FPP process which could otherwise mean that the provisions are considered and recommendations made in absence of the relevant supporting definitions.	The recommended amendments do not affect my view on the categorisation of the provision to the FPI.
Metropolitan centre zone definition	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning	I agree with this reasoning, particularly given the faster timeframe for the FPP process which could otherwise mean that the provisions are considered and recommendations made in absence of the relevant supporting definitions.	The recommended amendments do not affect my view on the categorisation of the provision to the FPI.
Relevant Residential Zone definition	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning	I agree with this reasoning, particularly given the faster timeframe for the FPP process which could otherwise mean that the provisions are considered and	The recommended amendments do not affect my view on the

Provision in FPI	S32 report justification	S42A assessment on notified provision	Assessment of impacts of recommended amendments
		recommendations made in absence of the relevant supporting definitions.	categorisation of the provision to the FPI. I still consider that the definition should be in the FPI, however I recommend that it is deleted as it is no longer used in any provisions.
Rural areas definition	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning	I agree with this reasoning, particularly given the faster timeframe for the FPP process which could otherwise mean that the provisions are considered and recommendations made in absence of the relevant supporting definitions.	
Tier 1 territorial authority definition	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning.	I agree with this reasoning, particularly given the faster timeframe for the FPP process which could otherwise mean that the provisions are considered and recommendations made in absence of the relevant supporting definitions.	
Urban areas definition	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning.	I agree with this reasoning, particularly given the faster timeframe for the FPP process which could otherwise mean that the provisions are considered and recommendations made in absence of the relevant supporting definitions.	
Urban environments definition	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning.	I agree with this reasoning, particularly given the faster timeframe for the FPP process which could otherwise mean that the provisions are considered and recommendations made in absence of the relevant supporting definitions.	
Complex development opportunities definition	The qualities and characteristics of well-functioning urban environments, as articulated in Objective	While I agree that the provision is seeking to achieve well-functioning urban environments as articulated in Objective 22, which makes a clear connection between land use and	The recommended amendments do not affect my view on the

Provision in FPI	S32 report justification	S42A assessment on notified provision	Assessment of impacts of recommended amendments
	22, include protecting and enhancing freshwater quality and quantity	freshwater, in this case I consider that the connection to freshwater quality and quantity is one step removed. The method is more about guiding the identification of complex development opportunities than achieving well-functioning urban environments. I therefore consider that this definition should not be in the FPI.	categorisation of the provision to the FPI. I still consider that the definition should be moved the Part 1 Schedule 1 process, however I recommend that it is deleted.

3.2.3 Recommendations

82. As a result of the assessment undertaken in Table 5, which is based on the tests in the Decision, I consider that the following provisions as notified, should be moved from the FPI into the standard Schedule 1 process:

- Objective 22B – recommend deleting in section 4.1.2
- Policy 32
- Policy 33
- Method 46 – recommend deleting in section 4.14
- Complex development opportunities definition – recommend deleting in section 4.16

83. Accordingly, I recommend that submission and further submission points that oppose the categorisation are accepted/rejected as detailed in **Appendix 2**.

84. As a result of recommended amendments and additions made to provisions through this report, there are no changes to my view on the categorisation to the FPI. Seven new provisions have been recommended through this report, consisting of two policies, two methods and three definitions. These have been assessed in Table 6.

Table 6: Assessment of each new provision recommended in this S42A report.

Provision	Assessment	Recommended by which author?	FPP or P1S1?
Policy UD.4	Policy UD.4 does not contain any specific reference to freshwater quality or quantity. Its primary intent is to provide strategic direction to district plans on how to meet housing and business demand, and to fill policy gaps identified across Change 1. Although the policy will	Mika	P1S1

Provision	Assessment	Recommended by which author?	FPP or P1S1?
	indirectly benefit freshwater through the requirements regarding infrastructure, this is not considered direct enough to meet the tests for inclusion in the FPI.		
Policy UD.5	Policy UD.5 specifies that protecting and enhancing freshwater is necessary to contribute to well-functioning urban areas through urban development. It therefore recognises clause 3.5 of the NPS-FM and the intrinsic relationship between land use and development and freshwater. I therefore consider that it should be in the FPI.	Mika	FPP
Method UD.3	Method UD.3 does not relate directly to freshwater quality or quantity, and does not meet the tests for inclusion in the FPI in my view.	Mika	P1S1
Method UD.4	Method UD.4 does not relate directly to freshwater quality or quantity, and does not meet the tests for inclusion in the FPI in my view.	Owen	P1S1
Town centre zone definition	The definition is used in Policy 31 which was notified as part of the FPI, so it must also go through FPP for the provisions to have the correct meaning.	Mika	FPP
Well-functioning urban environments definition	The definition is used in Policy UD.5 which was notified as part of the FPI, so it must also go through FPP for the provisions to have the correct meaning.	Mika	FPP
Primary production definition	The definition is used only in Policy 56, which was not notified as part of the FPI.	Owen	P1S1

3.3 Implementation of the National Policy Statement on Urban Development 2020 (Mika Zöllner)

3.3.1 Matters raised by submitters

85. This section addresses general submission points (not on specific provisions) relating to the implementation of the NPS-UD. There are fourteen general submissions and eight further submissions relating to the approach taken to implementing the NPS-UD.

86. TKL [S126.004] submit in support with part, and Best Farm Ltd [S141.004] support the provisions.

Environmentally responsive urban development

87. Robert Anker [S31.033, S31.035], Philip Clegg [S62.004] and Dr Sarah Kerkin [S96.004] submit in opposition and raise concerns that the provisions are seeking to 'constrain' urban development and are contradictory. On the other hand, Forest and Bird [S165.031] supports in part and seeks that directive language requiring that urban development is provided for is deleted, as this development is subject to other requirements including Section 6 of the RMA. PCC [S30.020], supported by Peka Peka Farm [FS25.053], submits in opposition, stating that the provisions fail to give effect to the NPS-UD by failing to recognise the benefits of urban development.
88. WIAL [S148.009] submits neutrally and seeks that the RPS strike a balance that does not unnecessarily inhibit appropriate development from occurring. They also seek greater recognition of qualifying matters and the ability to required to safely and efficiently operate regionally significant infrastructure, including land subject to designations.
89. Ngāti Toa [S170.042], supported by Ngā Hapu [FS29.156], submits in support of the intent of to achieve environmental integration through urban development, but seeks stronger direction to district plans to provide for integration. I note that although this submission is recorded as being on Policy CC.3, it refers to a policy in the draft version of Change 1 which was called, 'Environmental integration in urban development – district plans'. It is therefore being considered as a general submission point as it is relevant to this topic as a whole.

Level of direction to territorial authorities

90. KCDC submit in opposition [S16.075], which is opposed by Mansell [FS18.001]. KCDC considers that the provisions have done more than required by the NPS-UD to direct district plans, and seeks deletion of all non-mandatory provisions that direct territorial authorities on how to give effect to the NPS-UD. KCDC are concerned that the provisions risks conflicting with the IPIs prepared by all tier 1 territorial authorities.
91. PCC [S30.020] consider the provisions will lead to a poly-centric urban form and that this is contrary to the NPS-UD. They also consider Objective 22 duplicates other objectives in the RPS. They seek for regulatory certainty to be increased throughout the provisions. Kāinga Ora [S158.048] supports in part and requests that a defined centres hierarchy is included which is in line with the National Planning Standards and the NPS-UD, with Wellington City as the City Centre of the Region and other centres as Metropolitan and Town Centre zones.
92. Investore [S154.012, S154.002] and Stride [S155.002, S155.009] oppose in part and consider that the provisions giving effect to the NPS-UD are disparate and will not achieve the strategic intent of the NPS-UD or contribute to well-functioning urban environments, because they fail to clearly direct intensification to be focussed around centres and rapid transit nodes. They provide the example that direction for intensification in Johnsonville should be clearer.

3.3.2 Analysis

93. For clarity, I have summarised all provisions in this topic that give effect to the NPS-UD, and if so which parts, in Table 7. I have reviewed all of the provisions that implement the NPS-UD to ensure that any duplication is useful and assists plan users, and that there are no conflicts. Where necessary I have recommended amendments to specific provisions to remove unnecessary duplication or potential conflicts, and provided S32AA justification as required.

Table 7: Summary of notified Change 1 provisions in this topic which give effect to the NPS-UD.

Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Hearing Stream: 4

Officer's Report: Urban Development

NPS-UD direction	Change 1 Hearing Stream 4 provisions
Well-functioning urban environments: Objective 1 Policy 1	Objective 22 Policy UD.1 Policy 31 Policy 32 Policy 33 Policy 55 Policy 67
Intensification: Objective 3 Policy 2 Policy 3 Policy 4 Policy 5	Objective 22 Policy 31 Policy 55
Planning decisions take into account Te Tiriti o Waitangi: Objective 5 Policy 9	Objective 22 Policy UD.1 Policy UD.2 Policy 55 Method UD.1 Policy 67
Planning that is integrated with infrastructure, strategic and responsive: Objective 6 Policy 6 Policy 8 Policy 10	Objective 22 Policy 55 Policy UD.3 Policy 58 Policy 57 Method UD.2
Climate change mitigation and resilience: Objective 8 Policy 6	Objective 22 Policy 33 Policy 55

Environmentally responsive urban development

94. In response to Robert Anker, Philip Clegg, Dr Sarah Kerkin, PCC and KCDC, the RPS is not limited to giving effect to the NPS-UD. The purpose of a RPS is to assist a regional council to carry out any of its functions in order to achieve the purpose of the RMA. This includes providing an overview of

the significant resource management issues in the region, including those of significance to iwi authorities, and setting out objectives, policies and methods to achieve the sustainable management of natural and physical resources. While a change to the RPS must be done in accordance with a national policy statement, it must also be in accordance with, and have regard to, numerous other functions, objectives, documents and other national policy statements.

95. As outlined in the section 32 report for Change 1, subdivision, use and development is directly related to a number of issues that the RPS seeks to address. Of particular note, the RPS must give effect to the NPS-FM. A holistic, integrated approach that acknowledges the connections between development, infrastructure and freshwater is explicitly required by NPS-FM clause 3.5 on integrated management. I therefore do not agree with submitters that the Change 1 provisions will unnecessarily constrain urban development and I recommend rejecting their requested relief. The provisions seek to achieve the integrated, sustainable management of the Wellington Region's natural and physical resources and seek to respond to a range of pressures. To do so, they influence the way that development occurs so that it is environmentally integrated and achieves multiple co-benefits and objectives, to also achieve RMA section 6 matters. I have clarified this policy intent through amendments to the regional form, design and function chapter introduction in section 4.4.

96. In response to Forest and Bird's concern that the language related to urban development is too enabling, I have reviewed the provisions and consider that, with my recommended amendments, the provisions provide for appropriate development. Poor affordability and shortages of adequate housing and infrastructure are issues of significance in the Wellington Region, which also need to be addressed by the RPS. Development capacity is therefore necessary, but the RPS must ensure this occurs in an environmentally responsive way.

97. In response to WIAL's submission on managing the timing of development, the RPS cannot directly influence the timing of development. This is a matter managed by district plans through zoning. The RPS is focussed on matters that must be considered with regard to urban development rather than when it occurs. In response to WIAL's request for references to qualifying matters, while I agree that qualifying matters are an important consideration when enabling development capacity, they have not been included in Change 1 because the direction from the NPS-UD and MDRS in relation to qualifying matters relates to district plans. While I acknowledge that NPS-UD Policy 4 on qualifying matters applies to regional policy statements too, in my view including qualifying matters in Change 1 would risk conflicting with the NPS-UD or the MDRS. I have made amendments to provisions to strengthen protection of regionally significant infrastructure from reverse sensitivity effects in response to specific submissions on provisions. I therefore recommended rejecting relief sought by WIAL.

Level of direction to territorial authorities

98. In response to KDC's concern about direction being provided to territorial authorities that is non-mandatory, I consider that an RPS can provide the direction that is necessary to respond to the regionally significant issues and its functions under section 30, which the NPS-UD is relevant to. As discussed, there are many other considerations other than the NPS-UD relevant to an RPS, including the NPS-FM. I therefore consider that an RPS can provide direction to district plans and territorial authorities even if this direction is not specifically mandated by one national policy statement, as long as it does not conflict with national direction. I recommend rejecting the relief sought to delete all non-mandatory provisions, because in my view Change 1 would not provide for Part 2 of the RMA if this relief was accepted.

99. There are two distinct points made by submitters regarding centres. PCC and Kāinga Ora seek a defined centres hierarchy directing intensification, while Investore and Stride seek greater acknowledgement of centres. I acknowledge that the provisions do not create a specific and directive hierarchy of centres for where intensification should occur, and rather identify a hierarchy of centres in Policy 30 only. This is appropriate in my view, which I discuss further in section 4.2 paragraphs 193-197 on Objective 22. However, I agree with Investore and Stride that supporting centres is an important aspect of urban planning which is re-enforced by the NPS-UD and the Operative RPS. I consider the RPS provisions should support the viability and vibrancy of centres, and have recommended amendments to Objective 22, Policy 31 and Policy 55 to reflect this.

3.3.3 Recommendations

100. I recommend that the general submission points are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

3.4 Intensification and compact development (Mika Zöllner)

3.4.1 Matters raised by submitters

101. There are 37 general submissions, some of which are duplicated or similar, which relate to intensification. 34 general submissions support direction for intensification and compact, higher density housing over greenfield. The submissions particularly highlight the benefits of higher-density development for reducing transport-related greenhouse gas emissions and improving housing affordability, liveability and choice. The submissions tend to seek a shift away from car-dependent, low-density development to compact, liveable and accessible development with sustainable transport options. The same submitters also tend to express support for climate resilient development.

102. Nine of these general submissions from Steven Ensslen, Alicia Hall, Finn Hall, VUWSA, Jonathan Markwick, Vic Labour, Generation Zero [S17.001, S19.001, S73.004, S74.004, S75.002, S82.003, S82.005, S89.005, S135.002] seek that the provisions are retained and do not seek specific amendments.

103. Only one submitter, Sam Gilkison [S56.001], raises concerns about restrictions being placed on greenfield development.

104. Chelsea Kershaw, Tegan McGowan, Helen Payn, Peter Ramage, Oliver Bruce, Jennifer Van Beynen, Khoi Phan, Ellen Legg, Grant Buchan, Patrick Morgan, Parents for Climate Aotearoa, Gene Clendon, James Burgess, Bronwyn Bell, Ruby Miller-Kopelov, Isabella Cawthorn, Megan Gallagher, Michelle Ducat and Megan Lane [S17.006, S19.001, S19.002, S27.001, S35.002, S37.002, S51.001, S53.001, S60.003, S61.003, S71.002, S76.002, S77.001, S90.002, S92.005, S93.005, S143.002, S152.003, S152.001, S164.001] seek that the provisions seeking intensification and higher density are strengthened, refined or enhanced, and in particular mention the need for greenfield developments to demonstrate good planning, efforts to reduce transport emissions and climate resilience. They also often signal the need for intensification to be prioritised over urban expansion to respond to housing demand.

105. Megan Gallagher, for example, submits, 'If more apartments, townhouses are built with a focus on warmth, community and proximity to amenities people will buy them. Stop encouraging low density greenfield subdivisions in what was once farmers and food production areas.' Michelle Ducat submits, 'Housing development must be centred on mitigation of emissions, adaptation to

climate change, and enhancement of community connection and the environment we depend upon - and centres on the aspirations of mana whenua.' Megan Lane submits, 'Support councils ensuring more homes do not mean more emissions. It's ridiculous that in this day and age, traffic-inducing greenfield subdivisions of single-family detached houses are still the lion's share of new homes being built. There are plenty of reasons why it's easier and more profitable to do traditional car-centric suburban greenfield. That is why it is important for councils - of all stripes - to do everything they possibly can to get good intensification for growth, rather than greenfield.' Vic Labour submits, 'Support recognition of the lack of housing Wellington has in the modifications to Chapter 3.9, particularly regarding the lack of variety of housing (i.e.: papakāinga). Support ensuring that the housing in Wellington is diverse and built denser, otherwise we will never be able to sustain being the 'green' region we desire to be. This does not just apply to Wellington City, but it applies everywhere across the region.'

106. Several submissions also seek the integration between the urban development and transport provisions to reduce transport emissions associated with new urban development, including Parents for Climate Aotearoa [S71.002], Finn Hall [S74.004], Steven Ensslen [S19.002] and VUWSA [S75.002]. Teresa Holman [S98.002] seeks for public transport links, including buses to trains and inner-city shuttle services, to be provided to support housing.

107. Khoi Phan, Megan Gallagher, and James Burgess [S51.005, S143.004, S143.004] seek additional staff resources and training and enforcement measures to better achieve more compact, liveable developments and 'density done well'. Parents for Climate Aotearoa [S71.003] seeks a 'non-regulatory method to require the Council to invest into upskilling the various teams such as planning, regulatory and consenting to be grounded in the skills and knowledge on how to do intensification well.'

108. NZCSC seeks amendments to provisions to signal a clear preference for intensification and compact development along transport corridors over urban expansion [S151.010, S151.012].

3.4.2 Analysis

109. I discuss and address these submissions on intensification, compact development, integration with transport, housing affordability, and housing variety in section 4.2, where I recommend that Objective 22 contains stronger and clearer direction regarding these matters. I also address these submissions with respect to Policy 55 and a new Policy UD.4 in sections 4.10 and 4.11. I consider that these amendments make the RPS more aligned with the NPS-UD. Most of the time, these amendments do not alter the policy intent considerably, and but rather, assist with clarity and certainty.

110. In response to submitters seeking training and resources of Council staff to consent intensification done well, this is out of scope of Change 1 as it is about implementation. In response to the request for a non-regulatory method on Council staff upskilling to consent good density requested by Parents for Climate Aotearoa [S71.003], I consider that there is already a method in Change 1 with this intent. Method UD.1 directs the development of development manuals and design guidance to support both the development community and consenting staff to implement Change 1 policies which ultimately seek to achieve 'density done well'. I therefore consider the relief sought is, in effect, already achieved and no amendment is necessary. In response to Sam Gilkison's concern regarding restrictions on greenfield development, Policy 55 and Policy UD.3 provide a pathway for greenfield development where it can meet the requirements. However, there are many reasons to prioritise intensification over greenfield development which is discussed further in section 4.2.

3.4.3 Recommendations

111.I recommend that submissions and further submissions are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

3.5 Wellington Regional Growth Framework (Mika Zöllner)

3.5.1 Matters Raised By Submitters

112.KCDC [S16.094] seeks that all references to the WRGF are deleted, and placeholder references to a FDS are used instead. Kāinga Ora [FS12.009] supports the submission of KCDC, whilst the Mansells [FS18.002] oppose, on the basis that the references to the WRGF are important to implement the NPS-UD direction. KCDC makes reference to the removal of references to the WRGF through other submission points on specific provisions, however this matter is primarily considered through the response to submission point S16.094.

3.5.2 Analysis

113.KCDC opposes the references to the WRGF on the basis that the WRGF holds no statutory weight under the RMA as it did not follow the special consultative procedure under the LGA. KCDC also contends that the references to the WRGF undermine other growth strategies, prepared under the LGA, by the region's territorial authorities.

114.The WRGF is referenced in three places in Change 1:

- the introductory text to Chapter 3.9, and
- Anticipated Environmental Result 7 in relation to Objective 22, and
- the explanation of Policy 55.

115.The three references to the WRGF are in places of Change 1 that are more explanatory in nature than substantive direction, and I consider this is appropriate given the WRGF itself does not have statutory weight under the RMA. The intention of referring to the WRGF in the RPS is to recognise the high-level strategic direction for growth within the Wellington Region that the WRGF provides, representing the most recent regional-level spatial plan. The Operative RPS refers to the Wellington Regional Strategy (2007) in relation to the strategic direction of growth for the region, with the WRGF replacing the Wellington Regional Strategy. I consider that the WRGF provides an important framework directing future urban growth at a regional scale. It includes key objectives for the Region's growth over the next 30 to 100 years, and identifies a future urban form, the constraints, challenges for growth, and implementation required to achieve the objectives. The WRGF has been developed in partnership with local councils, central government, and mana whenua.

116.There are three references to consistency with strategic growth and/or development strategies in Policy 55, Policy 56 and Policy 67, which exist in the Operative RPS. Change 1 adds reference to these strategies being 'regional or local' and includes the FDS as the preferred document once available. Whilst the relevant FDS documents are being developed, as per the requirements of the NPS-UD, the intention is that these relevant local and regional strategies are to be considered for consistency. Regional or local growth strategies would include the WRGF as well as other growth strategies developed by territorial authorities. All of these documents are non-statutory as they are not directed to occur by any piece of legislation, unlike the FDS which is directed by the NPS-UD.

3.5.3 Recommendations

117. I have made an amendment to the Chapter 3.9 introductory text in response to this submission point, and accordingly I recommend that it is rejected in part, as detailed in **Appendix 2**. Their specific submission points regarding the WRGF have been considered on each provision accordingly.

3.6 Mana whenua / tangata whenua values and Mātauranga Māori (Mika Zöllner)

3.6.1 Matters raised by submitters

118. Change 1 introduces new direction to provide for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga through land use and development, including recognising and enabling marae and papakāinga and Mātauranga Māori. There are six original submissions and six further submissions on this topic which are of a general nature and not on specific provisions.

119. Ātiawa [S131.006], supported by Ngā Hapu [FS29.210] seeks more references to mana whenua values and the impacts of poor urban design on their relationship with the natural world. They also seek that the provisions provide for mana whenua values and their role as mana whenua. Throughout their submission, Ātiawa seek greater recognition of clause (e) in RMA Section 6 to recognise and provide for, 'the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga'.

120. Rangitāne [S168.027], supported by Ngāti Toa [FS6.044] and Sustainable Wairarapa [FS31.137], seek that the policies and methods that provide for the occupation, use, development and ongoing relationship of tangata whenua are strengthened, recognising that urban development has resulted in poor outcomes for tangata whenua, their ability to construct papakāinga, and has adversely affected their relationship with their culture, land, water, sites, wāhi tapu and other taonga. Rangitāne seeks explicit recognition of Mātauranga Māori in environmental research, and for opportunities for tangata whenua to build their social, cultural, environmental and economic capacity by implementing Kaupapa Māori outcomes-based model or framework for urban development [S168.028, S168.029]. They provide the example of the Whānau Ora outcomes framework. Rangitāne [S168.030] also raises concerns about the differentiation between urban and rural development in Change 1, and seek that development in both urban and rural areas must be consistent and consider all matters covered in Section 6(e) of the RMA.

121. Taranaki Whānui indicates general support for the regional form, design and function provisions [S167.050] and seek they are retained subject to specific amendments sought.

3.6.2 Analysis

122. I have addressed submissions regarding section 6 matters and mana whenua values in section 4.3 on the new Policy UD.5. In response to Rangitāne's submission point seeking the occupation, use, development and ongoing relationship of tangata whenua with their ancestral land to be strengthened, I note that Policy UD.1 provides for this explicitly, however I have recommended that the language of Policy UD.2 is more direct, as discussed in section 4.12. I have addressed Rangitāne's submission on providing opportunities for Kaupapa-Māori based framework for urban development alongside a similar submission on Policy UD.2 in section 4.12.

123. In response to Rangitāne's submission point seeking consistency between the direction to urban and rural development, I have addressed this in section 4.2 on Objective 22. The recommended amendments may address some concerns, however I also acknowledge that the scope of what can be amended regarding these concerns at this stage is limited. A more holistic review of all policies related to development in rural areas, and how they give effect to the NPS-FM, may be necessary in the future, noting that Change 1 does not give full effect to the NPS-FM. In response to Rangitāne seeking that environmental research explicitly recognises and provides for Mātauranga Māori, I do not consider that the provisions in the scope of this topic can influence the particular relief sought directly. The provisions covered by Hearing Stream 4 do not explicitly direct environmental research to occur in a certain way, and mostly provide direction to district and regional plans as well as consent processing staff. There are other provisions in Change 1 which already provide the relief sought in my view, for example Policy IE.2 which refers to, 'incorporating the use of Mātauranga Māori in the management and monitoring of indigenous biodiversity', and Methods IM.1, IM.2 and IE.3.

3.6.3 Recommendations

124. I recommend that the general submission points are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

3.7 Chapter 4.2 – Consideration Policies (Mika Zöllner)

3.7.1 Matters raised by submitters

125. There are five submission points and five further submission points on the general approach and purpose of the Chapter 4.2 consideration policies.

126. PCC [S30.0123] opposes all consideration policies on the basis that they duplicate matters considered in regulatory policies and are a regulatory overreach of the RPS. Kāinga Ora [S158.001, S158.044] opposes the consideration policies and seeks that Chapter 4.2 is deleted and Policy UD.3 relocated to Chapter 4.1, or alternatively seeks that the wording of these policies is changed to state the intended outcomes. Waka Kotahi [FS3.032] support the submission from Kāinga Ora, but Ngāti Toa [FS6.013, FS6.014] and Ātiawa [FS20.031] oppose the submission.

127. Forest and Bird [S165.060] opposes in part on the basis that the introduction does not apply the correct weighting to these policies and seeks that the wording is amended as appropriate. Beef and Lamb opposes the submission [FS30.319]. WCC [S140.002] supports in part and seeks that the wording of the regulatory policies chapter is amended from 'consideration' to 'give particular regard'.

3.7.2 Analysis

128. The submission points received on Chapter 4.2 apply to all relevant hearing streams. They have been considered through this topic to the extent that the relief sought would affect the provisions relating to regional form, design and function.

129. The relief sought by Forest and Bird was considered in Hearing Stream Two and amendments to the introduction to Chapter 4.2 have been recommended, to make it clear that consideration policies must be given effect to by district plans, had regard to by resource consent applications,

and had particular regard to for notices of requirement³. The chapeau text for the consideration policies in this topic has therefore been amended to be consistent and avoid duplication and conflict with the statutory weighting afforded to these policies. No further consideration of this submission point is required. I consider that retaining the title of the chapter as 'Regulatory policies - matters to be considered' is appropriate, and that the changes sought by to the introduction to the chapter reflect the statutory weight afforded to the policies, such that the title does not require amendments as sought by WCC.

130. I do not agree with the submitters who seek that the Chapter 4.2 policies are deleted in their entirety. The purpose of the policies within Chapter 4.2 is to provide for consideration of plan changes and reviews, notices of requirement, and resource consents, and to allow for these matters to be considered where the regional and district plans are yet to give effect to the direction of policies in Chapter 4.1. This ensures relevant resource management issues are considered through lower order planning and consenting processes. While some matters are considered across both regulatory and consideration policies, in my opinion this is not duplication, as the direction differs between these policies (direction to District Plans vs direction through planning processes). The deletion of Chapter 4.2 would also result in the removal of a number of provisions which give effect to the NPS-UD and NPS-FM, including policies on responsive planning and the effects of urban development on freshwater. The removal of these policies would mean the RPS is not appropriately giving effect to these higher order planning documents and will not achieve the outcome of Objective 22.

131. Changes have been made to the consideration policies throughout where necessary to ensure they read appropriately and do not read as rules, noting the submission by Kāinga Ora that the RPS cannot contain rules.

3.7.3 Recommendations

132. I recommend that the general submission points are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

3.8 General Drafting and Other Matters submission points (Mika Zöllner)

3.8.1 Matters raised by submitters

133. There are a number of submissions received on the general approach to the drafting of provisions in Change 1, including the language used in the provisions. These submission points are broad in nature and relate to all provisions in Change 1. They are therefore considered through each hearing stream as relevant and have been considered through this specific hearing stream so far as they relate to this topic.

134. Kāinga Ora [S158.047, S158.044] seeks that the wording of objectives and policies is simplified and made more applicable to the Wellington Region. Outdoor Bliss [S11.023] seeks that stronger language is used throughout Change 1.

135. KCDC [S16.097, S16.0100, S16.0102, S16.0104, S16.0106] seeks that:

³ Section 42A report of Jerome Wyeth for Hearing Stream 2, dated 16 June 2023, paragraph 147, <https://www.gw.govt.nz/assets/Documents/2023/06/S42A-Report-Integrated-Management-16.06.23.pdf>

- objectives are amended to be specific to an outcome sought and seeks that all objectives that are not achievable by the RPS are deleted
- all verbs used are in accordance with the RMA and relevant higher-order documents
- 'and' or 'or' are used where appropriate
- explanations to policies are reviewed and amended where explanations are unnecessary or should be included in the objective or policy text

136.PCC [S30.099] seeks that clear and concise definitions are added for terms that are unclear to aid interpretation. Peka Peka Farm [FS25.132] supports the submission of PCC. PCC [S30.0116] seeks greater alignment with national direction and states that Change 1 duplicates or is inconsistent with matters addressed by national direction. PCC [S30.0117] and UHCC [S34.0115] have concerns on the jurisdiction of the provisions in Change 1, and state that the territorial authorities do not have the capacity or capability to undertake functions assigned through provisions. Peka Peka Farm [FS25.033, FS25.034] supports the submission of PCC.

137.KCDC [S16.0103] opposes Change 1 on the basis that the provisions seek to regulate free market activities and individual behaviour that is not supported by the RMA or statutory planning documents, and requests these provisions are deleted. KCDC [S16.0106] and UHCC [S34.0116] oppose Change 1 and state that provisions are not supported by an evidence base or higher order direction, and the section 32 assessment does not have robust evidence, and seek a full review to address inconsistencies and that provisions are deleted where not supported by appropriate evidence. UHCC [S34.0118, S34.0117] also opposes Change 1 on the basis that the section 32 assessment is not sufficiently detailed and evidenced, and submits that threshold-based provisions should be reconsidered, noting that developing thresholds requires resourcing and effort which councils may not be able to undertake.

3.8.2 Analysis

138.The submissions received on the drafting of provisions have all been considered at a provision level, and changes have been made where appropriate to ensure provisions are worded to be consistent with the RMA and use appropriate terminology, the meaning of which has been established through case law. Provisions have also been reviewed to be simplified, specific and directive as appropriate. On this basis, the general submission points on drafting have been accepted in part.

139.In response to the submission point from KCDC on the supporting explanation text of provisions, section 62(1)(d) of the RMA requires that the RPS includes an explanation of policies. These explanations have an important role in aiding plan users by providing context on the relevant provision. I generally consider that explanation texts for the provisions of this topic are appropriate, however the provisions have been reviewed in response to this submission, and amendments have been made where necessary.

140.The general submission points received on the scope of the provisions in relation to the RMA functions of regional councils and territorial authorities have been considered throughout the provisions covered by this report. In general, the provisions of this topic are not considered to conflict jurisdictional responsibilities, and they are achievable based on the respective functions of both regional council and territorial authorities to manage land use activities. However, minor amendments have been proposed where appropriate to ensure the provisions are appropriate and achievable to give effect to the relevant functions of regional councils and territorial authorities.

This includes amendments to ensure that matters are within the jurisdiction of the RMA and that provisions regulate activities which can be regulated through the RPS and the functions of relevant authorities.

141. In relation to the submissions received on the assessment in the section 32 report and the evidence base for amendments made, in my opinion the justification and reasoning for the provisions included in this topic are appropriately addressed in the section 32 report, and in the subsequent 32AA analysis for amendments proposed through this report. In general, I consider that there is sufficient evidence for the amendments, noting that the changes made through this topic are in response to national direction from the NPS-UD and the NPS-FM, which have both been developed in response to nationally significant resource management issues, and gives specific direction to matters which the RPS must address.

142. In relation to the submission from UHCC who requests that a full planning and legal review of Change 1 provisions is completed, this is recommended to be accepted in part. This Section 42A report provides a planning review of provisions in response to submissions received and amendments proposed in this report are subject to legal review. In relation to the submission from UHCC on thresholds, the relevant provisions in this hearing stream do not direct that thresholds need to be developed by territorial authorities, and therefore this matter is not considered relevant for this topic.

3.8.3 Recommendations

143. I recommend that the general submission points are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

4.0 Freshwater Planning Process - Consideration of Submissions and Further Submissions (Mika Zöllner)

4.1 Overview (Mika Zöllner)

144. Mika Zöllner is the reporting officer for this section of the report.

145. This section contains all provisions in this hearing stream that are proceeding through the Freshwater Planning Process, as summarised in Table 3. It consists of three issues, one chapter introduction, one table, two objectives, seven policies, two methods, and eleven definitions.

146. The number of submissions and further submissions on this topic are broadly allocated across these provisions as follows:

- 318 original submission points and 206 further submission points in total
- 17 original submission points and 12 further submission points on Issues
- 51 original submission points and 35 further submission points on Objectives
- 186 original submission points and 129 further submission points on Policies
- 22 original submission points and 17 further submission points on Methods
- 22 original submission points and 7 further submission points on Definitions

4.1.1 Out of scope submissions

147. Some submission points are deemed to be out of scope, which I have addressed here. I refer to the legal submissions for Hearing Stream 1⁴, which identifies that the two tests for the scope of a submission are that it addresses the extent of the alteration of the status quo entailed by the change, and whether someone directly affected by the relief sought has been denied an opportunity to respond to the submission. I consider that the following submission points seek relief beyond the ambit of Change 1 in my view, so I provide no recommendation on them:

- Dr Patricia Laing [S106.005] seeks that landowners' usage rights for beekeeping are clarified, due to potential NPS-UD implications. The relief sought appears to refer to district plan rules limiting beekeeping. This is not a matter specifically addressed by the RPS and should be managed by the Upper Hutt District Plan.
- Dom Harris [S4.004] seeks that densification is enabled in Johnsonville. Intensification in a specific area is a matter to be addressed by the Wellington City District Plan.
- Taranaki Whānui [S167.059] seeks to work in partnership with GWRC to amend Objective 22B to resolve an issue around protections for potential future coastal marine permits. I consider that the requested process is outside of the scope of what the Change 1 process can influence.

4.1.2 Submissions on Objective 22A

148. Objective 22A, Table 9A (regarding housing bottom lines), and the definition of tier 1 urban environment, were inserted directly into the RPS without use of a Schedule 1 process as required by NPS-UD clause 3.6. They were included in the Change 1 document for information but are already operative in the RPS.

149. There are three submissions and two further submissions on Objective 22A from Waka Kotahi [S129.024], supported by Kāinga Ora [FS12.021], Ātiawa [S131.044], supported by Ngā Hapu [FS29.314], and MDC [S166.020]. While these submission points are out of scope, they relate to other matters being considered on the provisions in this topic. I have addressed the submission point by Waka Kotahi, which seeks clarification about how Objective 22A provides the scope for Policy 55 to define what appropriate urban expansion is and how it will be provided, alongside other submissions on Objective 22, Policy 31, Policy 55 and Policy UD.3. I have addressed the submissions by MDC and Ātiawa alongside other submissions on Objective 22.

4.2 Objective 22 and Objective 22B (Mika Zöllner)

150. There are two objectives in the regional form, design and function chapter in Change 1. Objectives 22 and 22B replace operative Objective 22 in its entirety, which is currently as follows in the operative RPS:

A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:

⁴ Legal submissions for Hearing Stream 1, dated 8 June 2023, paragraphs 22-29, <https://www.gw.govt.nz/assets/Documents/2023/06/Legal-framework-and-plan-change-tests-Kerry-Anderson-DLA-Piper-.pdf>

- (a) a viable and vibrant regional central business district in Wellington city;*
- (b) an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality;*
- (c) sufficient industrial-based employment locations or capacity to meet the region's needs;*
- (d) development and/or management of the Regional Focus Areas identified in the Wellington Regional Strategy;*
- (e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;*
- (f) strategically planned rural development;*
- (g) a range of housing (including affordable housing);*
- (h) integrated public open spaces;*
- (i) integrated land use and transportation;*
- (j) improved east-west transport linkages;*
- (k) efficiently use existing infrastructure (including transport network infrastructure); and*
- (l) essential social services to meet the region's needs.*

4.2.1 Matters raised by submitters

151. There are 35 original submissions and 20 further submissions on Objective 22, and 16 original submissions and 13 further submissions on Objective 22B.

Objective 22B

152. KCDC [16.078], DGC [S32.008], Te Tumu Paeroa [S102.076], the Mansells [S125.005], Powerco [S134.007], WCC [S140.028] and Fish and Game [S147.048] either seek for Objective 22B to be retained as notified or seek no amendment.

153. SWDC [S79.017], HCC [S115.026], Peka Peka Farm [S118.014] and WFF [S163.041] request that Objective 22B is deleted or otherwise replaced with a revised objective, due to it being too broad and unclear. WFF [S163.041] also seeks the inclusion of a new clause stating, '**rural residential development in appropriate locations**' in Objective 22. SWDC seeks further consultation with rural communities.

154. Several submitters seek clarification. PCC [S30.023], supported by Peka Peka Farm [FS25.056], seeks greater clarity in Objective 22B. PCC and Peka Peka Farm [S118.014] seek a definition or explanation of 'strategically planned'. UHCC [S34.098] seeks clarification of the role of the NPS-HPL in Objective 22B. HortNZ [S128.018] seeks addition of highly productive land into the objective, which is supported by Fulton Hogan [FS11.008], BLNZ [FS30.042], and WWUS [FS9.0010] and Irrigation NZ [FS21.0010] who both seek addition of access to freshwater to support the realisation of the potential of highly productive land.

155. Ātiawa [S131.045], supported by Rangitāne [FS2.63] and Ngā Hapu [FS29.315], seeks addition of mana whenua values in the objective to ensure impacts from development in the rural area are managed. Ātiawa also seeks removal of 'identified' from the objective, as the RPS may not contain an extensive list of mana whenua values.

Objective 22

156. Meridian [S100.012], Te Tumu Paeroa [S102.075], HCC [S115.025], DGC [S32.007], KiwiRail [S124.002], the Mansells [S125.003], Waka Kotahi [S129.046], Muaūpoko [S133.067], WCC [S140.027] and MDC [S166.019], either seek for Objective 22 to be retained as notified or seek no amendment. Meridian particularly seeks that clause f) on a low-emission and climate resilient region is retained. DGC particularly supports the need to protect freshwater and meet other objectives in the RPS to provide for integrated management.

157. UHCC [S34.089] and KCDC [S16.077], supported by Peka Peka Farm [FS25.001] and opposed by the Mansells [FS18.003], and seeks that all of the Objective 22 clauses are deleted. KCDC considers the objective as notified introduces policy-level direction to specify well-functioning urban environments, and that the objective should be a high-level goal. UHCC is concerned the objective goes beyond the requirements of the NPS-UD and what an RPS can direct the districts to do to give effect to NPS-UD.

158. Kāinga Ora [S158.037] seeks that clauses d) to k) are deleted. They consider these clauses duplicate other parts of the RPS and create a 'plan within a plan', where matters such as climate change and freshwater are already linked to urban development via the policies. Wellington Water [FS19.020] opposes this submission on the grounds that it does not give effect to the NPS-FM, and Ātiawa [FS20.036] opposes this submission and states it will result in the continuation of the status quo of inappropriate subdivision, use and development, and degradation of te taiao. Fuel Companies [FS10.024] and Powerco [FS24.020] support the submission.

159. Wellington Water [S113.011], Powerco [S134.006] and Fuel Companies [S157.008] seek to retain the intent of Objective 22, but for clause (e) 'Achieve the objectives...' to be deleted, due to it being superfluous and placing additional weight on some RPS objectives over others.

160. In duplicated submissions, Peka Peka Farm [S118.013], Summerset [S119.003] and RVANZ [S120.003] seek a reference to, and for the objective to be based on, the definition of 'well-functioning urban environments' in Policy 1 of the NPS-UD. They also seek for 'and' to be removed from the end of each clause, and for duplications with the NPS-UD and other parts of the RPS to be removed. Investore [S154.013] and Stride [S155.010] seek greater clarity on where intensification should occur to support the efficient use of infrastructure and create well-functioning urban environments, raising particular concerns about clause (j) not being specific enough.

161. PCC [S30.022], supported in part by Kāinga Ora [FS12.012] and supported by Peka Peka Farm [FS25.055], opposes Objective 22, saying it does not give effect to the NPS-UD, duplicates requirements elsewhere in the RPS and is not precise enough to be useful. PCC raises a particular concern that it will lead to a poly-centric urban form, rather than one where intensification is located in the best places. PCC also considers that clauses (e) and (f) are superfluous. PCC also seeks consistency with The Standards and Waka Kotahi's One Network Framework and Network Operating Framework. PCC seeks that the notified Objective 22 is replaced with the following, or is otherwise re-worded to make the outcome sought clear:

The Wellington regional form:

A. Is compact, well designed and has good accessibility between housing, employment opportunities, community services, natural spaces, and open spaces, including:

1. A network and hierarchy of commercial centres which support the primacy of the Wellington city centre followed by:

i. Metropolitan Centres,

ii. Town Centres,

iii. Local Centres; and

iv. Neighbourhood Centres;

iii. Local Centres; and

iv. Neighbourhood Centres;

2. A Regional urban form that is integrated with existing and planned transport network;

3. Commercial and industrial activities distributed in appropriate locations and in a way that supports the commercial centres hierarchy identified in A.1 above;

4. More people living in, and more business and community services located in, areas that are in or near a commercial centre and/or well-served by public transport;

5. Urban built environments that meet the health and wellbeing needs of people.

B. Supports the competitive operation of land and development markets in ways that contribute to improved housing affordability and business activity, including:

1. A variety of homes that meet the needs, in terms of type and location, of different households.

2. Sufficient housing and business development capacity in the short and medium term as identified in Table 9A to RPS Objective 22A.

3. A range of buildings and sites in appropriate locations that provide opportunities for commercial and industrial activities in a way that achieves the commercial centres hierarchy identified in A.1 above and maintains the primacy of the Wellington city centre.

C. Optimises the efficient use of existing infrastructure.

162. Taranaki Whānui [S167.058] seeks redrafting of Objective 22 to reflect Treaty relationships in planning decisions relating to urban environments, with specific reference to Treaty relationships with mana whenua partners across the region. Ātiawa [S131.040, S131.042, S131.043, S131.044] broadly supports Objective 22 as they seek housing opportunities to attract their people back to their rohe. In particular, Ātiawa supports a focus on, 'existing centres where life sustaining infrastructure including improved public transport hubs are provided' and a proactive approach to climate change. They seek that development is, 'planned and delivered in a way that recognises the rangatiratanga of hapū and iwi in relation to their land and waterways, and how this can be exercised to better manage the sustainable use of these resources.' Ātiawa [S131.042] also requests that land use and development is consistent with the hierarchy of obligations of Te Mana o Te Wai. Ātiawa [S131.041], supported by Ngā Hapu [FS29.311], requests that infrastructure is established prior to housing development to ensure clause (d) is met.

163.CDC [S25.013] seeks an objective specifically providing direction for urban areas that are not part of urban environments, citing this will be more consistent with Policy 31 of Change 1. Similarly, SWDC [S79.016], supported by MDC [FS14.021], seeks amendments to Objective 22, or similar relief to achieve the same effect, to provide different direction to tier 1, 2 or 3 local authorities than to all other territorial authorities. For tier 1, 2 or 3 local authorities, SWDC seeks for housing and infrastructure to be enabled and for all clauses of Objective 22 to apply. For other territorial authorities, they seek that urban development is **'provided for where (a) to (i) and (k) are met and where it is identified as part of long term growth planning documents adopted by that Council.'** Given the way SWDC have re-structured Objective 22 and their justification, it appears that SWDC are seeking for clause (i) on competitive land markets and enabling intensification not to apply to local authorities that are not tier 1, 2 or 3. However, this was not confirmed with SWDC. SWDC's reasons for the relief sought are that SWDC is not required to provide for urban development in the same way as other local authorities, as the NPS-UD does not apply to them. SWDC also seeks that any consequential amendments are made, and that Objective 22 is split into the P1S1 and FPP processes.

164.Several submitters seek addition of new matters to Objective 22. HortNZ [S128.017], supported by BLNZ [FS30.041], seeks that highly productive land and reverse sensitivity are referred to in clause (e). WIAL [S148.050] seeks a new clause; **'Protects regionally significant infrastructure and its ability to operate safely and effectively.'** Fish and Game [S147.047], opposed by Ātiawa [FS20.141], Wellington Water [FS19.111] and BLNZ [FS30.216], seeks the addition of valued introduced biodiversity to clause (e). EQC [S132.004], opposed by Kāinga Ora [FS12.017], seeks a new clause; **'minimise the exposure of residents to natural hazards, and account for future natural hazard risk increased by the effects of climate change.'** Dom Harris [S4.007] seeks that policies and methods to enforce or encourage enhanced housing quality are included, to implement Objective 22. Rangitāne [S168.0162] seeks addition of 'quality' to clause (g) in terms of the variety of homes provided for.

165.GWRC [S137.029] seeks amendment to the chapeau to make the drafting more appropriate for an objective; **'Urban development, including housing and infrastructure, is enabled where it demonstrates the characteristics and qualities of well-functioning urban environments, which:...'.** WIAL [S148.050] seeks amendments to the chapeau to make it clear that the infrastructure covered by Objective 22 is that associated with housing; **'housing and its associated infrastructure...'.**

General or other relevant submission points

166.In responding to submissions on the objectives I have also considered the following submission points that are general or made on other submission points, but are relevant to the analysis:

- KCDC [S16.097] seeks for all objectives to be specific, state what is to be achieved where and when, clearly relate to (or state) an issue, and can be determined through implementation and monitoring whether the objectives have been met. KCDC [S16.0100] seeks for all verbs used in objectives and policies to be reviewed and replaced with the appropriate verb in accordance with the RMA and relevant higher-level statutory planning documents.
- PCC [S30.099] seeks to add any further definitions for any terms that are unclear and where a definition would assist in interpretation and implementation, including any relevant terms proposed to be introduced in response to submissions. They also seek

greater clarity and regulatory certainty [S30.020]. UHCC [S34.0116] seeks for a full planning review of Change 1 to be undertaken.

- Michelle Ducat [S152.001] seeks that housing focusses on climate change mitigation and adaptation, enhance community connections and the environment, and centres on mana whenua aspirations.
- NZCSC [S151.012], supported by WCC [FS13.001], seeks amendments to provisions to, 'ensure that new development around travel corridors should consider a mix of uses (rather than simply housing) where possible and viable, to further support the creation of walkable neighbourhood environments that support wellbeing through equitable access to essential infrastructure and amenities, including green spaces.' NZCSC [S151.017] submits on Policy 55 seeking unequivocal support intensification within the existing urban form, supporting the idea of the 15-minute city with a focus on local and active transport to reduce infrastructure costs and reduce greenhouse gas emissions. Vic Labour [S89.006] submits on Policy 31 questioning whether the mandate is strong enough to create a clear mandate for dense housing.
- Kāinga Ora [S158.047] seeks that the objectives and policies on urban development are simplified, more directive and more applicable to the Wellington Region, and that emphasis on intensification is clearer [S158.012].
- Wellington Water [S113.008] raises a general concern that the regional form, design and function chapter does not recognise the role of infrastructure and Te Mana o Te Wai in well-functioning urban environments adequately, nor regionally significant infrastructure [S113.009].
- Taranaki Whānui [S167.0118] submits on Policy 57 seeking a new clause that supports an 'equitable transport network'.
- Waka Kotahi [S129.024] seeks clarification of how Objective 22A provides the scope for Policy 55 to define what appropriate urban expansion is and how it will be provided. They seek for the intensification of existing urban areas to be prioritised and further consideration be given to the role of enabling infrastructure. MDC [S166.020] submits on Objective 22A seeking further clarity about how Objective 22A will impact tier 3 local authorities.
- Kiwirail [S124.015], supported by Fulton Hogan [FS11.027] and Waka Kotahi [FS3.052], requests that a definition for 'well-functioning urban environments' is inserted, with the same meaning as Policy 1 of the NPS-UD.
- Rangitāne [S168.030] provides a general submission raising concerns about the differentiation between urban and rural development in Change 1, and seeks that development in both urban and rural areas is consistent and considers all matters covered in Section 6(e) of the RMA. Rangitāne also submits that the NPS-FM directs that the effects of all land use and development, whether it is urban or rural, on freshwater and receiving environments are managed in an integrated way. They raise a concern that the protection of freshwater from land use and development has only been applied to urban development, and that this is a compartmentalised approach which does not recognise the integration of catchments. Rangitāne [S168.012] requests that Change 1 is amended to provide high-level direction for freshwater in relation to all development. Ātiawa [S131.0100] seeks similar strengthening of direction to rural areas in a submission on Policy 56. Ngāti Toa [S170.042] seeks stronger direction to district plans to achieve environmental integration through urban development.

4.2.2 Analysis

167. The operative Objective 22 provides holistic direction to the form of the whole region to be compact, well designed and sustainable. This has been replaced with a new Objective 22, which articulates what contributing to well-functioning urban environments means in the context of the Wellington Region, and Objective 22B, which does not contain new direction and merely replicates clause (f) of the operative Objective 22; that, 'development in the rural area is strategically planned'.

168. To assist readers with the following analysis, Figure 1 demonstrates how the terms 'rural development', 'urban development' and 'regional form' differ, and where they apply. Figure 1 also illustrates how urban environments are a subset of the Wellington Region's urban areas, which are all areas zoned as residential, commercial or industrial.

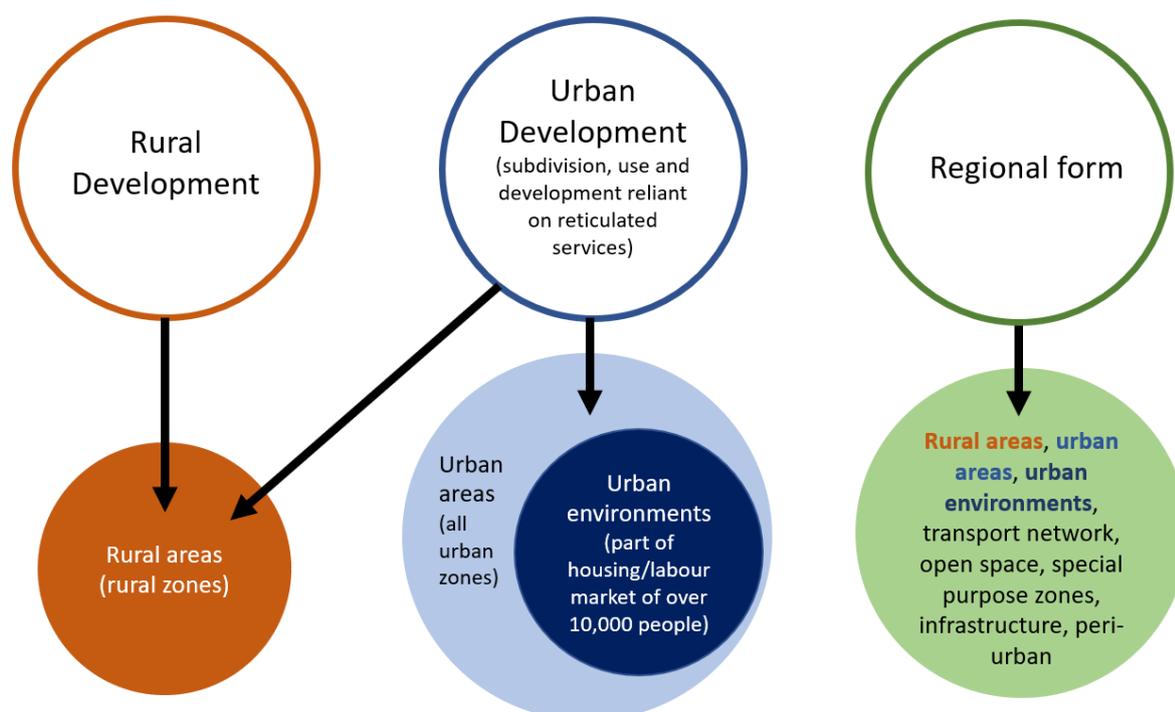


Figure 1: Illustration of difference between rural development, urban development and regional form (my image).

169. My analysis on the objectives is structured under the following topics to respond to issues raised by submitters:

- Well-functioning urban environments
- Regional form and chapeau of Objective 22
- Role of Objective 22B
- Duplicating or going beyond the requirements of the NPS-UD
- Centres hierarchy and poly-centric urban form
- Wairarapa councils and urban environments vs. urban areas
- Gaps in notified Objective 22

- New clause on strategic land use
- Clauses (b), (g) and (i)
- Clauses (c) and (k)
- Clause (d)
- Clause (e)
- Clause (f)
- Clause (h)
- Clause (j)

Well-functioning urban environments

170. Notified Objective 22 directly contains aspects of NPS-UD Policy 1, where 'well-functioning urban environments' are defined as a minimum. Objective 22 also adds other qualities and characteristics to an articulation of well-functioning urban environments in response to regionally significant issues. These additional aspects include protecting freshwater, achieving other objectives in the RPS, and being compact and well-designed. I note that several submitters support this approach, for example DGC comments that Objective 22 provides useful regional context for what constitutes well-functioning urban environments, and Waka Kotahi supports the approach that development should only occur where it can provide for the characteristics and qualities of well-functioning urban environments.

171. Several submitters seek a clearer relationship between Objective 22 and the concept of well-functioning urban environments in NPS-UD Policy 1. PCC seeks amendments to give effect to the NPS-UD and align with national direction without duplicating it [S30.020, S30.0116]. I agree that the new Objective 22 does not link to the NPS-UD as well as it could. I do not consider that the notified wording is clear where the minimum definition of 'well-functioning urban environments' in Policy 1 of the NPS-UD has been added to. Change 1 also does not contain a definition for 'well-functioning urban environments' which I consider would assist with clarity to show where the minimum definition in the NPS-UD has been added to.

172. KCDC considers that the new Objective 22 introduces policy-level direction to specify well-functioning urban environments, and PCC seeks that Objective 22 clearly states an outcome. GWRC also notes that the objective is drafted more in the style of a policy than an objective and thereby seeks amendments to the chapeau. I agree with KCDC and PCC that the chapeau and many of the clauses of Objective 22 are worded as a policy, in terms of how to achieve a well-functioning urban environment, rather than an objective, which should focus on identifying an outcome. I also note that well-functioning urban environments are defined at the policy level in the NPS-UD through Policy 1, so do not sit comfortably at an objective level. However, I do not agree with KCDC's relief sought to delete all clauses in Objective 22. I consider the clauses of Objective 22 should be re-worded to be focussed on the outcome being sought, scope for which comes from PCC's submission and KCDC's general submission point seeking objectives are reviewed and re-drafted as outcomes.

173. To address the relief sought by Peka Peka Farm, Summerset, RVANZ, Kiwirail, and KCDC, I recommend that a new policy UD.5 is added to Chapter 4.2, which articulates well-functioning urban environments in the Wellington Region with a direct reference to NPS-UD Policy 1, and a new definition for 'well-functioning urban environments'. I consider well-functioning urban environments are more appropriately articulated at a policy level. As a result, I recommend that

the notified chapeau of Objective 22, seeking to enable development which demonstrates the characteristics and qualities of well-functioning urban environments, is deleted. Because I recommend a new Policy UD.5, I have further considered submissions on Objective 22 relating to well-functioning urban environments to inform the wording of Policy UD.5, in section 4.3.

Regional form and chapeau of Objective 22

174. The result of Change 1 replacing the operative Objective 22, applying to regional form, with the new Objective 22 and Objective 22B, is that urban development and rural development have been split, as illustrated in Figure 1 above. Rangitāne raises concerns about the differentiation between urban and rural development in Change 1, and that this does not provide for integrated management.

175. I agree with Rangitāne that splitting direction between urban and rural development does not provide for an integrated response to the regionally significant issues, which apply across the whole Wellington Region. Splitting the objectives between urban and rural development, risks there being gaps where no objective applies, an issue is not effectively addressed, or the policy cascade is otherwise disrupted. For example, it is not clear whether open space, transport links, infrastructure and peri-urban low-density development would be captured by Objective 22, 22B or neither. This approach also risks the creation of gaps where activities addressed by policies and methods are not addressed by the corresponding objective. Direction that once applied everywhere in the region through the operative Objective 22 would now no longer apply in rural areas, which is inconsistent. Rangitāne and Ātiawa both identify this inconsistency in their submissions [S131.0100, S168.0172].

176. In their requested re-drafting of Objective 22, PCC seek to reinstate reference to regional form in the chapeau. I agree with this relief. In my opinion regional form is a useful term to provide a more holistic, strategic outcome for the whole Wellington Region, which includes smaller towns, rural areas, cities, infrastructure, open space and how everything is connected (as shown in Figure 1). The United Nations Habitat 2022 World Cities report identifies that, 'urban-rural interlinkages are often overlooked in urban planning and decision-making practices. This oversight has resulted in major problems such as degrading ecosystem services and encroachment on natural habitats... Adopting a regional and territorial approach means acknowledging that cities are socio-ecological systems, and their management requires integrated approaches instead of silo-based ones.'⁵ I consider this supports a more holistic approach to urban and rural development.

177. Change 1 as notified has proposed to delete the definition for regional form, which states:

'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.'

178. I consider that a definition for regional form provides helpful clarification and direction to plan users, in particular to make it clear that regional form includes the linkages between urban and rural communities. I therefore recommend that this definition is reinstated as part of accepting of PCC's relief on Objective 22. I note that Ms Sarah Jenkin, in her Section 42A Report on 'General

⁵ United Nations Habitat World Cities Report 2022, page 207 [wcr_2022.pdf \(unhabitat.org\)](https://www.unhabitat.org/wcr-2022.pdf)

Submissions' for Hearing Stream 16, addressed the removal of this definition, as it did not receive any submission points aside from WFF [S163.0106] seeking all new and amended definitions to be deleted. Ms Jenkin acknowledged in paragraph 86 of her report that, as a consequence of other amendments in specific topics, amendment to the regional form definition may be necessary. I therefore consider that there is scope to reinstate the operative definition of regional form as a consequential amendment in response to PCC's submission.

179. As sought by PCC I recommend that the chapeau of Objective 22 is amended to be focussed on an outcome for regional form, similarly to the structure of the operative Objective 22. This better reflects the title of Chapter 3.9 (Regional form, design and function). The operative wording of the chapeau is 'compact, well-designed and sustainable regional form'. Submitters generally support the retention of compact and well-designed in the notified new Objective 22 clause (a). 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.

180. I also consider additional descriptors are necessary to add to the chapeau of Objective 22, to better encapsulate the outcomes sought by Objective 22 and the supporting policy package, as well as respond to submissions received on Change 1. I recommend the chapeau of the new Objective 22 should be replaced as follows:

'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:'

181. Including 'climate-resilient' responds to the relief sought by EQC for Objective 22 to refer to natural hazards, and also links to the climate-resilience and natural hazards objectives and policies in Change 1. A definition for the term 'climate-resilient' has been recommended through the section 42A report of Ms Pam Guest on 'Climate Resilience and Nature-based Solution' for Hearing Stream 3⁷, and includes resilience to the impacts of climate change and other natural hazards. It is drafted as follows:

'Climate-resilience/Climate-resilient/Resilience and Resilient (in relation to climate change or natural hazards):

The capacity and ability of natural and physical resources, including people, communities, businesses, infrastructure, and ecosystems, to withstand the impacts and recover from the effects of climate change, including natural hazard events.'

182. The term 'accessible' provides for equitable transport connectivity and reflects NPS-UD direction seeking access for all people, as well as the transport and climate change provisions in the RPS. The term 'environmentally responsive' represents a key aspiration of the regional form, design and

⁶ Section 42A report of Ms Sarah Jenkin for Hearing Stream 1, dated 26 May 2023, paragraph 88, <https://www.gw.govt.nz/assets/Documents/2023/05/RPS-Change-1-Overview-S42A-Report-HS1-FINAL.pdf>

⁷ Section 42A report of Ms Pam Guest for Hearing Stream 3, dated 31 July 2023, paragraph 184, <https://www.gw.govt.nz/assets/Documents/2023/07/S42A-Report-HS3-Climate-Change-Climate-Resilience-and-Nature-Based-Solutions.pdf>

function provisions; that development occurs in a way that is integrated with the natural environment and not at its expense, to achieve the objectives of the RMA. The term 'environmentally responsive' is used in the operative RPS regional form, design and function chapter introduction. While it is not a defined term, I consider its meaning to be clear from the context it is used in and consider that it effectively encapsulates the policy intent to enable development capacity, while mitigating impacts on the natural environment.

183. I also recommend that 'well-functioning urban areas and rural areas' is added to Objective 22's chapeau. I consider the use of this term to be more inclusive of both smaller urban centres and rural areas than the term, which should all be able to function well. I also note that the term, 'well-functioning urban and rural areas' is used in Section 5 of the new Natural and Built Environment Act. Jerome Wyeth, in his Section 42A Report for Hearing Stream 2 on Integrated Management⁸, has recommended that this term is added to Objective A to replace 'well-functioning urban environments', due to its more inclusive application. I consider it is important to use terms consistently across provisions.

184. From my perspective the recommended chapeau is drafted more appropriately for an objective than the notified version and states the intent and outcome in a clearer way. In my opinion the amendments appropriately respond to the relief sought by KCDC for objectives to be reviewed and re-drafted to be specific, state what is to be achieved where and when, clearly relate to (or state) an issue, and able to be determined through implementation and monitoring. I have also considered each clause of Objective 22 in light of this submission throughout this analysis, and have recommended amendments to improve specificity, reference to outcomes sought, and links to the regionally significant issues.

185. As a result of the amendments to the chapeau of Objective 22, clause (a) which seeks a compact and well-designed regional form is no longer needed and I recommend it is deleted.

186. The consequence of reinstating regional form into Objective 22 and deleting Objective 22B is that direction in Objective 22 applies to all development in the whole region, including in urban environments, urban areas, rural areas and other areas such as settlement zones etc. I have carefully considered the implications of this amendment throughout the following analysis. I consider that most direction in Objective 22 is equally relevant to all parts of the regional form as to urban areas, for example enabling Māori to express their culture and traditions, supporting a low-emission and climate-resilient region, protecting freshwater, providing sufficient development capacity, etc. Where I consider that the direction isn't appropriate, I have recommended it is removed from Objective 22.

Role of Objective 22B

187. I agree with submitters that the new Objective 22B on development in rural areas is not necessary as an independent objective, and that it does not provide sufficient detail or direction, such as the meaning of 'strategically planned', to be implemented.

188. I recommend that Objective 22B is deleted and re-combined with Objective 22 and recommend accepting those submissions seeking this relief. I do not consider that there are any gaps resulting

⁸ Section 42A report of Mr Jerome Wyeth for Hearing Stream 2, dated 16 June 2023, paragraph 119, <https://www.gw.govt.nz/assets/Documents/2023/07/HS2-Reply-Evidence-Intergrated-Managment-Reporting-officer-Jerome-Wyeth-28-July-2023.pdf>

from this deletion, rather that this will provide more comprehensive direction to the outcomes sought in rural areas. By reinstating the concept of regional form into Objective 22, I recommend that rural areas are reintegrated into Objective 22.

189.Submissions seeking amendments to Objective 22B are no longer relevant, so I recommend they are rejected. I agree with the submission by Ātiawa seeking inclusion of mana whenua values, however I note that this relief is provided for in the new Objective 22 which now replaces Objective 22B.

Duplicating or going beyond the requirements of the NPS-UD

190.UHCC raises a concern that the new Objective 22 goes beyond what is required by the NPS-UD, and that the clauses should be deleted to allow for flexibility in response to local characteristics and issues. Kāinga Ora, Peka Peka Farm, Summerset, RVANZ and PCC consider Objective 22 is unnecessarily long and duplicates other RPS direction. I disagree with UHCC's concern that Objective 22 goes beyond the NPS-UD, and therefore recommend rejecting the relief sought. I also do not agree with UHCC that the new Objective 22 does not provide flexibility to respond to local issues. The objective sets a high-level outcome but does not prescribe specific direction, for example regarding a centres hierarchy for intensification.

191.Broadly, I disagree with submitters that the new Objective 22 is unnecessarily long or unnecessarily duplicates RPS direction, however I note that I have addressed submissions on clause (e) separately below in paragraphs 256-259. The regional form, design and function chapter must do more than solely give effect to the NPS-UD; it must also provide for regional council functions in section 30 of the RMA, part 2 of the RMA, and other national policy statements among other requirements. Section 30 includes achieving integrated management, protecting land of regional significance, maintaining and enhancing water quality and ecosystems in water bodies, meeting demand for housing and business land, and strategically integrating infrastructure with land use. There are numerous issues of regional significance related to regional form, design and function identified in the operative RPS and Change 1. These include sporadic development, lack of integration between land use and infrastructure, poor quality urban design, inappropriate development and lack of sufficient development capacity, including development infrastructure. The regional form, design and function provisions must respond to these regional issues, as well as give effect to the NPS-UD. As outlined in the section 32 report, subdivision, use and development is directly related to a number of issues that the RPS seeks to address. Of particular note, the RPS must give effect to the NPS-FM. A holistic, integrated approach that acknowledges the connections between development, infrastructure and freshwater is explicitly required by NPS-FM clause 3.5 on integrated management.

192.The primary objective for the regional form, design and function chapter needs to be integrative, given the inherent relationships between land use and development and all natural and physical resources. In my opinion Objective 22 must clearly set out all outcomes sought for regional form to support implementation of the chapter and contributing provisions. I do not consider duplication or length to be an issue if it assists with integrated management, interpretation, and thereby implementation, of the policy intent. I therefore do not agree with the removal of all or most clauses of Objective 22, and consider that Objective 22 is appropriately long given its breadth. In my view if the objective was shorted, it would be too high level and broad to be meaningful, which is a concern raised by submitters on Objective 22B. I also reject the relief sought by Peka Peka Farm, Summerset and RVANZ for 'and' to be removed from the end of each clause. The operative Objective 22 uses 'and', which supports a holistic objective. I consider removing the 'and' would provide a disjointed and confusing objective; it being unclear to plan users which clauses

apply, where, at which times, and to which activities. However, keeping submissions regarding length in mind I have sought not to lengthen the objective in responding to submissions.

Centres hierarchy and poly-centric urban form

193. PCC seeks a number of amendments to Objective 22 which relate to reinforcing, 'the primacy of the Wellington city centre' through a directive centres hierarchy, and alignment with The Standards and the Waka Kotahi One Network and Network Operating Frameworks. They consider that Objective 22 does not give effect to the NPS-UD, in part by failing to direct intensification according to a hierarchy, and that it will lead to a poly-centric urban form. Kāinga Ora, in a general submission [S158.048], also seeks that a defined centres hierarchy is included in Change 1, which is in line with The Standards and NPS-UD and identifies Wellington City as the city centre of the Region and other centres as metropolitan and town centre zones.

194. In response to the concern from PCC about consistency with the Waka Kotahi One Network Framework and Network Operating Framework, I do not see how the objective is currently inconsistent with these frameworks. The RPS objective is a high level, strategic objective which in my view does not go to the level of detail that the One Network Framework and its movement/place hierarchy does.

195. I acknowledge that the provisions do not create a specific and directive hierarchy of centres for where intensification should occur, however in my view they do not need to do so. Policy 30 provides a strategic centres hierarchy which provides discretion to district plans on how to support the viability and vibrancy of the centres listed. Territorial authorities must determine a hierarchy of centres within their city or district according to The Standards, as a part of giving effect to NPS-UD Policy 3. In their IPIs notified in August 2022, PCC and KCDC have identified Porirua and Paraparaumu as metropolitan centres, while HCC and UHCC have identified Lower Hutt and Upper Hutt as city centres. In my view, if the RPS specified a directive centres hierarchy for intensification it would risk conflicting with the NPS-UD and MDRS, and could prevent flexibility and discretion for district plans to identify centres hierarchies, which is a concern raised by both KCDC and UHCC. I therefore do not consider it necessary for the RPS to direct a hierarchy to the extent sought by PCC and Kāinga Ora, and I recommend rejecting the relief that a hierarchy of centres directing intensification, which uses terminology from The Standards, is inserted. I also note that perspectives on this matter differ between territorial authorities.

196. With regard to PCC's assertion that the new Objective 22 and its associated policies will lead to a poly-centric urban form, it is not clear to me exactly what is meant by this concern. In short, this is because I am not convinced a poly-centric urban form is a bad thing nor contrary to the NPS-UD, and that the RPS is solely responsible for such an outcome. Based on PCC's submission I presume that by poly-centric urban form they are referring to an urban form with many centres. Based on the balance of their submission, PCC's concern may be that a poly-centric urban form does not have a clear sense of hierarchy between the centres through intensification levels. If this is an incorrect interpretation PCC may wish to clarify this during the hearing.

197. NPS-UD Objective 3 seeks for more people to live in, and more businesses and community services to be located in, areas of an urban environment that are in or near centre zones, well-served by existing or planned public transport, or where there is high demand for housing and business land. NPS-UD Policy 3, which applies to tier 1 urban environments, recognises a hierarchy between city centre zones (maximise development capacity), metropolitan zones (at least 6 storeys) and smaller centres (intensification commensurate to commercial activity and community services). It seeks significant intensification in other areas within a walkable catchment from rapid transit and the

edges of city and metropolitan centres (at least 6 storeys). The NPS-UD is clearly aiming to concentrate development in and near centres, where people have good access to a range of services and amenities. In my view the NPS-UD does not necessarily require a directive hierarchy of intensification between centres, and actually signals a shift toward intensifying in more places than just within major centres. In fact, the result of Policy 3 is intensification in many centres and thereby a poly-centric urban form, in order to support access to residents' daily needs via a range of travel modes. The MDRS, which enable medium density in all residential zones for tier 1 local authorities, recognises the benefits of intensification throughout residential zones, which is also aligned with a poly-centric urban form.

198. The need to shift to neighbourhood-centred design which focusses on residents being able to access their daily needs within (ideally) walking distance as part of our response to climate change, and the need to intensify across multiple centres for this to occur, is also recognised internationally. For example, the 2022 World Cities UN Habitat report states, *'The 15-minute neighbourhood design allows for decentralized cities with a more polycentric structure. Such patterns enable better resilience to adverse events.'*

Wairarapa councils and urban environments vs. urban areas

199. SWDC seeks that the direction for competitive operation of land and development markets in Objective 22 does not apply to them, as they are concerned that clause 3.8 of the NPS-UD is being applied to them (regarding responsive planning to out-of-sequence and unanticipated plan changes). SWDC are concerned that any development meeting Objective 22 will be required to be enabled in small local authorities with infrastructure constraints. This concern appears to be due to their interpretation that Objective 22 will favour unplanned development over planned development and thereby exacerbate infrastructure issues. I do not agree with SWDC that clause (i) of Objective 22 promotes unplanned development over planned development, and I discuss this further in Table 8. Throughout Change 1 there are numerous references to development being consistent with the Wellington Region FDS once available, or other relevant growth strategies; signalling a clear preference for planned and sequenced development over unanticipated development. However, I agree with SWDC that responsive planning direction from clause 3.8 of the NPS-UD should only apply to urban environments, and in response to their submission I have recommended amendments to clarify this in Policy UD.3 in section 4.9 and Policy 55 in section 4.10.

200. CDC seeks a new objective for urban areas that do not meet the definition of an urban environment in the NPS-UD, while SWDC seek that Objective 22 is amended to provide different direction to territorial authorities which do not contain urban environments (i.e. are not tier 1, 2 or 3 local authorities). MDC have also sought clarity throughout their submission on how specific provisions apply to them. I note that the relevance of Change 1 provisions to the Wairarapa has been traversed by other Section 42A report authors, for example Ms Louise Allwood's 'Climate Change – Transport' Section 42A Report for Hearing Stream 3⁹. Ms Allwood's report acknowledges that the provisions are drafted to recognise the different transport context in rural areas (e.g. in paragraph 225).

⁹ Section 42A report of Ms Louise Allwood for Hearing Stream 3, dated 31 July 2023 <https://www.gw.govt.nz/assets/Documents/2023/06/S42A-Report-Integrated-Management-16.06.23.pdf>

201. In short, the new Objective 22 was drafted to apply to all urban areas in the region, and I do not consider a separate objective for Wairarapa councils to be effective or efficient. My justification for this is as follows:

1. *Status of local authorities in the region under the NPS-UD*

202. The Wellington Region has five tier 1 local authorities that must apply direction from the NPS-UD and the MDRS because they are listed in Table 1 of the Appendix to the NPS-UD; WCC, PCC, HCC, UHCC and KDCDC. The NPS-UD applies to tier 1, 2 or 3 territorial authorities which contain part or all of an urban environment, which is defined as:

urban environment 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

203. MDC is a tier 3 local authority as it contains an urban area that meets the definition of urban environment in the NPS-UD. The NPS-UD objectives and most policies, including the concept of well-functioning urban environments, therefore apply to MDC. Tier 3 territorial authorities are also strongly encouraged to do what tier 1 and 2 local authorities must do in the NPS-UD, in clause 1.5, Part 2 (objectives and policies) and Part 3 (implementation) of the NPS-UD. Although Masterton is a smaller urban environment than other urban environments in the Wellington Region, MDC must give effect to the NPS-UD and its objectives are entirely relevant. MDC submits on Objective 22A [S166.020] seeking clarity on the housing bottom lines and their relevance to tier 3 local authorities. While this submission is out of scope (as I set out in section 4.1.1), to assist the Hearing Panels I will respond to this request for clarification. Tier 3 local authorities are not required by NPS-UD clause 3.6 to insert housing bottom lines in their district plans. Objective 22A and the corresponding Table 9A therefore specifically relate to tier 1 local authorities. However, MDC, SWDC and CDC are required by Objective 22, which applies to all local authorities in the Wellington Region, to ensure there is sufficient development capacity to meet the needs of current and future generations.

204. CDC and SWDC have asserted that they do not contain urban environments and that the NPS-UD therefore does not apply to them, according to clause 1.3 of the NPS-UD which states, *'This National Policy Statement applies to: all local authorities that have all or part of an urban environment within their district or region (ie, tier 1, 2 and 3 local authorities); and planning decisions by any local authority that affect an urban environment.'*

205. It is my view that in the context of the Wellington Region, the towns in CDC and SWDC (Carterton, Greytown, Martinborough and Featherston) are well connected to the housing and labour markets of Masterton, Wellington, Lower Hutt and Upper Hutt and therefore meet test (b) in the definition of urban environment. The main towns in the Wairarapa tend to function as connected urban areas with shared labour markets, evidenced by high rates of inter-town commuting and commuting to Wellington and Upper Hutt. I therefore do not necessarily agree with CDC and SWDC's view that the NPS-UD does not apply to them. However, I accept that CDC and SWDC do not consider they have all or part of an urban environment within their districts, and proceed with the assumption they are not tier 1, 2 or 3 local authorities under the NPS-UD.

2. *The role of the Wairarapa in the region*

206. Employment and intra-regional movement (people moving from elsewhere in the region to the Wairarapa) patterns mean that the Wairarapa towns form a key part of the region's approach to responding to housing and business demand. The Wairarapa councils have experienced rapid population growth and housing pressure, which is expected to continue. They are therefore a key part of the strategic approach to providing for development capacity across the region.

207. All Wairarapa councils were included in the WRGF; a non-statutory spatial plan for the region's growth led by the Wellington Regional Leadership Committee (a joint Committee of all Councils in the Region, plus Horowhenua District Council, with representatives from iwi and central government)¹⁰. The WRGF includes the Wairarapa Line train corridor as part of its eastern growth corridor, and specifically identifies Featherston as a growth node and complex development opportunity, reflecting the rate of its recent growth. As a complex development opportunity, Featherston is a node of regional emphasis for urban development around its train station. A master-planning process for Featherston is currently underway. While I acknowledge that the WRGF does not have statutory weight as discussed in section 3.5, it represents the most recent collaborative spatial planning process which was undertaken by the Wellington Regional Leadership Committee, and it clearly considers the Wairarapa councils as part of the regional response to growth. The Wairarapa councils are also included in the FDS currently in development for the Wellington Region, for which Housing and Business Capacity Assessments have been undertaken.

3. Direction that should apply to urban areas in the Wairarapa

208. To avoid confusion, it is important to refer to rural areas and urban areas as they are defined in the RPS, rather than discussing environments as being predominantly rural or urban. I recognise that the Wairarapa councils are in a different position to other urban areas in the Wellington Region by having large rural areas, smaller urban centres and more limited public transport services. However, all Wairarapa Councils districts contain urban areas with urban (residential, commercial, industrial) zoning, where urban development occurs. Direction related to urban development is therefore relevant to all Wairarapa councils.

209. There is potential for mode shift and improved access for travel within and between the Wairarapa towns (Martinborough, Greytown, Featherston, Carterton and Masterton). By still being relatively compact, the towns have the potential to be highly walkable; each containing a town centre with services, parks and employment opportunities in close proximity to residential areas. The potential for walkability in small towns is recognised by recent research by Herenga ā Nuku Aotearoa (Outdoor Access Commission) on the walkability of rural towns, which states, 'small towns have the necessary conditions to be great walkable environments — they are physically small and have relatively low traffic volumes.'¹¹ One of the interventions recommended by this research is to provide for infill and mixed land use to support main streets and allow residents to live near their daily destinations. The ERP also identifies an action to improve access to public transport, walking and cycling in rural and provincial areas¹². This is aligned with the direction provided by Change 1.

¹⁰ Wellington Regional Growth Framework, <https://wrgf.co.nz/our-region/>

¹¹ The interventions that improve walkability in rural towns | Herenga ā Nuku Aotearoa | Outdoor Access Commission (herengaanuku.govt.nz)

¹² National Emissions Reduction Plan, page 179, <https://environment.govt.nz/assets/publications/Aotearoa-New-Zealands-first-emissions-reduction-plan.pdf>

210.The Wairarapa councils are also experiencing pressures on housing affordability and choice, particularly for renting. Over the last decade, rental prices have increased by 86%, 98% and 87% in SWDC, CDC and MDC respectively, compared to a 54% regional average and 44% national average. Rental affordability changes over the last four years are shown in Figures 2 and 3. House purchasing affordability has similarly declined at a faster rate in the Wairarapa than the regional average, as shown in Figure 4. Despite a growing need for housing reflected in increases in applicants on the Ministry of Social development Housing Register, there is currently very little public or transitional housing available in the Wairarapa.

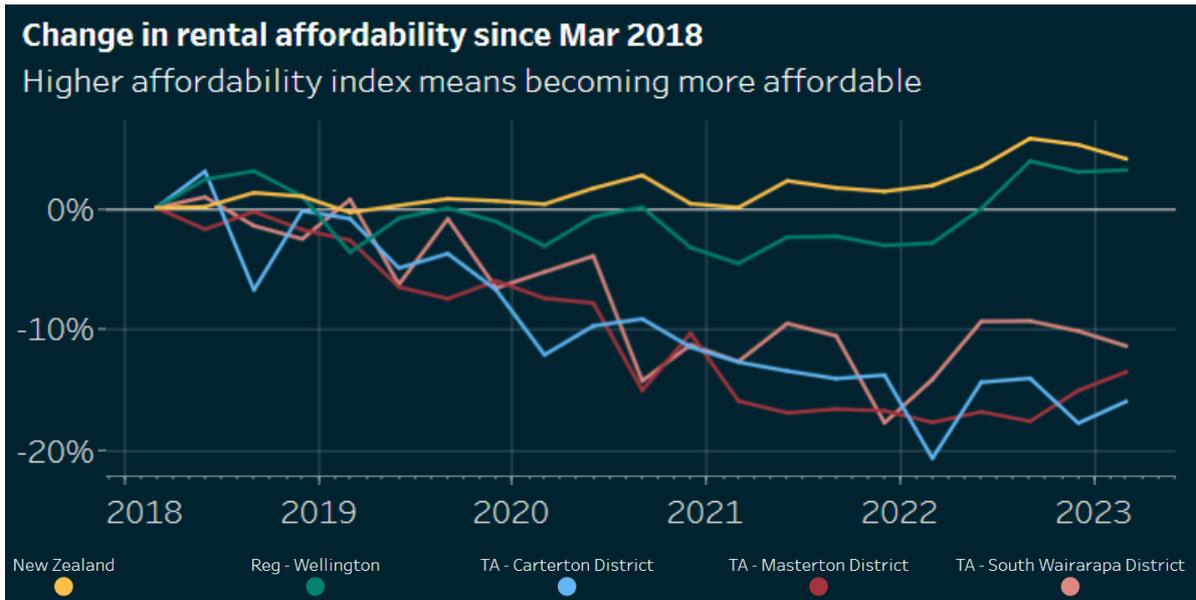


Figure 2: Change in rental affordability for the Wairarapa councils compared to the Wellington Region and New Zealand average, from March 2018 to March 2023¹³.



¹³Ministry of Housing and Urban Development Change in Housing Affordability Indicators <https://www.hud.govt.nz/stats-and-insights/change-in-housing-affordability-indicators/affordability-indicators/#tabset>

Figure 3: Change in rental prices for the Wairarapa councils compared to the Wellington Region and New Zealand average, from March 2018 to March 2023¹⁴.

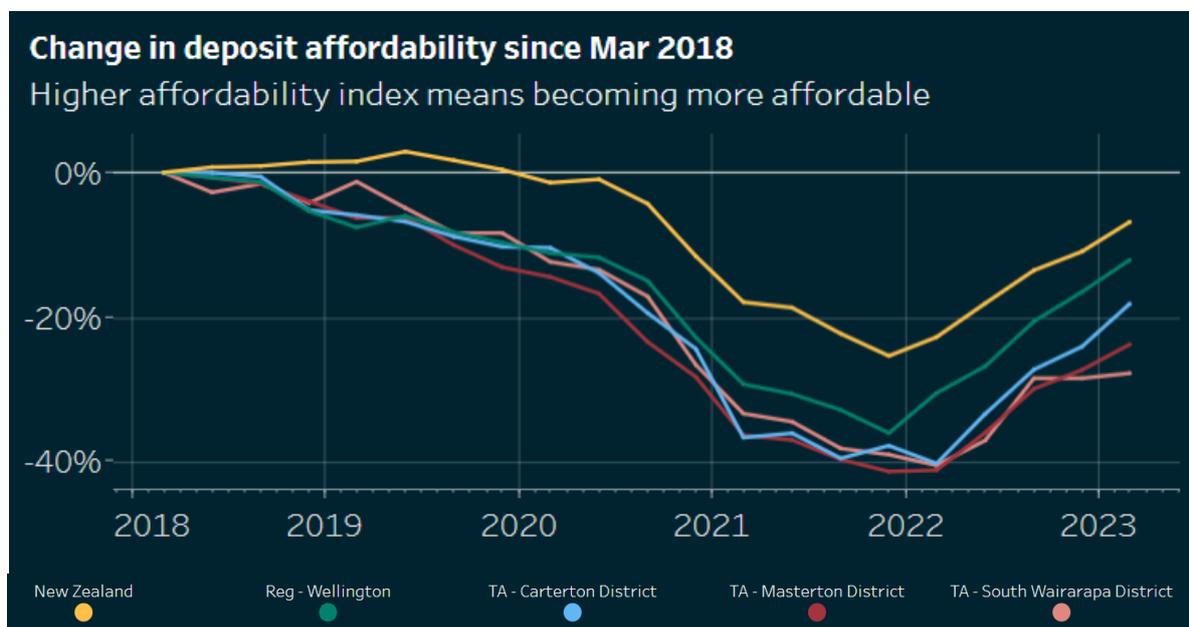


Figure 4: Change in deposit affordability for the Wairarapa councils compared to the Wellington Region and New Zealand average, from March 2018 to March 2023¹⁵.

211. For these reasons, I consider the matters in the notified new Objective 22 appropriately apply to both CDC and SWDC, and that they do not require a specific objective as both councils seek. Given the context of the CDC and SWDC towns and their strong connections to the rest of the eastern growth corridor and Masterton, in my view it would be inappropriate to provide a specific objective for these areas. In addition, CDC and SWDC share a district plan with MDC through the Wairarapa Combined District Plan, which recognises the connections between the districts. Providing a different objective for urban development to local authorities sharing a district plan would not provide for integrated and strategic land use planning. I therefore consider that direction provided to MDC must be relevant to SWDC and CDC.

212. There is also no aspect of well-functioning urban environments that I do not see as relevant to the urban areas (i.e. the towns) of SWDC and CDC. The application of the concept of well-functioning urban environments to these areas is therefore appropriate to respond to the regionally significant issues of the RPS. To justify this, I have evaluated the relevance of each aspect of NPS-UD Policy 1 to the urban areas of CDC and SWDC in Table 8.

¹⁴Ministry of Housing and Urban Development Change in Housing Affordability Indicators <https://www.hud.govt.nz/stats-and-insights/change-in-housing-affordability-indicators/affordability-indicators/#tabset>

¹⁵Ministry of Housing and Urban Development Change in Housing Affordability Indicators <https://www.hud.govt.nz/stats-and-insights/change-in-housing-affordability-indicators/affordability-indicators/#tabset>

Table 8: Evaluation of characteristics of well-functioning urban environments and relevance to the urban areas of SWDC and CDC.

Direction in Policy 1 of the NPS-UD	Relevance to SWDC and CDC
<p>Well-functioning urban environment – Policy 1 a): Have or enable a variety of homes that meet the needs, in terms of type, price, and location, of different households and enable Māori to express their cultural traditions and norms</p>	<p>Compared to other territorial authorities in the Wellington Region, SWDC and CDC have seen the most dramatic decline in housing affordability over the last decade. The affordability of renting and purchasing has declined faster than the Wellington regional and national average in these two districts, particularly from 2017 onwards. Between December 2012 and 2022, house sale prices increased by 179% in SWDC and 152% in CDC, compared to an average of 120% in the Wellington Region. Rental affordability in SWDC and CDC has declined by 16% and 27% compared to a 4% average in the Wellington Region.</p> <p>94% and 92% of the housing typologies being built in SWDC and CDC are detached houses, compared to 79% across the Wellington Region (according to the 2018 Census data). The South Wairarapa Spatial Plan¹⁶ and the Carterton Housing Action Plan¹⁷ both recognise housing choice as significant issues for the districts, including the need to provide for smaller and more affordable homes. Both of these plans also seek to support the development of papakāinga.</p> <p>The South Wairarapa Spatial Plan and the Carterton Housing Action Plan recognise that changing demographics require a wider range of housing, and affordability is being exacerbated by population growth and shortfalls in the number of dwellings being consented. Having or enabling a variety of homes to meet the needs of different households, and enabling Māori to express their cultural traditions and norms, is therefore relevant to SWDC and CDC.</p>
<p>Well-functioning urban environment – Policy 1 b): Have or enable a variety of sites that are suitable for different business sectors in terms of location and site size</p>	<p>SWDC and CDC each have significant commercial and industrial sectors providing local employment, which is recognised by the Wairarapa Combined District Plan through its zoning. Providing sufficient sites to support these sectors is appropriate direction.</p>
<p>Well-functioning urban environment – Policy 1 c): Have good accessibility for all people between</p>	<p>The Wairarapa towns function as urban areas which support accessibility to a range of services and amenities. According to the 2018 census, the majority of commuter trips in the Wairarapa towns’ urban areas are either to within the same town, or to elsewhere in the Wairarapa. Most residents of the towns’ urban areas are staying in the</p>

¹⁶ South Wairarapa Spatial Plan, <https://swdc.govt.nz/wp-content/uploads/1.-South-Wairarapa-Spatial-Plan.pdf>

¹⁷ Carterton Housing Action Plan, <https://cdc.govt.nz/wp-content/uploads/2021/09/CDC-Housing-Action-Plan-Final.pdf>

<p>housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport</p>	<p>towns to work or study, for example 63% of departures from Greytown are to elsewhere in Greytown, 41% for Featherston, 51% for Carterton, and 87% for Masterton¹⁸. For example, central Masterton is the most common destination (9% of trips) for people leaving Carterton district and Greytown is the most common destination (13% of trips) for people leaving Featherston¹⁹. For those commuters leaving their town, while some are commuting to elsewhere in the eastern corridor (Wellington city, Lower Hutt, Upper Hutt) the majority of trips are often to elsewhere in the Wairarapa.</p> <p>Driving or being a passenger in a private car, truck or van represents the majority of commutes between the rural and urban areas, as well as within and between the towns of the Wairarapa. For example, as well as 9% working from home, trips from or within urban Carterton are 67% by private vehicle, 7% by public bus or train, 6% by school bus and 10% by walking or cycling. In Featherston and Greytown, bus or train represents 15% and 12% of trips. However, the towns show good rates of walkable trips within towns and clearly have the potential to be walkable neighbourhoods. There is evidently significant potential for mode shift and improved access for travel within and between the towns of SWDC and CDC. In my view supporting good accessibility for residents to a range of daily needs is appropriate direction.</p>
<p>Well-functioning urban environment – Policy 1 d): support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets</p>	<p>Supporting the competitive operation of land and development markets relates to the removal of barriers preventing land and development markets from operating in a competitive way, for example practices such as land banking. This includes enabling enough development capacity to meet demand, which in turn supports housing affordability.</p> <p>SWDC and CDC have both acknowledged a shortfall in the amount of capacity being enabled to meet demand, and they have experienced significant declines in rental and housing purchase affordability. Direction to enable development capacity, including through intensification, and to provide support for it with necessary infrastructure, is therefore relevant to SWDC and CDC.</p>
<p>Well-functioning urban environment – Policy 1 e) and f): support reductions in greenhouse gas emissions and are resilient to the likely current and future effects of climate change.</p>	<p>Supporting emissions reduction and climate resilience is consistent with the wider climate change direction in Change 1, which applies everywhere in the Wellington Region.</p>

¹⁸ 2018 census commuter dataset and NZ Statistics repository - [Commuter - Waka](#)

¹⁹ 2018 census commuter dataset and NZ Statistics repository - [Commuter - Waka](#)

213. Although I consider that the concept of well-functioning urban environments appropriately applies to SWDC and CDC, I accept that urban areas are not specifically mentioned in the notified Objective 22. I acknowledge that it is not currently clear the objective's direction applies to all urban areas in the Wellington Region. In response to CDC and SWDC's submissions in seeking specific objective-level direction to urban areas, I therefore recommend that reference to well-functioning urban environments is replaced with the term well-functioning urban areas in Objective 22, and all related policies and methods.

214. I consider that consistently referring to urban areas instead of urban environments is clearer, more inclusive and consistent with the NPS-UD, which in many places refers to 'urban areas'. For example, in Section 3.2 the NPS-UD says (my emphasis), *'Every tier 1, 2, and 3 local authority must provide at least sufficient development capacity in its region or district to meet expected demand for housing: (a) in existing and new urban areas'*. In Section 3.13 it says, *'achieve well-functioning urban environments in its existing and future urban areas'*. The ERP, for example, also refers to urban areas in the context of well-functioning urban environments. In Chapter 7²⁰ it states (my emphasis), *'well-planned urban areas provide an opportunity to realise wider benefits too. They enable a greater supply and diversity of housing to be built at pace and scale, improving affordability. Good access to active and public transport routes that safely take people to workplaces and education centres can provide greater access to learning and job opportunities for households, improve public health and wellbeing and strengthen community cohesion.'*

Gaps in notified new Objective 22

215. Operative Objective 22 emphasises particular attributes in response to the regionally significant issues, such as centre viability and vibrancy, industrial employment locations, public open space, prioritising urban development in existing urban areas, integrating land use and transport, providing social services and achieving a range of housing which includes affordable housing. I consider that in many ways it provides clearer direction than the notified replacements, with clearer links to the regionally significant issues.

216. In their proposed re-drafting, PCC seeks that some of the direction from the operative Objective 22 is reinstated. This includes direction for existing infrastructure to be used efficiently, for land use to be integrated with the existing and future transport networks, and for the importance of centres to be re-enforced. In responding to this relief sought, I have also considered PCC's submission point seeking regulatory certainty [S30.020], KCDC's submission point seeking specific and clear objectives that link to regionally significant issues [S16.097], and UHCC's submission point seeking a planning review to be undertaken [S34.0116].

217. References to viable and vibrant centres, efficient use of infrastructure and integration between land use and transport, which have been removed from the notified new Objective 22, address regionally significant issues A, 1, 2, and 3 in Chapter 3.9. From my perspective, the result of the amendments to Objective 22 is that the policy cascade is less clear; Policy 30 (supporting viable and vibrant centres), Policy 57 (integrating land use and transport), and Policy 58 (coordinating land use with infrastructure) do not clearly link to the new Objective 22 and may be orphaned or represent gaps in the policy framework. I discuss each matter and other related submissions in turn:

²⁰ National Emissions Reduction Plan, page 127, <https://environment.govt.nz/assets/publications/Aotearoa-New-Zealands-first-emissions-reduction-plan.pdf>

1. *Viable and vibrant centres*

218. I agree with PCC that the notified Objective 22 does not mention supporting the viability and vibrancy of centres and that this text should be reinstated to better support the policy cascade. This concern is also raised by Stride and Investore, who seek that Objective 22 better recognises that intensification should be focussed around major centres and rapid transit nodes. I consider the NPS-UD recognises the importance of centres, and that the RPS provisions should both seek intensification in and around centres, and support their viability and vibrancy. However, while I agree the intent of PCC's relief, I consider their suggested wording focusses too heavily on urban matters and intensification without providing a holistic, regional overview. I also consider the directive hierarchy of centres they are seeking is unnecessary and contains too much detail for an objective. Instead, I recommend amendments to clause (j) which are shown in paragraph 274.

2. *Infrastructure, transport and intensification*

219. PCC seeks that the operative Objective 22 clauses (i) on integrating land use and transport, and (k) on efficiently using existing infrastructure, should be reinstated through the following clauses; '**A regional urban form that is integrated with existing and planned transport networks**' and '**optimises the efficient use of existing infrastructure**'. Wellington Water, Ātiawa and Teresa Homan seek stronger reference to the role of infrastructure in Objective 22 and its supporting provisions. Stride and Investore also seek that the efficient use of infrastructure is promoted by intensification. Stride, Investore and PCC seek greater emphasis on intensification through Objective 22. Waka Kotahi, Kāinga Ora, NZCSC, Vic Labour, Generation Zero and several others seek greater emphasis on prioritising intensification over greenfield development throughout Change 1 through general submissions, as well as stronger reference to higher density, compact development.

220. I agree with submitters that Objective 22 should provide direction for both the efficient use of existing infrastructure and the coordinated establishment and provision of new or upgraded infrastructure, including for transport. This is appropriate for an RPS as a function of regional councils under RMA section 30 is 'the *strategic integration of infrastructure with land use through objectives, policies, and methods*'. In my view the absence of this direction means that Policy 58 is currently orphaned – there is no 'what' in the objective to provide context for the 'how' in the policy.

221. I also agree with submitters 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 pressures facing the region, address the regionally significant issues, and achieve the objectives of the RPS. For example, regionally significant issue 2 identifies, 'insufficient population densities to support public transport and other public services' as an impact of sporadic, uncontrolled or uncoordinated development. I therefore consider that intensification should be the priority for future growth and that the new Objective 22 should clearly signal this direction in order to maintain a compact regional form while meeting demands for housing and business land, which I discuss further in section 4.11. This can be achieved by the inclusion of direction within new Objective 22 for compact urban development, to promote efficiencies with the provision and ongoing maintenance of new and upgraded infrastructure. The reasons for my view are:

- Intensification can achieve multiple outcomes more effectively than greenfield development, including reducing transport-related greenhouse gas emissions, supporting places with good accessibility, protecting rural productivity, protecting indigenous biodiversity, and most efficiently utilising, providing and maintaining

infrastructure. Intensification can also support housing affordability and choice which are identified as regionally significant issues. On the other hand, poorly connected and planned greenfield growth creates larger infrastructure networks that require maintenance, consumes (often inefficiently) rural land, open space or indigenous biodiversity habitat, increases imperviousness and contaminant loads, and often does not improve accessibility or affordability for the existing urban areas. As uncoordinated greenfield development continues to occur, it undermines the drivers for infill development to support existing city and neighbourhood centres.

- The region is facing significant infrastructure constraints. Increasing density around centres and existing and planned transport connections allows targeted investment into existing infrastructure and coordination of its ongoing maintenance and upgrading. Concentrating development to use any urban land efficiently is also a fundamental aspect of minimising 'sprawl' and thereby, broadly, minimising the impact of new urban development on infrastructure (because distances are lower so less distance of roading and three waters infrastructure is necessary²¹) and natural and physical resources.
- The NPS-UD and MDRS seek intensification in the right places, through enabling higher densities, to achieve well-functioning urban environments. Prioritising intensification is therefore consistent with national direction. Significant development capacity for intensification has just been enabled across the Wellington Region through the NPS-UD and the MDRS.
- Prioritising intensification and well-designed, compact urban development is supported by international planning best practice. For example, the 2022 World Cities UN Habitat report promotes neighbourhood-oriented planning, including the concept of 15-minute neighbourhoods, saying, 'There is now consensus that sustainable neighbourhoods should have a certain level of density, be inclusive and socially mixed, follow principles of mixed-use development, allow walkable access to daily needs, feature a well-designed network of streets and open/green spaces, promote modularity... Such neighbourhoods are expected to be climate resilient and offer co-benefits in terms of equity and justice.'²² It also states that, 'certain levels of compactness are needed to support economies of scale, minimize unregulated intrusion in ecosystems, and facilitate other sustainable urban development measures such as multimodal transportation'²³.
- Many objectives and policies in the operative RPS and Change 1 (including climate change, freshwater, soils and minerals, indigenous biodiversity) are often easier and more effective to achieve through intensification than through greenfield development. The regional form, design and function chapter seeks to maintain a compact regional form where land use and infrastructure are integrated, recognising the adverse effects of uncoordinated development and insufficient population densities to support necessary infrastructure and services.

²¹ MRCagney, Costs and benefits of urban development (2019), page 122, https://environment.govt.nz/assets/Publications/Files/costs-and-benefits-of-urban-development-mr-cagney_0.pdf

²² UN Habitat World Cities Report 2022, page 199 [wcr_2022.pdf \(unhabitat.org\)](https://unhabitat.org/wcr-2022.pdf)

²³ UN Habitat World Cities Report 2022, page 197 [wcr_2022.pdf \(unhabitat.org\)](https://unhabitat.org/wcr-2022.pdf)

222.To address the relief sought by submitters, I recommend two new clauses are added to the new Objective 22:

'Existing urban-zoned land and infrastructure capacity, including transport infrastructure, is used efficiently', and

'New or upgraded infrastructure, including transport infrastructure, is integrated and sequenced with development, and development densities are sufficient to support its provision and ongoing maintenance'

223.I consider that the two recommended clauses encapsulate the new clause sought by PCC for 'A regional urban form that is integrated with existing and planned transport networks', because the result of such integration is that transport infrastructure is used efficiently and integrated with development. This is recognised by regionally significant issue 3 on land use and transport integration, which identifies the result, 'inefficient use of existing infrastructure (including transport orientated infrastructure)'. I have also recommended the reference to efficient use of urban-zoned land and sufficient development densities instead of intensification, as this wording is more focussed on an outcome than the process of intensification (which should be policy direction). In my view this wording encapsulates both intensification and compact development more generally, which submitters seek stronger direction on.

New clause on strategic land use

224.EQC [S132.004] seeks the inclusion of a reference to minimising exposure to natural hazards in Objective 22, while HortNZ seeks a reference to highly productive land and reverse sensitivity. UHCC and HortNZ (supported by Fulton Hogan, BLNZ, WWUS and Irrigation NZ) also raise the NPS-HPL and highly productive land in their submission on Objective 22B. In addressing these submissions, I have also considered PCC's submission seeking regulatory certainty [S30.020], KCDC's submission seeking specific and clear objectives that link to regionally significant issues [S16.097], and UHCC's submission seeking a planning review to be undertaken [S34.0116].

225.I agree with submitters that the productivity capability of land and resilience are both relevant to Chapter 3.9. However, I recommend accepting the intent but not the specific relief sought by the submitters. I note that Objective 19 in the Natural Hazards chapter primarily addresses the relief sought by EQC, however I consider it appropriate for the new Objective 22 to specifically recognise the role of subdivision, land use and development in achieving this. I have therefore recommended the addition of 'climate-resilient' to the chapeau of new Objective 22 which addresses EQC's relief in part.

226.The NPS-HPL came into force on 17 October 2022 and Change 1 to the RPS was notified on 19 August 2022. The Council will progress a change to the RPS in due course to give full effect to the NPS-HPL. I do not consider that it would be appropriate to attempt to give effect to the NPS-HPL in Change 1. There are transitional requirements in clause 3.5(7) of the NPS-HPL that will apply until the RPS contains operative maps of highly productive land in the region. The NPS-HPL warrants consideration through a full plan change process, to ensure the RPS is appropriately amended as a whole to fully give effect to it.

227.Despite the fact that I do not consider that Change 1 should give effect to the NPS-HPL, retaining productive capacity of land is a matter already covered by the Operative RPS through Policy 59 (Retaining highly productive agricultural land (Class I and II land)). It is relevant to regional form, design and function given the pressure that urban and rural lifestyle subdivision, use and development can put on productive land (which is recognised by the NPS-HPL). I therefore agree

with HortNZ and UHCC that protecting the productive capability of land is a key aspect of a successful regional form and well-functioning rural areas, and that this direction would appropriately respond to regionally significant issues. However, I consider that Change 1 should not refer to 'highly productive land' specifically at this stage. Referring to 'highly productive land' could cause confusion given the existing definition of 'highly productive agricultural land' in the operative RPS, which differs from how 'highly productive land' is defined in the NPS-HPL (most significantly, with the NPS-HPL definition including LUC Class 3 land and the Operative RPS definition only relating to LUC Class 1 and 2 land). This may also raise an issue of scope of Change 1. This issue is discussed in Mr Jerome Wyeth's rebuttal evidence for Hearing Stream 2 on Integrated Management²⁴. I therefore consider that Change 1 should refer to retaining the productive capacity of rural land in a more general sense at this stage, to avoid confusion about interactions with the NPS-HPL definition.

228.PCC, HCC and Peka Peka Farm submit on Objective 22B, which I recommend is deleted, seeking clarification of the term, 'strategically planned' which came from the operative Objective 22. I agree with them that this term is unclear. In my opinion the submissions regarding hazards, productive land and strategic planning highlight a broader gap in the new Objective 22, which is that the concept of spatial planning and strategic land use has not been captured in Chapter 3.9. Collaborative spatial planning based on robust and up-to-date information is increasingly viewed as best practice for achieving strategic and integrated land use and development. This direction is reflected in the shift toward regional spatial strategies in the proposed RMA reforms, and the approach taken by central government through the Urban Growth Partnerships programme, to support regional spatial planning. Spatial planning considers potential constraints on urban development, such as natural hazards or productive land, as well as opportunities through proximity to existing infrastructure and transport corridors, to inform decision making that ideally achieves multiple objectives.

229.The NPS-UD sub-part 4 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.

230.The operative and Change 1 RPS policies clearly support an integrated, holistic, and strategic spatial planning approach and a preference for planned, sequenced urban development. The policies promote consistency with a FDS or other growth strategy, as well as broader consideration of land use suitability. This approach is in response to the identified regionally significant issues, particularly issues B and 2 on inappropriate development and sporadic, uncoordinated growth. I consider this direction should be explicitly reflected in the new Objective 22, to better give effect to NPS-UD Objectives 6 and 7, make it clearer how the regionally significant issues are being addressed, and provide scope for the Change 1 policies to seek consistency with the FDS. To

²⁴ Rebuttal evidence of Jerome Wyeth for Hearing Stream 2, dated 7 July 2023, paragraph 92.2-92.3, <https://www.gw.govt.nz/assets/Documents/2023/07/HS2-GWRC-Statement-of-Rebuttal-Evidence-Integrated-Management-Jerome-Wyeth-7-July-2023.pdf>

address the relief sought by EQC, HortNZ, PCC, HCC and Peka Peka Farm, I therefore recommend a new clause is added as follows:

'The biophysical characteristics, location, values, capability and limitations of land inform its use and development'

231.I consider that the new clause as recommended summarises the direction for the preparation of Future Development Strategies in NPS-UD subpart 4 at a high level, while also picking up on RPS direction to manage natural hazard risk (including hazards such as slope failure and those exacerbated by climate change), protect the productive capacity of soils, 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. In my view it would not be appropriate to specifically mention a particular spatial plan or strategy, such as the FDS, as it may become outdated. A general reference to the outcome sought by spatial planning is more appropriate and suited to an RPS objective, in my opinion. The term 'biophysical' is not defined but refers to biotic or abiotic physical features such as slope, soil quality and natural watercourses.

Clause (b) 'Provide for sufficient development capacity to meet the needs of current and future generations', clause (g) Provide for a variety of homes that meet the needs, in terms of type, price, and location, of different households, and clause (i) Provide for commercial and industrial development in appropriate locations, including employment close to where people live

232.I have considered PCC's submission seeking regulatory certainty [S30.020], KCDC's submission seeking specific and clear objectives that link to regionally significant issues [S16.097], and UHCC's submission seeking a planning review to be undertaken [S34.0116] with regard to clauses (b), (g) and (i) (as notified).

233.Clause (g) includes a reference to housing variety including price variety, while clause (i) refers to supporting competitive land and development markets and improving housing affordability. Clauses (g) and (i) as notified are very similar to, and essentially duplicate, (a)(ii) and (d) in Policy 1 of the NPS-UD. Consequential to my recommendation to create a new Policy UD.5 which refers directly to NPS-UD Policy 1, I recommend that both clauses are removed from Objective 22, and that their intent is consolidated with clause (b).

234.Clause (b) refers to NPS-UD Policy 2, which requires tier 1, 2, and 3 local authorities to provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term. In my view this is an appropriate attribute of a regional form that is functioning well, including in rural areas, so I recommend rejecting the relief sought by UHCC and KCDC for this clause to be deleted. PCC requests that clause (b) include a specific reference to Table 9A and Objective 22A when referring to development capacity. I do not consider this amendment to be necessary, given the direction in those provisions only applies to tier 1 urban environments. Objective 22 provides direction to all urban areas and rural areas, so I consider this amendment would create further confusion.

235.Although I am recommending that clauses (g) and (i) (as notified) are removed as they duplicate the NPS-UD, I consider that housing choice and affordability are of such significance in the Wellington Region that the direction should be retained and strengthened in the new Objective 22. The scope for this amendment comes from general submissions seeking stronger and

enhanced direction for housing variety, accessibility and affordability via intensification, which are discussed in section 3.4. Clause (b) is an appropriate location to include reference to housing affordability and variety, because providing sufficient development capacity to meet demand also means providing sufficient variety in typology, price and location for different households. I consider that referring to 'provide for' in notified clause (b) is drafted more as a policy than an objective, and should be amended to state an outcome. I therefore recommend that clause (b) (which becomes clause (e) in my **Appendix 1** amended provisions) is amended to:

'There is ~~Provide for~~ sufficient development capacity, affordable housing and housing choice to meet the needs of current and future generations, with a diversity of housing typologies within neighbourhoods'.

236. The reference to affordable housing in the recommended wording is deliberately different to housing becoming more affordable through a general increase in supply. While affordable housing is not a defined term in the RPS, it is generally understood to include partially or completely subsidised housing, or housing otherwise meeting an affordability benchmark. I do not consider it to be appropriate for the RPS to provide a definition of affordable housing, as I understand it is highly complex to define and dependent on a number of dynamic factors, and it is likely to change over time. I do however think it is important to distinguish the concept of providing for affordable housing from contributing to housing affordability by enabling more homes, including smaller homes, to be built. The Wellington Region needs both, and it is appropriate in my view for the regional form objective to explicitly signal this, which is why the recommended wording seeks sufficient affordable housing.

237. Referencing a diversity of housing typologies is also intended to pick up on the outcome sought for varieties of homes to be provided in close proximity to each other. It is my understanding that prior to the NPS-UD, it was rare for a single housing development to provide for a range of housing typologies, however since the NPS-UD it appears to be becoming more common. For example, a development providing only detached dwellings or only three-bedroom townhouses does not necessarily contribute to meeting the needs and price accessibility of different households, and there are opportunities to diversify. The role of policy in constraining the diversity of housing types provided, and thereby on choices, is well recognised²⁵. The NPS-UD provides the direction, 'meet the needs in terms of type, price, and location of different householders' (my emphasis). For this to occur, different types and price-ranges of houses need to be built near each other, so that different households have the opportunities to live in particular locations with access to services, amenities, centres, employment, green space and transport links.

238. NZCSC [S151.012], supported by WCC, seek that provisions are amended to, 'support the creation of walkable neighbourhood environments that support wellbeing'. The term neighbourhood is also used by Steven Ensslen who seeks 'neighbourhood-centred design'. I consider that using the term 'neighbourhood' to define an area is more useful than 'walkable catchment' at an objective level, and that it is a useful way to refer to access to a range of housing in close proximity.

Clauses (c) 'Improve the overall health, wellbeing and quality of life of the people of the region'; and (k) Are well connected through multi-modal (private vehicles, public transport, walking,

²⁵ MRCagney, Costs and benefits of urban development (2019), page 97, https://environment.govt.nz/assets/Publications/Files/costs-and-benefits-of-urban-development-mr-cagney_0.pdf

micromobility and cycling) transport networks that provide for good accessibility for all people between housing, jobs, community services.

239.NZCSC [S151.012], in a general submission point, seeks amendments to support the 'creation of walkable neighbourhood environments that support wellbeing through equitable access to essential infrastructure and amenities, including green spaces' (my emphasis). I agree that providing for access with multiple transport modes is a key part of meeting the health and wellbeing needs of all people. I therefore recommend that clauses (c) and (k) (as notified) are combined into a new clause, and will address submissions on clauses (c) and (k) together. In addressing submissions I have also considered PCC's submission seeking regulatory certainty [S30.020], KCDC's submission seeking specific and clear objectives that link to regionally significant issues [S16.097], and UHCC's submission seeking a planning review to be undertaken [S34.0116].

240.Kiwirail supports clause (c) in particular, considering it gives effect to Objective 1 of the NPS-UD. Kāinga Ora also seeks that it is retained. PCC [S30.022] requests similar direction to clauses (c) and (k), but instead with the wording, '**Urban built environments that meet the health and wellbeing needs of people**' and '**has good accessibility between housing, employment opportunities, community services, natural spaces, and open spaces**'.

241.I recommend rejecting the relief from UHCC and KCDC that the direction in clauses (c) and (k) is removed, as I consider they both represent useful aspects of a successful regional form. Clause (c) recognises that high-quality built environments contribute to the health, wellbeing, and quality of life of the people in the region. In my view this clause recognises that a range of needs must be met through high-quality environments for living, working, learning, travelling and playing. It also reflects the growing awareness and understanding of wellbeing and how it can be influenced by land use and development. Clause (c) links to the provisions seeking high-quality development, through the support for design guides, development manuals and collaborative, holistic and strategic approaches to meeting housing and business demand so that multiple 'co-benefits' are realised.

242.I consider that this clause also provides for the concept of 'density done well'; that there is a need to enable development capacity while also ensuring future urban and rural areas will be able to meet the multiple different needs of current and future generations. A 2016 study on intensification in Auckland observed benefits for walkability and access to amenities, but emphasised the need to ensure intensification delivers high-quality built environments which support wellbeing and liveability²⁶. A similar study on Auckland identified the need for a neighbourhood-scale approach to urban planning to realise the benefits of intensification and high-density development²⁷. Clause (k) addresses the need for land use and transport to support all people having good access to what they need via multiple transport modes, and ideally within walkable catchments. It responds to regionally significant issue 3 on the lack of integration between land use and transport increasing the need for travel, journey length and reliance on private vehicles. Compact form has repeatedly been associated with shorter travel distances, less

²⁶ [Does higher density housing enhance liveability? Case studies of housing intensification in Auckland](#)

²⁷ [Enhancing liveability through urban intensification: The idea and role of neighbourhood](#)

reliance on private vehicles, lower fatal road crashes, and better health outcomes associated with greater access to active transport²⁸.

243. I consider the wording requested by PCC for clause (c) provides greater clarity and is more appropriate for an objective than what was notified. Reference to 'improving' in the notified clause (c) is an action rather than an outcome. 'Quality of life' is an uncertain term which I have not seen used in other RMA documents or in the NPS-UD. On the other-hand, 'health, wellbeing' and 'needs' are more commonly used and understood terms and used in the NPS-UD. Reference to 'needs', as sought by PCC, also provides for a broader understanding of health and wellbeing as also including access to quality housing and social services, for example. I therefore recommend accepting this relief by PCC, with slight amendment; I consider 'urban' should be removed to be inclusive of the whole regional form. PCC's requested amendment to clause (k) is very similar to NPS-UD Policy 1 clause (c), with removal of reference to public and active transport. I do not consider that this adds much value in addition to the NPS-UD, so do not accept their amendments to clause (k).

244. While there are no other specific submissions seeking relief on clauses (c) and (k), there are a few aspects of the notified wording of the two clauses which I consider require amendment to address submissions regarding clarity, consistency and certainty of drafting from PCC, KCDC and UHCC, as well as the submission from NZCSC. I recommend that clauses (c) and (k) are consolidated; deleting clause (c), and amending clause (k) (which becomes clause (e) in my **Appendix 1** amended provisions) to read:

'Built environments 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 between housing, jobs, community services, local and regional centres, green space, natural spaces, and open space'

245. I consider the amendments are consistent with the ERP actions 10.1.1 and 10.1.2, which specifically recognise the need for equity in transport networks and support for a range of travel types to a range of places. The amendments seek to do the following:

1. *Simplifying*

246. The notified wording of clause (k) lists multiple transport modes in brackets to explain 'multi-modal'. This unnecessarily lengthens the objective, as I consider it is clear that multiple transport modes are referred to. 'Multi-modal transport networks' is a term used in other policies throughout Change 1, particularly in transport policies, and they do not provide this explanation.

247. The notified wording of clause (k) refers to urban environments being 'well-connected', and multi-modal transport networks that provide for 'good accessibility'. I consider that these two terms, which come from the NPS-UD Policy 1, are unclear terms for use in an objective. 'Good' and 'well' are difficult to measure. PCC [S30.077], in a submission on Policy UD.3, ask for further policy guidance on what 'well-connected' means, which implies it isn't clear without further direction. Simpler and more direct drafting would be, 'multi-modal access between...'. This focusses simply

²⁸ MRCagney, Costs and benefits of urban development (2019), page 180, https://environment.govt.nz/assets/Publications/Files/costs-and-benefits-of-urban-development-mr-cagney_0.pdf

on the outcome sought, which is that there are multiple transport options providing access. I consider this wording is still consistent with the original intent of the new Objective 22, as well as the NPS-UD, and merely assists with clarity and readability. I also note that multi-modal transport networks can include private vehicles and are therefore inclusive of rural areas where options for mode shift are limited; a topic which is traversed in the Transport topic in Hearing Stream 3.

2. *Including green space*

248. In response to NZCSC requesting amendments to support access to green space, I recommend that 'natural spaces' in clause (k) is replaced with 'green space'. Ms Pam Guest, in her Section 42A report on 'Climate-Resilience and Nature-Based Solutions' for Hearing Stream 3²⁹, recommends amendments to refer to the term green space in seeking climate-resilience and nature-based solutions, which encompasses street trees, parks, and other forms of vegetation in the built environment. I consider it is appropriate to use consistent language with the climate-resilience and nature-based solutions policies. Using the term 'green space' also aligns with the responses recommended in the recent Parliamentary Commissioner for the Environment Report, 'Are we building harder, hotter cities? The vital importance of urban green spaces'³⁰. The report emphasises the benefits of urban green space for health and wellbeing.

3. *Including centres*

249. I agree with PCC, Stride and Investore who seek greater reference to the role of centres in Objective 22, and therefore recommend that a reference to 'local and regional centres' be inserted into the new clause. In my view, including centres explicitly supports other provisions seeking the ongoing vitality and vibrancy of centres at a range of scales. Referring to 'local and regional centres' is consistent with the wording used in Policy 30 on the centres hierarchy.

4. *Including housing quality*

250. Rangitāne seeks that housing quality is acknowledged as part of well-functioning urban environments in Objective 22. I agree that this is a matter that should be promoted by Change 1; however, noting that how buildings are built is largely regulated by the Building Act 2004 and associated regulations. While there are limitations to what local authorities can require or regulate regarding housing quality, I consider that it is appropriate for them to promote buildings that are high quality, including being climate-resilient, using non-regulatory measures. Housing quality is also closely related to housing affordability issues in the region, which local authorities do have an influence over. I consider high-quality housing is a key aspect of meeting the health and wellbeing needs of people. Rangitāne also acknowledges this connection between housing quality and health in their submission, seeking (my emphasis), 'Specify the characteristics of well-functioning urban environments relating to the provision of a variety of homes include quality (i.e. healthy), as well as affordability and location.' I have therefore recommended addition of 'high quality-housing' to this combined clause on wellbeing and access.

Clause (d) 'Prioritise the protection and enhancement of the quality and quantity of freshwater'

²⁹ Section 42A report of Ms Pam Guest for Hearing Stream 3, dated 31 July 2023, paragraphs 168-173, <https://www.gw.govt.nz/assets/Documents/2023/07/S42A-Report-HS3-Climate-Change-Climate-Resilience-and-Nature-Based-Solutions.pdf>

³⁰ Parliamentary Commissioner for the Environment, Are we building harder, hotter cities? The vital importance of urban green spaces (2023), page 67, <https://pce.parliament.nz/publications/are-we-building-harder-hotter-cities-the-vital-importance-of-urban-green-spaces/>

251. Wellington Water [S113.008] submits that the role of Te Mana o Te Wai as a part of well-functioning urban environments is not clear throughout and the urban development provisions. Ātiawa [S131.041] seeks certainty that infrastructure is established prior to housing development to ensure clause (d) is met. I consider that this direction sits at the policy level, however I have recommended greater recognition of infrastructure in Objective 22 through two new clauses (g) and (h) which may address the relief sought to some extent. I have also considered PCC's submission seeking regulatory certainty [S30.020] and KCDC's submission seeking specific and clear objectives that link to regionally significant issues [S16.097].

252. I recommend rejecting the relief sought by UHCC, KCDC and Kāinga Ora for this clause to be deleted. The intent of clause (d) (as notified) is to recognise the relevance of the NPS-FM to land use and development; in particular the need to give effect to Te Mana o Te Wai, including the hierarchy of obligations and principles (which is set out in the Section 32 report). The NPS-FM clause 3.5(2) requires regional councils to change their regional policy statements to, 'provide for the integrated management of the effects of (a) the use and development of land on freshwater, and (b) the use and development of land and freshwater on receiving environments.' Clause 3.5(1) of the NPS refers to managing '*freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and wellbeing of water bodies, freshwater ecosystems, and receiving environments*' and encouraging '*the co-ordination and sequencing of regional or urban growth*', as a part of giving effect to Te Mana o Te Wai. Clause 3.5(4) directly links urban development with the health and wellbeing of water bodies, freshwater ecosystems, and receiving environments.

253. The NPS-FM is of particular relevance to the regional form, design and function chapter and ensuring that land use and development protects the freshwater environment is an important outcome to be sought by Objective 22. The Section 32 report provides further detail. Development and land use change can impact freshwater quality and quantity in many ways; examples include contributing to pressure on three waters infrastructure, increasing imperviousness and altering catchment hydrology, increasing stream erosion, generating contaminants, such as zinc, copper, sediment, hydrocarbons, nitrates and soaps, and reclaiming streams and wetlands, causing a direct loss of freshwater habitat. Given the strength of the NPS-FM and its relationship to these provisions, I consider that clause (d) is appropriate and necessary.

254. I also agree with the concern raised by Rangitāne that Change 1 provisions give effect to the NPS-FM with regard to urban development, despite its direction for integrated management and reference to all land use and development. I therefore consider that direction to protect freshwater through Objective 22 appropriately applies to all subdivision, use and development rather than just to urban development, and that the amendment of the objective's chapeau to apply to regional form addresses this concern.

255. In response to the submissions from Wellington Water, Ātiawa, PCC and KCDC, I recommend that clause (d) (which becomes clause (c) in my **Appendix 1** amended provisions) is replaced with, '*Te Mana o Te Wai is given effect to*'. In my view this is drafted more like an objective (because 'prioritising' is policy language), provides a more direct and consistent link to the NPS-FM and Te Mana o Te Wai, and is simpler wording. I do not consider the intent or strength has been altered by this amendment. I also note that Policy 55 refers to Te Mana o Te Wai rather than protecting and enhancing freshwater, and the amendment promotes consistency.

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

256.PCC, UHCC, KCDC, Kāinga Ora, Wellington Water, Powerco, and Fuel Companies seek that clause (e) (as notified) is deleted from the new Objective 22, arguing it is superfluous and puts greater emphasis on those objectives listed than other objectives in the RPS. I note that some submitters support this clause, such as DGC.

257.My understanding is that the intent of clause (e) is to remind plan users of the need to integrate with other objectives under the RPS that are relevant to development, to ensure the RPS is implemented in the integrated way it is intended to work. The intent was to support the need for land use and development to be environmentally integrated. I do however accept that it is onerous for a single development or district plan to 'achieve' the objectives of RPS as some may not be relevant and require factors outside of the realm of influence, which could affect the clarity and implementation of the objective. I also agree with submitters that listing air, land, freshwater, coast and indigenous biodiversity, risks missing aspects of potential relevance. While I can see the reasoning for including such a clause, I do not consider that it is necessary and that there will be any policy gaps will arise if it is removed.

258.Amendments I have recommended to the chapeau of the new Objective 22 explicitly state the outcome of environmental responsiveness for the region's subdivision, use and development, an intent that is supported by several submitters, in particular iwi authorities. Adding this intent to the chapeau more succinctly and clearly achieves the same intent as clause (e) in my opinion, and I consider the clause (e) is now superfluous. Considering it may contribute to confusion for plan users and that its intent is otherwise provided for, I recommend that the submissions seeking the deletion of clause (e) are accepted.

259.Regarding the submission by Fish and Game [S147.047] to include protection of valued introduced biodiversity, this objective is not the relevant location for such recognition to be provided. Given the recommended deletion of clause (e), such an addition is also no longer relevant and I recommend rejecting the relief sought.

Clause (f) 'Support the transition to a low-emission and climate-resilient region'

260.Submitters tend to support clause (f) as notified, other than those opposing the duplication with other RPS objectives and policies which I have already addressed. Meridian and Ātiawa support it in particular. I do not agree with the relief sought by UHCC, PCC, KCDC and Kāinga Ora to delete clause (f). In my opinion it is justified to specifically include climate mitigation and resilience, like freshwater, in Objective 22, given the significance of the new climate change chapter introduced to the RPS through Change 1 and the references to climate change in the NPS-UD. Land use, development and infrastructure have a pivotal role in contributing to both climate change mitigation and adaptation, which is explicitly recognised by the NAP and ERP. In response to KCDC's submission [S16.097] to review and specify all objectives, and general submissions in support of climate resilient and low-emission development discussed in section 3.4, I recommend that clause (f) (which becomes clause (d) in my **Appendix 1** amended provisions) is re-worded to be more direct, measurable, clear and suited to an objective. I consider it is clearer for subdivision, use and development itself to be low-emission and climate-resilient, than to support the region itself being low-emission and climate-resilient, which now sits in the amended chapeau of Objective 22. I

recommend wording that is consistent with the amendments recommended to Policies CC.4 and CC.14 in Hearing Stream 3³¹:

'subdivision, use and development is located, designed, and constructed in a way that is Supports the transition to a low-emission and climate-resilient region'

Clause (h) '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'

261. There are no specific submissions seeking amendments to clause (h) as notified, other than those from PCC, UHCC, KCDC and Kāinga Ora seeking deletion of all or most clauses. Ātiawa and Rangitāne support clause (h). Taranaki Whānui supports clause (h) but seeks that Objective 22 is re-drafted to provide specific reference to Treaty relationships with mana whenua partners across the region. In response to Taranaki Whānui's submission, clause (h) recognises mana whenua / tangata whenua and their relationships with their culture, land, water, sites, wāhi tapu and other taonga, which I consider to be appropriate for an objective compared to referencing specific relationships. I acknowledge that Chapter 3.10 (Resource management with tangata whenua) needs to be updated, which will be done through future RPS amendments with Council's mana whenua / tangata whenua partners. I consider that Chapter 3.10 is the most appropriate place to address the relief sought.

262. Policy IM.1, which applies to all resource consents, district plan changes and reviews, has the clause; 'partnering with mana whenua / tangata whenua to provide for mana whenua / tangata whenua involvement in resource management and decision making.' I consider that this policy directly gives effect to Policy 9 of the NPS-UD.

263. The wording of clause (h) is similar to that in NPS-UD Policy 1, with addition of the wording to provide for mana whenua / tangata whenua and their relationships with their culture, land, water, sites, wāhi tapu and other taonga, which is consistent with the rest of Change 1 and RMA section 6. I consider this is appropriate and responds to the regionally significant issues, particularly the regionally significant issues B on inappropriate development and 1 on poor quality urban design. I recommend rejecting the relief by PCC, KCDC, Kāinga Ora and UHCC that clause (h) is deleted.

264. Change 1 currently refers to both enabling 'Māori cultural and traditional norms' and 'Māori culture and traditions' in different places. The wording Māori cultural and traditional norms comes from NPS-UD Policy 1, while Māori culture and traditions is more similar to the wording of RMA Section 6(e). Given the RPS is doing more than giving effect to the NPS-UD, in this case I think it is simpler and clearer to refer to 'Māori culture and traditions' to be more aligned to RMA Section 6 language. Rangitāne and Ātiawa have also sought greater alignment with Section 6 on other provisions [e.g. S131.099, S168.030], so I think broadening clause (h) to culture and traditions is appropriate.

265. In response to the submission by KCDC [S16.097] to review and specify all objectives, I have recommended that the wording of this clause (which becomes clause (b) in my **Appendix 1** amended provision) is re-phrased to be written as an outcome rather than a policy as follows;

³¹ Rebuttal evidence of Pam Guest for Hearing Stream 3 on Climate Resilience and Nature-based Solutions, dated 21 August 2023, paragraph 64, <https://www.gw.govt.nz/assets/Documents/2023/08/HS3-GWRC-Statement-of-Rebuttal-Evidence-Climate-Resilience-and-Nature-Based-Solutions-Pam-Guest.pdf>

~~'Enable Māori are able to express their cultural and traditional norms, and by providing for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga is provided for'~~. The notified wording, by using the word 'by providing', implies that providing for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga is the only way that Māori can be enabled to express their culture and traditions. The NPS-UD and Change 1 deliberately recognises that it can be broader than this, and the clause is not intended to exclude other means of achieving the outcome. I therefore recommend that 'by' is replaced with 'and', to make this clearer for plan users.

Clause (j) 'Provide for commercial and industrial development in appropriate locations, including employment close to where people live'

266. In addressing submissions on this clause, I have considered PCC's submission seeking regulatory certainty [S30.020], KCDC's submission seeking specific and clear objectives [S16.097], and UHCC's submission seeking a planning review to be undertaken [S34.0116]. PCC requests that the following three clauses are added to Objective 22 instead of clause (j) as notified:

- **'More people living in, and more business and community services located in, areas that are in or near a commercial centre and/or well-served by public transport'** – duplicates NPS-UD Objective 3
- **'A range of buildings and sites in appropriate locations that provide opportunities for commercial and industrial activities in a way that achieves the commercial centres hierarchy identified in A.1 above and maintains the primacy of the Wellington city centre'**
- **'Commercial and industrial activities distributed in appropriate locations and in a way that supports the commercial centres hierarchy identified in A.1 above'**

267. Stride Investment and Investore raise concerns regarding a lack of clear direction to prioritise intensification around major centres and rapid transit nodes in Objective 22, and particularly raise concerns with clause (j). They also consider that the phrase, 'employment close to where people live' is too open and could support development in many different locations. I agree with Stride and Investore that this phrase could have unintended consequences and recommend that it is deleted. I consider that it duplicates the direction in clause (k) as notified to provide for accessibility between jobs, housing etc. Stride and Investore do not consider there is clear direction on what 'appropriate locations' means. I consider that this term is adequate at the objective level provided that the policies and methods sitting under it flesh out what 'appropriate' means. At the objective level, it would be too specific to detail which locations are considered appropriate for each land use, so I do not agree with them that this is too vague. I note that PCC's suggested re-drafting of Objective 22 also refers to 'appropriate locations'.

268. I do not support the relief sought by UHCC, KCDC and Kāinga Ora that clause (j) is deleted. I consider that providing for commercial and industrial development and protecting industrial employment close to where people live is an important aspect of achieving a regional form that functions well, gives effect to the NPS-UD, and responds to regionally significant issue 2 on sporadic, uncoordinated development. Ensuring there is sufficient business land supports reductions in transport-related emissions, by providing services, amenities and employment closer to where people live. The NPS-UD is also very clear that there needs to be sufficient development capacity to meet demand for both housing and business, which is detailed in subparts 1 and 5 of that NPS.

269.PCC's suggested wording for Objective 22 emphasises direction for mixed use and business land.

This is also reflected in other territorial authorities seeking greater recognition of a range of land uses in provisions, for example, WCC and HCC's submission on Policy UD.3 seek greater recognition of mixed use and non-residential land uses. NZCSC seeks that provisions are amended to, 'ensure that new development around travel corridors should consider a mix of uses (rather than simply housing) where possible and viable'.

270.I agree with submitters that the RPS should clearly signal support for mixed land use, given its ability to deliver multiple benefits for built environments. Mixed land use is recognised as a key aspect of good urban design and fundamental to support the vibrancy and viability of urban centres, including their safety. I consider that a lot of the NPS-UD's direction relates to support for mixed use zoning, which is clear in Objective 3 of that NPS, as it is an effective way to provide for accessibility between housing, centres, amenities and services and thereby reduce transport-related emissions and supporting climate resilience. For example, mixed use is promoted by the UN Habitat World Cities Report 2022; '*Neighbourhood planning based on the principles of walkability, cyclability, accessibility, mixed use, and compactness and through integration of green infrastructure can provide multiple co-benefits for health, equity, and climate change adaptation and mitigation*'.³² Mixed use development is also encouraged as a part of quality urban design by the Regional urban design principles in **Appendix 2** of the RPS.

271.To respond to submitters seeking stronger reference to mixed use development, I recommend that clause (j) is broadened to be focussed on promoting a range of land uses, while retaining the specific direction for industrial and commercial land use. I therefore recommend that reference to residential and mixed use development, as well as commercial and industrial, are added to clause (j). I note that the term 'mixed use development' is defined in the Operative RPS as, '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.'

272.I note the intent of PCC's amendments, however I do not support their specific wording. I do not consider Objective 22 should duplicate NPS-UD Objective 3; in my opinion this direction is already captured through clause (k) (now (e)) of the objective. PCC's requested wording places great emphasis on a commercial centres hierarchy, which as I have already discussed I do not consider to be necessary or appropriate in an objective. Policy 30 provides a strategic hierarchy of centres. However, I agree with PCC's relief sought supporting centres and industrial land.

273.I consider that a reference to supporting viable and vibrant centres, and signalling a preference for development in or near centres, is useful and aligned with the NPS-UD (as highlighted by Stride and Investore). Promoting a range of land uses is a key way in which the viability and vibrancy of centres can be supported, which is also recognised by the operative RPS. This is because more people can live, work, learn, play etc. in or near centres through a mix of functions and activities being clustered together. PCC seek, 'a range of buildings and sites that provide opportunities for commercial and industrial activities', which is stronger than the notified wording.

274.Issue 2 of Chapter 3.9 specifically recognises that uncoordinated development can lead to, 'development in locations that undermine existing centres and industrial employment areas', and 'displacement of industrial employment activities from established industrial areas'. Protecting industrial-based employment locations is specifically provided for through Policy 32, which the Operative Objective 22 provides scope for in a clearer way than the new Objective 22, with the

³² UN Habitat World Cities Report 2022, page 200 wcr_2022.pdf (unhabitat.org)

clause, 'sufficient industrial-based employment locations or capacity to meet the region's needs'. To respond to KCDC's request for objectives to clearly link to regionally significant issues, and to respond to PCC, Stride and Investore's submissions on Objective 22, I consider that supporting centres and contributing to industrial-based employment locations should specifically be recognised by clause (j). I therefore recommend clause (j) (which becomes clause (i) in my **Appendix 1** amended provision) is amended to:

'Provide for A variety of residential, commercial, mixed use and industrial development in appropriate locations contributes to viable and vibrant centres at a range of scales, and industrial-based employment locations.,including employment close to where people live.'

275.I consider that these amendments better respond to the regionally significant issues by recognising the relationship between centres, industrial employment locations and land use. It would also improve the policy cascade between new Objective 22 and Policy 32 on industrial employment locations. Referring to centres 'at range of scales' provides for the centres hierarchy in Policy 3 of the NPS-UD as well as the concept of 15-minute neighbourhoods; that development isn't just about supporting the major centres but should also recognise the role that local and neighbourhood centres play in supporting 15-minute neighbourhoods, reducing transport-related greenhouse gas emissions, and achieving the objectives of the NPS-UD. I have also recommended including a reference to a variety of development, in response to PCC seeking reference to a 'range of buildings and sites'. I consider the word 'variety' is more consistent with the wording in NPS-UD Policy 1 clause (b) (my emphasis), 'have or enable a variety of sites that are suitable for different business sectors in terms of location and site size.

4.2.3 Recommendations

276.I recommend that Change 1 is amended as follows:

- Delete Objective 22B.
- Remove the deletion of the definition for regional form and reinstate the operative definition.
- Amend Objective 22 as follows:

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, affordable housing and housing choice to meet the needs of current and future generations, with a diversity of housing typologies within neighbourhoods; and

(b)(h) Enable Māori are able to express their cultural and traditional norms, and by providing for mana whenua / tangata whenua and their relationship with their culture, 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~~

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

~~(e)(k) built environments 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 between housing, jobs, community services, local and regional centres, green space, natural spaces, and open space; and~~

~~(f) the biophysical characteristics, location, values, capability and limitations of land inform its use and development; and~~

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

~~(h) new or upgraded infrastructure, including transport infrastructure, is integrated and sequenced with development, and development densities are sufficient to support its provision and ongoing maintenance; and~~

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

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

277. Accordingly, I recommend that submissions and further submissions are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

4.2.4 Section 32AA Evaluation

278. In accordance with RMA section 32AA, I consider my recommended amendments to Objective 22 and 22B are the most appropriate for the following reasons:

- The amendments make the wording of the new Objective 22 more direct, specific and connected to regionally significant issues. They also seek to make the policy intent clearer and less subjective, which will assist plan users with interpretation of the objective and thereby reduce potential costs associated with implementation. In many instances, the amendments do not alter the policy intent but merely improve readability, clarity and consistency.

- The amendments address potential disconnection or inconsistency between direction to urban and rural areas by returning to holistic regional form applying to the whole region. This better provides for integrated management and the purpose of an RPS under section 60 of the RMA, as well as clause 3.5 of the NPS-FM. Combining two objectives into one will also avoid confusion as to which objective applies where, which will reduce potential implementation issues. The recommended option is also more similar in structure to the notified Objective 22, which should reduce the extent of change and associated implementation costs that are caused by the amendments. The alternative that I considered was to retain two objectives for urban and rural development, however I consider this would risk confusion with application, gaps between the two objectives, and unclear direction regarding rural areas.
- The amendments will support consistency between the RPS and the NPS-UD, which will support the RPS to meet the requirements of section 61 of the RMA.
- The amendments include new direction for coordinating land use and infrastructure, industrial employment locations, and supporting viable and vibrant centres, to avoid orphan policies contributing to implementing the new Objective 22. This will support the implementation of the RPS through a clear policy cascade. Because this direction already existed in policies, I do not consider the environmental, economic, social and cultural benefits and costs have been altered considerably. That being said, greater recognition for the role of infrastructure in land use and development is likely to have environmental benefits while greater recognition for the importance of industrial employment and centres is likely to have social and economic benefits.

279. I consider that these amendments will increase the likelihood that the new Objective 22 is effectively implemented to achieve the desired outcomes, and will improve costs associated with implementation. I consider the proposals are efficient and effective ways to clarify the policy intent and mitigate risks associated with uncertainty under the notified drafting.

4.2.5 Consequential amendments

280. Consequential amendments are necessary as a result of the amendments in response to submissions on new Objective 22 and Objective 22B. Amendments to Table 9, which shows how the objectives, policies and methods are related, are discussed in section 4.17.

281. Policies 31, 32, 33, 55 and 67 refer to contributing to 'the qualities and characteristics of well-functioning urban environments'. The intention of this reference is to refer to contributing to the matters in new Objective 22. In the operative RPS these policies refer to the operative chapeau of Objective 22; 'a compact, well-designed and sustainable regional form', but have been amended to well-functioning urban environments by the proposed Change 1 amendments. Given the amendments to the chapeau of Objective 22 to replace the qualities and characteristics of well-functioning urban environments with seeking a compact, well-designed, resilient, accessible and environmentally responsive regional form, consequential amendments are necessary to the chapeaus of Policies 31, 32, 33, 55 and 67 (which are all policies subject to amendments by Change 1).

282. Reinstating reference to regional form in these policies is clearer for plan users in my opinion. Because well-functioning urban environments also have a meaning under the NPS-UD, it is not clear that the intention is to refer to Objective 22. It also narrows the application of policies which could apply in rural areas. For example, Policy 32 relates to industrial-based employment activities which could include quarrying activities occurring in rural zones. Restricting this policy to an urban

context only is not helpful for plan users and should instead refer to regional form as the operative Policy 32 does. Policy 33 provides direction to the RLTP, which is a regional document that should not be constrained to urban environments only.

283.I recommend that reference to 'well-functioning urban environments' is replaced with the new Objective 22 chapeau, with a reference to well-functioning urban areas or rural areas depending on the context of the provision. This will also need to be reflected in policy titles and explanations as required. The provisions requiring amendments are:

- Policy 31 – replace 'maintaining, establishing or improving the qualities and characteristics of well-functioning urban environments' with 'a compact, well-designed, *climate-resilient*, accessible and environmentally responsive *regional form* with well-functioning *urban areas*'.
- Policy 32 – replace 'the qualities and characteristics of well-functioning urban environments' with 'a compact, well-designed, *climate-resilient*, accessible and environmentally responsive *regional form* with well-functioning *urban areas* and *rural areas*'.
- Policy 33 – add 'to contribute to a compact, well-designed, *climate-resilient*, accessible and environmentally responsive *regional form*', but retain the reference to 'well-functioning urban environments'. In my view is appropriate to retain a reference to 'well-functioning urban environments' specifically in relation to the RLTP, and this reference will be assisted by the recommended definition.
- Policy 55 – replace 'establishing or maintaining the qualities of a well-functioning urban environment' with 'a compact, well-designed, *climate-resilient*, accessible and environmentally responsive *regional form*'.
- Policy 67 – replace 'the qualities and characteristics of well-functioning urban environments' with 'a compact, well-designed, *climate-resilient*, accessible and environmentally responsive *regional form* with well-functioning *urban areas* and *rural areas*'.

284.The exceptions to these consequential amendments are:

- Method UD.2 refers to the FDS for the Wellington Region providing a framework for how well-functioning urban environments will be achieved in the region, which is a requirement under NPS-UD section 3.13. I consider this should continue to refer to 'well-functioning urban environments' for clarity, and recommend minor amendments to remove the capitals so it is consistent with the new definition.
- New Policy UD.5 refers to 'well-functioning urban environments' to clearly demonstrate the link to the minimum definition of NPS-UD Policy 1, and how the policy adds to this minimum.
- The definition of complex development opportunities currently refers to 'well-functioning urban environments', however I am proposing that this definition is deleted so no amendment is necessary.
- Policy UD.3 refers to 'establishing or maintaining the characteristics and qualities of a well-functioning urban environment', however I am recommending other amendments to this policy in section 4.9 which removes this reference, so no amendment is necessary.

285. I also note that the operative RPS has a definition for 'compact, well-designed and sustainable regional form' which states, 'As described in Objective 22, section 3.9, table 9.' Although this definition was not amended by Change 1, I consider that retaining it would cause unnecessary confusion and conflict in the RPS. I therefore recommend this definition is deleted as a consequential amendment.

286. Consequential amendments to the Anticipated Environmental Results are also necessary, to better reflect the amendments to the new Objective 22, as follows:

- Amend AER 2 as follows:

'There is a range of housing typologies provided, including medium and high density residential, to contribute to housing affordability and choice.'

- Amend AER 4 as follows:

'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.'

- Amend AER 5 as follows:

'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 and improving resilience to the effects of climate change.'

4.3 New Policy UD.5 (Mika Zöllner)

4.3.1 Matters raised by submitters

287. In response to submissions on the new Objective 22, I recommend above that a new consideration policy applying to all urban development is inserted to articulate what contributing to well-functioning urban areas looks like, given this is more appropriate in a policy than objective. This recommendation addresses submissions from KDC [S16.077] and GWRC [S137.029] highlighting that the notified Objective 22 is written more like a policy than an objective. Because well-functioning urban environments are defined in the NPS-UD at the policy level, I consider a policy is more appropriate to provide specific direction in the context of the Wellington Region.

288. Because Policy UD.5 is new as a result of this section 42A report, it did not receive any submissions. However, the following submissions are relevant and have informed the drafting of this policy:

- WIAL [S148.050] seeks amendments to the chapeau of Objective 22 to make it clear that the infrastructure referred to is specifically the infrastructure associated with housing; 'housing and its associated infrastructure...' WIAL also seeks the protection of the safety and operation of RSI to be included as an aspect of well-functioning urban environments in submissions on Policies 55 and UD.3.
- Ātiawa [S131.006, S131.099, S131.0104], supported by Ngā Hapu [FS29.210] seeks more references to mana whenua values and the impacts of poor urban design on their relationship with the natural world. They also seek that the provisions provide for mana whenua values and their role as mana whenua. Ātiawa also seeks greater recognition of clause (e) in RMA Section 6 to recognise and provide for, 'the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga'. Rangitāne [S168.030] seeks that all matters covered in

Section 6(e) of the RMA 1991 must be considered by both urban expansion and rural development.

- Rangitāne [S168.027], supported by Ngāti Toa [FS6.044] and Sustainable Wairarapa [FS31.137], seek that the policies and methods that provide for the occupation, use, development and ongoing relationship of tangata whenua are strengthened, recognising that urban development has resulted in poor outcomes for tangata whenua, their ability to construct papakāinga, and has adversely affected their relationship with their culture, land, water, sites, wāhi tapu and other taonga.
- Ngāti Toa [S170.087] submits seeking greater protection of marae and papakāinga from intensification proposals. Taranaki Whānui [S167.0121] submits on Policy 31 that they understand the need for intensification, but 'want to ensure protection of mana whenua sites and areas of significance and are keen to work with council on this.' Taranaki Whānui [S167.0121] submits on Policy UD.2 seeking clarification that land surrounding marae/urupā and other sites will be protected from proposed development.
- Wellington Water [S113.008] raises a general concern that the regional form, design and function chapter does not recognise the role of infrastructure and Te Mana o Te Wai in well-functioning urban environments adequately, nor regionally significant infrastructure [S113.009].
- Kiwirail [S124.015], supported by Fulton Hogan Limited [FS11.027] and Waka Kotahi [FS3.052], requests that a definition for well-functioning urban environments is inserted, with the same meaning as Policy 1 of the NPS-UD. Peka Peka Farm [S118.013], Summerset [S119.003] and RVANZ [S120.003] seek a reference to, and for Objective 22 to be based on, the definition of 'well-functioning urban environments' in Policy 1 of the NPS-UD. Kāinga ora [S158.029] submits on Policy UD.3 seeking insertion of clauses from 'well-functioning urban environments' in the NPS-UD.
- Ngāti Toa [S170.042] seeks stronger direction to district plans to achieve environmental integration through urban development.
- NZCSC [S151.012], supported by WCC [FS13.001], seeks amendments to provisions to, 'ensure that new development around travel corridors should consider a mix of uses (rather than simply housing) where possible and viable, to further support the creation of walkable neighbourhood environments that support wellbeing through equitable access to essential infrastructure and amenities, including green spaces.'
- NZCSC, Vic Labour, Isabella Cawthorn, Waka Kotahi and several other submitters seek amendments to provisions to strengthen preference for intensification and compact development along transport corridors, over greenfield development. Submitters particularly refer to equity, housing affordability and choice, community connections, transport integration, and access to green space.
- Parents for Climate Aotearoa [S71.002], Finn Hall [S74.004], Steven Ensslen [S19.002, VUWSA [S75.002] and several other submitters seek integration between the urban development and transport to reduce transport emissions associated with new urban development.
- Teresa Homan [S98.002] seeks the inclusion of new provisions to consider the effects of housing unaffordability and strained infrastructure on the health and welfare of current and future residents. The submitter also supports affordable housing provisions [S98.004].

- Dom Harris [S4.007] seeks that policies and methods to enforce or encourage enhanced housing quality are included, to implement Objective 22.
- UHCC [S34.0116] seeks a full planning review to be undertaken of all provisions, to address inconsistencies.

4.3.2 Analysis

289. The NPS-UD is clear that 'well-functioning urban environments' as defined in Policy 1 of that NPS provide a minimum definition of well-functioning urban environments. In my opinion it is useful to articulate additional characteristics of well-functioning urban environments in the RPS, to recognise the interconnection between urban development and land use and other matters in RMA section 30. Articulating well-functioning urban environments can provide for environmentally integrated and responsive development to respond to regionally significant issues and achieve the purpose of the RMA, while using consistent terminology to the NPS-UD. This is justified in the section 32 report.

290. I consider that if provisions refer to the term 'well-functioning urban environments', it should be clearly defined to assist plan users. I therefore recommend accepting the submission by Kiwirail to insert a new definition for well-functioning urban environments, with the same meaning as Policy 1 of the NPS-UD, and for the term to be referenced in Policy UD.5:

'Has the same meaning as in Policy 1 of the National Policy Statement for Urban Development 2020:

(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

(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.'

291. Aside from the specific reference to NPS-UD Policy 1 through 'well-functioning urban environments', I recommend that Policy UD.5 otherwise refers to well-functioning urban areas to be consistent with the recommended amendments to Objective 22. I discuss the difference urban areas and environments in section 4.2 and illustrate it in Figure 1 above. I note that by not applying to rural development, Policy UD.5 can provide some stronger or more specific direction for urban areas which would not be appropriate to promote across the whole region.

292. Policy UD.5 would apply to any urban development; both brownfield (infill and intensification) and greenfield development, to assess the extent to which urban development contributes to well-functioning urban areas. I consider that this fulfils the intent of how the characteristics and qualities of well-functioning urban environments were intended to be listed in the new Objective 22 and then referred to in policies, an approach supported by several submitters. Waka Kotahi, for example, specifically support the direction in the new Objective 22 that urban development must

demonstrate it contributes to well-functioning urban environments. However, in my view the use of a policy instead of an objective to apply this test clarifies and refines the policy intent, which in my opinion is unclear in Change 1 as notified.

293. This approach also addresses what I consider to be a gap in the policy framework identified after reviewing the whole policy package. There is no consideration policy applying to urban development within existing urban areas (intensification). This means there is currently no consideration policy to support the implementation of the regulatory policy 31 in Chapter 4.1, which seeks to enable intensification where it would contribute to well-functioning urban environments. This is inconsistent with many other topics where a Chapter 4.2 policy generally has a Chapter 4.1 equivalent, due to the different functions played by policies in each chapter. Chapter 4.1 policies provide direction to district plans and regional plans and the RLTP, and Chapter 4.2 policies apply to resource consents and plan changes to fill the gap until 4.1 policies have been given effect to.

294. I therefore recommend that the chapeau of the new Policy UD.5 is drafted as follows:

'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:'

295. I consider that this chapeau clearly states the purpose of Policy UD.5, which is to achieve well-functioning urban areas through urban development. The policy then articulates what this looks like. The recommended wording also accepts the relief sought by WIAL [S148.050] to amend the Objective 22 chapeau to clearly include infrastructure necessary to support housing, rather than all infrastructure.

Housing affordability and variety

296. In response to the relief sought by Kiwirail, Peka Peka Farm, Summerset and RVANZ and further submitters to clarify the relationship between Change 1 and the NPS-UD concept of well-functioning urban environments, I recommend that Policy UD.5 contains the following clause:

'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'

297. The definition of 'well-functioning urban environments' in Policy 1 of the NPS-UD provides direction on housing affordability and variety through clause (a), commercial and industrial land through clause (b), transport accessibility through clause (c), competitive land and development markets through clause (d), and climate change mitigation and resilience through clauses (e) and (f). I acknowledge that by referring to the definition of well-functioning urban environments, housing affordability and variety are implicitly sought by Policy UD.5. However, I consider that the prominence of housing affordability and choice issues in the Wellington Region, and the interest from numerous submitters to highlight and address these issues specifically, justifies repeating this particular direction in Policy UD.5. If included in the definition of well-functioning urban environments only, this direction would be too buried to ensure plan users implement this direction and thereby contribute to achieving Objective 22 and the NPS-UD objectives.

298. I recommend that clause (a) is consistent with the amendments to Objective 22 to seek improvements to housing affordability, quality and choice, and diversity of housing within neighbourhoods. In my view this is stronger than the wording of NPS-UD Policy 1 and better

addresses the regionally significant issues of the Wellington Region. I also consider the submission from Dom Harris seeking reference to housing quality, and the numerous submissions seeking compact urban development, should also be reflected in Policy UD.5 for consistency with the amendments to Objective 22. I have provided the caveat that the direction applies to urban development providing housing only, to clearly exclude commercial and industrial developments.

Land use and transport integration

299. For consistency with Objective 22 and regionally significant issue 3 on the integration of land use and transport, I consider that Policy UD.5 should contain a clause on the integration between land use and transport as a key part of well-functioning urban areas as follows:

'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'

300. In my opinion this is an appropriate response to submitters seeking integration between land use and transport (e.g. PCC, Parents for Climate Aotearoa, NZCSC), and is consistent with the rest of Change 1. The intent is to provide policy-level direction that is specific to what an urban development can provide, which is consistent with the amendments to Objective 22 and the NPS-UD. At the policy level, this clause articulates a preference for the following which I discuss in turn:

- Access via low and zero-carbon emission transport modes
- Safety
- Access within walkable catchments

1. Access via low and zero-carbon emission transport modes

301. Policy 57 in this topic (discussed in section 5.5) provides a clear preference for supporting mode shift to public transport or active modes while minimising private vehicle travel and trip length. There are several general submissions and specific submissions on Policy 57 seeking that direction for mode shift and transport emissions reduction is strengthened, for example from NZCSC, Doctors for Active Safe Transport, and Ātiawa. It is well understood that the location of development relative to services, amenities, employment, centres and existing transport routes, significantly influences transport mode shift, and this is specifically identified in the NPS-UD and ERP through Chapter 7. Regionally significant issue 3 identifies a lack of land use and transport integration as resulting in a greater need to travel, increases in greenhouse gas emissions, and inefficient infrastructure use among other effects. I therefore consider that a preference for low and zero-carbon transport modes should be signalled in Policy UD.5 for consistency. Low and zero-carbon transport can include private or ideally shared electric vehicles and are therefore inclusive of smaller urban areas where options for public transport may be limited. Indicating a preference for urban development to provide for the use of low or zero-carbon transport modes is therefore consistent with the rest of Change 1 without excluding smaller urban areas.

2. Including safety

302. Policy 57 and Operative Objective 22 both refer to transport networks being safe. Safety is a critical factor in transport networks functioning well, being accessible and supporting mode shift. This is recognised by the ERP which identifies the role of safety in supporting walking, cycling and public

transport use³³. Given the link between health, wellbeing, safety and accessibility, which is reinforced by the NPS-UD and recommended amendments to the new Objective 22, I consider safety should be included in Policy UD.5 to be consistent with the rest of Change 1. In my view this better addresses the relief sought by NZCSC for equitable access to essential infrastructure and amenities, and Taranaki Whānui [S167.0118] who submit on Policy 57 seeking support for an equitable transport network.

3. *Access within walkable catchments*

303. In response to submissions, Ms Louise Allwood introduced a definition for the term, 'walkable catchment' in the 'Transport' Section 42A Report for Hearing Stream 3³⁴, which I discuss further in section 4.16 paragraphs 700-701. The preference for people to be able to meet their daily needs within a walkable catchment is clear through the NPS-UD, ERP and international best practice on neighbourhood-centred design, such as the UN Habitat World Cities Report 2022. I therefore consider that referring to walkable catchments is appropriate policy-level direction to contribute to Objective 22 and the climate change objectives.

Protecting mana whenua / tangata whenua values

304. Ātiawa, Rangitāne, Ngāti Toa, and Taranaki Whānui, often supported by Ngā Hapu, have submitted throughout provisions in this topic seeking stronger references to mana whenua / tangata whenua values and the role of mana whenua, as well as the protection of mana whenua values, sites, marae and papakāinga.

305. The protection of mana whenua / tangata whenua values, Te Ao Māori and mātauranga Māori, and the lack of weight historically given to them, is specifically acknowledged in over-arching Issue 3 and Objective A. I agree with Ātiawa and Rangitāne that the provisions relating to subdivision, use and development do not explicitly provide for the protection and enhancement of mana whenua / tangata whenua values. Other topics in Change 1, including indigenous ecosystems, freshwater and natural hazards, include specific provision for mana whenua / tangata whenua values. In this topic, only Policy 55 as notified provides for values of significance to mana whenua / tangata whenua through clause (a)(ii)(7), however this does not apply to intensification. Ngāti Toa [S170.058], Ātiawa [S131.006], Ngā Hapu [FS29.210], Taranaki Whānui [S167.092, S167.093], and Rangitāne [S168.026] have specifically raised concerns about poorly managed intensification adversely affecting their values and sites and areas of significance.

306. From my perspective Policy UD.5 is the most appropriate provision to address these submissions, because it applies to both intensification and greenfield development consistently, and seeks to provide a holistic articulation of what well-functioning urban areas means in the Wellington Region. Policy UD.5 seeks to recognise the need for an environmentally and climate responsive regional form where the other objectives of the RPS and RMA are achieved, including Section 6 matters. I therefore recommend a new clause is inserted in Policy UD.5 for urban development to provide for and protect mana whenua / tangata values and sites of significance as follows:

³³ National Emissions Reduction Plan, page 178 <https://environment.govt.nz/assets/publications/Aotearoa-New-Zealands-first-emissions-reduction-plan.pdf>

³⁴ Section 42A report of Ms Louise Allwood for Hearing Stream 3, dated 31 July 2023, paragraph 163, <https://www.gw.govt.nz/assets/Documents/2023/06/S42A-Report-Integrated-Management-16.06.23.pdf>

'providing for and protecting mana whenua / tangata whenua values and sites of significance to mana / tangata whenua'.

Environmental integration

307. Wellington Water [S113.008] seek greater recognition of the role of effective infrastructure in well-functioning urban environments throughout the regional form, design and function provisions, while Waka Kotahi [S129.024] question how the role of enabling infrastructure has been provided for. Several submitters support Change 1's intent, and seek stronger direction for environmentally responsive urban development to ensure both the NPS-FM and other objectives of the RMA and RPS are achieved in an integrated way while also enabling development capacity (e.g. Ngāti Toa [S170.042], Rangitāne [S168.030], Ātiawa [S131.040, S131.041, S131.042], and Forest and Bird [S165.031]).

308. I have discussed infrastructure in relation to Objective 22 in section 4.2 paragraphs 219-222, where I recommend that Objective 22 provides stronger recognition for adequate and well-functioning infrastructure. I agree with submitters that this is an issue of regional significance which is cumulatively being strained by uncoordinated, sporadic private plan changes and zoning changes. Inadequate infrastructure has serious consequences for the ability of urban areas to continue to function well, a concern that is recognised by submitters such as SWDC [S79.016]. Adequate infrastructure is not specifically recognised in the definition of well-functioning urban environments in NPS-UD Policy 1 despite NPS-UD Objective 6 and other parts of the NPS seeking integration with infrastructure.

309. I consider that Policy UD.5 has a role in providing more specific policy direction to urban development to mitigate potential adverse effects on the ability to continue to manage, use and operate existing infrastructure, and to seek that development does not occur at the expense of the natural environment. This includes consideration of how the pattern and location of development might affect existing infrastructure and natural resources, which supports other RPS provisions seeking clustering of development around existing infrastructure and higher densities in existing urban areas. In my view environmental integration and responsiveness has always been the intent of the Change 1 provisions as a part of seeking integrated management, seeking that development occurs differently, not that it is necessarily constrained, as I discuss further in section 3.3.2. This intent is clear in the drafting of other Change 1 provisions and is consistent with the NPS-FM as well as the NAP and ERP. For consistency with the amendments to Objective 22, I recommend two clauses are added to Policy UD.5 as follows:

'protecting and enhancing the quality and quantity of freshwater and

'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'

Reverse sensitivity

310. WIAL [S148.050, S148.051], HortNZ [S128.017], Kiwirail [S124.012, S124.010, S124.011, S124.012], Wellington Water [S113.009] and KCDC [S16.040]) seek greater recognition of RSI and/or protection from reverse sensitivity impacts on RSI, including through submissions on Policies 55, 56 and UD.3.

311. The RPS already has Policy 8 and Policy 39 which protect RSI from, 'incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure'. However given the desire for integration and the concerns raised by submitters regarding recognition of RSI in well-functioning urban environments, I agree that protecting RSI is a useful consideration for urban

development to contribute to achieving well-functioning urban areas. In my experience of NPS-UD implementation through the district plans, reverse sensitivity on rail corridors and other infrastructure has been of concern. I consider the protection of regionally significant infrastructure from inappropriate land use is consistent with NPS-UD Objective 6 for decisions on urban development to be integrated with infrastructure planning and funding decisions and strategic. It also responds to clause (h) of Issue 2 in this chapter, which identifies ‘adverse effects on the management, use and operation of infrastructure from incompatible land uses under, over, on or adjacent’ as an impact of uncoordinated development. I note that Policy 56 applying to development in rural areas has consistent direction for any reverse sensitivity effects on existing activities. I therefore recommend a new clause as follows:

‘protecting the operation and safety of regionally significant infrastructure from potential reverse sensitivity effects’

312.To assist the Panels and submitters to understand how the new Policy UD.5 would apply to different kinds of development, Table 9 shows how Policy UD.5 interacts with other relevant consideration (Chapter 4.2) policies.

Table 9: How consideration policies 58, UD.5, 55, UD.3 and 56 apply to different kinds of development, following recommended amendments.

Type of development	Applicable consideration policies (in this topic)	Direction to be consistent with FDS?
Greenfield development sequenced/planned	Policy UD.5 Policy 55 Policy 58	Yes
Greenfield development unanticipated or out-of-sequence plan change	Policy UD.5 Policy 55 Policy UD.3 Policy 58	Yes
Infill/intensification sequenced/planned	Policy UD.5 Policy 58	No
Infill/intensification unanticipated or out-of-sequence plan change	Policy UD.5 Policy UD.3 Policy 58	Yes
Planned rural development	Policy 56	No

4.3.3 Recommendations

313.I recommend that a new consideration policy UD.5 is added to Chapter 4.2 as shown in **Appendix 1**. Policy UD.5 would contribute to achieving Objective 22 and as shown in Table 9 in **Appendix 1**.

314. I recommend a new definition for 'well-functioning urban environments' consistent with the NPS-UD Policy 1 definition is inserted as shown in **Appendix 1**.

315. Accordingly, I recommend that submissions and further submissions are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

4.3.4 Section 32AA Evaluation

316. In accordance with RMA section 32AA I consider the addition of Policy UD.5 is the most appropriate option. Notified Objective 22 provided policy-level direction to articulate well-functioning urban environments. I consider moving this articulation to a consideration policy provides for a better policy cascade, which should improve the ability for plan users to implement it, thereby improving the costs associated with implementation of the RPS. I considered the following alternative approaches:

1. Retain the articulation of contributing to well-functioning urban areas in Objective 22.
2. Make Policy UD.5 a regulatory policy in Chapter 4.1.
3. Have no articulation of well-functioning urban areas beyond the minimum NPS-UD definition of well-functioning urban environments.

317. Option 1 would introduce policy-level direction into an objective which is not appropriate. Option 2 would direct district plans to insert provisions into their district plans to provide for the articulation of well-functioning urban areas. This would have been clunky and too directive in my view, and as this may be achieved differently in different district plans this approach would not have the desired outcome of applying to all urban development consistently. Option 3 would not contribute to Objective 22 and the intent of Change 1 to achieve environmentally responsive urban development in response to the regionally significant issues, particularly relating to inappropriate development.

318. I therefore consider that the new Policy UD.5 in Chapter 4.2 is most appropriate option and will support effective and efficient implementation of the RPS for the following reasons:

- Policy UD.5 applies to all urban development, both intensification and greenfield, and therefore provides a consistent articulation of what well-functioning urban areas mean everywhere. It fills a gap whereby there was no consideration policy equivalent to Policy 31 for intensification. By using the term 'well-functioning urban areas', Policy UD.5 is more inclusive of smaller urban areas that are not urban environments, and thereby address confusion about how urban areas fit into urban development policies. Providing consistent direction to all urban development in the region will support clarity and thereby implementation of the RPS, and better contribute to achieving Objective 22.
- Policy UD.5 provides a clearer relationship between the NPS-UD and RPS policies by making it clearer how the RPS relates to national direction and where it provides additional direction, which will support the RPS to meet the requirements of section 61 of the RMA. This will also assist implementation of the RPS and thereby the outcomes sought by national direction.
- The insertion of the reference to protecting mana whenua values and sites is explicitly sought by mana whenua across their submissions in Change 1. Providing for stronger direction will better contribute to achieving section 6 of the RMA by providing clear direction, and have social, cultural and environmental benefits.

- The clauses on protecting to freshwater and the natural environment will have environmental benefits by signaling the inherent link between urban development, freshwater and receiving environments, and thereby contribute to achieving the NPS-FM and other RPS objectives. The reference to protecting RSI will have economic and social benefits by signaling the need to consider reverse sensitivity. The clauses on housing and transport access will have social and environmental benefits by supporting equitable, safe transport and access to a range of high-quality and affordable housing, which supports the health and wellbeing of the people of the region. They will also contribute to achieving the outcomes sought by the NPS-UD, the RPS climate change objectives and Objective 22.

319. There are likely to be additional economic costs associated with implementation of a new consideration policy, and for urban development to demonstrate consideration of all matters included in Policy UD.5. However, I consider that having one holistic policy articulating well-functioning urban areas improves clarity compared to Change 1 as notified, and that better achieving the policy intent will have environmental, social and cultural benefits. Improved clarity will increase the likelihood that the RPS policy direction is effectively implemented to achieve the desired outcomes. I also consider that for the most part, applicants will need to demonstrate their compliance with the matters through other existing RPS or Change 1 provisions already, for example through provisions on freshwater, climate change, transport, or RSI, because Policy UD.5's role is to be integrating and bring direction to urban development together. In my opinion the additional costs associated with Policy UD.5 relative to Change 1 are therefore not significant and are outweighed by the benefits.

4.4 Chapter 3.9 introduction (Mika Zöllner)

4.4.1 Matters raised by submitters

320. There are 29 original submissions and 25 further submissions on the regional form, design and function chapter introduction.

321. BLNZ [S78.006], Te Tumu Paeroa [S102.074], the Mansells [S125.002], Fish and Game [S147.046], KCDC [S16.095] and Rangitāne [S168.0158] either seek the introduction is retained as notified or seek no amendment.

322. PCC [S30.021], HCC [S115.024], WCC [S140.026] and Kāinga Ora [158.012] request that the chapter introduction is shortened, refined or clarified. HCC, Kāinga Ora and PCC submit in opposition, while WCC supports in part.

323. Kāinga Ora [S158.012] and PCC [S30.021], supported by Peka Peka Farm [FS25.054], submit in opposition and request numerous wording amendments to simplify and clarify the introduction, and achieve consistency with The Standards terminology. Kāinga Ora's amendments include the use of headings to structure the text into themes, amendments to the wording used for centres in particular, and removal of references to other parts of the RPS. They also seek greater emphasis on intensification in centres and along rapid transit corridors. The headings sought by Kāinga Ora include, '**Well-functioning urban environments**', '**Commercial Centres**', and '**Regional Growth and Urban Development**'. Ātiawa [FS20.034] opposes the submission by Kāinga Ora to the extent that it minimises the intent of other national direction. They state that the NPS-UD and NPS-FM must be read together and reconciled under regional policy statements, and request that amendments by Kāinga Ora to minimise the NPS-FM should be disallowed. Ātiawa also strongly oppose the relief sought to delete reference to mana whenua values.

324. Investore [S154.011] and Stride [S155.008] seek amendment to give effect to the NPS-UD through recognition that intensification should be focused around major centres and rapid transit nodes to support the efficient use of infrastructure and create well-functioning and sustainable urban environments.
325. HCC [S115.024] seeks that the introduction provide sufficient guidance to RPS users on the objectives and policies in the chapter. CDC [S25.012] supports in part and seeks specific introductory text related to urban areas, as distinct from urban environments, and their role in the regional form, design and function.
326. Winstones supports in part and seeks that the introduction includes reference to aggregates and supporting the local supply of aggregate to minimise the cost of housing and road production, with a link to Objective 30 [S162.041]. This submission is supported by Fulton Hogan [FS11.006] and opposed by Ātiawa [FS20.308].
327. Wellington Water [S113.008, S113.009] requests that supporting Te Mana o Te Wai and having effective regionally significant infrastructure are recognised as necessary for well-functioning urban environments. They seek addition of the text, '**Effective regionally significant infrastructure is necessary for a well functioning urban environment.**'
328. WFF [S163.039], supported by HortNZ [FS28.035] and BLNZ [FS30.112] and opposed by Forest and Bird [FS7.083], Ātiawa [FS20.205] and Ngā Hapu [FS29.056], submits in opposition and requests that the chapter title is amended to 'Urban form, design and function' or 'Urban form and development'. It is their view that the existing introduction and the amendments proposed by Change 1 are directed to urban areas, and that the National Planning Standards require a chapter on urban form and development. They also seek a new rural chapter to be added in a full review of the RPS to address primary production, support the viability and vibrancy of rural areas and communities, enable a diversity of land uses and enable innovation and investment.
329. Ātiawa [S131.038], supported by Rangitāne [FS2.62] and Ngā Hapu [FS29.309], supports in part and seeks the insertion of '**and enable Māori to express their cultural traditions and norms**' to the text about well-functioning urban environments.
330. Taranaki Whānui [S167.051], supported by Rangitāne [FS2.81] and Ngāti Toa [FS6.028], seeks the addition of the statement, 'Well-functioning urban environments provide for the cultural visibility of mana whenua / tangata whenua to be incorporated, integrated, and expressed through design guides and opportunities.' They seek [S167.052] the addition of 'It is important to recognise the history of impact and effects from growth and urban development on mana whenua / tangata whenua throughout the Greater Wellington region,' to the chapter introduction text, which is supported by Rangitāne [FS2.82]. Taranaki Whānui [S167.053] requests that the second paragraph reflects Objective 5 and Policy 9 of the NPS-UD.
331. Muaūpoko Tribal Authority [S133.063], opposed by Ātiawa [FS20.410], seeks specific reference to Muaūpoko in the chapter introduction.
332. HortNZ [S128.013, S128.014], supported in part by Rangitāne [FS2.11] and supported by WWUS [FS9.009] and Irrigation NZ [FS21.009], supports in part and requests that recognition of highly productive land is added to the introduction. They seek addition of the text, '**The region also includes highly productive land, a finite resource which has long-term values for land-based primary production, including for food security.**'

333. Heather Blissett [S11.025] requests that the population projections are reviewed, because, 'In 30 years most of the baby boomers will be gone and people are having less or no children.' Mary Beth Taylor [S63.003] and Tony Chad [S95.002] support in part and request that the concept of limits to growth is mentioned in the introduction, explaining that growth should be curtailed until the health of Te Awa Kairangi is restored.

4.4.2 Analysis

Length and focus of introduction

334. In addressing submissions on the chapter introduction I have also considered PCC's submission seeking regulatory certainty [S30.020] and UHCC's submission seeking a planning review to be undertaken [S34.0116]. I agree with Kāinga Ora, PCC, HCC and WCC that a shorter and clearer chapter introduction would assist the plan user with interpretation and implementation of the objectives, policies and methods. Accordingly, I have recommended amendments to remove duplicating text and provide more deliberate strategic direction. I consider the recommended amendments provide a clearer and less repetitive overview for Chapter 3.9.

335. I partially agree with the wording amendments sought by PCC and Kāinga Ora, however I also agree with the opposition from Ātiawa that the chapter introduction should recognise more than just the NPS-UD and the need to enable development. I have not recommended accepting the relief sought by Kāinga Ora to delete reference to mana whenua values. To support clarity of the introduction, I have introduced references to a hierarchy for how housing and business demand should be met, to clearly prioritise intensification, and amended the wording regarding centres and intensification to be more direct. I also agree with Kāinga Ora that including headings to break up the introductory text into sections will assist plan users with interpretation, and thereby support the implementation of associated provisions. I have recommended similar but slightly different headings to those sought by Kāinga Ora and re-structured the text considerably to make more sense within these headings. My recommended headings, which are equivalent to those sought by Kāinga Ora, include, '[Well-functioning urban environments and areas](#)', '[Supporting intensification in centres and along transport corridors](#)' and '[Supporting the role of regional spatial planning](#)'.

336. HCC seeks that the chapter introduction is amended to provide guidance to plan users on the provisions. I agree with HCC that additional information about how the chapter is structured and should be implemented would be helpful, particularly given the integrated and holistic nature of the regional form, design and function provisions. I have recommended that a new section titled, '[How this chapter works](#)' is inserted in the chapter introduction to assist plan users. The content of this section aligns with amendments recommended to Objective 22.

Title of chapter

337. I do not agree with WFF that the name of the chapter should be amended. The regional form, design and function chapter is intended to provide strategic and holistic direction for regional form, given the potential impacts of urban and rural development on both urban and rural areas. Given that the boundary between urban areas and rural areas is constantly shifting at the peri-urban fringe as a result of greenfield development, providing different direction to each area from a development perspective does not provide for integration. I consider that the intent and direction of the chapter requires an integrated lens across the whole region, and that it should remain a regional form chapter.

338.Regarding WFF's request to create a new RPS chapter on rural areas specifically, I have not seen any other examples of an RPS containing a specific rural chapter, including in those that have implemented The Standards. The Waikato, Bay of Plenty, and Canterbury regional policy statements each have a chapter covering both urban and rural development. WFF requests that a proposed new rural chapter would contain a number of topics which are either currently managed by other chapters such as soils and minerals, or which are not clearly in the scope of an RPS under RMA sections 61 and 30.

339.However, I accept that the notified amendments to the regional form, design and function chapter introduction and objectives place greater emphasis on urban areas and environments than rural areas, with the result that the provisions overall are more urban-centric. Some direction to the whole regional form that is in the Operative RPS has been amended by Change 1 to only apply in urban areas. I therefore recommend amendments to the chapter introduction to reinforce the concept of regional form (including urban and rural areas), for consistency with the recommended amendments to Objective 22 and Objective 22B.

Direction to urban areas

340.CDC seek greater recognition of smaller urban areas that are not urban environments in the chapter introduction, including their role in the region. I agree with CDC that the chapter introduction should discuss urban areas (areas zoned urban that do not meet the definition of urban environments under the NPS-UD) and their context and role in the region. As notified the introduction is weighted toward urban environments. Urban environments as defined in the NPS-UD are a subset of the urban areas in the region, which is discussed in more detail in section 4.2 paragraphs 199-214. To address this submission, I recommend amendments to the chapter introduction to refer to urban areas, consistent with my recommendations on Objective 22.

Direction to support intensification in centres and rapid transit stops

341.PCC submits in a general submission [S30.020] that the provisions as a whole do not recognise the benefits of urban development, while Robert Anker, Philip Clegg, and Dr Sarah Kerkin express concern about the provisions constraining urban development. I agree that the provisions should provide a balanced view regarding development, and that the chapter introduction could be amended to better recognise the potential benefits of development alongside its impacts, to provide a balanced overview. I have therefore made amendments to replace some negative wording with more emphasis on doing development differently.

342.PCC seek minor wording amendments throughout the chapter introduction, particularly regarding centres and business uses. I consider that PCC's amendments help to better identify the benefits of development and intensification to provide a more balanced, holistic view in the chapter introduction. I have recommended accepting some of their relief sought to make the wording clearer and more direct, which should also address the relief sought by Investore and Stride. Where I have not recommended accepting PCC's wording amendments, it is because I do not consider it to be necessary or aligned with the tenor of provisions, or because that section has been removed in response to the relief sought by other submitters. In response to a general submission from Michelle Ducat [S152.001] seeking community connections to be enhanced, I have inserted a sentence referring to the benefits of intensification for supporting community connections and resilience, which I also consider supports consistency with the amendments to Objective 22.

Matters to be included in the chapter introduction

343. The introductory text contains reference to the WRGF, which KCDC seek is deleted in a general submission point [S16.094]. As I have discussed in section 3.5, the chapter introduction is explanatory in nature to support implementation of the provisions, so I consider it is appropriate to refer to the WRGF. On the basis that the WRGF is reflective of the current intended direction of growth for the region, as developed in partnership with the relevant territorial authorities, it provides appropriate context for the intended outcomes of the provisions in Chapter 3.9 until the FDS is in place. However, in response to KCDC's submission I consider that the chapter introduction should recognise local growth strategies, which are not currently mentioned. I therefore recommend that the following is added to address their submission:

'Territorial authorities may also have their own local frameworks or strategies about where and how future urban development should occur in that district.'

344. Wellington Water seeks greater recognition of RSI and Te Mana o Te Wai in the chapter introduction. I agree with this relief. Infrastructure is a fundamental aspect of well-planned, coordinated development, and particularly relevant to this topic through both section 30 functions and the NPS-FM. I have therefore recommended amendments to strengthen the references to existing infrastructure, future infrastructure and protecting RSI, which also aligns with the recommended amendments to Objective 22 and the wording of new Policy UD.5; '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'.

345. Ātiawa seeks addition of, 'and enable Māori to express their cultural traditions and norms', and Taranaki Whānui seeks additions of, 'Well-functioning urban environments provide for the cultural visibility of mana whenua / tangata whenua to be incorporated, integrated, and expressed through design guides and opportunities', and 'It is important to recognise the history of impact and effects from growth and urban development on mana whenua / tangata whenua throughout the Greater Wellington region'. I recommend accepting this relief and consider it to be consistent with provisions in Chapter 3.9. With respect to the relief by Ātiawa, I note that I am recommending that Objective 22 refers to 'culture and traditions' to be more aligned with RMA section 6 (see paragraph 264). In response to Taranaki Whānui seeking a reference to Objective 5 and Policy 9 of the NPS-UD, I agree that the chapter introduction is a useful place in the RPS to outline the relevant national direction, and therefore recommend accepting this relief. I have recommended that the relief sought is incorporated into the section on well-functioning urban environments as follows:

'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 take into account the principles of Te Tiriti o Waitangi.'

346. In response to Muaūpoko, who seek specific reference to them in the chapter introduction, the chapter introduction currently makes no reference to specific iwi authorities so I recommend rejecting this relief. Regarding the further submission by Ātiawa, I refer to Ms Sarah Jenkin's Section 42A Report, 'General Submissions' in Hearing Stream 1, which addressed Muaūpoko's submission in the context of Change 1 in paragraphs 114 to 122. Based on Ms Jenkin's report, this is not a matter for me to make a recommendation on, so I make no recommendation.

347. Winstones seeks reference to aggregates, and supporting the local supply of aggregates, in the chapter introduction. I agree that the chapter introduction is an appropriate place to recognise the

benefits of locally supplied aggregate to support development, given the chapter introduction's role in setting the context for issues relating to subdivision, use and development in the Wellington Region. This is also consistent with the recognition of aggregate in regionally significant issue 2 on sporadic and uncoordinated development. I have therefore recommended an addition to refer to locally sourced aggregate in the section on well-functioning urban areas.

348. HortNZ seeks reference to highly productive land in the chapter introduction. I have discussed my opinion on the implementation of the NPS-HPL in Change 1 with respect to Objective 22 in paragraph 226. While I do not agree that 'highly productive land' should be referred to in order to avoid potential conflicts with the operative RPS and the transitional requirements of the NPS-HPL, I agree with the intent of the submission that the productive capability of land is an important consideration for Chapter 3.9. This issue is recognised in regionally significant issue 2 in the operative RPS as, 'the loss of rural or open space land valued for its productive, ecological, aesthetic and recreational qualities'. While I therefore do not recommend accepting the specific relief to refer to 'highly productive land', I recommend that reference to the loss of productive land is included in the second paragraph and in the section on well-functioning urban areas.

349. In response to Heather Blissett who seeks that the population projections are reviewed, the population projections in the notified chapter introduction have come from the most recent Housing and Business Capacity Assessment (HBA) May 2022 which is required by the NPS-UD. The population projections are consistent with those used by territorial authorities to implement the NPS-UD and it makes sense for the RPS to reference these projections. HBAs must be updated every 3 years under the NPS-UD, so the projections will be reviewed and updated reasonably soon. In response to Mary Beth Taylor and Tony Chad regarding the concept of 'limits to growth', I consider that urban development must give effect to Te Mana o Te Wai and occur in an environmentally responsive manner. This does not necessarily mean growth should be curtailed, which would also conflict with the NPS-UD. I do not consider that specific reference to limits to growth is necessary.

350. NZCSC submits seeking provisions to be amended to, 'ensure that new development around travel corridors should consider a mix of uses (rather than simply housing) where possible and viable, to further support the creation of walkable neighbourhood environments that support wellbeing through equitable access to essential infrastructure and amenities, including green spaces'. I have recommended some amendments to add reference to equity and green space to the discussion of well-functioning urban areas.

4.4.3 Recommendations

351. Recommended amendments to the chapter introduction sit alongside amendments recommended to Objectives 22, 22B, and the new policies UD.4 and UD.5. The amendments and analysis to the objectives should be read and considered together with these recommendations.

352. I recommend that the Regional Form, Design and Function chapter introduction is amended as shown in **Appendix 1**.

353. Accordingly, I recommend that submissions and further submissions are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

4.4.4 Section 32AA Evaluation

354. In accordance with RMA section 32AA I consider the amendments to the regional form, design and function chapter introduction are the most appropriate for the following reasons:

- The amendments state the intent of the chapter in a more cohesive, clear and direct way, including with a 'how this chapter works' section explaining the overall strategic outcome and context for the provisions, including national direction. This will assist plan users to understand, interpret and thereby implement the provisions more effectively and efficiently. I consider this is particularly helpful for the regional form, design and function chapter given it interacts with so many other parts of the RPS and has a strategic function.
- The chapter introduction has been amended to provide a more balanced view on development, recognising both the benefits and potential adverse effects of development. This should support integrated management and the purpose of the RMA, and ultimately better contribute to achieving the RPS objectives.
- I do not foresee any costs associated with the amendments made to the chapter introduction. More succinct, structured and clear text will have social, environmental, cultural and economic benefits by assisting implementation of Chapter 3.9 provisions.

4.5 Regionally significant issues (Mika Zöllner)

4.5.1 Matters raised by submitters

355. There are eighteen original submissions and fourteen further submissions on the regionally significant issues.

356. Wellington Water Ltd [S113.010] submits in opposition to the issues, and Kāinga Ora [S158.012] opposes in part. Both submitters request the addition of a new issue on insufficient infrastructure capacity to support development, with similar wording sought. Wellington Water seeks, '**Inadequate infrastructure: There is a lack of supporting infrastructure to enable the development of sufficient housing and the provision of quality urban environments**'. Kāinga Ora seeks the following:

2. Lack of infrastructure

There is a lack of supporting infrastructure and sufficient infrastructure to enable the development of housing and provision of quality urban environments. Enabling housing requires infrastructure, both physical and social infrastructure to support well-functioning urban environments. Physical infrastructure includes roading and three waters infrastructure. Social infrastructure includes community facilities and services, and open spaces. Territorial Authorities, network utility operators and infrastructure providers are encouraged to continue providing the additional infrastructure needed to meet the needs of current and future communities.

357. Winstones [S162.042] seeks clarity on the introductory statement for the regionally significant issues and whether the issues apply to all authorities or iwi authorities. Kāinga Ora [S158.012] requests that the introduction to the issues is amended as follows 'The regionally significant issues and the issues of significance to the Wellington region's **territorial authorities and** iwi authorities for regional form, design and function are:'

358.Kāinga ora [S158.012] requests that the issues are re-numbered to issues 1-5. They also seek amendments to Issue 3: Integration of land use and transportation, which is not being amended and not in scope of Change 1.

Issue B – Inappropriate development

359.Rangitāne O Wairarapa Inc [S168.0160], supported by Sustainable Wairarapa [FS31.089] and Muaūpoko Tribal Authority [S133.065], opposed by Ātiawa [FS20.412], submits in support and seeks for Issue B to be retained as notified. Taranaki Whānui [S167.055] submits in support with amendments on the basis that there are further opportunities for their involvement as required by Policy 9 of the NPS-UD.

360.HortNZ [S128.015] supported in part by BLNZ [FS30.039] seeks inclusion of the **'loss, fragmentation or reverse sensitivity effects on highly productive land'**. Kāinga Ora [S158.012] opposed by Ātiawa [FS20.034] submits in partial opposition and seeks the following amendments (alongside the deletion of Issue 1 on poor quality urban design):

~~B.~~ 3. Inappropriate land use, activities and development

Inappropriate and poorly managed urban land use and activities in **parts of** 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. **This has also led to poor quality urban environments. Clear direction is needed to where land-use and development is appropriate and where it is not appropriate.**

Issue 1 – Poor quality urban design

361.Rangitāne O Wairarapa Inc [S168.0161], supported by Sustainable Wairarapa [FS31.090], and Muaūpoko Tribal Authority [S133.066], opposed by Ātiawa [FS20.413], submits in support and seeks for Issue 1 to be retained as notified. Taranaki Whānui [S167.056], supported by Rangitāne [FS2.83], seeks recognition of the impacts of poor quality urban design on cultural visibility and identify as well as cultural practices. Kāinga Ora [S158.012], opposed by Ātiawa [FS20.034] seeks that Issue 1 is deleted.

Issue 2 - Sporadic, uncontrolled and/or uncoordinated development

362.Taranaki Whānui [S167.057] submits in support and seeks that Issue 2 is retained as notified. Dom Harris [S4.006] supports in part and seeks for appropriate sequencing between transport and urban planning to be required.

363.Winstones [S162.041] and AQA [S29.001], both supported by Fulton Hogan [FS11.006, FS11.007] and opposed by Ātiawa [FS20.308, FS20.001], support the mention of aggregate resources in this issue in clause (b). Winstones [S162.039], opposed by Ātiawa [FS20.306], opposes in part and seeks mapping of Regionally Significant Aggregate Deposits to be undertaken to allow for their protection, referring to Method 52 in the operative RPS to, 'identify the location of significant mineral resources in the region'. HortNZ [S128.016], supported in part by BLNZ [FS30.040], seeks inclusion of the loss of **'highly productive land and its long-term environmental, social, cultural and economic values'** into clause (c).

364. Chorus, Spark and Vodafone [S49.001], supported by Powerco [FS24.037], consider that the example list of infrastructure in clause (a) is too limited, and seek the inclusion of telecommunications networks into the list. They consider it should align with the RPS definition of regionally significant infrastructure.

365. KCDC [S16.076] seeks for the following statement to be added to the chapeau, '**Medium density residential development enabled across all urban areas in accordance with the Medium Density Residential Standards by Tier 1 territorial authorities adds to this issue**'.

366. Kāinga Ora [S158.012], opposed by Ātiawa [FS20.034], seeks the following amendments to the chapeau of Issue 2:

'2. Sporadic, uncontrolled and/or uncoordinated development **Out of sequence development**

~~**Out of sequence** 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:...~~

4.5.2 Analysis

367. Wellington Water and Kāinga Ora both seek a new regionally significant issue regarding a lack of or inadequate infrastructure. Infrastructure capacity is mentioned briefly in issue A as notified; 'There is a lack of supporting infrastructure to enable the development of sufficient housing and the provision of quality urban environments'. Wellington Water seek that this wording is moved to be its own issue. I agree with Wellington Water and Kāinga Ora that the addition of a separate issue on infrastructure capacity would be useful. Capacity constraints and the need for large-scale maintenance and upgrades to support urban development is a significant issue across the Wellington Region, particularly for three waters infrastructure. I therefore recommend a new regionally significant issue (Issue 4) specifically focused on infrastructure capacity.

368. I consider that the wording provided by Wellington Water is more succinct so I have mostly recommended accepting their wording, which comes from regionally significant issue A. The drafting provided by Kāinga Ora is too detailed in my view, and the reference to territorial authorities, network utility operators and infrastructure providers being encouraged to provide infrastructure is policy direction that is not appropriate for a regionally significant issue statement. The list of infrastructure types as they seek is not helpful in my view, as it risks excluding some types (as discussed below with respect to issue B) and includes matters not within the RPS definition of infrastructure, such as open space. However, I have included some of their relief into the recommended wording by referencing well-functioning urban areas.

369. Kāinga Ora seek that the issues are re-numbered. I agree it would be clearer if the issues were all numbered rather than have a combination of numbers and letters, which creates unnecessary confusion. Because Issue 3 is not in scope of Change 1 as it is not being amended, its re-numbering from Issue 3 to Issue 6 would need to occur as a minor RMA Schedule 1, clause 16 amendment.

370. Regarding the submissions on the introduction sentence from Winstones and Kāinga Ora, the listed issues are regionally significant issues, and issues of significance for the region's iwi authorities as per clauses (a) and (b) of RMA section 62(1). I agree with Winstones that the wording of this statement could be clearer with the use of a comma, however consider that this could be amended throughout the RPS as an RMA Schedule 1 clause 16 change, given this sentence is not in scope of Change 1 and is repeated in each chapter of the RPS. I do not agree with the relief

sought by Kāinga Ora as this does not align with section 62(1) of the RMA, and therefore I recommend rejecting it.

Issue B – Inappropriate development

371. HortNZ and Kāinga Ora both seek that additional matters are included in issue B; the loss of productive land and poor quality urban design. In my view this regionally significant issue should remain focussed on impacts on the natural environment, the relationship of mana whenua / tangata whenua and increased exposure to the impacts of climate change. These issues represent potential impacts of inappropriate development that tend to be under-recognised by existing policy, and therefore require specific emphasis. Broadening the scope of this issue would weaken the acknowledgement of these particular issues in my view. Additionally, while I agree with Kāinga Ora that inappropriate development has also led to poor quality urban environments, I consider that this point is captured by issue 1 and does not need to be repeated in issue B.

372. In response to their relief Kāinga Ora seeking reference to the need for clear direction on what is appropriate and inappropriate, this is the role of the policies and is not necessary in an issue statement. Regarding Taranaki Whānui's request for a reference to Policy 9 of the NPS-UD, this matter is better provided for in policies than through a regionally significant issue.

Issue 1 – Poor quality urban design

373. I do not support Kāinga Ora's relief to delete issue 1. It is a regionally significant issue in the Operative RPS, which is being amended through Change 1 to recognise the impacts of poor-quality development on mana whenua / tangata whenua and communities. Issue 1 is about the quality and design of urban development, compared to issue B which covers development occurring in ways and locations that directly impact the natural environment and exposure to climate change. As the Operative and Proposed policy package on regional form, design and function has been drafted to respond to issue 1 on poor quality urban design, I do not think deleting it is appropriate.

374. I agree with the relief sought by Taranaki Whānui. This issue is the right place to recognise the impacts on cultural visibility and identity that poor quality urban development can cause. I also consider that this amendment provides the context for Policy UD.2, Policy 67 and Method UD.1 in particular, which seek to enable Māori to express their culture and traditions in land use and development including through design guides. These provisions should therefore contribute to improving the quality of urban design and the visibility of mana whenua / tangata whenua in urban areas.

Issue 2 - Sporadic, uncontrolled and/or uncoordinated development

375. The amendments to issue 2 made by Change 1 seek to add recognition of the adverse effects of uncoordinated development on mana whenua / tangata whenua, but otherwise do not amend the substance of the issue. Winstones seeks that mapping of Regionally Significant Aggregate Deposits is undertaken as per Method 52 in the operative RPS. I consider that undertaking such mapping at this stage is out of scope of Change 1, and I recommend rejecting the relief sought.

376. In response to Chorus, Spark and Vodafone who seek the addition of telecommunications networks, I do not agree with the principle that issue 2 needs to align with the RSI definition. Issue 2 discusses infrastructure to support development generally, which is broader than just RSI. However, I agree with the submitter that the list is limited, and that including a list of infrastructure risks excluding other forms of infrastructure. If telecommunications networks were to be added, it would further cause uncertainty about why other forms of infrastructure such as electricity

networks are not included, and the list would become increasingly long. I consider that in this case including a list of infrastructure types does not aid with interpretation of the issue. 'Infrastructure' is a commonly understood term and defined in the RMA and RPS, and includes public transport infrastructure and telecommunication networks. To respond to the submitters' concern that the list is too limited, I consider that the most appropriate response is to delete the list of existing infrastructure examples from the issue.

377. I agree that direction on sequencing transport with land use is important, however the specific relief sought by Dom Harris is not appropriate in an issue statement. Land use and transport integration is provided for by Policies 57 and 58, and in recommended amendments to Objective 22 and Policy 55.

378. While I agree in principle with HortNZ that the NPS-HPL is relevant to sporadic, uncontrolled or uncoordinated growth, as addressed in section 4.2 with respect to Objective 22, I do not consider that giving effect to the NPS-HPL is necessary or appropriate at this stage in Change 1, and this requires a full change. Aside from this, I do not consider the relief sought by HortNZ to be necessary at this stage. Clause (c) of issue 2 already covers the loss of rural land with productive values. In my view this direction, as well as the transitional requirements in NPS-HPL clause 3.5(7), are sufficient until the NPS-HPL is given effect to in the RPS.

379. I do not agree with KCDC that mentioning the MDRS in this issue is necessary. Issue 2 is about uncoordinated development in general, which can arise from a variety of sources that are not limited to national legislation. The MDRS is a specific set of RMA provisions which each tier 1 local authority in the Wellington Region is managing through their IPIs as discussed in the Chapter 3.9 introduction. In my view repeating this in issue 2 does not suit the high-level nature of the regionally significant issues and could reduce emphasis on the broad range of potential causes for uncoordinated development.

380. Kāinga Ora appears to be seeking consistency with the language used in the NPS-UD by wanting the issue chapeau to describe 'out-of-sequence' development instead of sporadic, uncontrolled and uncoordinated. I do not agree with this relief for the following reasons:

- The regionally significant issues cover development anywhere in the region and are therefore not exclusively related to the NPS-UD.
- Out-of-sequence development under the NPS-UD refers to a specific situation whereby land is released out-of-sequence with the planned land release. It is not yet a commonly understood term relating to development more broadly, which the regionally significant issues cover.
- The NPS-UD uses the term unanticipated alongside out-of-sequence (see Policy 8). I consider using one term and not the other may confuse plan users.
- Out-of-sequence and unanticipated development must have a responsive planning pathway for urban environments under Section 3.8 of the NPS-UD, which the RPS does through Policy UD.3. Using this terminology in the issue risks sending mixed messages to plan users; in that this kind of development would be identified as having adverse effects for the regional form and function, but then provided for through responsive planning.
- Removing reference to sporadic, uncontrolled or uncoordinated development would risk missing other kinds of uncoordinated development, such as small-scale infill development, which may not be captured by the term 'out-of-sequence'.

381.I therefore consider that the terms sporadic, uncontrolled, and uncoordinated are most appropriate to clearly describe the kind of development that this issue refers to. I recommend removing reference to 'and/or' from the title and chapeau of issue 2 in response to the submission point by KCDC [S16.0102] to amend all 'and/or's in Change 1.

382.Regarding Kāinga Ora's other relief sought, I agree that adding 'and function' to the chapeau as they have requested is useful for clarity, because issue 2 also relates to impacts on the region's function, for example the undermining of existing centres or insufficient population densities to support public transport and other public services. I do not support their request to remove infrastructure from the chapeau, because this is an aspect of uncoordinated development that is often overlooked and a specific reference makes it clear infrastructure is included. I also think it is useful to retain mention of 'compact' in Issue 2 to provide a link to Objective 22 so do not agree it should be removed. Kāinga Ora gave no reason to justify why this particular relief was sought.

4.5.3 Recommendations

383.I recommend that a new regionally significant issue 4 is inserted in Chapter 3.9 as follows:

Inadequate infrastructure

There is insufficient supporting infrastructure to enable urban development while providing for high-quality, well-functioning urban areas.

384.I recommend that the regionally significant issues are re-numbered as follows, noting that Issue 3 is part of Change 1 and so would need to be amended through Clause 16 changes:

~~A-1.~~ Lack of Housing

~~B- 2.~~ Inappropriate Development

~~1-3.~~ Poor quality urban design

4. Inadequate infrastructure

~~2- 5.~~ Sporadic, uncontrolled and/or uncoordinated development

~~3-6.~~ Integration of land use and transportation

385.I recommend that no changes are made to the wording of regionally significant issue B. I recommend that minor amendments are made to the wording of regionally significant issues 1 and 2, as shown in **Appendix 1**.

4.5.4 Section 32AA Evaluation

386.In accordance with RMA section 32AA and section 30(1)(b), I consider the amendments to the regionally significant issues is the most appropriate option for the following reasons:

- The new regionally significant issue 4 on inadequate infrastructure better recognises the scale of infrastructure issues facing the region, and will improve the policy cascade for policies that seek to manage impacts on existing infrastructure as well as the provision of new infrastructure. Including this will support the RPS to meet the requirements of section 30 of the RMA, specifically the strategic integration of infrastructure with land use, and have cultural, social, environmental and economic benefits.

- The amendments to regionally significant issue 1 made by Change 1 seek to add recognition of the impacts of poor quality urban design on mana whenua / tangata whenua, with the inclusion of cultural visibility and identity sought by mana whenua through submissions. The amendments therefore assist with interpretation and relevance of this issue, thereby supporting effective implementation and providing context to the provisions seeking to address the issue. This will have cultural, social and environmental benefits.
- The amendments to regionally significant issue 2 relate to the clarity of the issue and will thereby assist with interpretation and application. This will increase the likelihood of the issue and provisions responding to it being successfully and efficiently implemented to achieve the desired outcomes.

4.6 Policy 31 – Identifying and enabling a range of building heights and densities (Mika Zöllner)

4.6.1 Matters raised by submitters

387. There are 25 original and 13 further submission points on Policy 31 seeking a range of amendments and clarifications. A number of submitters request that Policy 31 is retained as notified or seek no amendment, including CDC [S25.033], SWDC [S79.037], MDC [S166.033]; Ātiawa [S131.076] supported by Ngā Hapū [FS29.346], Taranaki Whānui [S167.092], Rangitāne [S168.0164] supported by Sus Wai [FS31.093], Muaūpoko [S133.069], BLNZ [S78.013], and Fish and Game [S147.060]. GWRC [S137.031] seeks an addition to the explanation as follows: **‘Well-functioning urban environments, as referred to in this policy and articulated in Objective 22, apply to all urban areas in the Wellington Region.’**

388. Ngāti Toa [S170.040], supported by Ngā Hapū [FS29.154], submits neutrally but questions the lack of direction on the interaction between intensification and greenfield development, and that it isn't clear which activities are covered by Policy 31. Vic Labour [S89.006] supports Policy 31 in part but questions whether the language of Policy 31 is strong enough to create a clear mandate for dense housing.

389. WCC [S140.053] supports in part and seeks that Policy 31 be retained as notified with amendments to the definitions of 'high density development' and 'medium density residential development' to be less prescriptive, arguing that the notified definitions potentially conflict with the NPS-UD and the MDRS.

390. KiwiRail [S124.006] supports in part and seeks amendment to the chapeau to recognise qualifying matters as follows: **‘well-functioning urban environments, except where qualifying matters reduce building height and/or density or urban form, including as a minimum:...’.**

391. PCC [S30.052], UHCC [S34.091], HCC [S115.052], and Kāinga Ora [S158.027] consider that Policy 31 repeats the directives of the NPS-UD unnecessarily. HCC, Robert Anker [S31.022], Philip Clegg [S62.021] and Dr. Sarah Kerkin [S96.017] oppose Policy 31 and seek that it is deleted due to redundancy. UHCC opposes and submits that clause (b) is not consistent with MDRS requirements and therefore seek deletion of Policy 31 or deletion of clauses (a) and (b). KCDC [S16.085] opposes and submits that Policy 31 is out of step with both the NPS-UD and their IPI as notified. KCDC seeks that Policy 31 is amended to ensure consistency with the wording of the NPS-UD and their IPI, or deleted and re-written as a variation to RPS Change 1. Investore [S154.008] and Stride [S155.006]

oppose Policy 31 in part due to inconsistency with the NPS-UD, and submit that it should be amended 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.

392.PCC [S30.052, S30.053], supported by Peka Peka Farm [FS25.085, FS25.086], opposes and seeks amendments to Policy 31 in line with their relief sought for Policy 30 (giving regional guidance on a directive regional centres hierarchy), as well as amendments to include definitions for 'rapid transit stop' (as identified in the RLTP) and 'walkable catchment'. Kāinga Ora [S158.027] supports in part and seeks a regionally consistent approach in the hierarchy of centres, and amendments to clauses (a)-(c) for more specific direction for where high-density development should occur. Their requested amendments include specific direction on walkable catchments and direction to intensification within and adjacent to town centre zones as well as metropolitan centre zones. This submission is opposed by Ngāti Toa [FS6.017] and supported by Stride [FS16.006], Waka Kotahi [FS3.031] and Investore [FS1.006]. PCC and Kāinga Ora both seek amendments to the policy title and/or chapeau to refer to intensification.

4.6.2 Analysis

Duplicating national direction

393.PCC, Kāinga Ora, UHCC, HCC and others submit that Policy 31 repeats national direction and thereby does not add any value beyond the NPS-UD and MDRS. I do not agree with those submitters that request that Policy 31 be deleted and recommend rejecting this relief.

394.I do not agree with submitters that Policy 31 provides no additional direction beyond the NPS-UD. Policy 31 provides strategic direction to enable intensification where it provides for the regional form outcomes sought by Objective 22, and provides direction to tier 1 territorial authorities as required by the NPS-UD. Regional councils must provide for sufficient development capacity under section 30 of the RMA. NPS-UD Policies 3, 4 and 5 relating to intensification direction apply to regional policy statements as well as district plans. In my view it is the role of the RPS to implement the NPS-UD by providing context for its implementation within the Wellington Region, to address the regionally significant issues identified in the regional form, design and function chapter. I do not see an issue with the NPS-UD intensification direction being reflected at a high level to fulfil this function. Policy 31 also gives direction to the Wairarapa councils to enable intensification in and around centres and transport corridors, and/or where there is demand. I consider this additional direction to Wairarapa councils is useful and aligned with the broader response to the regionally significant issues and seeking a compact, well-designed regional form.

395.In response to the submitters stating that duplication makes Policy 31 unnecessary, I consider that an amendment to Policy 31 through Change 1 is necessary because Operative Policy 31 is much weaker than the intensification direction in NPS-UD Policy 3 and thereby inconsistent (it provides direction to identify and encourage areas suitable for higher density or mixed-use development). The need to replace Operative Policy 31 is recognised by HCC in their submission. I consider it is useful for the RPS, via Policy 31, to refer to NPS-UD Policy 3 intensification direction to demonstrate it is not inconsistent. In my view duplication is not an issue in this instance and assists plan users to understand national direction.

396.I do not agree with the proposed amendments from UHCC to replace Policy 31 with, 'enabling a range of building heights and densities to give effect to the NPS-UD'. An RPS policy should not in

my view refer generally to specific direction provided by an external document which could be subject to change. This does not provide regulatory certainty or clarity in my view.

Conflicting with national direction

397.KCDC, WCC and UHCC submit that Policy 31 as notified is inconsistent with the NPS-UD or MDRS. KCDC submit it is inconsistent with their IPI. WCC's primary concern relates to the way that medium density and high density development have been defined, which KCDC and HCC also raise as a concern.

398.I agree with submitters that the RPS cannot conflict with the NPS-UD, and that Policy 31 should be drafted carefully so as not to conflict with national direction. I agree that the prescriptive definitions for medium and high density development may be inconsistent with national direction and have therefore recommended they are amended in response to submissions (discussed in section 4.16 on definitions). Providing for the MDRS and qualifying matters in IPIs is highly complex for tier 1 local authorities, and I do not consider the RPS should potentially confuse matters by including direction on specific building heights. Amending the definitions as sought by WCC should also address the concerns raised by KCDC and UHCC that the policy conflicts with their IPIs and the MDRS.

399.PCC, Kāinga Ora, Stride Investment and Investore seek amendments to Policy 31 to be more consistent with the NPS-UD. I agree that Policy 31 could reflect NPS-UD Policies 3 and 5 more effectively by recognising that the level of intensification direction differs between city and metropolitan centre zones. I therefore recommend accepting these submissions in part. Policy 31 as notified groups city and metropolitan zones together, when Policy 3 of the NPS-UD directs that development capacity is maximised in city centre zones compared to building heights of at least 6 storeys in metropolitan centre zones. I also consider that a reference to town, neighbourhood and local centre zones, as sought by Kāinga Ora and PCC, supports the clarity of Policy 31 as it reflects the complete hierarchy provided by NPS-UD Policy 3. My recommended amendments include some of the wording requested by PCC's submission regarding city centre and other zones.

Policy structure, chapeau and title

400.In response to general submission points seeking greater clarity and certainty (e.g. PCC [S30.020]) and the submissions from PCC and Kāinga Ora on Policy 31, I recommend re-structuring the policy to assist with its interpretation. This includes the addition of specific direction to the Wairarapa councils that their town centres are appropriate for intensification in the first instance, which in my view reflects the reference to centres in the other parts of Policy 31 and better responds to the objective of a compact regional form. To support the specific inclusion of the reference to 'town centre zones' into Policy 31 I consider a new definition referring to The Standards definition of a town centre zone would assist with interpretation. This is consistent with Change 1 containing definitions with metropolitan and city centre zones. However, Kāinga Ora seek building heights of at least 6 storeys within and adjacent to town centre zones, which I recommend rejecting. The relief sought by Kāinga Ora would require building heights of at least 6 storeys within and adjacent to the main street of Featherston for example, which is identified as a town centre zone in the draft Wairarapa Combined District Plan. This goes significantly beyond NPS-UD Policy 3 and would be too directive in my view.

401.I agree with PCC and Kāinga Ora's relief for the policy chapeau and title to be more direct and clearer that it is about enabling intensification. I agree that the purpose of the policy, to enable intensification in a way that achieves Objective 22, should be stated explicitly. The current

reference to 'the qualities and characteristics of well-functioning urban environments' does not, in my view, communicate the policy intent clearly enough. I therefore recommend amendments to the policy's chapeau and title to refer to enabling intensification within urban areas. In my view the reference to 'building heights and densities', which is what is being amended in district plans, should sit in each clause rather than in the chapeau. Kāinga Ora uses the term 'urban form' density in their requested amendments which I consider assists with clarity and is more aligned to the NPS-UD, so I recommend that this is added where density is referred to.

402. Ngāti Toa raises a concern regarding the relationship to greenfield development being unclear in Policy 31. I consider that the recommended amendments to the chapeau of Policy 31 should address some of the relief sought, which intends to make the policy intent clearer. Policy 31 is concerned only with intensification within existing urban areas, while Policy 55 specifically addresses greenfield development. I have also responded to this submission point through the recommendation to insert new Policy UD.4 in section 4.11, which provides a hierarchy for development and demonstrates the relationship between brownfield and greenfield development.

403. I also consider that including a specific reference to the wording in the amended chapeau of Objective 22, and specifically the new Policy UD.5 on well-functioning urban areas, makes the intent of the policy clearer and more certain for plan users. I note that the relief sought by GWRC to clarify the application of well-functioning urban environments is no longer necessary given these amendments recommended to the chapeau.

Centres

404. In response to PCC and Kāinga Ora seeking a regionally consistent, specific centres hierarchy, I do not consider it necessary for Policy 31 to provide specific direction on the levels of intensification in particular centres by referring back to Policy 30. As I discuss in section 4.2 paragraph 195, this approach would conflict with what territorial authorities have done through their IPi; a concern that is specifically raised by KCDC [S16.085].

405. PCC requests that definitions are included for rapid transit and walkable catchments. In their requested policy drafting PCC also seeks addition of the text, 'or an existing or planned rapid transit stop as identified in the Regional Land Transport Plan.' I do not consider a definition of rapid transit to be appropriate at this stage, given the complexities and change in what is deemed to be rapid transit. Referring to the RLTP would be useful, however the RLTP is subject to periodic change and must respond to other national direction. The level of certainty about which routes in the Wellington Region are rapid transit is currently insufficient to support a definition in my view. However, to address this relief sought I recommend the following sentence be added to the policy explanation of Policy 31: '[Rapid transit is as identified in the current Regional Land Transport Plan](#)'. I consider that this is useful to assist plan users and achieves the same intent as a definition.

406. Kāinga Ora seek reference to specific walkable catchments within the drafting of Policy 31 as follows: 'at least 15-20 minute / 1200m-1600m walkable catchment from the edge of the City Centre Zone', 'at least 10-15min/800m-1200m walkable catchment from the edge of the Metropolitan Centre Zone and from existing and planned rapid transit stops', and 'at least a 5-10 min/400-800m walkable catchment from the edge of the Town Centre Zones'. I do not agree with the relief sought by Kāinga Ora for more prescriptive walkable catchments. Each tier 1 territorial authority has identified walkable catchments in their city or district when giving effect to NPS-UD Policy 3, and I do not see the benefit of the RPS providing prescriptive direction which conflicts with their approaches. I also consider that the context for a walkable catchment will vary between

cities and districts and that it is more appropriate for specific walkable catchments to be defined through other means.

407. A new definition for 'walkable catchments' has been recommended by Ms Louise Allwood in the Climate Change: Transport Section 42A report for Hearing Stream 3.³⁵ I support the inclusion of this new definition (discussed further in section 4.16) and I recommend that this term is used in Policy 31 in clause (a) providing direction to tier 1 territorial authorities. I consider the use of 'walkable catchments' with a reference to a high-level definition, better reflects NPS-UD Policy 3 without conflicting with the work done by territorial authorities to identify walkable catchments. I have not recommended that the section relating to other territorial authorities is amended to direct walkable catchments, and instead it still refers to 'good access to'. In my view this would be too prescriptive regarding intensification direction for the Wairarapa councils.

Other issues

408. Regarding KiwiRail's request to add reference to qualifying matters in this policy, the RPS has not used qualifying matters explicitly as most of this direction applies to district plans in practice. KiwiRail's relief sought may be addressed by the recommended amendments to the chapeau of Policy 31 to clearly reference the new Policy UD.5, which includes protecting RSI from potential reverse sensitivity as a part of achieving well-functioning urban areas and applies to intensification.

409. Regarding Vic Labour's concern about the mandate for dense housing being clear enough, this submission and other submissions seeking stronger direction for compact development have been responded to by recommending new direction to 'use urban land efficiently' in Objective 22, Policy UD.5 and Policy 55 to contribute to a compact regional form. These provisions are more appropriate than Policy 31 to provide this direction as Policy 31 is focussed on enabling intensification, however I note it is doing so to achieve a compact regional form in Objective 22.

410. Waka Kotahi [S129.024] seeks clarity on Objective 22A and its relationship to Policy 55. MDC [S166.020] seeks clarity about how Objective 22A applies to tier 3 territorial authorities in terms of intensification. As discussed in section 4.1.1, although these submissions are out of scope I have considered them in the context of Policy 31 given their relevance. Policy 31 contributes to achieving Objective 22A by enabling intensification, so I consider it would be useful to clarify the relationship between Policy 31 and Objective 22A. Enabling intensification is a key way in which territorial authorities can contribute to meeting expected housing demand in the short to medium and long term. This is required explicitly by Objective 22A with a reference to housing bottom lines in Table 9A for tier 1 urban environments. I therefore recommend that, to assist plan users to understand this relationship, a sentence referencing housing bottom lines should be added to the explanation of Policy 31 to state, '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.'

4.6.3 Recommendations

411. I recommend that Policy 31, as notified by Change 1, is amended as follows:

³⁵ Section 42A report of Ms Louise Allwood for Hearing Stream 3, dated 31 July 2023, paragraph 163, <https://www.gw.govt.nz/assets/Documents/2023/06/S42A-Report-Integrated-Management-16.06.23.pdf>

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 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) For any tier 1 territorial authority, identifying a range of building heights and urban form densities 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 a walkable catchment of where there is with good access to:~~
 - 1. existing and planned rapid transit; 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

~~(b) For any tier 1 territorial authority, identify areas for enable medium density residential development within any relevant residential zone; and~~

- ~~(iii) otherwise reflect the purpose of, and level of commercial activities and community services within, town, local and neighbourhood centres.~~

~~(b)(c) For any other territorial authority not identified as a tier 1 territorial authority, identify ~~ing~~ areas for greater building height and urban form densities ~~where:~~~~

- ~~(i) within, and adjacent to town centre zones where appropriate; and~~
- ~~(ii) where there is good access to existing and planned active and public transport and a range of commercial activities and community services; and/or~~
- ~~(iii) there ~~isto~~ meet relative demand for housing and business use in that location.~~

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. 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.

412.I recommend that a new definition for town centre zone is inserted as shown in **Appendix 1**.

413.Accordingly, I recommend that submissions and further submissions are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

4.6.4 Section 32AA Evaluation

414.In accordance with section 32AA and section 30(1)(b), I consider that my recommended amendments to Policy 31 are the most appropriate for the following reasons:

- The amendments to the structure and addition of reference to town, local and neighbourhood centre zones, as well as a new definition for town centre zone, will support consistency between the RPS and the NPS-UD, which will support the RPS to meet the requirements of section 61 of the RMA. The amendments to the title and chapeau will make the purpose and application of the policy clearer and be consistent with the amendments to Objective 22, which will support implementation of Policy 31. Better achieving the policy intent will have environmental, social and cultural benefits through intensification being enabled to achieve 'density done well'. I do not foresee any costs associated with these amendments, as they merely assist with clarity, consistency and readability for plan users.
- The amendments to the direction provided to non-tier 1 territorial authorities (Wairarapa councils) is more inclusive of smaller urban areas and councils by providing more specific direction for enabling intensification in these areas, which will better contribute to achieving a compact regional form and addressing the regionally significant issues. There may be some costs associated with implementing this amendment as it provides more specific direction, however it should be consistent with how the Wairarapa councils are enabling development capacity to achieve a compact, well-designed regional form, which they must do anyway. I therefore consider the benefits associated with better addressing the regionally significant issues and improving the policy cascade outweigh the costs of this amendment.

415.I consider that these amendments will increase the likelihood that Policy 31 is effectively implemented to achieve the desired outcomes, and will improve costs associated with implementation. I consider the amendments are efficient and effective ways to clarify the policy intent and mitigate risks associated with uncertainty under the notified drafting.

4.7 Policy 32 – Identifying and protecting key industrial-based employment locations – district plans (Mika Zöllner)

4.7.1 Matters raised by submitters

416. There are 19 original and 9 further submission points on Policy 32 seeking a range of amendments and clarifications. A number of submitters request that Policy 32 is retained as notified or seek no amendment, including CDC [S25.034] who note consistency with the draft Wairarapa Combined District Plan, 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]. GWRC [S137.032], supported by WCC [FS13.025], requests the following to be added to the explanation: **'Well-functioning urban environments, as referred to in this policy and articulated in Objective 22, apply to all urban areas in the Wellington region.'**

417. Robert Anker [S31.023], Philip Clegg [S62.022], and Dr. Sarah Kerkin [S96.018] oppose Policy 32 and seek its deletion on the grounds that it unnecessarily repeats the NPS-UD. SWDC [S79.092] supports the policy and seeks amendments to clarify which activities are covered by this activity, such as quarrying being an industrial activity. UHCC [S34.092] supports Policy 32 in part but considers that the direction in Policy 32 is beyond GWRC's legislative ability to direct district plans to protect some types of industrial development. UHCC seeks deletion of clauses (b) and (d), as well as replacing 'shall' with 'should'. PCC [S30.054], supported by Peka Peka Farm [FS25.087], supports in part and seeks that a comma is removed from clause (d) to make better grammatical sense.

4.7.2 Analysis

418. I agree with the submission from PCC (adding an apostrophe) to improve readability of the policy. I also recommend a minor amendment to the explanation to refer to Objective 22 instead of well-functioning urban environments, for consistency with consequential amendments to the chapeau due to amendments recommended to Objective 22. In response to SWDC, I consider the policy is clear enough on which activities are covered. 'Industrial or trade process' is a defined term under the RMA and it is a well understood concept in my opinion. I agree that quarrying is covered by Policy 32, however I consider it is unnecessary to identify a specific industrial activity over others for the purpose of this policy, and in my view listing the activities included risks excluding others.

419. Policy 32 in the Operative RPS provides direction to identify and protect key industrial activities and employment locations. It is intended to address clauses (e) and (g) of regionally significant issue 2; 'development in locations that undermine existing centre and industrial employment areas' and 'displacement of industrial employment activities from established industrial areas'. I consider it appropriate for the RPS to provide this direction and do not agree with submitters who consider seek that Policy 32 is deleted, as this would leave a policy gap where these issues are not adequately addressed. I also note that Policy 32 does not duplicate direction contained in the NPS-UD.

420. I do not agree with UHCC's concern regarding the Council's legislative function on this matter, as 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. I consider that Policy 32 contributes to achieving these two functions.

4.7.3 Recommendations

421.I recommend that Policy 32 is amended as shown in **Appendix 1**.

422.Accordingly, I recommend that submissions and further submissions are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

4.7.4 Section 32AA Evaluation

423.In accordance with RMA section 32AA I consider the amendments to Policy 32 are the most appropriate, as they are minor amendments that retain the intent of the policy and improve clarity and consistency with amendments to Objective 22. Improvements in clarity will reduce implementation costs and will provide benefits in readability for plan users.

4.8 Policy 33 – Supporting well-functioning urban environments and a reduction in transport related greenhouse gas emissions (Mika Zöllner)

4.8.1 Matters raised by submitters

424. There are 15 original and 8 further submission points on Policy 33 seeking a range of amendments and clarifications. A number of submitters seek that Policy 33 should be retained as notified or seek no amendment, 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]. GWRC [S137.033] seeks an addition to the explanation of Policy 33 as follows: **'Well-functioning urban environments, as referred to in this policy and articulated in Objective 22, apply to all urban areas in the Wellington region.'**

425. Forest and Bird [S165.059], opposed by BLNZ [FS30.319], considers that there is a mismatch between what Policy 33 seeks (reduction of transport emissions) and Objective CC.3, which seeks a reduction of 35% of 2019 transport emissions by 2030, and seeks that Policy 33 is amended to reflect the requirements of Objective CC.3.

426. Although Winstones [S162.035] supports the intent of Policy 33, they seek 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' submission is supported by Fulton Hogan Ltd [FS11.013] and opposed by Ātiawa [FS20.303].

427. Waka Kotahi [S129.015] requests to be involved in future drafting of Policy 33 to ensure alignment with direction from central government. In a neutral submission, MDC [S166.035] states the following: 'Include district plans which will allow for local infrastructure to support the Policy'.

428. Investore [S154.009] and Stride Investment [S155.007] oppose in part and consider that the proposed changes to Policy 33 will not give effect to the NPS-UD, seeking 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.

4.8.2 Analysis

429. Regarding Waka Kotahi's request to be involved in future drafting, I note that Waka Kotahi are involved in the preparation of the RLTP which gives effect to this policy. Regarding MDC's request to include district plans in Policy 33, I do not consider this to be necessary. Policy 33 provides specific direction to the Wellington RLTP, which is developed and collectively 'owned' by the Regional Transport Committee. The Regional Transport Committee includes territorial authorities, who are responsible for planning, funding and delivery projects related to the transport network. Territorial authorities have opportunities to input activities regarding transport infrastructure into the RLTP through this process. The Wellington RLTP is influenced by, and influences, RMA planning documents including the RPS and district plans, as shown in Figure 5. Direction provided through Policy 33 will ultimately also relate to land use planning through district plans and the provision of transport infrastructure by territorial authorities.

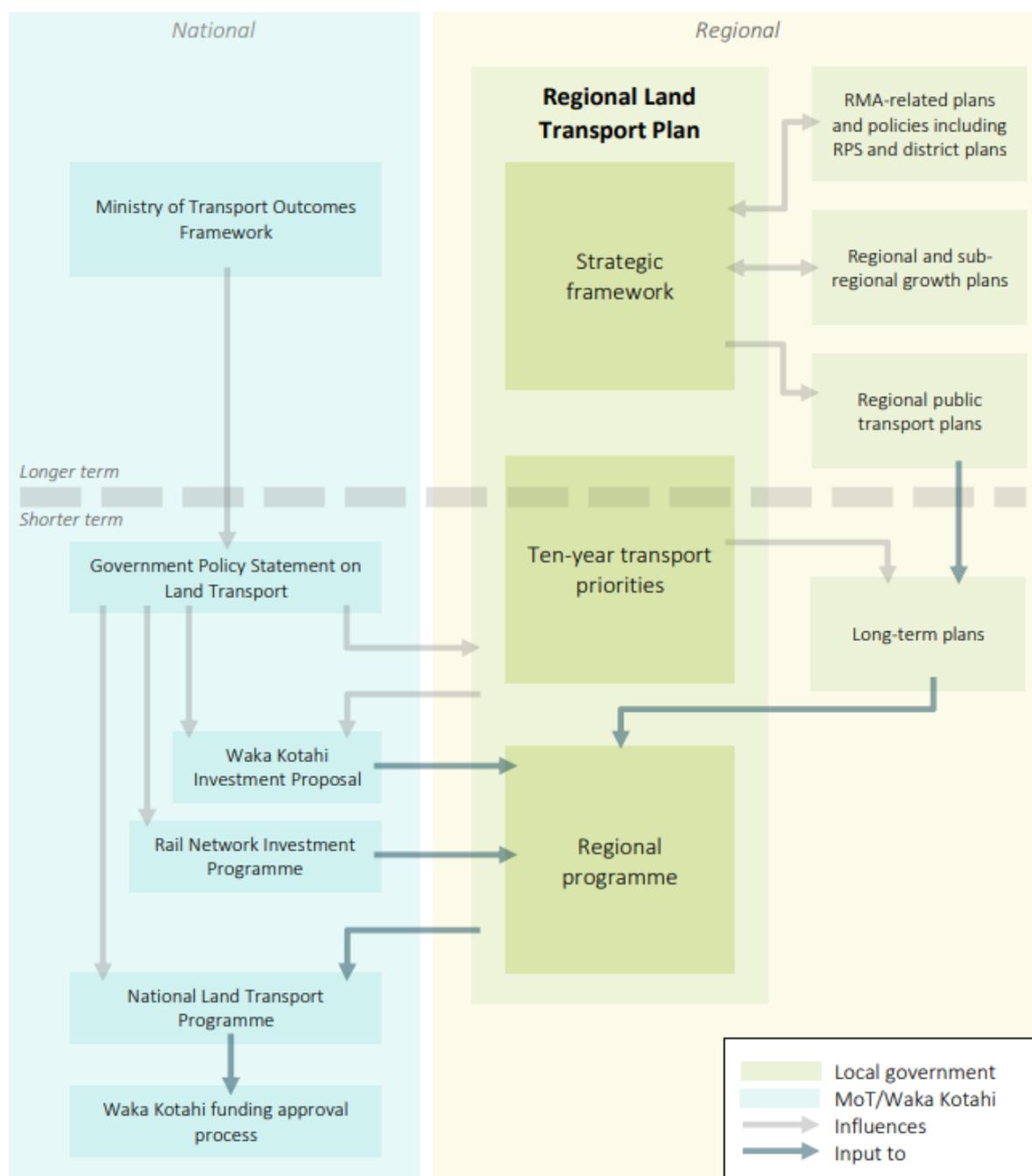


Figure 5: Relationship between the Wellington RLTP and other transport planning documents³⁶.

430.Regarding Winstones’ request for Policy 33 to be amended to direct recognition of quarrying and aggregate resources in the RLTP, I do not consider this to be an appropriate amendment. The RLTP is intended to guide integrated land transport planning and investment. While I agree that locally sourced quarrying contributes to reductions in transport emissions, the RLTP is not concerned with where specific goods are being transported to and from. Rather, the RLTP’s role is to set strategic direction to guide transport activities in long-term plans, set transport investment priorities, and

³⁶ Wellington Regional Land Transport Plan (2021), <https://www.gw.govt.nz/assets/Documents/2021/10/Wellington-Regional-Land-Transport-Plan-2021web.pdf>

set the vision and objectives for the region's land transport network. If the RLTP were to specifically discuss the transport of aggregate, it would need to recognise all other industries that, if supplied locally, would support reductions in transport-related greenhouse gas emissions, e.g., market gardens.

431.Regarding Stride and Investore's submissions concerning focusing intensification around major centres and rapid transit nodes, I do not consider that these are relevant to Policy 33; however, I consider that other amendments recommended to other provisions in this topic will provide the relief sought by these submissions, such as Objective 22, Policy 31 and Policy 55.

432.Regarding Forest and Bird's concern over mismatches in intent between Policy 33 and Objective CC.3, I do not agree that there is a mismatch between these provisions. The inclusion of specific emissions targets would be inappropriate in a policy in my view, and amendment to this effect would cause Policy 33 to be out of step with other policies giving effect to Objective CC.3. Because Policy 33 is contributing to Objective CC.3 it is implied that the greenhouse gas emissions reduction targets specified in Objective CC.3 are the goal. I also note that the transport targets in Objective CC.3 align with those in the current RLTP.

4.8.3 Recommendations

433.I recommend that Policy 33 and its explanation are only amended as a consequence of the amendments made to Objective 22, as shown in **Appendix 1**.

434.Accordingly, I recommend that submissions and further submissions are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

4.8.4 Section 32AA Evaluation

435.In accordance with RMA section 32AA I consider the amendments to Policy 33 are the most appropriate, as these are minor amendments that retain the intent of the policy and improve consistency with amendments to Objective 22. Improvements in clarity will reduce implementation costs and will provide benefits in readability for plan users.

4.9 Policy UD.3 – Responsive Planning (Mika Zöllner)

436.Policy UD.3 is a consideration policy that provides direction to give effect to the responsive planning direction in clause 3.8 and Policy 8 of the NPS-UD.

4.9.1 Matters raised by submitters

437.There are 31 original and 25 further submissions on Policy UD.3. BLNZ [S78.017], Fish and Game [S147.073], Taranaki Whānui [S167.0122] and Rangitāne [S168.016] request that Policy UD.3 be retained as notified.

438.HCC [S155.080] supports in part and considers that Policy UD.3 should better provide for non-residential development, recognise monitoring limitations, avoid unnecessary assessment, recognise that infrastructure capacity cannot always be neatly assigned and limited to specific areas, and improve the clarity of Policy UD.3. HCC requests amendments to the following clauses:

'(a)(iii) where it provides for housing the proposal will apply a relevant residential zone or other urban zone that provides for high density development or medium density residential development

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

(i) a variety of housing that meets ~~the a~~ regional, district, or local shortages of housing in relation to the a particular type, size, or format, or (ii) business space or land of ~~the a~~ particular size or locational type, or

(iii) community, cultural, health, or educational facilities, ~~and or~~

(c) when considering the significance of the proposal's contribution to a matter in (b), 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

(iii) is likely to be taken up, ~~and~~

~~(iv) will facilitate a net increase in district wide up take in the short to medium term,~~

(d) required development infrastructure can be provided effectively and efficiently for the proposal, ~~taking into account that the capacity provided by existing or committed infrastructure may already be needed for 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.

439.WCC [S140.081] support in part and seeks the same amendments as HCC to clauses (b), (c) and (d), however seeks the following amendment to clause (a) instead:

(a)(iii) ~~for housing will apply a relevant residential zone or other urban zone that provides for high density development or medium density residential development,~~ enables medium or high density housing as part of a Centre(s) and/or Mixed Use zoning, or within walking distance of a Centre(s) and/or Mixed Use zoning.

440.In duplicated submissions, Peka Peka Farm [S118.018], Summerset [S119.007], and RVANZ [S120.007] submit in partial support of Policy UD.3. The submitters request amendments to reflect their submissions on Policy 55 and Objective 22, that 'identified in Policy 55(a)(ii) and Objective 22' is removed from clause (a)(i), and that clause (c)(iv) is deleted or clarified.

441.Kāinga Ora [S158.002, S158.029] seeks that Policy UD.3 is retained with amendments and relocated to Chapter 4.1, as they consider Chapter 4.2 should be deleted. Kāinga Ora (opposed by Peka Peka Farm [FS25.004] in regard to matter (a), as they consider that it is unclear how prioritising intensification can be achieved or measured) seeks amendment to the following clauses of Policy UD.3 to strengthen direction:

'(a) The development is not inconsistent with the Council's strategic outcomes as set out in any Future Development Strategy, or development framework / strategy that describes where and how future urban development should occur, should the Future Development Strategy not yet be released. This includes the prioritisation of intensification of existing urban areas.

(a) the location, design and layout of the proposal:

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) well connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors,~~

ii) is well connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors and/or have access to existing or planned rapid transit stops; and / or

iii) provides for resilience to the effects of climate change and support reductions in greenhouse gas emissions.

~~iii) for housing will apply a relevant residential zone or other urban zone that provides for high density development or medium density residential development,~~

(b) The development would add significantly to meeting a demonstrated need or shortfall for housing or business floor space, as 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:

~~i) a variety of housing that meets the regional, district, or local shortages of housing in relation to the particular type, size, or format~~ a variety of homes that meet the needs of different households in terms of type, configuration, price, and/or location;

ii) a variety of homes that enable Māori to express their cultural traditions and norms;

...

(c) when considering the significance of the proposal's contribution to a matter in (b), 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,~~

~~iii) is likely to be taken up, and~~

~~iv) will facilitate a net increase in district-wide up-take in the short to medium term,~~

ii) will likely be realised in a manner earlier than the anticipated land release sequence; and /or

iii) supports, and limits as much as possible adverse impacts on, the competitive operation of land and development markets.'

442. Waka Kotahi [S129.027], supported by Kāinga Ora [FS12.023], supports Policy UD.3 in part, but seeks relief to prioritise the intensification of existing urban areas and not enable greenfield development. Waka Kotahi seeks amendment to the title as follows: 'Responsive planning to developments that provide for a within the existing urban environment is prioritised ahead of greenfield developments when significant development capacity is considered —consideration'.

443. Forest and Bird [S165.079] supports Policy UD.3 but notes that matters under Policy 55(a)(ii) should be 'applied to', not 'have particular regard' to. As such, they seek amendment to clause (a) of Policy UD.3 to strengthen the reference to Policy 55. Note that the submissions cites Policy UD.2 which I consider to be a typographical error and assume Policy UD.3. was meant instead, however this was not confirmed with the submitter. This submission is opposed by BLNZ [FS30.319].

444. Muaūpoko [S133.074] supports Policy UD.3, but requests amendments to recognise their connections to Te Whanganui-a-Tara. This submission is opposed by Ātiawa [FS20.421].

445. In a submission of partial support, KiwiRail [S124.012] expresses concern regarding reverse sensitivity effects. This submission is supported by Fulton Hogan [FS11.024], the Fuel Companies [FS10.028], Powerco [FS24.024], HortNZ [FS28.083] and Waka Kotahi [FS3.048] and opposed by Kāinga Ora [FS12.011]. In its further submission, KiwiRail seeks a new clause under (a) of Policy UD.3: **'(a)(iv) minimises land use conflicts as far as practicable, including avoiding the potential for reverse sensitivity effects.'**
446. WIAL [S148.055] submits in opposition of Policy UD.3, also noting concern regarding reverse sensitivity effects. WIAL seeks that the RPS recognises that in some situations housing developments can be appropriately constrained by qualifying matters. WIAL requests that Policy UD.3 be amended to include a new clause as follows, **'avoids adverse reverse sensitivity effects on the operation and safety of regionally significant infrastructure.'**
447. Investore [S154.010] and Stride [S155.012] submit in opposition, considering that Policy UD.3 as notified will not give effect to the NPS-UD. Both submitters seek that Policy UD.3 is amended to recognise that intensification should be focused around major centres and rapid transit nodes to support the efficient use of infrastructure and create well-functioning and sustainable urban environments.
448. Ātiawa [S131.0104], supported by Ngā Hapū [FS29.219], opposes in part and expresses concern that responsiveness planning conflicts with the principles of a well-functioning urban environment, particularly regarding coordinating and planning for development and supporting infrastructure. Ātiawa also seeks that mana whenua values are recognised and provided for and seeks the addition of a new clause as follows, **'the proposal shall recognise and provide for mana whenua values, including their culture, ancestral lands, water, sites, wāhi tapu and other taonga.'**
449. Ngāti Toa [S170.092] opposes in part and considers that the responsive planning section of Policy UD.3 makes no explicit mention of stormwater or three waters; Ngāti Toa further considers that clause (d) refers to required development infrastructure being provided effectively and efficiently, but that this does not definitively state that this infrastructure must be provided effectively or efficiently for a proposal to go ahead. This submission does not include any relief sought.
450. UHCC [S34.095] submits in opposition and seeks amendment to the chapeau to reflect that Policy UD.3 relates to urban development outside of existing urban areas as follows. KCDC [S16.082], supported by Peka Peka Farm [FS25.003], specifically opposes clause (a)(iii), considering that it goes beyond both the NPS-UD and RMA requirements by preventing city and district councils from applying urban zones other than those where the medium density residential standards would be applied. KCDC considers that it is not the role of the RPS to determine where significant development capacity could be realised through other zoning (such as mixed-use/centre) and considers that neither the RMA nor the NPS-UD give regional councils the power to direct district plan content to specific zone levels. As such, KCDC seeks deletion of clause (a)(iii).
451. PCC [S30.077], supported by Peka Peka Farm [FS25.110] opposes Policy UD.3 for a variety of reasons. PCC considers that it is unclear when Policy UD.3 would apply, and that policy guidance is needed to determine when a plan change area is considered to be 'well-connected to the existing or planned urban area'. PCC considers that it is inappropriate to limit zoning to high or medium density residential, as appropriate zoning will be determined by a range of factors to a specific location. PCC requests that Policy UD.3 be amended to provide clear and appropriate direction to plan users, or reworded as follows:

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

When considering a change of a district plan for a **an unanticipated or out of sequence development** in accordance with clause (d) of Policy 55, particular regard shall be given to whether **the following criteria is met:**

...

(b) the proposal makes a **significant** contribution to **providing significant development capacity** meeting a need identified in the latest Housing and Business Development Capacity Assessment, or a shortage identified in monitoring for:'

452. In several submissions, GWRC seeks amendments to Policy UD.3 to reduce duplication and improve readability, consistency, and clarity, which are all supported by WCC [FS13.029, FS13.030, FS13.031, FS13.032, FS13.032, FS13.034, FS137.053, FS13.036]. GWRC [S137.048] seeks that the title of Policy UD.3 be amended as follows, 'Responsive planning to **unanticipated or out-of-sequence** developments that provide for significant development capacity', and for the chapeau to be amended as follows, 'When considering a change of a district plan for a development, **to determine whether it provides significant development capacity** in accordance with clause (d) of Policy 55, particular regard shall be given to whether **all of the following criteria-is are met'** [S137.054]. To ensure consistency with Policy 31, GWRC [S137.049] requests that clause (a)(i) include, 'improving' to read 'contributes to establishing, **improving**, or maintaining...'. GWRC [S137.050] seeks amendment to clause (c)(ii) to read as follows: '(ii) **is likely to will** be realised in a timely (i.e., rapid) manner, **and earlier than the anticipated urban development'**'. GWRC [S137.051] seeks deletion of clause (c)(iii) and minor amendments to clause (c)(iv). GWRC [S137.053] seeks to add 'the' to the start of clause (d), and to add the following to the explanation, '**Well-functioning urban environments, as referred to in this policy and articulated in Objective 22, apply to all urban areas in the Wellington Region'** [S137.036].

4.9.2 Analysis

Role, location and application of Policy UD.3

453. In addressing submissions on Policy UD.3 I have also considered PCC's submission point seeking regulatory certainty [S30.020], and UHCC's submission point seeking a planning review to be undertaken [S34.0116]. Policies 55 and UD.3 together give effect to the responsive planning requirements of the NPS-UD. Under NPS-UD clause 3.8, local authorities must have particular regard to the development capacity offered by a plan change, even if it is out-of-sequence or unanticipated, if it:

- would contribute to a well-functioning urban environment, and
- is well-connected to along transport corridors, and
- adds significantly to development capacity according to criteria to be included in the RPS.

454. The responsive planning pathway must be provided to all plan changes, regardless of whether they are out-of-sequence or unanticipated developments, which are those that have been brought forward from the anticipated land release sequence or were otherwise not anticipated to occur by an RMA planning document. This means that if the plan change meets the criteria in Policy UD.3, the development capacity it would enable must be had 'particular regard to' according to the NPS-UD.

455. As sought by PCC [S30.020], I have generally considered whether the clarity and certainty of Policy UD.3 could be improved. I agree it can and I have therefore recommended amendments to the policy wording to improve clarity and certainty, particularly to clarify the relationship between Policy 55 and UD.3.

456. In response to the concern by Ātiawa [S131.0104] that responsive planning conflicts with the principles of a well-functioning urban environment and in particular the need to coordinate and plan supporting infrastructure, I agree that developments, particularly those that are unanticipated, can potentially adversely affect a number of aspects of well-functioning urban environments. However, the RPS is required to provide for responsive planning by the NPS-UD via Objective 6 and clause 3.8 of the NPS-UD. Policy UD.3 generally sets a high bar for a plan change to add significantly to development capacity. To be considered, a proposal must demonstrate that it would contribute positively to the broader area and mitigate potential adverse effects from its unanticipated nature, including on infrastructure. I consider that Policy UD.3 clause (d) provides strong direction regarding infrastructure, which is also supported by direction from Policy 58 seeking coordination of infrastructure with land use.

457. In response to the request by Kāinga Ora that Policy UD.3 is relocated to Chapter 4.1, I recommend rejecting this relief as I consider that Chapter 4.2 is the most appropriate location for this policy to give effect to the NPS-UD. Chapter 4.1 provides direction to district and regional plans to specify objectives, policies, methods and/or rules that are to be included. Policy UD.3 contains criteria for assessing whether a plan change adds significantly to development capacity or not; it does not specify provisions to be added to district or regional plans. In my view it would be clunky and inefficient to require district plans to insert provisions duplicating the criteria for adding significantly to development capacity, and having the criteria in multiple plans could risk inconsistency. Section 3.8 also clearly states that an RPS must contain the criteria for significant development capacity. A consideration policy in Chapter 4.2 is therefore most appropriate as one consistent place that can be referred to for all relevant plan changes to inform the assessment.

458. In response to Muaūpoko's submission seeking recognition of their connections to Te Whanganui-a-Tara, Policy UD.3 does not discuss specific mana whenua or iwi authorities. This relief is therefore not relevant to this provision and I recommend rejecting the relief sought. Regarding the further submission by Ātiawa and the mana whenua status of Muaūpoko, I refer to Ms Sarah Jenkin's Section 42A Report, 'General Submissions' in Hearing Stream 1, which addressed Muaūpoko's submission in the context of Change 1 in paragraphs 114 to 122. Based on Ms Jenkin's report, I do not consider this is a matter for me to make a recommendation on so I make no recommendation.

Chapeau, title and explanation

459. PCC [S30.077] seeks that the title of Policy UD.3 is amended to refer to plan changes rather than developments. They also seek that the chapeau is amended to be clearer that it applies to unanticipated or out-of-sequence developments. GWRC seek similar relief. I agree that the title should be amended for clarity and recommend that the title of Policy UD.3 is amended to clearly relate to plan changes only. However, I note that although clause 3.8 clearly applies to unanticipated or out-of-sequence developments, to be consistent with NPS-UD Policy 8 I recommend that the title refers to 'plan changes' in general as opposed to 'unanticipated or out-of-sequence plan changes'.

460. I refer to Mr Jerome Wyeth's Section 42A Report on 'Overarching Issues and Objective, Integrated Management' in Hearing Stream 2³⁷. He recommends the chapter introduction for Chapter 4.2 is amended to make it clear that consideration policies must be given effect to by district plans and had regard to by resource consent applications. Mr Wyeth therefore recommends that 'have particular regard to' can be removed from the chapeau of consideration policies. I agree with this approach and therefore recommend that the reference to 'having particular regard' is removed from the chapeau of Policy UD.3, as it assists with making the purpose of the policy clearer.

461. In response to submissions from GWRC, PCC and UHCC which seek amendments to the chapeau and to make the purpose and application of the policy clearer, I recommend that the Policy UD.3 chapeau is amended to make it clear that the criteria must be met to be considered as adding significantly to development capacity. I also recommend that it is clear that responsive planning does not apply to local authorities that are not tier 1, 2 or 3 under the NPS-UD in response to SWDC's concerns raised in relation to Objective 22 [S79.016]. These amendments, in my view, make the relationship to clause 3.8 and Policy 8 of the NPS-UD clear and use consistent language. In response to PCC seeking that reference to criteria being met is removed from the chapeau, I consider this language usefully links to clause 3.8 which refers to criteria, and that removing it may make the purpose of the policy (to define criteria for significant development capacity) less clear.

Future Development Strategy

462. Kāinga ora requests a new clause which seeks consideration of whether, '**The development is not inconsistent with the Council's strategic outcomes as set out in any Future Development Strategy, or development framework / strategy that describes where and how future urban development should occur, should the Future Development Strategy not yet be released. This includes the prioritisation of intensification of existing urban areas**'. Out-of-sequence or unanticipated developments are, in their nature, unlikely to be consistent with an FDS in terms of the location of development. I agree with Kāinga Ora that such a development can and should still be consistent with the strategic priorities, principles and objectives of an FDS despite being unanticipated or out-of-sequence. However, this direction is already provided for through Policy 55 clause (b) which applies to all greenfield developments. I consider it is unnecessary to duplicate this direction in Policy UD.3, and I note that an FDS may also signal a preference for intensification in urban areas over greenfield development and thereby achieve the relief sought.

Mana whenua / tangata whenua values

463. In response to Ātiawa seeking mana whenua values are recognised and provided for by Policy UD.3, this relief has been specifically addressed in amendments to Policy UD.5 which applies to all urban development. Policy 55 also applies to all greenfield development and requires mana whenua / tangata whenua values to be provided for. I therefore consider an addition to Policy UD.3 is not necessary.

New clause on intensification

464. Kāinga Ora and Waka Kotahi both seek that unanticipated or out-of-sequence plan changes must prioritise intensification over greenfield development. Waka Kotahi, supported by Kāinga Ora, seeks strong direction through the policy wording, to clarify that responsive planning pathways should only apply when intensification is not available. KCDC [S16.040] seeks a new clause in Policy

³⁷ Section 42A report of Mr Jerome Wyeth for Hearing Stream 2, dated 16 June 2023, paragraphs 145-149, <https://www.gw.govt.nz/assets/Documents/2023/06/S42A-Report-Integrated-Management-16.06.23.pdf>

55 for greenfield development being that it responds to housing need in the relevant area, with a reference to the most recent HBA. KCDC requests that it should also consider the intensification enabled by the MDRS. I agree with this intent and consider it is consistent with Objective 22, however it is complex to require applicants to demonstrate prioritisation of intensification through consideration policies. A developer is likely to have purchased the land already at the stage of a plan change application, and so may be unlikely to consider, or be able to access, alternative options. The act of prioritisation is better directed to a plan or strategy than an individual plan change in my view.

465. Despite this challenge, Policy UD.3 is a unique consideration policy in that it only applies to district plan changes. A section 32 evaluation demonstrating consideration of practicable alternative options must be undertaken as part of a plan change application, including evaluation of why the proposal represents the most efficient and effective option. I therefore consider it is possible for a plan change being assessed under Policy UD.3 to demonstrate consideration of whether there were alternative options for meeting housing and business demand through intensification, including having regard to the existing development capacity available via intensification. Given the extent of development capacity that has been enabled by most district plans in the Wellington Region, I consider it is relevant and appropriate for an unanticipated or out-of-sequence plan change to clearly justify why additional urban land is necessary at that point in time, in order to add significantly to development capacity.

466. Because Policy UD.3 applies only to plan changes and not to resource consent applications, I consider this is an appropriate addition to Policy UD.3 in response to submissions. I consider this direction should be in a new clause rather than in the title or in relation to the FDS, as sought by Waka Kotahi and Kāinga Ora. I therefore recommend a new clause (e); 'the proposal justifies the need for additional urban-zoned land as the most appropriate option to meet housing and business demand, including consideration of existing development capacity enabled within the urban area'. This partially addresses the relief sought by the submitters because an applicant must demonstrate there is a need for additional urban-zoned land as part of their application and thereby have considered other options to meet housing and business demand through intensification. However, I also address the relief sought, as well as the submissions by Stride and Investore, through the new Policy UD.4 discussed in section 4.11.

New clause on well-functioning urban and rural areas

467. WIAL and Kiwirail seek that a new clause is added to Policy UD.3 regarding RSI. Kiwirail seeks that unanticipated or out-of-sequence urban development broadly prevents land use conflicts while WIAL seeks specific protection of the operation and safety of regionally significant infrastructure. I have addressed this relief in my recommended new consideration policy, Policy UD.5, which articulates well-functioning urban areas and applies to all urban development. This contains a clause seeking that RSI is protected from reverse sensitivity impacts. However, I recognise that land use conflicts and reverse sensitivity are a particular concern with unanticipated and out-of-sequence development and therefore, particularly relevant to Policy UD.3. I also acknowledge that uncoordinated development can have particularly adverse effects, including cumulative effects, on the broader function of urban and rural areas, including on mana whenua / tangata whenua values and identity, health and wellbeing of freshwater ecosystems, primary productive capability, transport accessibility, infrastructure operation and maintenance, and the delivery of urban development in a planned and sequenced manner. This impact is recognised by regionally significant issue 2 in Chapter 3.9.

468.I therefore recommend that a new clause (f) is added to Policy UD.3 as follows, 'the 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 land use conflicts and impacts on the feasibility, affordability, or deliverability of anticipated urban development.'

469.I am recommending that this new clause refers to mitigating the impacts on the ability for urban and rural areas to function well broadly, to be consistent with the new chapeau of Objective 22 to achieve 'well-functioning urban and rural areas'. The reference to managing adverse effects on the feasibility, affordability, or deliverability of anticipated urban development recognises that delivering urban development in a planned, strategic, and coordinated way is a key characteristic of well-functioning urban areas. Unanticipated development impacting the delivery of anticipated development would be undermining the ability of urban areas to provide for development capacity in a coordinated way. I consider that this addresses in part the relief sought by Kāinga Ora to mitigate impacts of unanticipated development on the competitive operation of land and development markets.

Clause (a)

470.Policy UD.3 clause (a) attempts to apply all three tests from NPS-UD clause 3.8 on responsive planning (well-functioning urban environments (a), well-connected (b), and meeting the significant development capacity criteria (c)). In my view this unnecessarily duplicates Policy 55, which already contains the tests for providing for well-functioning urban environments and being well-connected to existing and planned urban areas. Policy UD.3 (a)(i) just refers to Policy 55 and Objective 22. Policy UD.3 (a)(ii) duplicates Policy 55 (a)(i) and adds no additional direction.

471.For maximum clarity I consider that Policy UD.3 should only contain the criteria for determining whether a plan change adds significantly to development capacity, and Policy 55 should apply tests (a) and (b), which in my opinion appropriately apply to all greenfield development. I note that Peka Peka Farm, Summerset and RVANZ oppose the reference to Policy 55 in Policy UD.3 clause (a)(i), as they do not support the content of Policy 55, while other submitters such as Kāinga Ora and Forest and Bird are in support of it.

472.I note that the responsive planning pathway must apply to plan changes for both greenfield and brownfield development (intensification). There is no equivalent to Policy 55 for brownfield development which could provide an equivalent reference to Policy UD.3 for unanticipated or out-of-sequence brownfield development. I considered whether a new consideration policy, equivalent to Policy 55, should be recommended to provide this responsive planning pathway for brownfield development plan changes. An out-of-sequence or unanticipated plan change within existing urban areas would involve a plan change to increase density/building heights further than the existing district plan provided for. I do not expect there to be many such instances over the next few years, particularly at a scale likely to meet the threshold for significant development capacity, given the level of development capacity now enabled by most district plans in the region. I therefore do not consider a new policy to be necessary. In my view, such situations should also generally have an easier pathway than the equivalent for greenfield development to be consistent with national direction and achieve a compact regional form.

473.I recommend that clauses (a)(i) and (a)(ii) are deleted from Policy UD.3, and that these two tests from NPS-UD clause 3.8 are contained in Policy 55 only. I therefore recommend accepting this part of the relief sought by Peka Peka Farm, Summerset and RVANZ. Policy UD.3's scope is now focussed on the criteria for adding significantly to development capacity only, which I consider to be clearer for plan users. In the unlikely situation that an out-of-sequence or unanticipated brownfield

development needs to be assessed for whether it adds significantly to development capacity, the direction for well-functioning urban environments (test (a)) would apply through the new Policy UD.5 on well-functioning urban areas, test (b) is not relevant, and test (c) would be applied through Policy UD.3. For greenfield development, Policy 55 will need to be considered so a reference is unnecessary. I have added this interaction to the explanation of the policy for clarity.

474. Kāinga Ora seeks that clause (a)(ii) is amended to also include access to existing or future rapid transit stops. PCC also submits that policy guidance is needed to help determine when a plan change area is considered to be 'well-connected' to the existing or planned urban area. I have considered these two submissions alongside submissions on the identical Policy 55 clause (a)(i) in section 4.10; given I am proposing to delete clause (a)(ii) from Policy UD.3. In response to Forest and Bird's submission on the reference to Policy 55 clause (a)(ii) being strengthened, I note that this submission is no longer relevant as I am proposing to remove this reference from Policy UD.3. However, all of Policy 55 applies to all greenfield developments anyway so the direction in Policy 55(a)(ii) applies, and the chapeau of Policy 55 has been amended which may address the submitter's concerns regarding policy strength. I therefore recommend rejecting this submission in part.

475. Kāinga Ora also seeks addition of reference to providing for resilience to climate change and supporting reductions in greenhouse gas emissions, which come from the definition of well-functioning urban environments in NPS-UD Policy 1. While I do not disagree with this direction, this is already provided for through the new Policy UD.5 on well-functioning urban areas, and Policy 55 for all greenfield developments. I have also added a new clause (f) to Policy UD.3 (discussed above) which refers to mitigating impacts on the functioning of urban and rural areas. It is therefore unnecessary to duplicate climate resilience and mitigation direction in Policy UD.3 so I recommend rejecting this part of their relief.

476. KCDC, Peka Peka Farm, Summerset and RVANZ, oppose the wording of clause (a)(iii) and seek its deletion. HCC and WCC seek amendments to be less focused on residential development. I consider the intent of this clause is to signal that development which adds significantly to development capacity should be providing a sufficient level of density, which I agree with. I consider the clause should therefore be retained. I agree with submitters that the wording may be too directive and focused on residential zones, which does not recognise the fact that many centres zones also provide for housing. NPS-UD Policy 3 is also about intensification generally rather than housing only. I therefore agree with KCDC, Peka Peka Farm, Summerset and RVANZ that the reference to zones is too specific for the intent of the policy, and should be removed.

477. However, I consider that reference to medium and high density development should be retained in Policy UD.3 for the reasons above. I have amended these definitions in a way that may address the primary concerns that WCC, HCC and KCDC have with the wording of this clause; they are now less directive and focused on residential zoning. Policy UD.3 applies only to territorial authorities containing an urban environment, which I have clarified in the chapeau. Given the direction of the NPS-UD and MDRS, I consider it is useful to signal an expectation that, if a proposal provides for housing, this should be sufficiently dense to add significantly to development capacity and achieve a compact regional form. Specifying housing means that industrial or commercial developments, for example, are excluded from this clause. I therefore recommend accepting in part the relief sought by HCC and recommend that clause (a)(iii) in Policy UD.3 is amended to, 'where it provides for housing, the proposal will apply a relevant residential zone or other urban zone that provides for high density development or medium density residential development.' I consider the relief sought

by WCC is too directive and excludes relevant residential zones entirely, however consider that the amendments should address their concerns in part.

Clause (b)

478. Clause (b) is a core part of Policy UD.3 in that it assesses the extent to which a proposal responds to identified need for housing and business demand, including for different types, sizes or formats of housing, business space or community, cultural, health, or educational facilities. Most submitters did not raise concerns about the wording of this clause. I consider that clause (b) contains key direction for Policy UD.3 and would make most sense to flow straight out of the chapeau. I therefore recommend to move it to be clause (a) of the policy to support readability, regulatory certainty and to assist with plan implementation.

479. I think there has been an error with formatting in the notified version of Policy UD.3. Clause (b)(iv) on contributing to housing affordability has been included in the list, however it does not relate to monitoring and does not make sense with the chapeau, reading as, '..., or a shortage identified in monitoring for: ... the proposal contributes to housing affordability through a general increase in supply or through providing non-market housing.' I therefore consider that clause (b)(iv) should be a new clause separate to the rest of clause (b). For consistency with amendments to Objective 22 to strengthen reference to housing choice, I also consider that contributing to housing choice should also be added to clause (b)(iv) alongside housing affordability. Because clause (a)(iii) discussed above and clause (b)(iv) as notified both apply to housing, I recommend combining them into a new clause (b) to improve the policy's structure.

480. HCC and WCC seek minor amendments to clause (d) to provide for the possibility of applicants undertaking their own monitoring of shortages if there are limitations with monitoring. PCC seeks amendment to state, 'the proposal makes a ~~significant~~ contribution to **providing significant development capacity**...'. Kāinga Ora seeks that the policy wording is strengthened by replacing it with, '**the development would add significantly to meeting a demonstrated need or shortfall for housing or business floor space, as 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', and for the reference to a variety of homes in clause (b)(i) to reflect the wording in NPS-UD Policy 1(a).

481. I agree with some of the relief sought by WCC and HCC. I agree that applicants should be able to undertake monitoring through other means in the event that there may be a shortfall. However I do not agree that reference to monitoring should be removed entirely as sought by WCC, and instead recommend, 'shortage identified ~~through-in~~ monitoring or otherwise for'. WCC and HCC seek that the reference to 'the regional or district shortage' is replaced with 'a regional or district shortage'. I do not agree with this relief as I consider this makes the test too broad. Ideally all applicants should be referring to the same demonstrated housing and business shortages in the HBA in the first instance, so that there is a consistent, reliable reference point which will be reviewed and updated every 3 years. The amendment sought by HCC and WCC could mean an applicant could refer to any potential source demonstrating any shortage from any time, rather than the agreed upon and regularly reviewed regional or district shortage. In my view this is necessary to achieve Objective 7 of the NPS-UD, for information informing planning decisions to be robust and frequently updated.

482. I do not agree with most of the relief sought by Kāinga Ora on this clause. I consider their amendments to the policy wording do not change the outcome or clarity of the policy meaningfully. I also do not consider that clause (b) needs to align with the wording in NPS-UD

Policy 1. The test for whether a proposal contributes to a well-functioning urban environment is applied to all urban development via the new Policy UD.5. In the context of adding significantly to development capacity, I do not consider it is necessary to duplicate this direction, but rather to focus on meeting regional, district or local shortages in housing variety. I therefore consider that the notified wording is appropriate and achieves the intent of the policy.

483. Similarly, the relief sought by PCC to clause (b) does not assist with clarity or certainty in my opinion, and rather weakens the policy. A proposal should not make any contribution to providing significant development capacity, it should significantly contribute to development capacity. In my view the intent of NPS-UD clause 3.8 is clear that a plan change must make a significant contribution in and of itself, for responsive planning to apply. The relief sought by PCC therefore would not achieve this intent, so I have recommended rejecting it. I do not agree with WCC and HCC that the 'and' after clause (b)(iii) should be amended to 'or' so that clause (iv) is optional. Given the use of 'and' at the end of clause (b)(iii) the intent is clearly that the contribution to housing affordability applies to all proposals and is not optional.

Clause (c)

484. Clause (c) elaborates what a 'significant contribution', as referred to in clause (b), means. As I understand it, the clause intends to ensure that applicants can demonstrate that:

- The proposal provides a large amount development capacity - clause (i)
- There are means to realise the development immediately – clause (ii)
- There is actual demand for the kind of development being proposed in that location – clause (iii)
- There is demand for that kind of development being proposed now – clause (iv)

485. Peka Peka Farm, Summerset, RVANZ, Kāinga Ora, HCC and WCC oppose clause (c)(iv) and seek that it is deleted or clarified. I agree with these submitters as I do not think it is clear or certain enough. 'Facilitating a district-wide uptake' is unclear and possibly suggests a development needs to demonstrate it will influence more development in the future, which I consider to be onerous and too uncertain for a single proposal. I understand that the intent of this clause was more focused on the 'short-medium term' aspect; that the development is responding to actual demand that is required now, which relates mostly to out-of-sequence developments where a development is being brought forward relative to the planned land release. I do not consider this intent to be clear in the notified wording. I therefore recommend accepting the submissions seeking the deletion of clause (c)(iv) and rejecting the amendments sought by GWRC.

486. Kāinga Ora seeks amendment to replace clauses (ii)-(iv) with, 'ii. will likely be realised in a manner earlier than the anticipated land release sequence' and 'iii. supports, and limits as much as possible adverse impacts on, the competitive operation of land and development markets'. I agree with the requested relief to delete clauses (iii) and (iv). GWRC also seek that clause (c)(iii) is deleted. I do not consider that 'is likely to be taken up' adds anything additional to saying, 'will be realised in timely matter', and clause (iii) is therefore redundant. I have already discussed clause (iv) and that it isn't particularly clear. To better achieve the policy intent as I understand it (discussed in paragraph 484, I recommend clauses (iii) and (iv) are replaced with, '**responds to demonstrated demand for the short-medium term in that particular location.**'

487. I also agree with Kāinga Ora's requested amendments to clause (ii), which is consistent with relief sought by GWRC, which is, '**(ii) is likely to will be realised in a timely (i.e., rapid) manner, and earlier**

than the anticipated urban development'. It is reasonable in my view to expect that an out-of-sequence or unanticipated development should be realised faster than anticipated urban development, for it to be considered to add significantly to development capacity. It is appropriate to signal that anticipated urban development that can be delivered faster than the unanticipated development, should be prioritised. In response to the second clause requested by Kāinga Ora, which is a reference to NPS-UD Policy 1, again I do not consider a direct reference to the language of NPS-UD Policy 1 is necessary. Well-functioning urban environments are already referred to in the new Policy UD.5 and this does not need to be duplicated. I also do not consider that the relief sought makes sense in the context of Policy UD.3 and what this clause is trying to achieve, and recommend rejecting this addition.

Clause (d)

488. Clause (d) seeks that the feasibility of planned development is not affected by unanticipated development consuming available existing or planned infrastructure capacity. I mostly agree with the relief sought by WCC and HCC and recommend accepting their wording in part, as it improves clarity and readability of the clause. I consider that 'taking into account', as WCC and HCC request, is too weak given the importance of the clause and the significance of infrastructure capacity issues in the Wellington Region. In my opinion requiring there to be no material impact on existing capacity, as notified, is stronger and clearer direction. Clause (d) is focused on capacity provided by existing or future infrastructure, so stating that impacts on infrastructure capacity should be mitigated achieves the same intent as the notified wording, but is clearer.

489. I therefore recommend accepting in part the relief by WCC and HCC and recommend the following amendment; '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, likely to be realised developments, in the short-medium term'.

490. Ngāti Toa submits on clause (d) questioning its strength and notes that three waters and stormwater infrastructure are not mentioned explicitly. I consider that the direction to infrastructure through clause (d) is sufficiently strong as notified; it requires that development infrastructure can be provided efficiently and effectively, and that it will not impact infrastructure capacity for other anticipated urban development. I do not consider that it is necessary for clause (d) to mention three waters infrastructure specifically; development infrastructure is defined in the NPS-UD as including network infrastructure for water supply, wastewater or stormwater. However, in response to this submission I have recommended an addition to the explanation of Policy UD.3 to explain that three waters infrastructure is included as part of development infrastructure.

491. I note that Peka Peka Farm [S118.017], Summerset [S119.006] and RVANZ [S120.006] have raised concerns about whether Policy UD.3 is consistent with Policies 58 and 57. They specifically question whether direction to coordinate development with infrastructure and transport is consistent with the responsive planning requirements. I will briefly respond to these concerns although this has also been addressed by Mr Jeffrey with regard to Policy 57 in section 5.5 and Policy 58 in section 5.6. Objective 6 of the NPS-UD directs that planning decisions are to be integrated with infrastructure, strategic over the short and medium term, and responsive. All three aspects must be achieved by planning decisions. Responsive planning therefore does not have precedence over planning decisions being integrated with infrastructure and strategic land use planning, so there is no inconsistency in my opinion.

4.9.3 Recommendations

492.I recommend that Policy UD.3 is amended as shown in **Appendix 1**.

493.Accordingly, I recommend that submissions and further submissions are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

4.9.4 Section 32AA Evaluation

494.In accordance with RMA section 32AA I consider the amendments to Policy UD.3 are the most appropriate for the following reasons:

- The amendments are consistent with clause 3.8 and Objective 6 of the NPS-UD, which will support the RPS to meet the requirements of section 61 of the RMA.
- The amendments improve the clarity and certainty of Policy UD.3 regarding its intent and application. They also address unnecessary duplication with Policy 55 and focus the scope of Policy UD.3. This will assist plan users with effective and efficient implementation, and thereby contribute to achieving the outcome sought for responsive planning and reduce costs associated with implementation.
- The addition of a clause on well-functioning urban and rural areas, which includes minimising land use conflicts and impacts on anticipated development, will better achieve the RPS and RMA objectives seeking reverse sensitivity effects to be mitigated, and better achieve Objective 6 of the NPS-UD. It will also improve the policy cascade between Policy UD.3, Objective 22 and regionally significant issue 2 on sporadic, uncoordinated development and issue B on inappropriate development. Objective 22 which as amended seeks well-functioning urban and rural areas and a strategic approach to providing for development.
- The addition of a clause on justifying the need for additional urban land will better contribute to achieving a compact regional form and better address the regionally significant issues for Chapter 3.9, particularly on issue 1 on poor quality urban design, and issue 2 on sporadic, uncoordinated development.
- While there may be some additional costs associated with implementation through the addition of two new clauses, the social and environmental benefits of better management of sporadic, uncoordinated development outweighs the costs in my view. Improving the links to Objective 22 and the regionally significant issues will increase the likelihood that Policy UD.3 is effectively implemented to achieve the desired outcomes, and will improve costs associated with implementation. I also note that the amendments to streamline Policy UD.3 may offset some of the additional costs associated with a longer policy. I consider the proposals are efficient and effective ways to clarify the policy intent and mitigate risks associated with uncertainty under the notified drafting.

4.10 Policy 55 - Greenfield development (Mika Zöllner)

495.Policy 55 is a consideration policy that provides direction to urban development beyond existing urban areas, which is defined as all residential, commercial and industrial zones.

4.10.1 Matters raised by submitters

496. There are 34 original and 24 further submissions on Policy 55 seeking relief across a range of matters. CDC [S25.041], HCC [S115.075], KiwiRail [S124.009] supported by Waka Kotahi [FS3.043], WCC [S140.076], Transpower [S10.005], and Taranaki Whānui [S167.0117] request that Policy 55 be retained as notified or seek no amendment.

497. The Mansells [S125.004, S125.007] submit in support and seek amendments to the explanation as follows for consistency with clause (b); '...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, or any local strategic growth and/or development framework or strategy that describes where or how future urban development should occur in a District.'

498. KCDC [S16.040] supports the intent of Policy 55 but expresses concerns about inconsistency in wording (consideration versus having particular regard), conflicts with proposed changes to Policy 29, reverse sensitivity effects, stronger direction promoting intensification, the inclusion of the WRGF, preparation of structure plans, and the exclusion of reference to natural wetlands and the NZCPS requirements. KCDC's submission is supported in part by HortNZ [FS28.070] for consideration of reverse sensitivity effects, opposed in part by Peka Peka Farm [FS25.002] regarding KCDC's submission on clause (d); and opposed by the Mansells [FS18.004]. KCDC seeks that Policy 55 be amended as follows:

Policy 55: Providing for appropriate urban expansion - ~~consideration~~

When considering an application for ~~a resource consent or a plan~~ change, ~~variation or review of a district plan~~ for urban development beyond the region's urban areas (as at August 2022) **that would provide for significant development capacity, that is not otherwise enabled in the district plan or is not in sequence with planned land release**, particular regard shall be given to whether:

(a) the proposed urban development 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 and infrastructure, particularly if it is located along existing or planned transport corridors;
- ii) the location, design and layout of the proposed development ~~shall apply~~ incorporates the specific management or protection for values or resources identified by this RPS, including:
 - a) Avoiding inappropriate subdivision, use and development in areas at risk from significant natural hazards and the mitigation of other natural hazards ~~as required by Policy 29;~~
 - b) Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values as identified by Policy 23;
 - c) Protecting outstanding natural features and landscape values as identified by Policy 25;
 - d) Protecting historic heritage values as identified by Policy 22;
 - e) Integrating Te Mana o Te Wai consistent with Policy 42;
 - f) Providing for climate resilience and ~~supporting a low or zero carbon~~ contributing towards an efficient transport network ~~consistent with Policies CC.1, CC.4, CC.10 and CC.17;~~
 - g) Recognising and providing for values of significance to mana whenua/~~tangata whenua;~~
 - h) Protecting Regionally Significant Infrastructure as identified by Policy 8; and

(b) the **proposed** urban development is consistent with ~~any a published~~ Future Development Strategy, or the city or district Council's ~~regional or local strategic~~ growth strategy or plan and/or development framework or strategy that describes where and how future urban development should occur in that district or region, should ~~the a~~ Future Development Strategy be yet to be ~~released published~~; and

(c) a structure plan has been prepared ~~in consultation with the relevant city or district council, or by the relevant city or district council in consultation with the regional council, iwi and other relevant stakeholders; 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.~~

(d) The proposed development will provide housing in a part of the city or district that is identified in the latest Housing and Business Capacity Assessment as having a shortfall in plan-enabled housing capacity; and

(e) The proposed development will not result in reverse sensitivity effects on lawfully established activities or activities provided for in the district plan on adjacent land.

Delete explanation.

499. In similar submissions, RVANZ [S120.004], Summerset [S119.004] and Peka Peka Farm [S118.015] support in part but note that the amendments to add to the definition of a well-functioning urban environment are unnecessary, particularly matter (a)(ii) which unnecessarily cross-references to other topic areas. All three submitters seek that clauses (a)(i) and (a)(ii) are deleted.

500. Transpower [S10.005], supported by Meridian [FS256.084], support the inclusion of clause (a)(ii)(8) to protect RSI from reverse sensitivity effects and request that this clause be retained. WIAL [S148.051] submits opposing Policy 55 in part, supported by Transpower [FS23.011], Fuel Companies [FS10.027], Powerco [FS24.023], Waka Kotahi [FS3.045] and Meridian [FS26.065], and seeks an amendment to strengthen protections for RSI by adding: **'Avoids adverse reverse sensitivity effects on the operation and safety of regionally significant infrastructure.'**

501. EQC [S132.010] submits in support of Policy 55 but seeks that the policy is strengthened; EQC requests amendments to require urban development and intensification to be zoned outside of areas at high risk of natural hazards, as well as areas that will become high risk due to the impacts of climate change. EQC notes that guidance on high risk of natural hazards should be provided, as with Policy 29.

502. Waka Kotahi [S144.030], supported by Kāinga Ora [FS12.022], supports Policy 55 in part, particularly the integration of land use and transport infrastructure to achieve good environmental outcomes. Waka Kotahi supports urban expansion where it is anticipated, however, Waka Kotahi seeks amendment to clarify that intensification of existing urban areas should be prioritised first. They note that unanticipated or out-of-sequence development can result in the inefficient use of, and adverse effects on, infrastructure.

503. Sustainable Wairarapa [S144.00] submits in partial support of Policy 55 but notes their concern that the use of 'expansion' implies sprawling growth. As such, Sustainable Wairarapa seek the following amendments: change 'appropriate' to 'well-functioning', and 'expansion' to 'growth'. Similarly, NZCSC [S151.017] opposes in part and expresses concern that Policy 55 is facilitating a move away from maintaining a compact and sustainable regional form due to the wording allowing for 'appropriate urban expansion'. NZCSC consider that Policy 55 as notified would exacerbate problems identified in Chapter 3.9 and seek amendment to, 'unequivocally support intensification

within the existing contiguous urban form, supporting the idea of the 15-minute city with a focus on local and active transport, reducing infrastructure costs, and reducing greenhouse gas emissions. NZCSC requests that GWRC not revise Policy 55, but simply retain the current wording in the operative RPS. Based on the submission they appear to particularly be referring to the policy heading when seeking this relief.

504.UHCC [S34.013] submits in partial opposition of Policy 55. They express concerns regarding the application of Policy 55 due to the definition of urban areas different from the definition of 'urban' in the NPS-HPL, which includes settlement zones. UHCC also questions the role of special purpose zones in the urban areas definition. UHCC considers that the meaning of 'appropriate' in the title of Policy 55 is unclear. UHCC notes that Policy 55, alongside other provisions in the proposed RPS Change 1, make it very difficult for greenfield development to proceed. UHCC also cites concerns regarding clause (b) and the unknown nature of a future document such as the Future Development Strategy; clause (c), noting that the development and method of the structure plan is unclear; and clause (d), where UHCC considers that Policy 8 of the NPS-UD has been misinterpreted. Finally, UHCC notes that urban development includes other factors, such as infrastructure delivery and funding through mechanisms such as the Long Term Plan and external funding programmes, and that these are not sufficiently financed and also operate on different funding cycles. UHCC seeks amendment to Policy 55 as follows:

'Policy 55: ~~Providing for appropriate urban expansion~~ Maintaining a compact, well designed and sustainable urban form 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 August 2022), particular regard shall be given to whether: ...

(a) ...

~~(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...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,~~

~~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.~~

~~(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 approved by the wellington regional local authorities; and/or~~

~~(d) any urban development...~~

Explanation

Clause (b) requires consideration... 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 prepared and approved by the **Wellington Region local authorities is currently the Wellington Regional Growth Framework.** ...

Clause (d) requires consideration of any proposals that would add...'

505. Investore [S154.005] and Stride [S155.004] both oppose in part and consider that Policy 55 does not sufficiently recognise NPS-UD direction to intensify around centres and transport nodes.

506. In several submissions, GWRC [S137.034, S137.038, S137.039] seeks minor amendments to Policy 55. GWRC seeks to add the following to the explanation: **'Well-functioning urban environments, as referred to in this policy and articulated in Objective 22, apply to all urban areas in the Wellington Region.'** GWRC also requests that clause (a) be amended for consistency with Policy 31 by adding 'improving', and minor amendments to clause (a)(ii)(1). GWRC [S137.040], supported by WCC [FS13.028] and Waka Kotahi [FS3.044], considers that amendments are required to Policy 55 to improve readability, consistency and clarity, fix references to policy numbers.

507. GWRC also considers that amendments to Policy 55 are necessary to align with the NPS-HPL, particularly Policy 2 of the NPS-HPL which requires that the identification and management of highly productive land is undertaken in an integrated way, considering interactions with freshwater management and urban development. GWRC [S137.047], supported by HortNZ [S137.047], seeks a new definition for highly productive land aligned with the transitional definition in the NPS-HPL. GWRC [S137.042], opposed by Transpower [FS23.007, FS23.0010] and supported by HortNZ [FS28.071], seeks the addition of a new clause (a)(ii)(9) as follows (with an associated sentence in the explanation [S137.043]):

'9. Protecting highly productive land for use in land-based primary production consistent with Policies 56 and 5; and...'

508. HortNZ [S128.048] opposes Policy 55 in part; similar to GWRC, HortNZ calls for amendment to recognise the NPS-HPL. HortNZ request a new clause to be added under (a)(ii)(9) as follows:

'9. Protecting highly productive land from inappropriate subdivision, use, and development.'

509. HortNZ [S128.063] seeks amendment to the Operative RPS definition of 'highly productive agricultural land to align it with the NPS-HPL.

510. Ātiawa [S131.099] supported by Ngā Hapū [FS29.369] notes that Policy 55 as worded does not recognise or provide for section 6 of the RMA, and requests amendment to clause (a)(ii)(7) to recognise and provide for values, sites, and areas of significance and other taonga to mana whenua / tangata whenua. Similarly, Rangitāne [S168.0172] seeks that clause (a)(ii)(7) be expanded in accordance with Section 6 of the RMA, replacing 'values of significance' to recognise and provide for matters in clauses S6(e) and S6(g) of the RMA. Rangitāne also seeks amendments to Policies 55 and 56 for consistency with regard to the matter of Section 6, and to be consistent with regard to urban expansion and rural development, as they are affected by the same matters. Finally, a neutral submission from Ngāti Toa [S170.061] supported by Ngā Hapū [FS29.175] also seeks amendment to clause (a)(ii)(7) to replace 'recognise' with 'provides for'.

511. Winstones [S162.016] considers that Policy 55 as notified does not recognise the importance of protecting regionally significant quarries, minerals, and aggregate as per Policy 60 and Objective 30 of the RPS. This submission is opposed by Forest and Bird [FS7.027] as being outside the requirements of the RMA and opposed by Ātiawa [FS20.284] who consider that extraction from awa (rivers) has historically had adverse effects on both te taiao (the land) and mana whenua

values. The submission is supported by Fulton Hogan [FS11.022]. Winstones seek a new clause to be added under (a)(ii)(9) as follows:

'9. Protecting regionally significant mineral/aggregate resources from inappropriate development.'

512. Forest and Bird [S165.077], opposed by BLNZ [FS30.319], opposes Policy 55 for being poorly drafted, noting an inconsistency in language. Forest and Bird considers that the matters under Policy 55(a)(ii) should be required to be applied, not matters to which 'particular regard' has to be had, and seek amendment to reflect this.

513. PCC [S30.072] submits in opposition to Policy 55. PCC considers that the wording of Policy 55 is not precise enough, provides unnecessary duplication, and does not align with the objectives. In particular, PCC objects to clause (a)(ii) as unnecessarily repeating policies; and to clause (d) which they consider goes beyond the scope of Policy 8 of the NPS-UD as this only applies to plan changes and is also covered in Policy UD.3; PCC suggests including a cross-reference from Policy UD.3 to Policy 55. This submission is supported by Peka Peka Farm [FS25.105] and opposed in part by Meridian [FS26.064] who considers that clause (a)(ii)(8) should be retained. PCC requests further amendments to Policy 55 as follows:

'...

(a)(ii) the location, design and layout of the proposed development shall **achieve the objectives and policies of the RPS 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 urban development is consistent with **any the Wellington Region Future Development Strategy**, or the 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 if the Future Development Strategy has not been notified under section 83 of the Local Government Act 2002 be yet to be released;** and/or

(c) a structure plan has been prepared.; and/or

(d) **Any** The 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.~~

4.10.2 Analysis

514. In addressing submissions on Policy 55 I have considered PCC's submission seeking regulatory certainty [S30.020] and UHCC's submission seeking a planning review to be undertaken [S34.0116].

Purpose and application of Policy 55

515. Policy 55 provides direction to urban development, i.e. any greenfield subdivision, use or development beyond urban areas (the Region's urban-zoned land), as at August 2022. The policy outlines the requirements that must be met by proposed urban development to be considered 'appropriate'. 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. It must also provide for the other matters addressed by the RPS, such as management or protection of values, sites and features, including effectively managing natural hazard risks, providing for climate resilience and giving effect to Te Mana o Te Wai. In response to UHCC's concern that this will make greenfield development difficult to occur, I consider that setting a high bar for what greenfield development should deliver is consistent with national direction and international planning best practice, which I discuss further in section 4.11.

516. As sought by PCC [S30.020], I have generally considered whether the clarity and certainty of Policy 55 could be improved. I agree it can and I have therefore recommended amendments to the policy wording to improve clarity and certainty, particularly to clarify the relationship between Policy 55 and UD.3.

517. UHCC is concerned that Policy 55 will apply in some situations that may not be intended, due to the way that urban areas have been defined to exclude special purpose zones and settlement zones. They state that settlement zones are identified as urban in the NPS-HPL, but are not included in the Change 1 definition of urban areas. I have addressed the relevance of special purpose zones to urban areas with respect to the definition of urban areas in paragraph 685. Policies in Change 1 promote intensification in urban areas. If settlement zones and special purpose zones were included in the definition of urban areas, the policies would be promoting intensification in these areas, which is not the intent of the RPS. It may be appropriate to include some special purpose zones in urban areas, and the definition does not preclude them where appropriate. However, generally, the nature of special purpose zones (for example a Town Belt Zone) makes them inappropriate for development.

518. I also do not consider that settlement zones should be considered within 'urban areas', as this would make development within settlement zones exempt from Policy 55. Settlement zones are also clearly distinct from urban areas in the way they are described by The Standards. They are defined as; 'Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments', and listed as part of the rural zones in Table 4 of The Standards. In response to UHCC's reference to the NPS-HPL referring to settlement zones as urban, I consider it more appropriate to align with the The Standards than the NPS-HPL for the purpose of a definition. It is also my view that the NPS-HPL includes settlement zones as urban zones to ensure that consideration is given to the impacts of

urban zoning on highly productive land. The same outcome is achieved with Policy 55; excluding settlement zones from the urban areas definition means it is captured for consideration under Policy 55.

Chapeau, title and explanation

519.UHCC seeks an amendment to the title of Policy 55 to return to the operative RPS wording, citing that 'appropriate' is unclear in this context and the original wording makes the outcome clearer. Sustainable Wairarapa also considers 'expansion' implies sprawling growth. NZCSC also opposes the amended title of Policy 55. I agree with submitters that the amended heading makes the policy intent unclear and appears to promote greenfield development, which is inconsistent with the wording of the policy itself. I recommend that the title of Policy 55 is amended to reflect the recommended amendments to the chapeau of new Objective 22, which also addresses the submitters' concerns; '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'.

520.I refer to Mr Jerome Wyeth's Section 42A Report 'Overarching Issues and Objective, Integrated Management' for Hearing Stream 2³⁸. He recommends the chapter introduction for Chapter 4.2 is amended to make it clear that consideration policies must be given effect to by district plans and had regard to by resource consent applications. Mr Wyeth therefore recommends that 'have particular regard to' can be removed from the chapeau of consideration policies. I agree with this approach and therefore recommend that the reference to 'having particular regard' is removed from the chapeau of Policy 55. I agree that including this text is redundant and provides confusing direction for plan users regarding the strength of the policies. KCDC and Forest and Bird both submit that 'having particular regard' is inconsistent with the direction to 'consider', and that including both in Policy 55 is unclear. Instead, the chapeau should clearly state the purpose of the policy to inform the consideration of a proposal.

521.In response to PCC's submission seeking greater clarity and regulatory certainty, I recommend that the chapeau states the purpose of the policy more clearly. I therefore recommend that the chapeau is amended to focus on assessing the extent to which an urban development contributes to achieving Objective 22; '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:'.

522.KCDC [S16.040] seeks that the chapeau of Policy 55 is amended to only apply to plan changes for urban development, 'that would provide for significant development capacity, that is not otherwise enabled in the district plan or is not in sequence with planned land release.' I understand that the intent of this amendment is to make the chapeau consistent with NPS-UD Policy 8, because they consider the reference to Policy UD.3 in clause (d) is unclear and should be deleted. However, the effect of the amendment sought, which I do not think is intended based on the submission, is that Policy 55 would only apply to plan changes for out-of-sequence or unanticipated developments, and there would be no policy applying to greenfield development resource consents and plan changes more generally. I do not support this outcome. The Operative

³⁸ Section 42A report of Mr Jerome Wyeth for Hearing Stream 2, dated 16 June 2023, paragraphs 145-149, <https://www.gw.govt.nz/assets/Documents/2023/06/S42A-Report-Integrated-Management-16.06.23.pdf>

RPS has always had Policy 55 which applies to any resource consent, district plan change or district plan review for urban expansion. Even planned and sequenced greenfield development should be required to demonstrate its contribution to a compact, well-designed, resilient, accessible and environmentally responsive regional form. I therefore recommend rejecting this relief, and address KCDC's concern about the clarity of clause (d) in a different manner (see paragraphs 553-556).

523.KCDC [S16.040] seeks that the Policy 55 explanation is deleted entirely as explanations have no legal status and it contains inaccuracies regarding the status of the WRGF. I note that an RPS must contain explanations for policies³⁹, and that the approach taken in this RPS is for each policy to have an explanation to assist plan users. I consider this is a useful approach to providing some further context for the policy direction. I agree with KCDC that a policy should stand without its explanation, which I consider that Policy 55 does, so I recommend rejecting this relief. Clause (a)

524.Clause (a) of Policy 55 as notified sets up the criteria for what is considered to contribute to establishing or maintaining the qualities of a well-functioning urban environment. Given the recommended insertion of a new Policy UD.5, which articulates what it means to contribute to well-functioning urban areas (see section 4.3), I consider the notified structure is no longer necessary. Consequential amendments to the chapeau of Policy 55 have been recommended for consistency with the amendments to Objective 22, such that the policy now considers the extent to which a development contributes to the outcome sought by Objective 22.

525.However, given that the notified Policy 55 referred to well-functioning urban environments, I consider it is appropriate to refer back to Policy UD.5 in Policy 55 to ensure that greenfield developments consider Policy UD.5. This should not create any additional work for applicants because Policy UD.5 already applies, and merely cross-references to make the policy intent clear. Given the changes to the chapeau, I consider clause (a) can be amended as follows:

~~'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'

526.I note that UHCC considers that Policy 55 clause (a) should not contain direction which is intended to apply to out-of-sequence or unanticipated developments through NPS-UD clause 3.8. They consider that doing so does not take account of future planned long-term development and does not allow the council to address capacity issues. I disagree; in my opinion Policy 55 clause (a) reflects NPS-UD direction and also responds to regionally significant issues seeking to prevent dispersed, disconnected growth. I do not support the relief sought by Peka Peka Farm, Summerset and RVANZ to delete all of clause (a) aside from the direction to provide for well-functioning urban environments. An RPS must do more than just give effect to the NPS-UD and promote well-functioning urban environments.

Policy direction on 'well-connected'

527.PCC [S30.077] submits on Policy UD.3 that policy guidance is needed to help determine when a plan change area is considered to be 'well-connected' to the existing or planned urban area. Kāinga Ora seeks that Policy UD.3 clause (a)(ii) is amended to also include access to existing or future rapid

³⁹ Section 62(1)(d) of the Resource Management Act 1991, 'A regional policy statement must state – (d) the policies for those issues and objectives and an explanation of those policies; and'

transit stops. Although these submissions were received on Policy UD.3, I am recommending that clause (a)(ii) of Policy UD.3 is deleted as it duplicates clause (a)(i) of Policy 55, so I have considered them with respect to Policy 55.

528. I agree with PCC that Policy 55 should provide further direction on what is meant by 'well-connected'. The term well-connected comes from the NPS-UD, so I consider it is appropriate for the RPS to clarify what this term means in the Wellington Region. In response to PCC's submission I recommend that clause (a)(i) is expanded to provide more policy direction as follows:

'~~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'

529. This direction has come from various parts of the NPS-UD or RPS. It clarifies the policy intent that greenfield development should in the first instance be at the peri-urban edge, rather than being completely disconnected from existing urban areas, and that it should also be along existing or planned transport corridors, or if not, able to support new transport infrastructure. It is important to note that the Change 1 definition of urban areas includes low density residential zones which may already be poorly connected via transport networks. It therefore isn't sufficient to just be at the peri-urban edge to be considered 'well-connected'. If a development isn't connected via transport networks, it must demonstrate the capacity to be served by new transport services. I have also recommended an addition to the policy's explanation to support plan users to implement the new clause.

530. As a part of these amendments, I also recommend removal of the reference to planned urban areas, as I consider this to be too unclear to be useful. This could promote greenfield development on the edge of a future urban zone, which at that time could still be in a rural area. I consider this would not support well-sequenced development, as sought by Waka Kotahi and other submitters. The scope for this amendment comes from PCC [S30.020] seeking greater regulatory certainty. In response to Kāinga Ora seeking that clause (a)(i) also includes reference to existing or planned rapid transit stops, I do not consider this addition to be necessary. In my opinion, rapid transit stops are captured within multi-modal transport corridors, so I recommend rejecting this relief.

Compact and transport-oriented development

531. NZCSC requests amendments to Policy 55 to provide for compact, higher density and transport-oriented urban development. Stride and Investore seek that Policy 55 directs intensification near centres and along transport corridors. James Burgess, Jonathan Markwick, Generation Zero Wellington, Isabella Cawthorn, VUWSA, Vic Labour, and Steven Ensslen also submit with general submissions specifically seeking higher density, transport-oriented development. Compact and transport-oriented development supports a wide range of positive outcomes⁴⁰. For example, a 2012 study by Waka Kotahi found that residents living in higher density, mixed use environments tended to walk more and drive less, compared to lower-density residential areas, and cited the

⁴⁰ UN Habitat World Cities Report 2022, page 200 [wcr_2022.pdf \(unhabitat.org\)](#)

benefits of higher density, more accessible development for cities.⁴¹ Regionally significant issue 2 in the Operative RPS identifies dispersed development as causing insufficient population densities to support public transport and public services. The 2023 PCE report on urban green space discusses the fact that Greater Wellington's intensification has been offset by low-density greenfield development, unlike Waikato and Auckland which have seen increases in average population density⁴². I agree with submitters that the RPS should provide stronger direction for urban development to be compact and higher density, and that this direction should apply to greenfield development.

532. Compact and transport-oriented development makes it easier to support local centres, makes it more likely for public transport services to be feasible, provides larger rating bases to fund and maintain infrastructure, can support housing choice, variety and affordability, and, if designed well, generally makes it easier to achieve accessible, vibrant, climate resilient, safe and sustainable neighbourhoods. In my experience, greenfield development in the Wellington Region has historically not demonstrated an effort to use urban land and transport infrastructure efficiently; tending to provide low density and detached housing. While this is starting to change with introduction of the MDRS, I consider it is appropriate for the RPS (and within section 30 functions) to direct a shift toward compact, higher-density greenfield development to respond to the regionally significant issues.

533. In response to submitters and to better address regionally significant issue 2, I recommend a new clause is added to Policy 55 as follows:

'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'

534. In my view the recommended new clause sends a clear message that greenfield development should be demonstrating that the location, design and layout of a proposal has considered how development can be concentrated to use the land that is being zoned to urban efficiently, be located, clustered and zoned to best support existing or new centres and existing development infrastructure that has capacity (for example through mixed land use), and support low and zero-carbon travel. These are all aligned with good urban design principles and growing awareness of the need for compact, sustainable transport-oriented, and resilient neighbourhood-centred development⁴³. Concentrating development to use land efficiently is a fundamental aspect of minimising 'sprawl' and thereby the impact of new urban development on the natural

⁴¹ Waka Kotahi [Research report 468 \(2012\), page 93, Living in intensified urban environments: residential self-selection and travel behaviour \(nzta.govt.nz\)](#)

⁴² Parliamentary Commissioner for the Environment, Are we building harder, hotter cities? The vital importance of urban green spaces (2023), page 67, <https://pce.parliament.nz/publications/are-we-building-harder-hotter-cities-the-vital-importance-of-urban-green-spaces/>

⁴³ UN Habitat World Cities Report 2022, page 197, [wcr_2022.pdf \(unhabitat.org\)](#)

environment, open space and rural productive capability⁴⁴. The economies of increased density to more efficiently serve higher-density, higher-demand areas with public transport than lower-density areas, is well recognised, including in Aotearoa⁴⁵. This is also true for economic activity in centres; analysis of the relationship between density and centres for Aotearoa suggests, for example, that a 10% increase in population density at the suburb level causes a 4% increase in hospitality destinations, and 5.6% increase in employment at these destinations, including positive effects in surrounding suburbs⁴⁶.

535.I consider that the direction provided by this new clause is consistent with and supports the Change 1 transport provisions and the NPS-UD. In particular the recommended amendments are consistent with the recommended amendments to Policy CC.1 set out in Ms Louise Allwood's Section 42A report 'Climate Change: Transport' for Hearing Stream 3⁴⁷. It is also consistent with my recommended amendments to Objective 22 in section 4.2, which includes the efficient use of existing urban-zoned land and infrastructure, and for development densities to be sufficient to support the provision and maintenance of infrastructure and services. I also consider the amendments better contribute to Objective 22 seeking to achieve sufficient development capacity, and improvements in housing affordability and choice.

Referencing other RPS policies

536.PCC, Peka Peka Farm, Summerset and RVANZ seek that clause (a)(iii) of Policy 55, which refers to other RPS policies that are relevant to greenfield development, is removed. They consider it unnecessarily duplicates other aspects of the RPS. On the other hand, several submitters specifically seek that this part of Policy 55 is retained, amended or strengthened. Transpower and Kiwirail seek that Policy 55(ii)(8) referring to RSI is retained, while Forest and Bird [S165.077] seeks that the policy is strengthened so that the matters listed must be applied. PCC seeks that the chapeau of the clause is retained with a high-level reference to other RPS objectives and policies, but that the list of specific references is deleted. UHCC seeks that the list of requirements is retained, but that the specific references to a few RPS policies, which they oppose, are removed.

537.In response to PCC, Peka Peka Farm, Summerset and RVANZ, I do not consider that duplicating other parts of the RPS is an inherent issue in this instance. The policy intent is to identify the matters that are relevant to proposals for greenfield development, to ensure that plan users are applying the RPS in the integrated way it is intended to be implemented and increase the likelihood of the desired outcomes being achieved. Clause (a)(iii) of Policy 55 seeks to provide integrated direction to development, with the aim of supporting development which achieves multiple co-benefits across RPS objectives. It is also supported by several submitters seeking the retention of this clause. I do however note that the submissions on this part of Policy 55 demonstrate the risk in listing out specific aspects for consideration, because there is likely to be something missing that

⁴⁴UN Habitat World Cities Report 2022, page 64, [wcr_2022.pdf \(unhabitat.org\)](https://unhabitat.org/wcr-2022.pdf)

⁴⁵ MRCagney, Costs and benefits of urban development (2019), page 127, https://environment.govt.nz/assets/Publications/Files/costs-and-benefits-of-urban-development-mr-cagney_0.pdf

⁴⁶ MRCagney, Costs and benefits of urban development (2019), page 112, https://environment.govt.nz/assets/Publications/Files/costs-and-benefits-of-urban-development-mr-cagney_0.pdf

⁴⁷ Section 42A report of Ms Louise Allwood for Hearing Stream 3, dated 31 July 2023, paragraph 185, <https://www.gw.govt.nz/assets/Documents/2023/06/S42A-Report-Integrated-Management-16.06.23.pdf>

a submitter wants added. The number of submissions seeking additions to this list is evidence of this; I have recommended accepting several of these points to address gaps and inconsistencies.

538.KCDC, UHCC and GWRC point out that clause (a)(iii)(1) on natural hazards refers to wording from Operative Policy 29 which has been updated through Change 1 to take a more risk-based approach. I agree that this should be updated to be consistent with the updated policy direction and accept the relief sought by GWRC. EQC seeks further guidance on this clause and what constitutes 'high risk'. I consider that this level of guidance is the role of Policy 29 but, as I am recommending the reference to 'high risk' is removed, the relief sought is also no longer relevant.

539.Winstones [S162.016] seeks the inclusion of a new clause on protecting regionally significant mineral resources. I note that the operative RPS currently contains Policy 60, which provides the direction 'protecting significant mineral resources from incompatible or inappropriate land uses alongside'. I consider it would be inconsistent not to refer to significant mineral resources and Policy 60 while referring to other matters relevant to urban development, so I recommend accepting this relief. I have suggested wording that is consistent with Policy 60 and a reference to Policy 60.

540.Ātiawa seeks that the references to mana whenua values in clause (a)(ii)(7) are amended to be consistent with Section 6 of the RMA. I recommend accepting the relief, as this is also consistent with the recommended addition to Policy 56 in section 5.4 of this report. This amendment should address some of the relief sought by Rangitāne who seek that RMA section 6 is provided for. I recommend accepting the relief sought by Ngāti Toa to remove 'recognise and' from the start of clause (a)(ii)(7), as this is consistent with the wording of other policies in Change 1.

541.KCDC [S16.040] seeks that natural wetlands are referred to in Policy 55 if it was an oversight not to include them. They also note that the requirements of the NZCPS regarding development that affects coastal natural character is not referred to, and if this was an oversight, its requirements should also be included. Regarding protecting natural wetlands, this would be captured by clause (a)(ii)(5) on Te Mana o Te Wai, because Policy 42 as notified contains the direction in clause (j), 'Require that urban development is located and designed to protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries'. I agree with KCDC that natural character in the coastal environment would be useful to identify and may have been an omission. I therefore recommend a new clause, '[Managing effects on natural character in the coastal environment, consistent with Policy 36](#)'.

542.I recommend accepting the relief sought by GWRC to correct grammar and policy number references. This includes adding references to the new policies recommended to be inserted by Ms Pam Guest in the Section 42A report 'Climate-Resilience and Nature-Based Solutions' for Hearing Stream 3⁴⁸. I have also recommended minor amendments to other clauses for consistency and clarity, including to amend (a)(ii)(5) to state, 'giving effect' to Te Mana o Te Wai instead of 'integrates', for consistency with the amendments to Objective 22 and the NPS-FM.

543.In response to Rangitāne's submission point seeking consistency between Policies 55 and 56, in my opinion the policies are consistent to the extent they need to be. I note that they have slightly different roles, in that Policy 55 outlines what greenfield urban development should seek to

⁴⁸ Section 42A report of Ms Pam Guest for Hearing Stream 3, dated 31 July 2023, <https://www.gw.govt.nz/assets/Documents/2023/07/S42A-Report-HS3-Climate-Change-Climate-Resilience-and-Nature-Based-Solutions.pdf>

achieve, while Policy 56 considers the management of impacts on rural areas from both urban and rural development. In my view it is therefore not an issue if they differ. However, I agree that they should not be inconsistent, and that key direction should also be provided to rural development where relevant. From a freshwater perspective I therefore agree that the phrase, 'Gives effect to Te Mana o Te Wai,' should be added to Policy 56 for the reasons outlined. I also acknowledge the broader concern about different direction applying to urban and rural areas, and that this is inconsistent with the NPS-FM to achieve integrated management. I consider that the relief sought is also addressed by my recommended amendments to Objective 22, to combine Objective 22 and 22B so that consistent direction applies across the region. I consider this addresses the concern of consistency across urban and rural areas more effectively than policy changes could do alone.

544. HortNZ and GWRC seek that a new clause is added to protect highly productive land from inappropriate subdivision, use and development. I have discussed my opinion that the NPS-HPL shouldn't be given effect to by Change 1 in section 4.2. Aside from this, referring to or adding a definition of the term 'highly productive land' will cause confusion given the existing defined term 'highly productive agricultural land', which only includes LUC soil classes 1 and 2 and is used in Policy 59. I agree with Mr Jerome Wyeth's recommendation in his rebuttal evidence for Hearing Stream 2 that the existing definition for 'highly productive agricultural land', as sought by HortNZ, should not be amended due to scope issues⁴⁹.

545. Aside from this, Policy 56 contains clause (a) relating to the loss of the productive capability of rural land for primary production, which is in the Operative RPS. Because Policy 56 applies to both rural and urban development in rural areas, in my view this clause is adequate. I consider Policy 56 is the most appropriate place to provide this direction given its focus on protecting rural areas, and it is not necessary to duplicate this direction in Policy 55.

Clause (b) – Consistency with growth plans and strategies

546. KCDC seeks that Policy 55 clause (b) is amended to be more specific such that a growth strategy must be prepared in accordance with the consultation requirements of the LGA. PCC seeks that the reference to the 'release' of a FDS is more specific by referring to its notification under the LGA, while KCDC seeks that 'released' is replaced with 'published'. UHCC considers clause (b) should be deleted as they are concerned it could apply to any document before the FDS is released, and that relying on any document could have unintended consequences.

547. I do not agree with UHCC that clause (b) should be deleted; seeking consistency with a FDS is a key part of giving effect to the NPS-UD. Removing this clause would undermine the strategic spatial planning process and promote unplanned greenfield development, as well as be inconsistent with the FDS and thereby the NPS-UD.

548. I have addressed the status of the WRGF in section 3.5 where I conclude that the general reference to regional and local growth strategies is appropriate and already in the Operative RPS, as all such documents are non-statutory anyway. In my view it would be remiss for a processing officer not to consider the relevant local and regional growth strategies in relation to a consent or plan change application, so I do not agree with the concerns raised by KCDC and UHCC. However, I consider the specific reference to the WRGF in the explanation of Policy 55 is unnecessary and puts additional

⁴⁹ Rebuttal evidence of Jerome Wyeth for Hearing Stream 2, dated 7 July 2023, paragraph 92.2-92.3, <https://www.gw.govt.nz/assets/Documents/2023/07/HS2-GWRC-Statement-of-Rebuttal-Evidence-Integrated-Management-Jerome-Wyeth-7-July-2023.pdf>

weight on the WRGF over other local growth strategies, so in response to KCDC's submission I recommend WRGF is removed and that local strategies are also included. I note that this amendment also addresses the relief sought by the Mansells, to ensure the explanation is consistent with clause (b).

549. I agree with submitters that clause (b) should be consistent with national direction and specific to avoid doubt about which documents, and at what stage, meet the clause. I therefore recommend accepting the amendments requested by PCC, because the notification of the FDS under section 83 of the LGA (as required by NPS-UD clause 3.15) is an appropriate time for an FDS to be considered relevant. This approach is consistent with the notification of RMA documents where, once notified, they have some legal weight for consideration under RMA section 104. However, I consider it is too onerous to be as specific as what PCC requests, because this is already clear in NPS-UD clause 3.15. I therefore recommend that clause (b) refers to 'notified' rather than 'released'.

550. I have also recommended some other minor amendments to clause (b) to re-structure it for clarity and readability, in response to the general submissions by PCC and UHCC seeking planning review and greater regulatory certainty, as follows:

~~'the proposed urban development is consistent with anythe 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'~~

Clause (c) – Preparing a structure plan

551. KCDC and UHCC seek that Policy 55 clause (c) is amended to be more specific regarding the status of a structure plan, including who has prepared it. I agree with the relief sought by KCDC to specify the approval and preparation of a structure plan, as I consider this would assist with regulatory certainty and clarity and therefore the support implementation of the policy to achieve its intended outcome. I also support the reference to partnership with mana whenua / tangata whenua when city or district councils are preparing structure plans, which KCDC requests:

~~'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'~~

552. The notified wording includes an 'and/or' following clause (c). KCDC [S16.0102] submits that all instances of 'and/or' should be reviewed and replaced with 'and' or 'or' as appropriate. In this instance I consider that 'and' is necessary. I do not consider that plan changes adding significantly to development capacity should be exempt from consideration of whether they have prepared a structure plan. In my view a structure plan is particularly relevant to developments covered by clause (d), as they are useful way for such a proposal to demonstrate they provide for well-functioning urban environments and the direction in Policy 55 and Policy UD.3.

Clause (d) – responsive planning

553. I agree with KCDC, PCC and UHCC that the way Policies 55 and UD.3 are currently connected to each other is unclear in the notified wording. The reference to responsive planning, and thereby

Policy UD.3, in clause (d) of Policy 55 is currently unclear. Plan users may not necessarily know the situations to which Policy UD.3 is relevant.

554. KCDC seeks that clause (d) is deleted. However, their actual concern with it is that it should more specifically refer to plan changes rather than urban development for consistency with NPS-UD Policy 8. PCC seeks amendments so that clause (d) says, 'the any urban development that would provide for...' GWRC seeks the same amendments to improve clarity and also considers the clause should refer directly to Policy UD.3. PCC and UHCC share KCDC's concern that the clause refers to urban development when it should refer to plan changes only, however they consider this is better addressed by amendments to Policy UD.3.

555. In response to these submissions I recommend that Policy 55 clause (d) is entirely replaced with a list to clarify when and how responsive planning applies, with wording that is consistent with NPS-UD Policy 8. This includes some amendments sought by PCC and GWRC, a reference to Policy UD.3, making it clear that only plan changes are captured, and specifying that the responsive planning pathway applies to local authorities with jurisdiction over an urban environment, to address SWDC's concerns [S79.016] about responsive planning applying to non-tier 1, 2 or 3 territorial authorities:

'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.'

556. I consider that, given the intent of responsive planning in clause 3.8 of the NPS-UD, and in response to submissions, the bar should remain high for unanticipated or out-of-sequence developments and all of Policy 55 should therefore remain applicable. In my view, clause (d) adequately provides for responsive planning by requiring that the contribution to development capacity is another matter for consideration for the appropriateness of a greenfield development. The door is not closed to developments meeting the criteria in Policy UD.3 to go ahead if they meet the other requirements in Policy 55 (which all greenfield developments must do anyway). I consider that this meets the NPS-UD clause 3.8 requirement to 'have particular regard' to such developments.

Reverse sensitivity

557. WIAL submits seeking that avoiding reverse sensitivity effects on RSI is included in Policy 55 through the following requested clause; 'avoids adverse reverse sensitivity effects on the operation and safety of regionally significant infrastructure'. KCDC considers this should go further and protect any existing lawfully established activities or activities provided for in a district plan on adjacent land from reverse sensitivity effects through the following clause; 'The proposed development will not result in reverse sensitivity effects on lawfully established activities or activities provided for in the district plan on adjacent land.'

558. I consider that the existing reference to Policy 8 in clause (a) of Policy 55 is adequate for the purpose of providing integrated direction to greenfield development. Kiwirail and Transpower seek that the reference to Policy 8 on protecting RSI is retained; I recommend accepting this relief. I recommend accepting in part the relief sought by WIAL. Instead of a specific clause in Policy 55 on

RSI, I have inserted a new clause in the new Policy UD.5 on reverse sensitivity effects on RSI to address this relief (see section 4.3 paragraph 311).

559. In response to KCDC seeking that all reverse sensitivity effects should be minimised by all greenfield development, I consider this is too onerous for addition to Policy 55 and recommend rejecting this relief. I agree that this direction is useful with regard to unanticipated development that adds significantly to development capacity, and have recommended an addition to Policy UD.3 to minimise land use conflicts in paragraph 467-469. However, I consider it is not necessary for direction to all greenfield development to meet this requirement. Broader reverse sensitivity impacts should be resolved via structure planning and FDS processes for planned greenfield development.

4.10.3 Recommendations

560. I recommend that Policy 55 is amended as shown in **Appendix 1**.

561. Accordingly, I recommend that submissions and further submissions are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

4.10.4 Section 32AA Evaluation

562. In accordance with RMA section 32AA I consider the amendments to Policy 55 are the most appropriate option for the following reasons:

- The amendments address gaps in clause (a)(ii) which references other parts of the RPS, to provide more holistic direction to greenfield development and thereby support effective and efficient implementation to better achieve the RPS objectives.
- 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 increasing the likelihood of the outcomes sought being achieved.
- The addition of elaboration on what it means for development to be well-connected, is consistent with RPS policies and NPS-UD direction, and provides greater regulatory certainty for plan users. There may be costs for land owners who do not meet the requirements to be 'well-connected', however in my view these costs are outweighed by the social, economic, environmental and social benefits of greenfield development occurring in a well-connected, strategic way.
- The addition of specific direction on concentrating building heights and densities will more effectively contribute to achieving a compact, well-designed regional form as sought by Objective 22, and better address the regionally significant issues for Chapter 3.9. The direction is consistent with the NPS-UD and other RPS policies, and in my view assists with clarity and regulatory certainty for resource consent and plan change applicants on what is expected of them. The additional direction adds to what greenfield developments must provide for and consider, and there may be additional costs associated with the implementation of this as developments will need demonstrate efforts to use land efficiently. However, compact greenfield development will have social, environmental and economic benefits including through the more efficient use and provision of infrastructure, reduction in

the extent of productive rural land consumed, and less extensive adverse effects on the natural environment, which outweigh these costs.

4.10.5 Consequential amendments

563.I consider that a consequential amendment is necessary to Policy 56 for consistency with the amendment made to clause (b) of Policy 55 regarding the FDS. Because the direction in each policy was duplicated in the notified Change 1, for consistency and to avoid confusion I consider the following amendments are necessary to Policy 56:

'...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~~'

564.I recommend the following amendment is made to Policy 56 in response to Rangitāne's submission point seeking consistency between Policies 55 and 56, as discussed in paragraph 543:

'gives effect to Te Mana o Te Wai',

565.Policy 67 also contains direction regarding the FDS, however this is worded slightly differently. For consistency I still consider that Policy 67 should be amended for consistency with Policy 55, as follows:

'...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 ~~th~~that district or region; and'

4.11 New Policy UD.4 (Mika Zöllner)

566.This section covers a new regulatory policy in Chapter 4.1 which I consider is necessary to add to Change 1, to respond to submissions both of a general nature and on Policies 55 and UD.3.

4.11.1 Matters raised by submitters

567.Because this policy is new as part of this section 42A report it did not receive any submissions. However, the following submissions are relevant and have informed the drafting of this policy:

- Submitters including Ngāti Toa [S170.040], Waka Kotahi [S129.027, S129.025], Kāinga Ora [S158.029], KCDC [S16.040], and NZCDC [S151.017], have specifically questioned how different kinds of development (intensification, greenfield development and rural development) relate to each other through Change 1. They often seek clarification or stronger wording on this matter. For example, Kāinga Ora [S158.047] seeks that the objectives and policies on urban development are simplified, more directive and more applicable to the Wellington Region, and that emphasis on intensification is clearer [S158.012]. SWDC [S79.016] also express a concern that unplanned development will be favoured over planned development, which will lead to poor outcomes with long-term adverse effects on infrastructure. NZCSC [S151.017] submits on Policy 55 seeking unequivocal support intensification within the existing urban form, supporting the idea

of the 15-minute city with a focus on local and active transport to reduce infrastructure costs and reduce greenhouse gas emissions.

- PCC [S30.020] seeks greater clarity and regulatory certainty to give effect to the NPS-UD. UHCC [S34.0116] seeks a full planning review to be undertaken of all provisions, to address inconsistencies.
- Several general submissions, discussed in section 3.4, seek the direction for housing variety and intensification in Change 1 to be strengthened, refined or enhanced, and for links to the transport policies seeking transport emission reductions to be strengthened.
- Waka Kotahi [S129.027] requests that the title of Policy UD.3 states, 'Responsive planning to developments that provide for a within the existing urban environment is prioritised ahead of greenfield developments when significant development capacity is considered – consideration'. They also seek the inclusion of a note in the explanation of Policy 55 stating, 'Urban expansion occurring as anticipated by strategic planning or zoning within district plans should be prioritised. Out of sequence or out of zone urban expansion can result in the inefficient use of, and has adverse effects on, infrastructure.'
- Stride and Investore [S154.005, S155.004] argue that Policy 55 and Policy UD.3 do not direct intensification near centres and along transport corridors. Kāinga Ora seeks amendments to Policy UD.3 that would require a development to demonstrate a prioritisation of intensification over greenfield development.
- KCDC [S16.040] seeks a new clause in Policy 55 for greenfield development being that it responds to housing need in the relevant area, with a reference to the most recent HBA. KCDC requests that it should also consider the intensification enabled by the MDRS, and note that, 'there is no support for urban expansion in under the NPS-UD where there is no evidence demonstrating the need for additional urban land to meet housing needs'. KCDC seeks the new clause to be worded as follows, 'will provide housing in a part of the city or district that is identified in the latest Housing and Business Capacity Assessment as having a shortfall in plan-enabled housing capacity.'
- Similarly, Waka Kotahi [S129.024], supported by Kāinga Ora [FS12.021], seeks clarification of how Objective 22A provides the scope for Policy 55 to define what appropriate urban expansion is and how it will be provided. They seek for the intensification of existing urban areas to be prioritised, and further consideration be given to the role of enabling infrastructure as lead infrastructure planned for and included in the Future Development Strategies.
- UHCC [S34.094], PCC [S30.055], Te Tumu Paeroa [S102.077], HCC [S115.055], and WCC [S140.056] question how policies UD.1 and UD.2 apply, and specifically whether general land owned by Māori is included. Rangitāne [S168.027], supported by Ngāti Toa [FS6.044] and Sustainable Wairarapa [FS31.137], seek that the policies and methods that provide for the occupation, use, development and ongoing relationship of tangata whenua are strengthened.
- Ātiawa submits on Objective 22 [S131.041] and on Policy 58 [S131.0102] seeking that development occurs on the basis of infrastructure being available, having capacity or being provided. Wellington Water [S113.010] and Kāinga Ora [S158.012] also see greater recognition of infrastructure constraints and its importance in supporting development in the regionally significant issues of Chapter 3.9.

- NZCSC [S151.012], supported by WCC [FS13.001], seeks greater recognition of mixed land use through a general submission point. NZCSC, in their general submission, supports the fact that a wider range of housing typologies must be considered to intensify within existing urban areas, and that this need not lead to a reduction in housing supply.

4.11.2 Analysis

568. I agree with submitters that the notified Change 1 provisions as a whole are not clear on the relationship between anticipated vs. unanticipated development, and intensification vs. greenfield development. I consider that the RPS should play a more strategic role in providing direction for how housing and business demand is met, to contribute to achieving NPS-UD Objective 6. To respond to submissions seeking clarity, certainty, more direct provisions, and stronger direction for intensification, I therefore recommend a new regulatory Policy UD.4 is added to Chapter 4.1 to provide direction to district plans to meet housing and business demand with a clear prioritisation of intensification within and near centres and transport networks. I recommend that the policy is titled, '**Policy UD.4: Achieving a compact regional form – district and regional plans**', and that the chapeau refers to the amended Objective 22 chapeau to be consistent with other policies in this topic. I note that Policy UD.4 would contribute to Objective 22A alongside Policy 31, so must seek to achieve sufficient development capacity including to meet different type, location and price needs.

569. I therefore recommend that the following prioritisation is inserted into Policy UD.4 as follows:

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

570.I consider this hierarchy of prioritisation addresses those submissions seeking a clearer and more direct preference for intensification in centres and along transport corridors, and those seeking planned and sequenced development to clearly be preferred over out-of-sequence and rural development. It is also consistent with the NPS-UD, NPS-HPL and NPS-FM, and in fact better demonstrates how the RPS is implementing the NPS-UD in my opinion. Greenfield development can be done compactly and efficiently and is appropriate for some areas, however if there is feasible capacity to meet housing or business demand through intensification this should be explored first. A 2023 study on the upzoning undertaken in Auckland demonstrated that enabling intensification successfully stimulated housing supply closer to centres and transport networks, with the effect of affecting development patterns in the city⁵⁰. Given the fact that the Region continues to experience low-density greenfield development on the periphery that is offsetting intensification trends⁵¹, a concerted focus on enabling and supporting well-located and well-designed intensification is appropriate and necessary to meaningfully influence development patterns. A 2016 Auckland study comparing the costs and benefits of marginal growth via urban intensification and greenfield development, found overall higher external costs from greenfield development, arising particularly from greater transport infrastructure costs, congestion, and environmental externalities (freshwater and coastal water quality, open space loss), however the intensification scenarios also had infrastructure, air quality and shadowing costs⁵². This research highlights the need to invest in, and prioritise, well-designed intensification as a means to respond to the multiple pressures facing the region.

571.I consider that policy direction for a strategic growth hierarchy is most appropriately located in Chapter 4.1. The process of prioritising intensification over greenfield development should ideally occur prior to a resource consent or private plan change application, during development of a district plan. Therefore, it is more appropriate and effective to provide a hierarchy for district plans to implement, which will then give direction to consent application decision-making. On the other hand, most consideration policies in Chapter 4.2 do not apply until a proposal for urban development is at the plan change or resource consent stage, so these policies are not best placed to require prioritisation of intensification. In my opinion a resource consent is too late in the process to evaluate whether alternative options have been considered and whether intensification has been prioritised, which I discuss further with respect to Policy UD.3 in section 4.9.

572.I consider that Policy UD.4 appropriately applies to both district and regional plans. In order to provide strategic prioritisation for the Wellington Region, I consider it is appropriate to provide consistent direction to how district and regional plans are managing subdivision, use and development. The matters covered by my recommended wording, particularly on infrastructure and land use change, include both section 30 and section 31 matters so are relevant to both district and regional plans. I also consider that Policy UD.4 also usefully demonstrates how Policies 55, 56

⁵⁰ Can zoning reform change urban development patterns? Evidence from Auckland (2023), [012WP.pdf \(auckland.ac.nz\)](https://www.auckland.ac.nz/_auckland/external/012WP.pdf)

⁵¹ Parliamentary Commissioner for the Environment, Are we building harder, hotter cities? The vital importance of urban green spaces (2023), page 67, <https://pce.parliament.nz/publications/are-we-building-harder-hotter-cities-the-vital-importance-of-urban-green-spaces/>

⁵² MRCagney, Costs and benefits of urban development (2019), page 91, https://environment.govt.nz/assets/Publications/Files/costs-and-benefits-of-urban-development-mr-cagney_0.pdf

and UD.3 are related to each other, which several submitters including Rangitāne [S168.030], KCDC [S16.041], and Summerset [S119.005] have sought clarity and certainty about.

573. In response to the submissions from KCDC [S16.040] and Waka Kotahi [S129.024] about connecting development in Policy 55 to a demonstrated need for housing through HBA assessments, I agree that subdivision, use and development should respond to an identified need for housing. KCDC specifically states, 'This should refer to the latest HBA findings but should also refer to the impacts of the implementation of the MDRS across all urban areas where the impact of this on housing capacity is known. Council notes there is no support for urban expansion in under the NPS-UD where there is no evidence demonstrating the need for additional urban land to meet housing needs.' I consider Policy UD.4 to be a more appropriate location than Policy 55 to do this, because ideally this assessment should be undertaken early and in a strategic way, than through resource consents. In my opinion, direction to assess the need for greenfield development would complement the prioritisation hierarchy above. To address this submission and that from Waka Kotahi, I recommend that another clause is added to Policy UD.4, which is consistent with the new clause (d) in Policy UD.3:

'for clauses (a)(iii) and (a)(iv), demonstrating that additional urban-zoned land is necessary and the most appropriate option to meet housing and business demand, including consideration of existing development capacity enabled within the urban area.'

574. This means that when new urban zoning is proposed, the Council or private plan change applicant must demonstrate why that new urban-zoned land is required, including a consideration for existing capacity enabled by the district plan. This is consistent with NPS-UD Policy 6, which seeks that existing development capacity enabled by implementing the NPS-UD is a consideration when making planning decisions (my emphasis):

When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - i. may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - ii. are not, of themselves, an adverse effect**
- c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- e) the likely current and future effects of climate change.*

575. In response to UHCC seeking a full planning review [S34.0116] and PCC seeking greater regulatory certainty [S30.020], I have identified three other gaps in the policy package, while addressing submissions throughout this topic. These gaps consist of direction being provided through Chapter 4.2 which would benefit from being reflected in Chapter 4.1 for clarity and certainty. It is common in the RPS for a Chapter 4.2 policy to have a Chapter 4.1 equivalent, due to the different functions played by policies in each chapter (4.1 policies providing direction to district plans, and 4.2 policies

acting to apply to resource consents and plan changes and can apply in the interim until 4.1 policies have been given effect to). The gaps I have identified include integration with infrastructure, housing variety and enabling the Māori to express their culture and traditions on any land.

1. *Infrastructure*

576. Ātiawa submits on Objective 22 [S131.041] and on Policy 58 [S131.0102] seeking that development occurs on the basis of infrastructure being provided, and Wellington Water and Kāinga Ora similarly seek greater recognition of infrastructure in their submissions. There is currently no equivalent for Policy 58 (coordinating development and infrastructure) in Chapter 4.1. The result of this is that Policy 58 as notified is worded stronger than a consideration policy typically is by using the term 'require'. Owen Jeffreys is proposing amendments to Policy 58 to make its wording more appropriate for Chapter 4.2, however this will result in a weakening of the policy direction regarding infrastructure. This may affect the ability of Change 1 to achieve the policy intent and address the regionally significant issues, given there is no equivalent direction to coordinate land use and infrastructure in Chapter 4.1. Given the significance of infrastructure capacity and sequencing issues in the region, and for consistency with the addition of a new issue on inadequate infrastructure, I consider there is a need to reflect Policy 58 direction in Chapter 4.1 by including a clause in Policy UD.4 as follows:

'requiring all infrastructure necessary to support development to be provided in an integrated and efficient way'

577. I consider the direction to require development to be integrated with infrastructure is reasonable direction to provide for district plans, and something they tend to be seeking to achieve already. In my view, reflecting this direction in Chapter 4.1 more effectively, and more consistently, contributes to Objective 22 and the regional council function for strategic integration of infrastructure with land use under RMA section 30.

2. *Housing variety and mixed use*

578. Although the new Policy UD.5 and Policy UD.3 contain some direction regarding housing variety and promoting mixed land use, there is again no equivalent direction in Chapter 4.1 to provide this direction to district plans. I consider housing variety and mixed land use to be key aspects of what this topic can do to achieve well-functioning urban environments, which I discuss in greater detail in relation to Objective 22 in section 4.2 paragraphs 269-271. To respond to NZCSC's submission I recommend a new clause to direct district plans as follows:

'providing for a range of housing typologies and land uses, including mixed use development.'

3. *Māori expressing their culture and traditions*

579. Policy UD.1 in Chapter 4.1 enables the development of land owned by mana whenua / tangata whenua, including recognising the significance of marae and Papakāinga and enabling mana whenua / tangata whenua to exercise Kaitiakitanga. It is focussed on ancestral land. Policy UD.2 in Chapter 4.2 is broader than Policy UD.1 and seeks to enable Māori to express their culture and traditions, which could include through the development of marae and Papakāinga for urban Māori who are not mana whenua / tangata whenua, or on general land owned by Māori, for example.

580. There is currently no equivalent direction in Chapter 4.1 which provides this broader direction to enable Māori to express their culture and traditions to district plans. This was questioned through submissions on both Policy UD.1 and UD.2 by some submitters including UHCC, PCC, Te Tumu

Paeroa, HCC, and WCC. UHCC [S34.094], for example, supported by Ngāti Toa [FS6.002], question whether urban Māori are represented by the provisions. While Policy UD.2 applies to all Māori, I consider there is a policy gap in that this broader direction is not in Chapter 4.1. I therefore recommend that a clause is added to Policy UD.4 to provide direction to district plans to enable Māori to express their culture and traditions; ‘enabling Māori to express their culture and traditions.’

581.The way that the amendments recommended by this section relate to other relevant provisions in this topic is summarised in Figure 6. Note that this diagram does not include all policies contributing to Objective 22 and is not exhaustive of relevant policies in this topic. Its purpose is to illustrate how the amendments to Objective 22 and the two new policies recommended to be added to this topic, fit together.

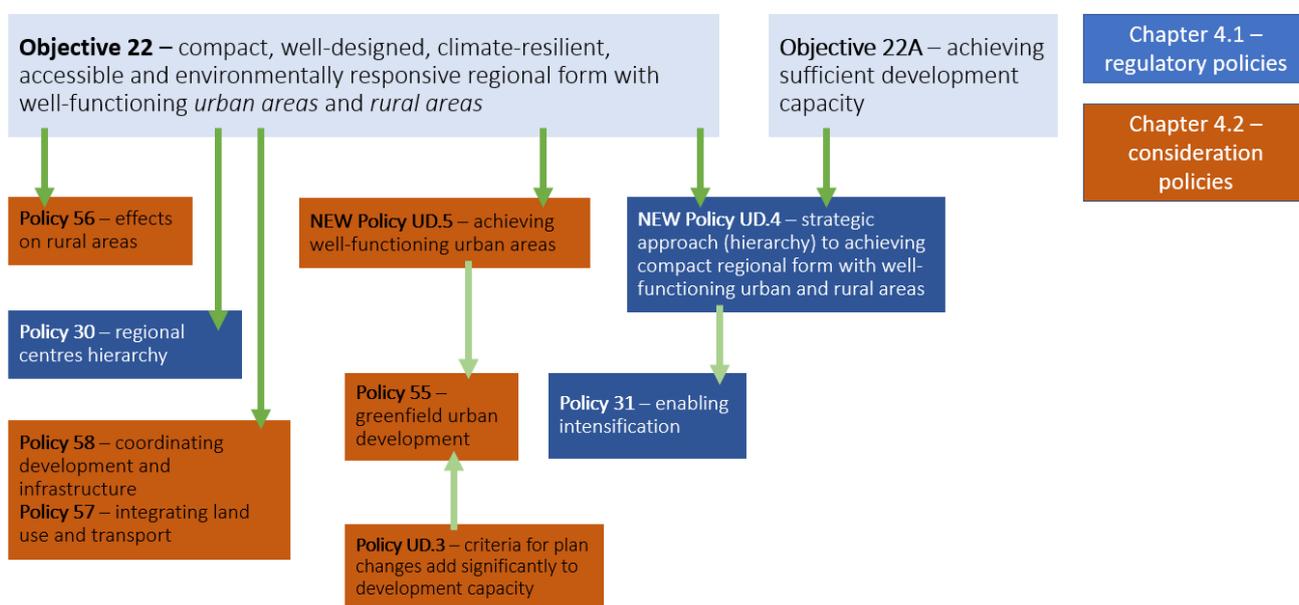


Figure 6: Diagram illustrating how the new Policy UD.4, Policy UD.5, and the amendments to the objectives fit together (my image).

4.11.3 Recommendations

582.I recommend that a new regulatory policy is added to Chapter 4.1 as shown in **Appendix 1**. Policy UD.4 would contribute to achieving both Objective 22 and Objective 22A, as shown in Table 9 in **Appendix 1**.

583.Accordingly, I recommend that submissions and further submissions are accepted/rejected or noted as ‘no recommendation’, as detailed in **Appendix 2**.

4.11.4 Section 32AA Evaluation

584.In accordance with RMA section 32AA I consider the addition of Policy UD.4 is the most appropriate option. I consider inserting strategic direction on where development should be prioritised in the region fills several gaps in the policy framework, and will better support effective and efficient implementation of the RPS. I considered the following alternative approaches:

1. Insert prioritisation into Objective 22.

2. Insert direction to prioritise intensification over greenfield, and planned greenfield over unplanned greenfield, and urban development over rural development, into Policy 55 and Policy 56, or insert a new consideration policy into Chapter 4.2 with the same direction.
3. Do not include prioritisation in Change 1.

585. Option 1 would introduce policy-level direction into an objective which is not appropriate. It would also be clunky and lengthen the objective unnecessarily. Option 2 would not provide for a cohesive, strategic approach by still being disjointed. It would also require resource consent or plan change applicants to demonstrate they have prioritised one form of development over another, which is difficult and onerous to demonstrate in practice. Option 3 would not address the concern raised by submitters that intensification along transport routes and in centres is not clearly prioritised by Change 1, and that the different forms of development have disjointed and unclear direction. Option 3 also would not fill other policy gaps identified in addressing submissions, relating to infrastructure, enabling Māori culture and traditions, housing variety and mixed use.

586. I therefore consider that the new Policy UD.5 in Chapter 4.2 is the most appropriate option and will support effective and efficient implementation of the RPS for the following reasons:

- I consider the recommended option provides clear and strategic direction to district plans, which is the most efficient and effective way to influence how development is prioritised and sequenced. The hierarchy is consistent with the NPS-UD and its addition will better support the NPS-UD objectives, Objective 22 and Objective 22A. Providing strategic direction will provide clearer direction for the Wellington Region, thereby supporting the RPS to achieve its purpose under the RMA.
- Illustrating the relationship between different kinds of development in Chapter 3.9, and structuring the different kinds of development addressed in the RPS into a hierarchy, will assist plan users to understand how policies apply and relate to each other, thereby supporting the implementation of the RPS and reducing implementation costs.
- Filling gaps identified in Chapter 4.1 for infrastructure, housing variety and Māori expressing their culture and traditions, will address potential confusion and provide more consistent direction across the RPS, thereby supporting its effective and efficient implementation.

587. There may be costs for landowners who have purchased land with the intention of developing it in absentia of clear direction for intensification to be prioritised in the Wellington Region, particularly if their land is not well-connected and identified for future urban development through the district plan. There may also be minor implementation costs due to it being a new policy. However, in my view the economic, environmental and social benefits of well-designed, strategic intensification and compact, well-planned greenfield development, which I have discussed in my analysis, significantly outweigh these costs. I also note that national direction such as the NPS-HPL is already restricting which land can be developed via greenfield and rural development, and that Policy UD.4 is consistent with such national direction so may not alone cause significant costs compared to the benefits of clear, unambiguous regional direction.

4.12 Policy UD.2 – Enable Māori cultural and traditional norms – consideration (Mika Zöllner)

4.12.1 Matters raised by submitters

588. There are 13 original and 12 further submission points on Policy UD.2 seeking a range of amendments and clarifications. 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] request that Policy UD.2 be retained as notified or seek no amendment.

589. Muaūpoko [S133.073] supports Policy UD.2 but seeks amendments to recognise connections to Te Whanganui-a-Tara; Ātiawa [FS20.420] oppose this submission.

590. Taranaki Whānui [S167.0121] supports Policy UD.2 in principle but seeks amendments to protect against proposed developments on land surrounding marae/urupā and other sites.

591. Rangitāne [S168.0168] supported by Sustainable Wairarapa [FS31.097], submits in partial support of Policy UD.2. They request that the wording of Policy UD.2 be strengthened and include 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 seeks that Policy UD.2 is amended as follows:

'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 enabling~~ 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; and by providing opportunities for a Kaupapa Māori outcomes-based framework to be applied to future urban development.'

592. Both UHCC [S34.094] and HCC [S115.079] submit in partial support of Policy UD.2 and seek amendments; HCC seeks amendments so that Policy UD.2 does not apply to resource consents, while UHCC (supported by Ngāti Toa [FS6.002]) seeks consideration of how urban Māori are represented in the policy and seeks addition to the policy explanation as follows:

'...and important places ~~where to~~ mana whenua / tangata whenua ~~still practice mātauranga in accordance with Mātauranga Māori.'~~

593. WIAL [S148.054], opposed by Ngāti Toa [FS6.012], submits in partial opposition to Policy UD.2, noting a lack of grammatical sense and practical limits to implementation. WIAL requests that the policy is amended as follows:

'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 had to whether there is any opportunity to support the ability to enable~~ Māori in being able to express their culture and traditions ~~through the proposal. This includes, 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.'

594. Both PCC [S30.076] and WFF [S163.078] submit in opposition to Policy UD.2; WFF considers that Policy UD.2 is too open-ended in relation to resource consent applications and seeks deletion –

this relief is opposed by Forest and Bird [FS7.121], Ātiawa [FS20.243] and Ngā Hapū [FS29.094] and supported by BLNZ [FS30.150]. PCC opposes Policy UD.2 and considers that it has no value beyond section 6(e) of the RMA; they 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.

4.12.2 Analysis

595. Policy UD.2 is a deliberately broad policy to capture a range of different potential activities or initiatives to enable the expression of Māori culture and traditions in land use and development. I consider that the policy is most appropriate at a broad level so that it doesn't preclude or put additional weight on potential avenues for giving effect to the policy. 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.

596. In response to Muaūpoko's submission seeking recognition of their connections to Te Whanganui-a-Tara, Policy UD.2 does not discuss specific mana whenua or iwi authorities. This relief is therefore not relevant to this provision and I recommend rejecting the relief sought. Regarding the further submission by Ātiawa, I refer to Ms Sarah Jenkin's Section 42A Report, 'General Submissions' in Hearing Stream 1, which addressed Muaūpoko's submission in the context of Change 1 in paragraphs 114 to 122. Based on Ms Jenkin's report, I do not consider this is not a matter for me to make a recommendation on so I make no recommendation.

597. In response to the submissions from PCC and Rangitāne regarding the strength of the policy chapeau, I agree that the words, 'have particular regard' are confusing and unclear in this context, and undermine the intent of the policy. As discussed previously in paragraph 520, given the amendments to the chapter introduction for Chapter 4.2 I recommend that 'particular regard shall be given the ability' is replaced with 'seek'. In my view this simplifies the wording and increases regulatory certainty by stating the outcome sought by the policy. In response to the submission by PCC to improve the clarity of Policy UD.2, I recommend that the policy is amended to, 'providing for mana whenua / tangata whenua to express and their relationship'. I do not consider that this weakens the policy but rather it assists plan users to understand the policy's intent. I also consider this makes the second part of the policy (mana whenua / tangata whenua specifically) consistent with the first part.

598. In response to submitters who are concerned about the application of Policy UD.2 to resource consents (HCC and WIAL), I consider this policy is consistent with other consideration policies in Change 1 such as Policy IM.1, which also applies to resource consents. Mr Jerome Wyeth, in the Section 42A report 'Integrated Management' for Hearing Stream 2, discusses the application of Policy IM.1 to resource consents as being 'to the extent relevant'⁵³. The NPS-UD seeks that Māori are enabled to express their cultural and traditional norms as a part of well-functioning urban environments, thereby providing clear national direction in support of this policy. RMA section 6 also refers to recognising and providing for culture and traditions as a matter of national importance. 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 Change 1. Policy UD.2 contributes to addressing

⁵³ Section 42A Report of Mr Jerome Wyeth for Hearing Stream 2, dated 16 June 2023, paragraph 150, <https://www.gw.govt.nz/assets/Documents/2023/06/S42A-Report-Integrated-Management-16.06.23.pdf>

these issues and, in doing so, appropriately applies to resource consents. In practice, this means that 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. The policy has high-level wording and is not prescriptive regarding what this must involve which provides flexibility for different activities.

599. For the reasons outlined, I therefore recommend rejecting the relief sought by WIAL to weaken the policy wording, and instead recommend that the wording is more direct. Replacing 'enable' with 'support' is weaker than the direction provided by NPS-UD Policy 1; 'enable Māori to express their cultural traditions and norms'. While I acknowledge that WIAL's proposed addition of 'through the proposal' could assist with clarity, I consider this to be implied in consideration policies and not necessary, given the fact that the policies are being considered with respect to a particular proposal. The other consideration policies therefore rarely use 'the proposal' in the policy chapeau. When 'the proposal' is referred to, such as in Policy UD.3, 56 or 40, it is to refer to the proposal as a noun rather than to state that an outcome is being achieved through that proposal.

600. Regarding the amendments sought by Taranaki Whānui to clarify the application to protecting marae and urupā, I have added reference to marae and urupā to the explanation of this policy. As discussed in section 4.3, I am also recommending strengthening direction to protect mana whenua values and sites through the new Policy UD.5, which would include marae and urupā. I consider that Policy UD.2 should remain holistic and focus more on enabling than protecting, so have not recommended amendment to the policy wording itself.

601. In response to UHCC's relief sought, which is supported by Ngāti Toa, I consider this is a helpful amendment to the explanation. Regarding their query of the application of this policy to urban Māori, this policy applies to Māori so urban Māori are included. This differs from Policy UD.1, which is specifically about ancestral land. Mana whenua / tangata whenua are mentioned in the second part of Policy UD.2 as a minimum, however the application could be broader than this.

602. Change 1 currently refers to both 'Māori cultural and traditional norms' and 'Māori culture and traditions'. The heading of Policy UD.2 refers to norms, while the body of the policy does not. As discussed in section 4.2 paragraph 264, I consider 'culture and traditions' to be simpler and clearer, and more aligned with the language used in section 6 of the RMA. I therefore recommend that the title of Policy UD.2 is amended to, 'Enable Māori to express their culture and traditions'.

603. Rangitāne request that 'and by providing opportunities for a Kaupapa Māori outcomes-based framework to be applied to future urban development' is added to the policy. Rangitāne also have a general submission point to this effect [S168.029]. I agree with the intent of Rangitāne's submission, and consider that there should be opportunities for processes and projects, including growth strategies and plan changes which influence or deliver urban development, to adopt a Kaupapa Māori based approach at the outset to enable mana whenua / tangata whenua to express their relationship with their culture, land, water, sites, wāhi tapu and other taonga. I do not consider there is currently enough certainty to incorporate the relief sought directly into a consideration policy. I therefore recommend that a new Method UD.3 is inserted for Council to partner with mana whenua / tangata whenua to develop this further, noting that this could be either with individual mana whenua / tangata whenua in their rohe, or with multiple mana whenua / tangata whenua. I consider that this new method is consistent with Method UD.1 and UD.2, would support the implementation of Policy 67, Policy UD.1, Policy UD.2, Policy UD.4 and Policy UD.5, and is in scope of what Rangitāne has requested.

4.12.3 Recommendations

604.I recommend that Policy UD.2 is amended as follows:

Policy UD.2: 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 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, providing for mana whenua / tangata whenua ~~to express and~~ their relationship with their culture, land, water, sites, wāhi tapu, and other taonga.

Explanation

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 to~~ mana whenua / tangata whenua ~~still practice in accordance with~~ Mātauranga Māori, including marae and urupā.

605.I recommend that a new Method UD.3 (which would contribute to achieving Policy UD.1, UD.2, UD.4, UD.5 and 67, as shown in Table 9 in **Appendix 1**) is inserted as follows:

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

606.Accordingly, I recommend that submissions and further submissions are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

4.12.4 Section 32AA Evaluation

607.In accordance with RMA section 32AA I consider the amendments to Policy UD.2 and the addition of Method UD.3 are the most appropriate option for the following reasons:

- The new Method UD.3 responds to a submission from Rangitāne seeking that there are opportunities to apply Kaupapa Māori based frameworks to future urban development. Creating a new method to respond to this request is, in my view, the most appropriate option. Alternative options I considered are to include this into Policy UD.2 and not to amend Change 1 in response to the submission point. The first alternative would make implementation of Policy UD.2 difficult and unclear, due to uncertainty for resource consent, plan change and notice of requirement applicants about what providing opportunities for such frameworks would involve, and how this might differ across the Region. The second alternative would not be consistent with NPS-UD Policy 9 in my view.
- While there are likely to be some costs associated with resourcing Method UD.3 to occur, in my view this work is appropriate as a part of giving effect to Policy UD.2 and the NPS-UD. I also consider there are potential synergies with implementing Method UD.1, and that the outcome of Method UD.3 could potentially feed into future urban development

projects (such as the FDS), which will improve the efficiency and effectiveness of implementation. In my view the cultural benefits of providing for such a process outweigh implementation costs, and will better achieve Objective 22.

- The minor amendments to Policy UD.2 merely clarify the policy intent and make it consistent with other parts of Change 1. This will increase the likelihood that Policy UD.2 is effectively implemented to achieve the desired outcomes and will improve costs associated with implementation. I consider the amendments are efficient and effective ways to mitigate risks associated with uncertainty under the notified drafting.

4.13 Policy 67 – Establishing and maintaining the qualities and characteristics of well-functioning urban environments (Mika Zöllner)

4.13.1 Matters raised by submitters

608. There are 20 original and 9 further submissions on Policy 67. 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] request that Policy 67 be retained as notified or seek no amendment. WCC [S140.091] seeks that Policy 67 is retained as notified alongside amendments to the definitions to high density development and medium density residential development as they have requested.

609. Ātiawa [S131.0116] seeks amendment to clause (a) to include mātauranga Māori, supported by Ngā Hapū [FS29.232]. Rangitāne [S168.0181] seeks a more comprehensive explanation of Policy 67 and seek amendment of clause (f) as follows: 'work together and partnering with mana whenua / tangata whenua...'. Rangitāne also notes that the policy does not appear to solely cover non-regulatory matters and refer to clause (d) in particular. This submission is supported by Ngāti Toa [FS6.045] and Sustainable Wairarapa [FS31.111].

610. Muaūpoko [S133.075], opposed by Ātiawa [FS20.422], supports Policy 67 and seeks amendment to recognise connections to Te Whanganui-a-Tara.

611. GWRC [S137.037] seeks to add the following sentence to the explanation: 'Well-functioning urban environments, as referred to in this policy and articulated in Objective 22, apply to all urban areas in the Wellington Region.'. GWRC [S137.055] also seek to add 'improve' to Policy 67, as 'establishing, improving and maintaining the qualities...' and 'to establish, improve and maintain and enhance...'.

612. HortNZ [S128.054] seek the addition of a new clause as follows: '(g) recognising the values of highly productive land, including long-term for food production'.

613. Investore [S154.007] and Stride [S155.005] oppose Policy 67 in part and seek 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.

614. HCC [S115.090] opposes Policy 67 in part, specifically the inclusion of non-regulatory policies and methods applying to territorial authorities; HCC seek amendment to make clear that Policy 67 does not apply to city or district councils.

615.PCC [S30.088], supported by Peka Peka Farm [FS25.121], opposes Policy 67 and considers it does not make sense by being a non-regulatory policy which requires a regulatory response. PCC seeks deletion or amendment of Policy 67 to provide clear and appropriate direction. UHCC [S34.097] also opposes Policy 67 and is similarly concerned that a non-regulatory policy relies on a regulatory process in clause (e) and considers the references to future plans and strategies is inappropriate as their content is unknown. UHCC seeks amendments to provide clarity as to where Policy 67 should apply and what non-regulatory methods might be appropriate, as well as removing references to any future development strategies. KCDC [S16.083] also opposes Policy 67 and seeks amendment to clauses (a) and (e) to remove references to high density development and medium density residential development (which they consider to be inconsistent with both the NPS-UD and their IPI), and any growth or development frameworks or strategies.

4.13.2 Analysis

616.KCDC and WCC raise concerns around the definitions of high density development and medium density residential development. I have recommended amendments to these definitions in section 4.16 which should address these concerns. I consider that it is useful to refer to high density and medium density development in Policy 67, to specifically signal the need for urban design guidance for higher density development in the context of the NPS-UD and MDRS. I therefore recommend accepting the relief by WCC to retain the terms provided the definitions are amended.

617.Regarding the concerns of PCC, Rangitāne and UHCC about the non-regulatory nature of Policy 67, I agree that the inclusion of 'providing for' in clause (d) indicates a regulatory response is required, which I consider is not appropriate for a non-regulatory policy. In response to these submissions, I recommend amending clause (d) to replace 'provide for' with, 'supporting the provision of...', to make it clear that the actions covered are of a non-regulatory nature. Although the regulatory policies clearly seek to achieve housing variety as sought by clause (d), the role of Policy 67 is to support this regulatory process through non-regulatory means. I also recommend a minor addition to make the clause's wording make more sense. However, I do not agree with PCC that Policy 67 should be deleted, as I consider that it provides useful recognition of the role of non-regulatory measures to achieve Objective 22.

618.UHCC raises similar concerns about both the reference to future growth frameworks, including the FDS, and confusion over the non-regulatory nature of Policy 67. I note that the FDS is likely to have non-regulatory measures to be implemented, similarly to the WRGF. Policy 67 is concerned with implementing the non-regulatory aspects of these future strategies in my view. In response to this submission I have therefore recommended amendments to clause (e) of Policy 67 to make it clear that the actions to be implemented are non-regulatory only. I do not agree with UHCC that all references to a FDS should be removed, and note that Waka Kotahi submits in specific support of the direction to implement actions from the FDS. Regarding KCDC's concerns around the reference in Policy 67 to the WRGF, I consider it appropriate to refer to other relevant growth strategies in this policy as discussed in section 3.5.

619.HCC also raises concerns regarding non-regulatory policies which include Policy 67, considering that they should not apply to territorial authorities. The RPS has many non-regulatory methods that apply to city and district councils to contribute to delivery of policies. The implementation of Policy 67 through Methods UD.1 and UD.2 is via the Wellington Regional Leadership Committee as notified, which includes territorial authorities. Therefore, I do not agree with HCC that Policy 67 should be amended in line with their relief sought.

620. Regarding Investore and Stride Investment's concerns, I consider their relief sought is not relevant to this particular policy, as the NPS-UD is a regulatory document and Policy 67 is non-regulatory. Their concerns have been addressed by amendments to other provisions, including Objective 22, Policy 31 and Policy 55, but I recommend rejecting their submissions with respect to Policy 67.

621. HortNZ seeks relief to reflect the importance of protecting highly productive land. I note that the NPS-HPL is a regulatory document and therefore not appropriate to signal through a non-regulatory policy such as Policy 67. Further, I consider that specific reference to 'highly productive land' is not appropriate as discussed in paragraph 227. However, I agree that the retention of rural productivity could also relate to non-regulatory measures (for example raising awareness of the value and importance of productive land) and I do not agree with the proposed amendment to remove clause (g) from Policy 67 through Change 1, which I consider make the policy unnecessarily urban-centric. I therefore recommend that the removed clause (g) on retaining rural productivity is reinstated, as in my opinion it is useful direction in Policy 67 and contributes to the regionally significant issues.

622. In response to Muaūpoko's submission seeking recognition of their connections to Te Whanganui-a-Tara, Policy UD.3 does not discuss specific mana whenua or iwi authorities. This relief is therefore not relevant to this provision and I recommend rejecting the relief sought. Regarding the further submission by Ātiawa, I refer to Ms Sarah Jenkin's Section 42A Report, 'General Submissions' in Hearing Stream 1, which addressed Muaūpoko's submission in the context of Change 1 in paragraphs 114 to 122. Based on Ms Jenkin's report, I do not consider this is a matter for me to make a recommendation on, so I make no recommendation.

623. Ātiawa seeks relief to include Mātauranga Māori in clause (a) of Policy 67. I agree that Mātauranga Māori should be referenced in this policy and consider that this inclusion is appropriate. Regarding Rangitāne's relief sought to expand the explanation and amend clause (f) to remove 'working together and', I consider these amendments are appropriate and consistent with other policies in Change 1. Working together is redundant given the reference to partnering I recommend that clause (f) is amended in line with Rangitāne's relief, and that the explanation is expanded to provide more context.

624. I recommend amendments to the chapeau and title of Policy 67 to reflect amendments to Objective 22 as consequential amendments; noting that the amendments are similar to what was removed by Change 1. In response to GWRC's submission [S137.055] seeking 'improving' to be inserted into the policy's chapeau, I instead recommend to reinstate 'and enhance' in both the title and chapeau. I do not agree with the amendment through Change 1 to remove 'and enhance' from Policy 67. I do not see how a compact, well-designed, resilient, accessible, and environmentally responsive regional form could not also be enhanced, particularly through non-regulatory measures as addressed by this policy. I therefore consider that the relief sought by GWRC [S137.037] is provided by the changes recommended to the chapeau.

4.13.3 Recommendations

625. I recommend that Policy 67 is amended as follows:

Policy 67: Establishing, ~~and 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*;
- (b) promoting best practice on the location and design of rural residential development;
- (c) recognising and enhancing the role of the region's open space network;
- (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 wellbeing of the community;
- (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 that are underpinned by kaupapa Māori;
- (g) safeguarding the productive capability of rural areas.

626. Accordingly, I recommend that submissions and further submissions are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

4.13.4 Section 32AA Evaluation

627. In accordance with RMA section 32AA I consider the amendments to Policy 67 are the most appropriate option for the following reasons:

- The amendments are mostly minor amendments that retain the intent of the policy and improve consistency with amendments to Objective 22. The amendments improve the clarity of Policy 67, particularly its relationship to regulatory measures and actions, which should support efficient and effective implementation and thereby the desired outcomes.
- Reinstating clause (g) on rural areas is more consistent with Policy 56 and better contributes to addressing the regionally significant issues.
- There are unlikely to be significant new costs associated with the amendments to this policy, however I consider there will be environmental, social, cultural and economic benefits through better implementation.

4.14 Method 46 – Develop complex development opportunities

4.14.1 Matters raised by submitters

628. There are 9 original and 6 further submissions on Method 46. WCC [S140.0111], BLNZ [S78.034] opposed by Ātiawa [FS20.342], Waka Kotahi [S129.042], and Fish and Game [S147.096] request that Method 46 is retained as notified or seek no amendment.

629. Ātiawa [S131.0133] supported by Ngā Hapū [FS20.251] and Rangitāne [S168.0190] seek amendments to Method 46 to include a reference to mana whenua / tangata whenua being included as partners alongside the Regional Council in developing and implementing any plans and frameworks for complex development opportunities. Ātiawa requests amendments as follows:

'Jointly In partnership with mana whenua and central government agencies, develop and implement plans and a framework for each Complex Development Opportunity ~~with central government agencies.~~ The regional council shall enable this partnership with mana whenua through adequate funding and resourcing.'

630. Forest and Bird [S165.0110] seeks amendment to Method 46 to add, '**...and engaging with stakeholders and the community**'.

631. HCC [S115.0108] submits in opposition of Method 46. They oppose the definition of 'complex development opportunities' as inadequate, and submit that the method as not appropriately supported by higher order objectives and policies. HCC also opposes the inclusion of non-regulatory policies and methods as applying to territorial authorities and considers that it is inappropriate for a method to direct action through the Wellington Regional Leadership Committee, as this committee is not a statutory body under the resource management system. HCC requests deletion of Method 46; or, if it is retained, that Method 46 be amended so that it does not apply to territorial authorities and the reference to the Wellington Regional Leadership Committee is removed. PCC [S30.0103] and KCDC [S16.086] also submit in opposition on the associated definition of complex development opportunities for similar reasons.

4.14.2 Analysis

632. Complex development opportunities are a process being led by the Wellington Regional Leadership Committee through the national Urban Growth Agenda initiative. Seven urban development projects have been identified as complex development opportunities in the Wellington Region, which are now being delivered collaboratively through a process that is separate to the RPS and Change 1. I agree with HCC, PCC and KCDC that the RPS does not add any value, given this process is already underway via a third-party entity and process. While it relates to the NPS-UD and RMA, complex development opportunities have not specifically been directed by the NPS-UD to occur via the RPS. Complex development opportunities may also be replaced by other future Urban Growth Partnerships projects in the future, or the terminology could change. I therefore do not see the benefit in them being referenced in the RPS as the provisions could quickly become outdated.

633. I agree with Ātiawa, Rangitāne and Ngā Hapū that Complex Development Opportunities should be prepared and delivered in partnership with mana whenua / tangata whenua, and with Forest and Bird that communities should be involved. However, given these processes are already underway this is not something that the RPS can effectively influence at this stage.

634.I therefore recommend that Method 46 is deleted.

4.14.3 Recommendations

635.I recommend that Method 46 is deleted.

636.Accordingly, I recommend that submissions and further submissions are accepted/rejected as detailed in **Appendix 2**.

4.14.4 Section 32AA Evaluation

637.In accordance with RMA section 32AA I consider the amendments to delete Method 46 are the most appropriate option, as deleting Method 46 will support effective and efficient implementation of the RPS by removing a redundant method that may confuse plan users.

4.15 Method UD.1 – Development manuals and design guides (Mika Zöllner)

4.15.1 Matters raised by submitters

638.There are 14 original and 11 further submissions on Method UD.1. Several submitters request that Method UD.1 be retained as notified or seek no amendments, including BLNZ [S78.022], 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].

639.Broadly, mana whenua submitters support Method UD.1 in part but seek amendments to clarify the role and involvement of iwi, hapū and Māori. Ngāti Toa [S170.074], supported by Ngā Hapū [FS29.188], seek clarification on how Method UD.1 will impact iwi, hapū and Māori. Both Ātiawa [S131.0122], supported by Ngā Hapū [FS29.329] and Taranaki Whānui [S167.0149], seek amendments to clarify mana whenua involvement. Ātiawa seek Method UD.1 to be amended as follows: to add '**In partnership with mana whenua, prepare the following...**' and amend clause (b) to add '**Mana whenua are enabled to partner with the Regional Council through adequate funding and resourcing.**' Ātiawa also seeks a partnership model for the entirety of Method UD.1. Taranaki Whānui notes that Method UD.1 as notified restricts mana whenua involvement to papakāinga, which does not represent the full range of Māori interest in development. Taranaki Whānui seeks the following addition to the chapeau 'Prepare the following development manuals and design guidance **with mana whenua / tangata whenua where practicable.**'

640.PCC [S30.091] supports in part and also seeks amendment to reflect mana whenua, requesting the addition of, '**...and in partnership with mana whenua...**'. PCC also considers that design guides should be produced only where necessary, given the existing regional and national guidance that could be relevant, and seek amendment as follows, 'Prepare the following development manuals and design guidance **where appropriate.**'

641.Kāinga Ora [S158.036] submits in partial support, noting in particular the non-regulatory nature of the design guides. However, Kāinga Ora seeks amendment to reflect that manuals and guides should only be implemented where district councils consider them appropriate, and only as non-statutory documents, as follows, '**...and design guidance when considered appropriate by district councils as non-statutory documents.**' This submission is opposed by Ngāti Toa [FS6.019] and Ātiawa [FS20.035], both of whom note that Method UD.1 as notified reflects Māori interests and participation and consider that Kāinga Ora's submission would restrict this.

642.Waka Kotahi [S129.034] submits in partial support of Method UD.1 and requests an amendment to reflect that guidance and development manuals include mode choice and encourage development in proximity to existing transport. This submission is supported in part by Kāinga Ora [FS12.024], who considers that Method UD.1 should also refer to planned public transport.

643.HCC [S115.097] submits in partial opposition; HCC considers that non-regulatory policies and methods should not apply to territorial authorities and that it is inappropriate to direct action through the Wellington Regional Leadership Committee as they are not a statutory body. HCC seeks amendments to remove the reference to the Wellington Regional Leadership Committee, and to remove city and district councils from the implementation of Method UD.1.

4.15.2 Analysis

644.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) in particular recognises that Change 1 contains new direction on climate-resilience and freshwater, which should be supported by development manuals and design guides to assist with the implementation of the policies.

645.I agree with the relief sought by Ātiawa, Ngāti Toa and Taranaki Whānui that the method should direct partnership with mana whenua / tangata whenua across all matters and not just for papakāinga design guidance. I consider this amendment would better reflect Policy 9 of the NPS-UD as well as Policy UD.2 and new Objective 22 of the RPS. I therefore recommend that the chapeau is amended to refer to all manuals and design guidance being prepared in partnership with mana whenua / tangata whenua. The duplication in clause (b) should therefore be removed. In response to these submissions, I have also added iwi authorities to the list of parties implementing Method UD.1.

646.Regarding the request by Ātiawa for reference to funding resourcing to support the method, the Council acknowledges its role as a partner to the mana whenua and tangata whenua of the Wellington Region. Since the notification of RPS Change 1, funding for work programmes where Council and mana whenua / tangata whenua are working as partners is supplied through Kaupapa Funding Agreements. These Agreements provide resourcing for mana whenua/tangata whenua, enabling them to work with GWRC. I therefore do not consider specific reference to resourcing and funding to be necessary in the method, or appropriate given the separate planning processes that funding must go through.

647.I agree with the relief sought by PCC that the addition of 'where appropriate' is useful for clarity and implementation of the method, given that the activities listed may not always be necessary going forward if an existing design guide or manual exists. I also agree with HCC that the Wellington Regional Leadership Committee should not be listed in the implementation of the method, and recommend that this reference is removed, so that the means of implementation remains open. However, I disagree with HCC that there cannot be non-regulatory methods applying to territorial authorities; the Operative RPS has many such methods, and they are necessary to achieve the related policies and objectives. There may be city and district councils who are interested in contributing to the implementation of Method UD.1 so I consider it is useful for them to be included.

648.I do not support the relief sought by Kāinga Ora to refer to the documents as being non-statutory. This is unnecessarily specific for a high-level method in my view. How and whether the design guidance might be incorporated into district plans would be determined at a later date; some may

be non-statutory and others may be semi-statutory. However, I do not consider that Method UD.1 should pre-determine this. I also note that standard practice for district plans is to include reference to design guides in the matters for consideration such that they are semi-statutory; an approach which I support.

649. In response to MDC seeking further clarity, in my view Method UD.1 is broadly clear enough, noting that its direction is intended to be high level at this stage. However, in response to this submission, to improve clarity I have suggested elaborating on the reference to Policy CC.4, Policy CC.14 and Policy FW.3 in clause (c), to make it clear that the urban design guidance covered by this clause specifically relates to supporting the climate-resilience and freshwater policies.

650. I support the relief sought by Waka Kotahi that supporting mode choice and transport emissions reduction should also be addressed in this method. In my view this direction is similar to climate-resilience and freshwater, in that it represents new direction on undertaking urban development in a way that is environmentally responsive as sought by Objective 22. I therefore consider there is value in supporting the implementation of policies such as Policy CC.1, CC.3 and CC.9 through development manuals and design guides. Including transport in this method promotes a more integrated and holistic approach to urban design guidance, which is the intent of Change 1 and will ultimately better achieve Objective 22. I have therefore recommended an addition to clause (c) with a specific reference to Policy CC.9 as this is the relevant consideration policy. I consider the relief sought by Kāiinga Ora's further submission to mention planned public transport, is captured by this amendment and does not need to be explicitly mentioned.

4.15.3 Recommendations

651. I recommend that Method UD.1 is amended as follows:

Method UD.1: Development manuals and design guides

In partnership with mana whenua / tangata whenua, prepare 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);
- (b) Papakāinga design guidance that are underpinned by Kaupapa which is Māori in partnership with Mana Whenua in accordance with Policy 67(f); and
- (c) Urban design guidance and development manuals to assist developers to in 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)

652. Accordingly, I recommend that submissions and further submissions are accepted/rejected, or given no recommendation, as detailed in **Appendix 2**.

4.15.4 Section 32AA Evaluation

653. In accordance with RMA section 32AA I consider the amendments to Method UD.1 are the most appropriate option for the following reasons:

- Including partnership with mana whenua / tangata whenua to prepare design guides will better align with NPS-UD Policy 9 and contribute to achieving Objective 22 and other RPS objectives.
- Amendments to clarify the wording will support effective and efficient implementation and thereby the outcomes sought.
- Adding transport emissions reduction and mode shift better aligns with Objective 22 and other RPS policies. While there may be some minor costs associated with including new direction in Method UD.1, I consider more holistic design guidance to urban development will be more effective and efficient at informing and influencing the nature of development to achieve the desired outcomes. I therefore consider the additional costs would be outweighed by the environments, social and cultural benefits.

4.16 Definitions (Mika Zöllner)

4.16.1 Matters raised by submitters

654.WFF [S163.0106] opposes Appendix 3 (Definitions) in its entirety and is seeking that all amendments are deleted. BLNZ supports this submission [FS30.075], whilst Forest and Bird [FS7.046], Ātiawa [FS20.168] and Ngā Hapu [FS29.19] oppose it. This submission was addressed in Hearing Stream 1 by Ms Sarah Jenkin in the Section 42A Report 'General Submissions' in relation to the definitions for metropolitan centre zone, relevant residential zone, rural areas, tier 1 urban environment and urban environment, which did not receive any other submissions⁵⁴. Ms Jenkin recommended that all these definitions are retained.

655.Rangitāne [S168.008] and WIAL [S148.053] seek a new definition for urban development.

Rural areas

656.Although no submissions were received on the definition of rural areas, the evidence of Peter Matich for WFF in Hearing Stream 1⁵⁵ sought further relief in relation to the definition for rural areas. The author of the Section 42A report for General Submissions in Hearing Stream 1, Ms Sarah Jenkin, recommended this relief is addressed in Hearing Stream 4 in her rebuttal evidence⁵⁶. The relief sought was that 'include' is replaced with 'consist of' to increase certainty. Peter Matich otherwise considered that the definition is somewhat vague and should therefore be deleted.

Urban areas

⁵⁴ Section 42A report of Ms Sarah Jenkin, dated 26 May 2023, paragraphs 60-69, <https://www.gw.govt.nz/assets/Documents/2023/05/RPS-Change-1-Section-42A-Report-General-Submissions-FINAL.pdf>

⁵⁵ Statement of evidence of Mr Peter Matich, dated 13 June 2023, paragraph 4.5, <https://www.gw.govt.nz/assets/Documents/2023/06/HS1-S163-Wairarapa-Federated-Farmers-Statement-of-Evidence-Peter-Matich-130623.pdf>

⁵⁶ Rebuttal evidence of Ms Sarah Jenkin, dated 21 June 2023, paragraph 6, <https://www.gw.govt.nz/assets/Documents/2023/06/HS1-GWRC-Statement-of-Rebuttal-Evidence-General-Submissions-Sarah-Jenkin-210623.pdf>

657. Three original and one further submission were received on the definition of urban areas, all supporting the definition in part and seeking amendment to align the wording with other statutory documents.

658. PCC [S30.0133], supported by Peka Peka Farm [FS25.030], considers that the wording of the definition should align with the National Planning Standards and seek amendment to the definition to add, '**sport and open use zones**'. HCC [S115.0126] seeks an amendment for consistency with their District Plan, for 'Hutt city' to read 'City of Lower Hutt'. WCC [S140.0127] seeks amendments to be consistent with the wording and intent of the NPS-UD, seeking 'Future Development Areas' are added, and that 'Hutt city' is replaced with 'Lower Hutt city'.

City centre zone

659. There is one submission from Kāinga Ora [S158.040] on the definition of city centre zone and no further submissions. Kāinga Ora opposes the definition in part and seeks amendments to reflect the centres hierarchy proposed within Policy 30, recognising Wellington City as the only city centre within the context of the RPS. Kāinga Ora requests amendments to delete the first sentence and replace it with, '**In the context of the Wellington Region, the City Centre Zone is that of Wellington City.**'

Future Development Strategy

660. There is one submission from KCDC [S16.087] on the definition of Future Development Strategy and no further submissions. KCDC considers the definition incorrect as only Tier 1 local authorities must prepare a Future Development Strategy. As such, KCDC consider that the definition should only refer to Subpart 4 of the NPS-UD, and request the following amendment:

'Means any Future Development Strategy prepared and published for the Wellington Regional in accordance with Subpart 4 of the National Policy Statement for Urban Development.'

High density development

661. Five original and two further submissions were received on the definition of high density development.

662. Both WCC [S140.0122] and HCC [S115.012] submit in partial support of the definition; WCC seeks that the reference to minimum height limit be deleted, as it goes further than the NPS-UD, which WCC considers unnecessarily rigid. HCC considers that the minimum building height is unclear, as district plans usually apply maximum or anticipated building height. HCC seek amendment as follows: '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.'

663. UHCC [S115.0121] opposes the definition in part; UHCC considers that high density development should not have a minimum of 6 stories and that the RPS should not direct on matters of national direction. UHCC further note that the definition of high density development is not consistent with UHCC permitted activity standards, and request deletion of the reference to minimum story requirements. Similarly, KCDC [S16.088] submits in opposition, stating that specifying height requirements and activities comprising high density development are a misinterpretation of the NPS-UD requirements, and not required for city and district councils; KCDC request deletion of the definition for high density development.

664.PCC [S30.0104] also submits in opposition, considering that the definition as notified conflates built form, land use activities and spatial areas; overall, PCC considers that the definition is not specific enough for use in regulatory frameworks and reads as a zone statement rather than a definition of high density development. PCC further objects to the height requirements in the definition, considering that these exceed NPS-UD requirements and would be more appropriate for a policy than a definition. PCC requests deletion or amendment of the definition to provide clear and appropriate direction to plan users. This submission is supported by Kāinga Ora [FS12.015] and Peka Peka Farm [FS25.020].

Medium density residential development

665.Five original and two further submissions were received on the definition of medium density residential development.

666.WCC [S140.012], HCC [S115.0123] and UHCC [S34.0103] submit in partial support of the definition of medium density residential development requesting similar amendments to their submissions on the definition of high density development. WCC again seeks that the reference to minimum height limit be deleted, as it goes further than the NPS-UD, which WCC consider unnecessarily rigid; WCC also seek the following amendment:

'Means areas used predominately for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible ~~commercial and mixed-use activities with a minimum building height of 3 stories.~~

667.UHCC seeks that the minimum building storey reference is deleted, due to inconsistency with the MDRS which have a maximum building height of 3 storeys for permitted activities, and the fact that medium density development can be less than 3 storeys.

668.HCC again notes that the inclusion of a minimum building height is unclear, as district plans usually provide maximum or anticipated building heights. HCC also seek that 'medium density residential development' is amended to 'medium density development' in this definition and throughout the RPS, as they consider that the circumstances in which this term is used are clear that it is residential. HCC requests that the definition be amended as follows:

'Means areas used predominately for ~~residential 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~~ an anticipated building height of ~~at least~~ 3 stories.'

669.Similarly, Robert Anker [S31.027] opposes in part and considers the definition incorrect, seeking amendment to replace 'minimum' with 'maximum'.

670.PCC [S30.0107] submits in opposition of the definition, noting that building height is expressed in Schedule 3A(11) in metres rather than the number of stories, and also that it exceeds the requirements of the Medium Density Residential Standards; therefore, PCC object to the minimum height requirement and seek deletion of this definition, or amendment to clarify direction for plan users. This submission is supported by Kāinga Ora [FS12.016] and Peka Peka Farm [FS25.023].

671.KCDC [S16.090] also submits in opposition, noting that the definition conflicts with IPIs notified by Tier 1 Councils across the region. KCDC also notes that there are many examples of medium density residential development across the region that are less than 3 stories; as such, KCDC considers that the minimum height specifications are inappropriate for an RPS, and that the NPS-UD does not give regional council the function of specifying what type of development can be considered

medium density residential development. Finally, KCDC considers that including other compatible activities without further qualifiers creates uncertainty and opens the definition up to interpretation, as activities will be defined differently in District Plans. As such, KCDC seeks deletion of this definition to avoid conflict with IPIs across the region.

Tier 1 Territorial Authority

672. Two original and one further submission were received on the definition. In a neutral submission, UHCC [S34.0109] seeks amendment to fix errors in the note regarding tier 1 authorities. PCC [S30.0111], supported by Peka Peka Farm [FS25.028], opposes the definition as notified, seeking that it be deleted and replaced with the definition of tier 1 territorial authorities in section 2 of the RMA as the RMA is primary legislation, and has a broader definition than that in the NPS-UD.

Complex development opportunities

673. Three original and one further submission were received on this definition; all original submissions are in opposition and seek that the definition is deleted for similar reasons.

674. KCDC [S16.086] notes that the Wellington Regional Leadership Committee has no statutory authority under the RMA; as such, KCDC consider it inappropriate for an RPS to include provisions referring to committees working jointly with government to develop and implement plans and a framework for development opportunities.

675. PCC [S30.0103], supported by Peka Peka Farm [FS25.019], opposes the definition as they consider that the definition relies on the Wellington Regional Leadership Committee rather than on a statutory plan, FDS or planning instrument for identifying relevant land areas; PCC also considers that the definition as notified is drafted as a policy rather than a definition, requiring a level of assessment and judgment inappropriate for a definition.

676. HCC [S115.0119] considers that the definition has inappropriately outsourced its meaning to a third party, in this case the Wellington Regional Leadership Committee; HCC considers it particularly inappropriate as the meaning of the definition relies on decisions to be made by that party in the future.

Walkable catchments

677. In response to submissions, Ms Louise Allwood introduced a definition for the term, 'walkable catchment' in the 'Transport' Section 42A Report for Hearing Stream 3⁵⁷. She 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.'

⁵⁷ Section 42A report of Ms Louise Allwood for Hearing Stream 3, dated 31 July 2023, paragraph 163, <https://www.gw.govt.nz/assets/Documents/2023/06/S42A-Report-Integrated-Management-16.06.23.pdf>

678. In their expert evidence, Mr Smeaton on behalf of PCC⁵⁸, and Ms Woodbridge on behalf of Kāinga Ora⁵⁹, both seek that the definition is addressed further in Hearing Stream 4. Mr Smeaton also raises a concern that the definition as drafted may be problematic, as district plans that have been varied by an IPI may not already contain a definition. Ms Woodbridge also raises concerns with the definition seeking greater specificity and alignment with the NPS-UD. Neither submitters provide specific amendments to the definition.

4.16.2 Analysis

679. In response to WFF seeking all new or amended definitions are deleted, I have responded to this for each definition in this topic alongside other submissions. I note that Ms Sarah Jenkin, in the Section 42A report 'General Submissions' for Hearing Stream 1⁶⁰, has addressed this submission point for the following definitions in this topic which did not receive submissions:

- Metropolitan Centre Zone
- Relevant Residential Zone
- Rural areas
- Tier 1 Urban Environment, and
- Urban Environment.

680. It is worth noting that the definition of 'tier 1 urban environment' does not form part of Change 1 as it was inserted directly into the RPS without use of a Schedule 1 process, alongside Objective 22A and Table 9A on housing bottom lines, as required by NPS-UD clause 3.6. This definition is therefore not part of the FPI and Ms Jenkin addressed this definition in error.

681. The definition of relevant residential zone is no longer used in any provisions in Change 1 or the operative RPS as a result of the amendments recommended to Policy 31 and Policy UD.3 in this report, so I recommend that the definition is deleted.

682. In response to Rangitāne and WIAL seeking a definition for urban development, the operative RPS already contains a definition for urban development which is not being amended by Change 1.

Rural areas and urban areas

683. The definitions for urban and rural areas are intended to identify the urban and rural areas in the region. In the context of the provisions in this topic, they relate mostly where brownfield, greenfield and rural development is likely to occur. In Change 1 'rural areas' is used in Objective CC.1, Policy 56, and the explanation of Policy 15 and 41. In the Operative RPS, 'rural areas' is used

⁵⁸ Evidence of Rory Smeaton on Hearing Stream 3, dated 14 August 2023, paragraphs 98-100, <https://www.gw.govt.nz/assets/Documents/2023/08/HS3-S30-Porirua-City-Council-Statement-of-Evidence-Rory-Smeaton-140823.PDF>

⁵⁹ Evidence of Victoria Woodbridge on Hearing Stream 3, dated 14 August 2023, paragraphs 6.3-6.6, <https://www.gw.govt.nz/assets/Documents/2023/08/HS3-S158-Kainga-Ora-Legal-Submissions-Statement-of-Evidence-Victoria-Woodbridge-140823.PDF>

⁶⁰ Section 42A report of Ms Sarah Jenkin for Hearing Stream 1, dated 26 May 2023, paragraphs 60-70, <https://www.gw.govt.nz/assets/Documents/2023/05/RPS-Change-1-Section-42A-Report-General-Submissions-FINAL.pdf>

in Policy 56 and 67, in the explanation of Policy 1, 15 and 41, and in the definition of peri-urban. In Change 1 'urban areas' is used in Policy CC.4, EIW.1, 31, CC.14, 55 UD.3, in the explanation of Policy 15, 41 and 56, and in Method CC.7. In the operative RPS, 'urban areas' is used in Objective 22 and Policy 55, in the explanation of Policy 1, 15, 41, 56, in AER 5 for regional form, design and function, and in the definitions of raingarden, stormwater, urban development and rural areas.

684. In my view they are useful definitions which serve an important function in the RPS and should be retained. In particular, they assist with determining when Policy 31 on intensification, Policy 55 on greenfield development and Policy 56 on development in rural areas apply. The amendments made by Change 1 update the definitions and therefore assist with clarity. I therefore do not agree with WFF that the amendments or definitions themselves should be deleted.

685. I note that open space zones and special purpose zones are not explicitly captured by either definition. Open space zones are deliberately excluded because urban or rural development in open space areas is generally not supported by the RPS. District plans may also have other specific special purpose zones that are within the urban area or rural area of the city or district, for example a port, airport, waterfront or Māori purpose zone. Due to the variability between district plans, and it not necessarily being appropriate to promote development within all special purpose zones, they have not been included in either definition. For example, the WCC district plan has a Wellington Town Belt zone which should not be captured within existing urban areas for development to be prioritised in. Settlement zones are excluded for the same reason (and the fact that they are clearly not intended to be urban), which I discuss in paragraph 518.

686. I do not agree with the relief sought by WFF to replace 'include' with 'consist of' in the rural areas definition. While I accept that it is more certain language, removing 'include' means that some specific special purpose zones, for example a Māori purpose zone, would not be captured by the definition and Policy 56 therefore would not apply to them. Given that the district plans of the Wellington Region are at different stages of giving effect to the National Planning Standards, I think the definition should avoid potential gaps by using exclusive language such as 'consists of'.

687. However, for the avoidance of doubt, because there appears to be some confusion amongst submitters, I consider an explanatory note should be added to list the specific National Planning Standards terms included for both the rural areas and urban areas definitions.

688. I agree with the amendment to the urban areas definition sought by HCC, as I consider it appropriate to be consistent with the names of the region's district plans. I do not agree with the amendments sought by PCC and WCC. As mentioned, open space zones are deliberately excluded as the term is used in the context of enabling urban development within urban areas, and this is not considered appropriate in the open space, sport and recreation zones. The FDS is not appropriate to include in the definition of urban areas, given the definition's purpose is to identify the existing urban extent as defined in district plans through zoning. Areas identified for future urban development through the FDS are typically still zoned as rural in the district plan until the urban zoning has occurred, at which point Policies 55 and 56 should still apply. Including a reference to the FDS would therefore undermine the intended application of Policies 55 and 56.

689. In my view, the amendments to the definitions assist with interpretation and certainty of the policies in which they are used, in particular by including explanatory notes referencing The Standards zones. I do not consider that the amendments I recommend will lead to unintended consequences.

690. I consider it is useful to provide a definition for city centre zone to support its use in Policy 31, which is the only provision the term is used in. I do not agree with the relief sought by Kāinga Ora. In this case I consider it is best to be consistent with The Standards definition for city centre zone. Territorial authorities in the Wellington Region have identified city and metropolitan zones in the context of their city or district. Lower Hutt and Upper Hutt have identified their main centres as city centres, which is provided for by The Standards zone definition as being the main centre for the district. To amend the definition as proposed by Kāinga Ora, by stating that Wellington city is the city centre zone, would conflict with the district plans which I do not consider to be helpful at this point.

Future Development Strategy

691. The definition for Future Development Strategy is useful to support interpretation of the term, which is used Policy 55, Policy 56, Policy 67, Method UD.2 in notified Change 1, and Policy UD.3 following amendments recommended by this report. I agree with KCDC that adding 'and published' is useful, however consider that retaining 'for the Wellington Region' is useful to signal that the provisions are referring to a Future Development Strategy for local authorities in the Wellington Region. I therefore recommend accepting their amendments in part. I also recommend that '2020' is added to the reference to the NPS-UD to be specific.

High density development and medium density development

692. High density and medium density development are used in Policy 31, Policy UD.3 and Policy 67 in Change 1. Their intent is to summarise the intensification direction provided by the NPS-UD and the MDRS at a high level. They are then also used in Policy UD.3, 67 and the AERs to refer generally to medium and high levels of density. Because the two definitions are introduced through Change 1, the terms are not used in the operative RPS aside from a reference to medium density housing in the regional form, design and function chapter introduction. I consider that the definitions are useful to refer to level of urban form density at a high level, particularly in Policy UD.3 as a part of assessing the contribution to development capacity. I therefore recommend rejecting WFF's request to delete the new definitions.

693. I agree with submitters that the definitions as notified could be drafted more clearly. They appear to be based on The Standards' definitions for the high density residential zone and medium density residential zones, but then modified to refer to the MDRS and NPS-UD Policy 3. I agree with submitters that the reference to minimum building heights conflicts with the MDRS, particularly for the medium density residential zone. Medium-density development enabled by the MDRS could be less than 3 storeys, so it is inappropriate in my view to set a minimum number of storeys. I therefore agree with WCC and UHCC that the reference to a specific number of storeys should be removed from the definition of medium density development.

694. I will note that I consider dwellings per hectare to be a more useful way to measure density than number of storeys, and in fact the NPS-UD refers to these metrics as two different things; 'building heights and densities of urban form' (my emphasis). However, given the high-level, regional nature of the references to these policies I do not consider quantitative references to density (e.g. 50 dwellings per hectare) are necessary in these definitions. Providing a quantitative estimate of urban form density also relies on calculating the density across multiple sites, and this is too complex for the intended regional nature of these definitions.

695. I also agree with submitters that high density and medium density development can be provided for through various different zones, beyond just residential zones, and that there should be greater

recognition for mixed use and commercial development and zones. For example, in the WCC district plan the city centre zone enables high density residential and commercial development, while the smaller centre zones such as neighbourhood centres provide for medium density mixed use development which includes medium density housing. Both the operative RPS and Change 1 are in support of mixed use development. I therefore recommend accepting the relief sought by WCC and HCC to broaden the medium density development definition to include mixed use and commercial rather than being predominantly residential. The recommended wording amendment is slightly different to that sought by WCC and HCC in order to reflect the wording used in the high density development definition, however it achieves the same intent in my view.

696. As mentioned, building heights and actual density of urban form are two different metrics. However, Policy 3 in the NPS-UD gives an indication of what 'high density development' can be approximated to in terms of a number of storeys at the building scale; 'building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys;'. I therefore consider that unlike the medium density development definition, a reference to building heights is useful to distinguish it from medium density development, and much less likely to conflict with the NPS-UD and MDRS. The wording sought by HCC for high density development is useful as I consider referring to 'an anticipated building height' accounts for local variations to building heights made by district plans in response to specific issues or qualifying matters. Adding in 'at least' 6 storeys is also more aligned to the wording of NPS-UD Policy 3.

697. In my view, the amendments to the definitions assist with interpretation and certainty of the policies in which they are used, and address conflicts with the NPS-UD and MDRS. I do not consider the amendments will lead to unintended consequences.

Tier 1 territorial authority

698. The definition of tier 1 territorial authority provides useful specificity to support implementation of Policy 31, which is the only provision it is used in. Tier 2 and tier 3 territorial authorities are never referred to in provisions so do not require definitions. I agree with PCC's relief that the RMA definition is the primary legislation and so should be referred to instead of the NPS-UD. I also agree with UHCC that the errors in the note should be fixed.

Complex development opportunities

699. I agree with submitters that this definition should be deleted alongside Method 46, for the reasons outlined in section 4.14. I agree with submitters that it is drafted more like a policy than a definition. It is not necessary given the term is used in only in Method 46, which I am proposing is deleted from Change 1.

Walkable catchments

700. I agree with PCC and Kāinga Ora that the definition of walkable catchments should be further addressed through this topic. To address the concern raised by Mr Smeaton, Ms Louise Allwood recommended the following amendments in her rebuttal evidence⁶¹:

⁶¹ Rebuttal evidence of Louise Allwood for Hearing Stream 3, dated 15 August 2023, paragraph 33, <https://www.gw.govt.nz/assets/Documents/2023/08/HS3-GWRC-Statement-of-Rebuttal-Evidence-Transport-Louise-Allwood.pdf>

'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 identified defined by territorial authorities in district plans.'

701.I consider that the amendments recommended by Ms Allwood through rebuttal evidence adequately addresses the concerns raised by PCC, and should 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 allows for that. I therefore do not consider that any further amendments to this definition are necessary.

4.16.3 Recommendations

702.I recommend that the high density development definition is amended as follows:

High density development

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-an anticipated~~ building height of ~~at least~~ 6 stories.

703.I recommend that the medium density residential development definition is amended as follows:

Medium density ~~residential~~ development

Means areas used predominately ~~for commercial,~~ residential ~~and mixed use~~ 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.~~

704.I recommend that the rural areas definition is amended as follows:

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 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

705.I recommend that the urban areas definition is amended as follows:

Urban areas

The region's urban areas include residential ~~zones,~~ commercial, mixed use ~~zones, and~~ industrial zones 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:

- Large Lot Residential
- Low Density Residential
- General Residential
- Medium Density Residential
- High Density Residential
- Centre and mixed use zones
- Industrial zones

706.I recommend that the definitions of complex development opportunities and relevant residential zone are deleted.

707.I recommend that the definitions of tier 1 territorial authority and Future Development Strategy are amended as shown in **Appendix 1**.

708.I recommend that the definitions of metropolitan centre zone, city centre zone and urban environment are retained as notified.

709.Accordingly, I recommend that submissions and further submissions are accepted/rejected or noted as 'no recommendation', as detailed in **Appendix 2**.

4.16.4 Section 32AA Evaluation

710.In accordance with RMA section 32AA I consider the amendments to the definitions are most appropriate because the amendments are mostly minor and will not alter the meaning of the defined terms as they are used in RPS provisions, both Operative and Proposed, and rather improve clarity. For the definitions of medium density residential development and high density development, the amendments improve consistency with the NPS-UD and MDRS, thereby supporting the RPS to meet the requirements of section 61 of the RMA.

4.17Table 9 (Mika Zöllner)

711.Table 9 did not receive any submissions. However, consequential amendments are necessary as a result of the recommended amendments to Objective 22, 22B, the titles of policies, and recommended new policies (Policy UD.4 and Policy UD.5) and methods (Method UD.3 and Method UD.4). These amendments are shown at the end of **Appendix 1**. The amendments also include some consequential amendments to the titles of Policy CC.4 and Policy CC.14, and additions of Policy CC.4A and Policy CC.14A, which are recommended through Hearing Stream 3⁶².

712.I have added Policy CC.9 as contributing to Objective 22 in Table 9, because it is now referenced in Method UD.1 as amended in section 4.15 and therefore forms part of the policy framework. This addition aligns with the amendments recommended by Ms Allwood to amend the title of Policy

⁶² Section 42A report of Pam Guest for Hearing Stream 3, dated 31 July 2023, paragraph 184, <https://www.gw.govt.nz/assets/Documents/2023/07/S42A-Report-HS3-Climate-Change-Climate-Resilience-and-Nature-Based-Solutions.pdf>

CC.9 as follows, 'Policy CC.9: Reducing greenhouse gas emissions associated with subdivision, use or development transport infrastructure – consideration⁶³. In adding Policy CC.9 I have also included the amendments to the contributing methods which were made by Ms Allwood's Section 42A report, and added Method UD.1.

713. Table 9 as notified also contains some minor errors which I have corrected in **Appendix 1**. For example, consideration policies were linked to 'Method 1: District plan implementation' when they should actually be linked to 'Method 4: Resource consents, notices of requirement and when changing, varying or reviewing plans'.

5.0 Schedule 1 Process - Consideration of Submissions and Further Submissions (Owen Jeffreys)

5.1 Overview (Owen Jeffreys)

714. Owen Jeffreys is the reporting officer for this section of the report.

715. This topic consists of one issue, five policies, eight methods, four definitions, and anticipated environmental results.

716. The total number of submissions and further submissions on the P1S1 provisions of this topic are broadly allocated as follows:

Issue/Policy/Method	Submission Points	Further Submission Points	Total
Issue A – Lack of Housing	4	2	6
Policy 30	21	12	33
Policy 56	29	25	54
Policy 57	21	11	32
Policy 58	23	7	30
Policy UD.1	13	10	23
Method 40	4	1	5
Method 41	2	1	3
Method 42	2	0	2
Method 43	2	1	3

⁶³ Section 42A report of Louise Allwood for Hearing Stream 3, dated 31 July 2023, paragraph 322, <https://www.gw.govt.nz/assets/Documents/2023/07/S42A-Report-HS3-Climate-Change-Transport.pdf>

Method 44	2	1	3
Method 45	2	1	3
Method 47	3	2	5
Method UD.2	10	4	14
Marae definition	2	2	4
Papakāinga definition	3	4	7
Regionally significant centres definition	1	0	1
Key centres and regional form definitions	1	4	5

5.2 Issue A – Lack of Housing (Owen Jeffreys)

5.2.1 Matters raised by submitters

717. Rangitāne [S168.0159] and Muaūpoko [S133.064] support the issue and seek it is retained as notified. Ātiawa [FS20.411] seeks to disallow the entire submission by Muaūpoko.

718. Taranaki Whānui [S167.054] supports in part on the basis that further opportunities for their involvement, as per Policy 9 of the NPS-UD, are provided for in Change 1.

719. Dom Harris [S4.005] supports the issue in part, but seeks that reference to the unlocking of empty, unused and earthquake damaged land for housing is included.

720. Kāinga Ora [S158.012] opposes in part and seeks the following amendments to the wording of Issue A.

A1. 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 wellbeing. ~~There is a lack of supporting infrastructure to enable the development of sufficient housing and the provision of quality urban environments.~~

5.2.2 Analysis

721. Issue A identifies the deficiency in housing supply and choice in the Wellington Region as well as identifying that housing affordability has declined, and that there is a lack of supporting infrastructure to support housing provision.

722. The relief sought by Dom Harris seeks to include specific reference to enabling housing on empty, unused and earthquake damaged land. I do not consider that this is an appropriate addition to the issue, as it is worded as a recommended solution to addressing the identified issue and is therefore not appropriate within an issue statement. The relevant objectives, policies and methods in relation to urban development provide the proposed response to addressing the identified issue, as well as provisions in relation to natural hazards.

723. Whilst Taranaki Whānui does not seek any amendments to the policy; their support is on the basis that further involvement of Taranaki Whānui is provided for in the relevant provisions. I consider that the requirements of Policy 9 of the NPS-UD are met through the relevant provisions on urban development that do provide for mana whenua / tangata whenua, including Objective 22, Policy UD.1, Method UD.2, and subsequent recommended amendments made through this report on provisions in this topic.

724. I agree with the amendments sought by Kāinga Ora and consider that they add greater detail into the issue statement that is appropriate. I also support the deletion of the section in relating to infrastructure, noting that this reads as a separate issue, and I note that a new infrastructure issue (regionally significant issue 4) has been recommended by Ms Zöllner (paragraph 367 of this report). I therefore recommend accepting the relief sought by Kāinga Ora.

5.2.3 Recommendations

725. I recommend that Issue A – Lack of Housing is amended as follows:

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 wellbeing. ~~There is a lack of supporting infrastructure to enable the development of sufficient housing and the provision of quality urban environments.~~

726. I recommend that the submission points relating to Issue A – Lack of Housing are accepted, accept in part or rejected as detailed in **Appendix 2**.

5.2.4 Section 32AA evaluation

727. In accordance with s32AA and section 30(1)(b), I consider my recommended amendments to Issue A are the most appropriate way to achieve the Change 1 objectives for the following reasons:

- The recommended amendments are effective at providing additional detail on the matters which contribute to the issue of housing availability and affordability in the region, with no identified costs but benefits in relation to a clear issue statement that.

5.3 Policy 30 - Maintaining and enhancing the viability and vibrancy of regionally and locally significant centres (Owen Jeffreys)

5.3.1 Matters raised by submitters

728. There were 33 submission points received on Policy 30, comprised of 21 original submission points and 12 further submission points.

729. Robert Anker [S31.021], Philip Clegg [S60.020] and Dr Sarah Kerkin [S96.016] all consider that the notified policy should not be termed as a hierarchy as it does not identify the centres in a manner consistent with the definition of hierarchy. They all request the wording of the policy is amended to remove reference to the word hierarchy.

730. KCDC [S16.084] opposes the proposed amendments to Policy 30 and seeks that the list of locally significant centres is deleted on the basis that there is not a clear justification for their identification, and it is inappropriate for the RPS to identify them. KCDC also seeks clarification on why Raumati Beach and Paraparaumu Beach are not identified as local centres, and whether Ōtaki is intended to mean Ōtaki Main Street or Ōtaki Rail. KCDC also submits that the terminology in the policy does not correlate with The Standards.

731. PCC [S30.051] opposes the proposed amendments to Policy 30 and seeks changes to the terminology used for the centres listed to align with The Standards terminology. This includes changing 'regionally significant centres' to 'sub-regional metropolitan centres' and changing 'locally significant centres' to 'locally significant town centres'. PCC also seek an additional clause that identifies other 'local and neighbourhood centres' that provide for smaller catchments, and changes to the explanation text that include recognising regional form and urban intensification around the identified centres. They also seek amendments to the explanation text. Kāinga Ora [FS12.04] supports in part and Peka Peka Farm Limited [FS25.084] support PCC's submission.

732. Kāinga Ora [S158.026] supports in part and seeks that the policy is amended to include additional regional and local centres, including Johnsonville, Kilbernie, and Petone as regional centres, and Mirimar, Newtown, Tawa, Naenae, Waterloo, Mana, Raumati Town, Paraparaumu Beach, and Ōtaki (Main Road).

733. Kāinga Ora also seeks that a consistent approach is applied for the identification of centres which aligns with The Standards and submissions on IPI plan changes made by Kāinga Ora, and seeks that the wording of centres is changed from 'regionally significant centres' to 'Metropolitan Centres', and 'locally significant centres' to 'Town Centres'. Kāinga Ora further seek changes to the explanation text to include reference of regional form and urban environments. Stride Investment [FS16.005], WCC [FS13.024], Waka Kotahi [FS3.030], and Investore Property [FS1.005] support the Kāinga Ora submission.

734. HCC [S155.051] supports in part the amendments, including the removal of references that could be interpreted as references to The Standards. However, HCC seeks that the policy is restricted to the identification of centres at a regional level. They also submit that the policy does not reflect

the size, scale and role of centres, and that all centres, other than Wellington City Centre, are listed as 'other regionally significant centres'. They seek the text is amended as below:

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~~ main centre of the region, the central business area of Wellington City;

2. Other regionally significant centres:

(i) Lower Hutt;

(ii) Petone;

[(iii) and other centres outside the City of Lower Hutt as appropriate]

3. the locally significant centres of: [list of centres]

735.WCC [S140.052] supports in part and seeks that the centres of Johnsonville and Kilbirnie are included in the list of regionally significant centres to align with the zoning of these areas under the proposed WCC District Plan and recognise the role these centres play in the region. Stride Investment [FS16.001] and Investore Property [FS1.001] support this submission.

736.Stride Investment [S155.001] and Investore Property [S154.001] oppose in part and seek that Johnsonville Town Centre be recognised as a sub-regional centre. Stride Investment [S155.011] and Investore Property [S154.014] also oppose the policy in part on the basis that it fails to give effect to the NPS-UD and should be amended to recognise how these centres should be the focus of intensification direction.

737.Heather Blissett [S11.018] supports in part but seeks that the policy explanation text is amended to include reference to environmental wellbeing and indigenous biodiversity.

738.UHCC [S34.090] supports in part and seeks the policy is retained as notified. CDC [S25.032], Ātiawa [S131.075], Muaūpoko [S133.068], MDC [S166.032], Taranaki Whānui [S167.091], and Rangitāne [S168.0163], all submit in support and seek the policy is retained as notified. Ngā Hapu [FS29.345] support the submission of Ātiawa. Sustainable Wairarapa [FS31.092] support the submission of Rangitāne, and Ātiawa [FS20.415] oppose the submission of Muaūpoko (noting that this opposition is not in relation to the relief sought).

739.BLNZ [S78.012] seek the policy is retained as notified. Ātiawa [FS20.320] oppose the submission but only where BLNZ are seeking to delete amendments, which is not relevant for this policy as BLNZ are not seeking any amendments.

5.3.2 Analysis

National Planning Standards and including new Centres

740. Standard 17 of The Standards details the relevant sections of The Standards which the RPS must comply with. This includes Standards 1, 2, 6, 10, 11 and 14. Standard 4 – District Plan Structure Standard, which the RPS is not required to comply with, includes the following centres zones which district plans can use:

- Neighbourhood centre zone

- Local centre zone
- Town centre zone
- Metropolitan centre zone
- City centre zone

741. The policy as notified refers to three types of centres:

- Regionally significant central business district
- Regionally significant centres
- Locally significant centres

742. In the draft version of Change 1 the terminology used in Policy 30 was more explicitly related to the centre zones framework used in The Standards. This included using the terminology of city centres, town centres, and metropolitan centres. However, in response to feedback on the draft plan change from territorial authorities, the policy was amended to remove the zone names and change the terminology to be more generalised.

743. I consider that the relief sought by PCC and Kāinga Ora to align the policy more directly with the zoning terminology for centres used in The Standards would lead to the policy being overly directive to territorial authorities and contrary to this earlier feedback received on the draft plan change. If the RPS used the same zoning terminology in The Standards to identify the relevant centres, then this would essentially be zoning these centres through Policy 30.

744. Whilst I recognise that most district and city plans in the region have already given effect to The Standards, either through their operative or proposed plans⁶⁴, if Policy 30 used the centre zoning terminology to identify centres, this could lead to a misalignment in the future if the zoning of these centres is changed through a relevant plan change undertaken by a territorial authority.

745. I also consider that the terminology is clear and easy to interpret as drafted, and that the RPS is not directed by The Standards to use zoning terminology (paragraph 740 of this report). On this basis I recommend that submissions from PCC and Kāinga Ora are rejected in so far as they relate to the relief sought to align the terminology used within Policy 30 with The Standards.

746. In addition to the relief sought by Kāinga Ora to include additional centres in the Policy, WCC, Stride Investments and Investore Property all seek that Johnsonville and Kilburnie are listed as regionally significant centres.

747. Whilst I did not write the policy, I have checked with Council Officers to understand the decision-making process behind the notified amendments to the centres list. My understanding is that the approach was to align the list of centres with the existing and proposed centres zoning in the city and district plans within the Wellington region. This is reflected in the version of the policy in draft Change 1, which specifically used terminology aligned with the centre zones from The Standards.

748. My understanding is that the identification of centres in the policy has a general approach of aligning regionally significant centres with the Metropolitan Centre Zones and City Centre Zones, whilst the locally significant centres align with the Town Centre Zone. I agree with this approach, noting that the description of these zones under The Standards identifies that the Metropolitan Centre Zone 'is a focal point for sub-regional urban catchments' and that the City Centre Zone 'is

⁶⁴ With the exception of HCC and the Wairarapa councils through the Combined Wairarapa District Plan

the main centre for the district or region'. Both have a regional focus, and therefore I consider their identification as other regionally significant centres is appropriate.

749. On this basis, I recommend that the amendments proposed by WCC, Stride Investments and Investore Property are accepted in part, to the degree that Johnsonville and Kilbernie centres are included as regionally significant centres to reflect their Metropolitan Centre Zoning under the proposed Wellington City Council District Plan. This ensures that there is a consistent approach to the identification of regionally significant centres in the policy. Whilst Masterton is identified as a regionally significant centre, I note that it is not proposed to be a Metropolitan or City Centre Zone in the Draft Wairarapa Combined District Plan. However, no submissions were received on removing Masterton from the list of regionally significant centres, and I consider that whilst this is inconsistent with the methodology that has been described above, it is appropriate to identify Masterton as a regionally significant centre.

750. Changes to the local centre list have been requested by Kāinga Ora to include several new centres. KCDC has also questioned why some local centres have not been included. From my understanding of how the policy has been drafted, locally significant centres correlates with the Town Centre Zone in the city and district plans. On this basis, I recommend that the centres of Raumati Beach and Paraparaumu Beach are included in the locally significant centres list, reflecting their zoning under the Operative Kapiti District Plan. I also recommend that the inclusion of Otaki in the policy is clarified to include both Otaki Township and Otaki Main Road to reflect their zoning.

751. However, Kāinga Ora also seeks that the locally significant centres list is expanded to include Miramar, Newtown, Tawa, Naenae, Waterloo, and Mana. These centres are not identified as town centres in the relevant district plans. On this basis, the inclusion of these centres would be inconsistent with the approach of the policy to align locally significant centres with town centre zoning. I therefore recommend accepting in part the relief sought by Kāinga Ora to include centres which are zoned as town centre zones and rejecting the relief sought to include other centres. I note that as HCC have not yet given effect to The Standards, if it was indicated that Waterloo and Naenae are intended to be identified as Town Centre Zones, their inclusion in this list would be appropriate.

752. The recommended amendments to the centres included in Policy 30 ensure that the policy is applying a consistent approach to how regionally significant and locally significant centres are recognised and aligns with the zoning approach of the relevant district plans, without using the direct terminology of the NPS-UD that would apply a zoning to these centres by proxy through Policy 30.

753. I recommend accepting the additional clause to the policy suggested by PCC, which recognises other local and neighbourhood centres that also provide for local needs. The policy should not be an exhaustive list of centres which need to be maintained and enhanced. Whilst the centres listed are arguably the largest and most economically active in the region, the vibrancy and vitality of smaller scale centres should be provided for, to ensure they can continue to provide for the specific residential catchments that they serve. I therefore recommend accepting in part the relief sought by PCC as far as it relates to including the new clause on local and neighbourhood centres.

Local centres

754. In response to the relief sought by KCDC to delete the list of locally significant centres, I have considered whether it is appropriate and within the RMA section 30 functions of regional councils to identify centres at a local level. I note that the operative RPS Policy 30 identifies both sub-

regional centres and suburban centres, and therefore the changes to the policy are not a substantial change from the operative policy in principle by identifying centres at both a regional and local level.

755. Section 30 (ba) of the RMA requires regional councils to ensure there is sufficient development capacity to meet expected demand for business land in the region. The definition of business land under the NPS-UD includes centres to the extent that the zone allows business use. I consider that the identification of local centres under Policy 30 is within the remit of the RPS as per section 30 of the RMA, as it will contribute to ensuring there is sufficient business land available in the region by maintaining the vitality and vibrancy of centres which contribute to the provision of available business land. On this basis I do not agree that Policy 30 should exclude locally significant centres and recommend rejecting the relief sought by KCDC and HCC.

756. I consider that accepting the relief by HCC to list all centres apart from Wellington City Centre as 'other regionally significant centres' would not be appropriate. This approach would be contrary to the approach applied to categorizing centres within Policy 30, which I consider does reflect differences in the size, scale, and role of regionally significant and locally significant centres.

Hierarchy

757. Robert Anker, Philip Clegg and Dr Sarah Kerkin consider that Policy 30 is not drafted as a hierarchy of centres. I note that the word hierarchy in the policy is only used in the explanatory text. In this case I have taken the meaning of hierarchy to be as defined by the Cambridge Dictionary:

'a system in which people or things are arranged according to their importance'

758. The policy identifies the centres of significance at different geographic scales which serve different catchment scales, being of regional or local significance. I consider that the policy does in fact order the centres on a scale of importance. For example, the Wellington CBD provides for greater opportunities for economic development, transport movement, civic or community investment, than the smaller centres of Greytown or Petone do. On this basis, I consider the list of centres in the policy is presented in the format of a hierarchy, and recommend the requests to delete this terminology are rejected.

NPS-UD and polycentric urban form

759. Stride Investment and Investore Property oppose Policy 30 in part on the basis that it fails to give effect to the NPS-UD and should be amended to recognise how the centres identified in Policy 30 should be the focus of intensification. Kāinga Ora also seeks that the policy is amended to make specific reference to high density residential living and well-functioning urban environments.

760. I understand that the amendments made to this policy in Change 1 were not to give effect to the NPS-UD, but to ensure consistency with how centres are identified within the policy, including consistency with the zoning of these centres through the relevant city and district plans. The direction relating to providing for intensification around centres, to give effect to Policy 3 of the NPS-UD, is primarily provided for within Policy 31 of Change 1. Policy 31 specifically identifies that high density development is focused in metropolitan centre zones.

761. The direction in Policy 30 is focused on ensuring that the vitality and vibrancy of centres is maintained and includes direction that district plans shall enable and manage land use activities to this effect. Ensuring these centres contribute to the economic development, transport movement, and civic or community investment in the region will support the delivery of high and

medium density residential development in these areas. I consider that including direction around intensification in Policy 30 would be a duplication of the direction provided for in Policy 31. On this basis, I recommend that the submissions by Stride Investment, Investore Property, and Kāinga Ora are rejected to the extent of the relief sought to provide for intensification in Policy 30.

762.PCC states that the policy will result in a poly-centric urban form, as opposed to an urban form where intensification is focused around public transport and services. I agree with the assessment of Ms Zöllner (paragraph 197 of this report) that a poly-centric urban form is consistent with the direction of the NPS-UD which seeks to enable intensification and development around multiple centres. On this basis I do not support the argument of PCC.

Other matters

763.Both PCC and Kāinga Ora have proposed changes to the policy explanation text. In my opinion, the proposed amendments are an improvement. They generally provide additional clarity on the role of these centres with regards to regional form and the benefits that the policy seeks to achieve in relation to maintaining the vibrancy and vitality of these centres.

764.However, I consider that some of the amendments to the explanation text which are explicitly focused on intensification of development are more appropriately considered through Policy 31. On this basis I recommend accepting in part the relief sought by PCC and Kāinga Ora so far as it relates to amendments to the explanation text.

765.Heather Blissett seeks that the policy explanation text is amended to include reference to environmental wellbeing and indigenous biodiversity. I do not consider that this additional text is appropriate, as the focus of Policy 30 is not indigenous biodiversity values or the consideration of environmental wellbeing. I recommend rejecting the relief sought.

5.3.3 Recommendations

766.I recommend that Policy 30 is amended as follows:

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~~
- vi. Johnsonville ; and
- vii. Kilbirnie.

3. the locally significant centres of Suburban centres in:

- i. Petone;

- ii. Kilbirnie; and
 - iii. Johnsonville.;
 - iv. Ōtaki Main Road;
 - v. Ōtaki Township;
 - vi. Waikanae;
 - vii. Raumati Town;
 - viii. Featherston;
 - ix. Greytown
 - x. Carterton; and
 - xi. Martinborough.
4. Other local and neighbourhood centres that provide for the daily and weekly needs of their residential catchments.

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 deliver 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.

767.I recommend that the submission points relating to Policy 30 are accepted, accepted in part, and rejected as detailed in **Appendix 2**.

5.3.4 Section 32AA Evaluation

768.In accordance with s32AA of the RMA, I consider my recommended amendments to Policy 30 are appropriate for the following reasons:

- The recommended amendments retain the list of regional and local centres and therefore ensure the vibrancy and vitality of these centres is still directed to be maintained through lower order documents, but the amendments ensure the policy applies a consistent approach to identifying centres and therefore improves clarity for plan users.

- Under the direction of the NPS-UD and Policy 31 of the RPS, these centres are anticipated to be subject to intensification and densification. The recommended amendments to this policy do not change this outcome.
- The recommended amendments do not result in any additional costs, but there will be benefits through ensuring these centres continue to provide their social and economic benefits for communities, and benefits for providing for the recognition of additional centres at a local and neighbourhood level. I also consider the proposed amendments to the explanation text appropriately detail the benefits that are provided through maintaining the vibrancy and vitality of these centres.

5.4 Policy 56 – Managing development in rural areas (Owen Jeffreys)

5.4.1 Matters raised by submitters

769. There were 54 total submission points received on Policy 56. There were 29 submission points and 25 further submission points.

770. AQA [S29.002] submits in support, and seeks the policy is retained as notified. Fulton Hogan [FS11.023] supports the submission by AQA, but also seeks that a definition of primary production be included in Change 1. Ātiawa made a further submission [FS20.265] to disallow the entire submission by AQA, on the basis that the relief sought by AQA is inconsistent with national direction.

771. MDC [S166.038] and the Mansells [S125.006, S125.008] support the policy and seek that it be retained as notified. HCC [S115.076] supports in part but seeks that the policy be amended so that it only applies to regional consents.

772. SWDC [S79.047] supports the policy but seeks amendments to balance the requirements of clause (a) and clause (d), via the below amendments.

(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 **excluding land identified in (d)** and reverse sensitivity issues for existing production activities, including extraction and distribution of aggregate minerals;

773. HortNZ [S128.049] supports in part but seeks that clarification is provided about how the policy is applied in relation to urban and rural development; and that the use of highly productive land is enabled.

774. Waka Kotahi [S129.026] supports in part, but seeks that the policy is amended to include greater direction on intensification over greenfield development and that development in rural areas should be required to provide mode choice options.

775. Peka Peka Farm [S118.016], Summerset [S119.005] and RVA [S120.005] all support the policy in part, but seek that duplication between policies 55, 56 and UD.3 is removed, specifically in relation to out of sequence development. The submitters also seek that the necessity of clause (a) is reconsidered, due to the introduction of the NPS-HPL. HortNZ supports in part the submission by Peka Peka Farms [FS28.073] and RVA [FS28.074] and considers that clause (a) should remain a consideration.

776. KiwiRail [S124.010] supports in part and seeks that a new clause is added that considers reverse sensitivity effects. Waka Kotahi [FS3.046] supports the submission of KiwiRail. HortNZ [FS28.075] and Meridian [FS26.066] support the submission of KiwiRail in part, and seek that reverse sensitivity is addressed. Meridian seeks that the relief sought be amended to include lawfully established, existing regionally significant infrastructure.

777. Dairy NZ [S136.018], GWRC [S137.045, S137.046], and Rangitāne [S168.0176] support in part and seek that the policy is amended to be consistent with the NPS-HPL. HortNZ [FS28.076, FS28.081] supports the submissions from Dairy NZ and Rangitāne, and supports in part [FS28.077, FS28.078] GWRC's submissions. Sustainable Wairarapa [FS31.106] also supports Rangitāne's submission. GWRC seek the below amendments:

Insert new clause - (c) the proposal will lead to subdivision, rezoning to urban or rural lifestyle, use or development of highly productive land not otherwise provided for by exceptions in clauses 3.6, 3.8, 3.9 or 3.10 of the National Policy Statement for Highly Productive Land 2022;

Insert a sentence in the Explanation section: In addition to direction in Policy 59, Policy 56 aligns with direction from the National Policy Statement for Highly Productive Land 2022 to protect highly productive land for use in land-based primary production.

778. WCC [S140.077] supports in part but seeks the below wording amendments so the policy is clear in relation to expected outcomes. HortNZ [FS28.079] supports in part WCC's submission to the extent that the relief is consistent with the NPS-HPL.

a) the proposal will ~~result in a loss of~~ **retain the** productive capability of the rural area, including **minimising** 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;

b) the proposal will ~~reduce~~ **retain or enhance** aesthetic and open space values in rural areas between and around settlements;

779. Ātiawa [S131.0100] opposes in part and seeks the policy considers mana whenua values, climate change resilience, Te Mana o te Wai, and indigenous ecosystems. Ngā Hapu [FS29.215] support this submission.

780. GWRC [S137.044] supports in part and seeks that cultural values are added to clause (b). Taranaki Whānui [S167.0118] supports in part and seeks that a new clause is added to consider effects on cultural values, as per below.

(x) the proposal will affect cultural values in rural areas between and around settlements.

781. Rangitāne [S168.0175] supports in part but seek that 'aesthetic' is replaced with 'amenity' in clause (b). They also seek that the policy includes consideration of climate change resilience [S168.0173]. Sustainable Wairarapa inc [FS1.103, FS1.105] supports the Rangitāne submissions.

782. Rangitāne [S168.0174] also seeks that the policy should separate out the matters of the loss of production land and reverse sensitivity. HortNZ [FS28.080] supports in part, on the basis that both matters are sufficiently addressed. Sustainable Wairarapa inc [FS1.104] supports the Rangitāne submission.

783.Rangitāne [S168.0177] further seeks amendments to the explanatory text, to ensure consistency between policy 55 and 56. HortNZ [FS28.082], Sustainable Wairarapa inc [FS1.107], and Peka Peka Farm Limited [FS25.107] all support the submission.

784.PCC [S30.073] supports in part but seeks that a typographical error is corrected. Peka Peka Farm Limited [FS25.106] supports the PCC submission.

785.KCDC [S16.041] opposes the notified policy amendments and seeks that the reference to the WRGF is removed, and the duplication of matters considered in Policy 55 is addressed, and seek the below amendments. The Mansells [FS18.005] oppose the relief sought by KCDC.

(d) ~~in the case of proposed new urban development, the proposal is consistent with **Policy 55 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; 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.**~~

Explanation

~~**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.**~~

786.UHCC [S34.014] opposes in part and specifically seeks the removal of the reference to Future Development Strategies via the below amendments.

(d) the proposal is consistent with ~~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; 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.'~~

787.BLNZ [S78.015] seeks the policy is retained as notified. Ātiawa [FS20.323] opposes the submission but only where BLNZ are seeking to delete amendments, which is not relevant for this policy.

788.Ngāti Toa [S170.062] seeks that the policy should be amended to include the execution of Tino Rangatiratanga on land that was returned through the Deed of Settlement Acts and provide for the land aspirations of iwi and Māori. Ngā Hapu o Otaki [FS29.176] support Ngāti Toa's submission.

5.4.2 Analysis

Consistency between Policy 55, 56 and UD.3

789.My interpretation of the operative Policy 55 is that it sought to direct the general form of urban development beyond the region's urban areas whilst operative Policy 56 related to the effects of urban and rural residential development on the rural environment. The Change 1 version of Policy 56 is supported by text that states the policy intention is to manages tensions between urban and rural development on the fringe of urban areas. The direction of Policy 56 has not changed through Change 1, and the only amendments made are in relation to including a reference to the FDS within clause (d).

790. Whilst I acknowledge there is an overlap between both the operative and notified versions of Policy 56 and 55 to the extent that they both consider urban development beyond the regions urban areas, they do not duplicate policy direction. Policy 55 is focused on urban expansion, whilst Policy 56 is more generally focused on the effects of development in rural areas. I consider that the scope of Policy 56 is appropriate and should remain as notified.

791. In relation to the recommended amendments by Ms Zöllner to Policy 56, I do not consider that this introduces any new inconsistencies between the policies with the policy direction still clearly focused on managing the form of urban development beyond the existing urban areas.

792. Rangitāne notes that the explanatory text for the policy does not accurately reflect the purpose of the policy. I agree with the submission, as the explanatory text indicates that Policy 56 seeks to ensure well-functioning urban environments and urban areas are maintained, when the policy is focused on managing the effects of development on the rural environment. Therefore, the explanation text of the policy in my opinion does duplicate matters which are considered through Policy 55, and I do not think the wording is appropriate for explaining the policy direction in Policy 56. In response, I recommend amendments to the explanatory text to reflect the policy's purpose and recommend accepting the relief sought by Rangitāne.

793. In relation to submission points on the consistency with Policy UD.3, this policy specifically outlines the criteria for developments that are providing 'significant development capacity', to give effect to Clause 3.8(3) of the NPS-UD. This policy is relevant when considering out-of-sequence development under clause (d) of Policy 55, which specifically recognises urban development that provides significant development capacity. Policy 56 does not provide any specific consideration of out-of-sequence development or significant development capacity. Policies 55 and 56 do need to be consistent in how they consider out-of-sequence developments as they both relate to urban development in the rural areas, and both contain direction on development being consistent with the FDS or regional or local growth strategy.

794. To address this inconsistency, I recommend the clause relating to the FDS within Policy 56 (clause d) is restricted to rural-residential development only and the policy is amended accordingly to include the additional clause sought by KCDC ('For urban development, be consistent with Policy 55'). This will ensure that any out-of-sequence developments for urban development are considered through Policy 55, rather than through Policy 56. This avoids a duplication of these matters. However, I do not agree with the relief sought by KCDC to delete reference to the FDS entirely, as rural-residential development should be consistent with the FDS or other growth strategy where relevant to achieve regional form outcomes. The matter of the weighting afforded to the WRGF has been considered in the general submission section of this report (section 3.5), and as such I shall not revisit it here.

795. I therefore recommend accepting in part the relief sought by KCDC so far as it relates to ensuring new urban development is consistent with Policy 55. I recommend accepting in part the submissions from Peka Peka Farm, Summerset, and RVA, so far as they relate to seeking consistency between Policies 55, 56 and UD.3 which I consider has been addressed through changes to the explanation text and policy clauses.

796. I recommend accepting in part the relief sought by HortNZ, on the basis that clarification on what development is captured by the policy is contained within the explanation text rather than the main body of the policy itself.

797. In my opinion, giving effect to the NPS-HPL is not within the scope of Change 1 as the NPS-HPL came into force on 17 October 2022 and Change 1 to the RPS was notified on 19th August 2022. I acknowledge that as Change 1 amended Policy 56, which is a rural policy that includes clauses that relate to productive land, it is within the scope of Change 1 to consider submission points on productive land in relation to this policy.

798. I have been advised by Council officers that the Council will be progressing a comprehensive change to the RPS to give full effect to the NPS-HPL within the required timeframes⁶⁵. I do not consider that it would be appropriate and practical to attempt to give full or partial effect to the NPS-HPL in Change 1 given the timeframes available and the complexities of the policy statement, which includes requirements for the RPS to identify land to be mapped as HPL. I consider that the NPS-HPL warrants consideration through a full plan change process to ensure the RPS is appropriately amended to fully give effect to the national direction.

799. Clause (a) of the policy seeks to ensure that the productive capability of the rural area is maintained. The wording of clause (a) of the policy has not been amended through Change 1. The direction of clause (a) is already generally aligned with the purpose of the NPS-HPL, as it requires consideration of the effects of development on the productive capability of the rural area, including for food and other primary production. I also note that under section 104(b)(ii), when processing an application for a resource consent the relevant provisions of a national policy statement must be had regard to. On this basis, I do not consider it is necessary to provide the specific relief sought by GWRC to recognise the exceptions in clauses 3.6, 2.8, 3.9 or 3.10 of the NPS-HPL, as these exclusions will be had regard to regardless of reference within this policy.

800. On the above basis, I recommend that all submissions that seek amendments to give effect to the NPS-HPL, and which question whether clause (a) is still relevant, are rejected to the extent of the relief sought in regard to this matter. I recommend accepting the relief sought by Rangitāne which only seeks to ensure consistency between the NPS-HPL and Policy 56.

Reverse Sensitivity

801. KiwiRail seeks the inclusion of a new clause that specifically addresses potential reverse sensitivity effects and Rangitāne seeks that reverse sensitivity is considered in a separate clause of the policy. The operative policy considers reverse sensitivity issues for existing production activities through clause (a).

802. I agree with the submission points that reverse sensitivity should be considered through a separate clause, and that the policy would be clearer if clause (a) only addressed the effects of development in the rural area on primary production and productive capability. Meridian seeks that the new clause on reverse sensitivity effects specifically refers to 'lawfully established existing regionally significant infrastructure'. I do not consider that this addition is required, as the policy as applied would allow for consideration of any reverse sensitivity effects, including on 'lawfully established existing regionally significant infrastructure'

⁶⁵ Clause 3.5 requires regional council to notify a plan change no later than 3 years after the commencement date of the NPS-HPL that identified land in the region that is required to be mapped as highly productive land.

803. I recommended accepting the relief sought by Rangitāne and accepting in part the relief sought by KiwiRail on the basis that a separate clause for reverse sensitivity is included. I recommend rejecting the relief sought by Meridian in their further submission.

Mana whenua and values

804. I agree with the submission from Rangitāne and recommend accepting the relief sought to include 'amenity values' in clause (b) in place of 'aesthetic values', noting that 'amenity values' is a defined term under the RMA and used in The Standards, and so is a more appropriate term to use.

805. I recommend accepting the relief sought by GWRC to include 'cultural values' in clause (b). I consider this relief is more appropriate than inserting a specific new clause to address this as requested by Taranaki Whānui, whose relief I recommend rejecting on this basis.

806. Ngāti Toa considers that Policy 56 needs to explicitly include the exercise of Tino Rangatiratanga and provide for the land aspirations of iwi and Māori. Ātiawa seeks the following clause is included that considers effects of development on mana whenua values.

(f) the proposal will adversely impact on mana whenua values, including the relationship with traditions, ancestral lands, water, sites, wāhi tapu and other taonga;

807. I consider that the policy as written is largely silent on matters that should be considered through this policy as relevant under section 6(e) of the RMA. The policy does not adequately provide for the consideration of effects on mana whenua values as drafted, and I recommend accepting the relief sought by Ātiawa and including the new clause. This recommended addition ensures that mana whenua / tangata whenua values in the rural area are appropriately considered, which is consistent with section 6(e) direction.

808. As Policy UD.1 enables mana whenua / tangata whenua to exercise their Tino Rangatiratanga with their ancestral land (including land in rural areas) and provides for the development of land owned by mana whenua / tangata whenua, I do not consider that Policy 56 needs to be amended to duplicate these matters. On this basis I do not recommend supporting the relief sought by Ngāti Toa.

Aggregate Extraction

809. Whilst AQA seeks that the policy is retained as notified, in particular clause (a) in so far as it provides for aggregate extraction, the supporting further submission by Fulton Hogan states that land in close proximity to urban areas that could allow for quarrying activities should not be 'sterilised' through urban development. Fulton Hogan also seeks that a definition of primary production is included.

810. I acknowledge the principle of the submission from AQA and the further submission from Fulton Hogan and recognise that aggregate is a locally constrained resource that can be influenced by development in the rural areas, including large-scale greenfield developments and the cumulative effects of rural-residential development. In my view, this matter is already addressed in the policy through clause (a), as quarrying and mining are primary production activities. With regards to a definition for primary production, I agree with Fulton Hogan that a definition would improve clarity for how this policy applies and recommend accepting the relief sought to this degree. I recommend that the definition for primary production from The Standards be adopted, which is defined as:

- 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.

811. I have reviewed the Operative RPS and Change 1 to confirm the adoption of this definition will not affect the outcomes of other provisions. In Change 1, Policy 56 is the only provision where the term is used. In the Operative RPS, the term is used in the explanation text for Policy 28 (Managing special amenity landscape values) and in the definition of Peri-urban. In both cases, in my opinion adoption of the definition will not affect the outcomes or interpretation of the RPS.

812. I note that the definition of primary production under The Standards includes terms that are defined under The Standards, including ancillary activity, quarrying, land, and buildings. I do not consider that these additional definitions are required, and that the definition of primary production in its own right reflects the relief sought by the submitter.

Future Development Strategy

813. UHCC opposes the amendments on the basis that regional strategies should not be afforded weight over local strategies in the absence of an FDS, and that is inappropriate to rely on the FDS as a document that does not exist.

814. I do not agree with UHCC that it is inappropriate to reference a document that does not exist in this instance, as it is a requirement of the NPS-UD that an FDS will be developed, and the development of the FDS is also directed through Method UD.2 of Change 1. I understand that the FDS is being developed at present. Clause (d) recognises that when an FDS is developed it will be the primary statutory document for directing growth in the region and that development should be consistent with the FDS direction to achieve the outcomes of Objective 22 in relation to regional form. This is consistent with the direction in Clause 3.17 of the NPS-UD, whereby a tier 1 or 2 authority must have regard to the relevant FDS when preparing or changing RMA planning documents. Until the FDS is adopted, the city or district regional or local strategic growth framework or strategy applies. If reference to the FDS is not included then I anticipate a subsequent change would have to be made to the RPS to incorporate the FDS into relevant provisions. The approach of Change 1 avoids that subsequent change, and in my opinion is an efficient and appropriate approach. I also consider that the policy does not state that regional strategies have weighting over local strategies, as the wording states 'regional or local'. On this basis I recommend rejecting the relief sought by UHCC.

Climate change

815. Two submitters (Rangitāne and Ātiawa) seek that climate change resilience is considered through Policy 56. I agree that this is a relevant consideration that is currently absent from the policy and including consideration on whether development is climate-resilient is consistent with the scope of Change 1. Rural areas will not be unaffected by climate change, and development in rural areas should seek to mitigate the effects of climate change on current and future rural communities through climate resilience. I recommend amendments to Policy 56 and that both submissions are accepted in part to the extent of relief sought on climate-resilience.

Other matters

816. SWDC considers that too much weight is put on clause (a) over clause (d) in the policy. My understanding is that SWDC is seeking to confirm that where land is identified in a relevant strategy under clause (d), then it is able to be excluded from meeting the requirements of clause (a), which relates to productive capability. As worded, there is no weighting given to any one clause over any other clause in the policy. However, I do not consider that an exemption is necessary, and that it is a relevant consideration for both rural and urban development to consider the effects on the productive capability of the rural environment, including where land is recognised in a strategy. This clause addresses regionally significant issue 2 for regional form in the Operative RPS. I do not consider that the policy, without an exception, would mean this land could not be developed but that development would need to respond to any productive capability of that area, which is responding to the relevant regionally significant issue. I therefore recommend rejecting the relief sought by SWDC. Given the wording of the chapeau and the way that consideration policies apply, I do not consider clause (a) is strong enough to require an exemption.

817. I acknowledge that the matters in this policy will be considered through provisions at the district plan level, as detailed in the submission from HCC, which seeks that the policy is amended to only apply to regional resource consents. However, I do not agree with the relief sought as the policy is seeking to manage and control land use change, which is within the role and responsibilities of territorial authorities, and so is relevant for consideration at the consenting level for district and city councils. I recommend rejecting the relief sought by HCC on this basis.

818. Waka Kotahi seeks greater direction about prioritising intensification over greenfield development and development in rural areas. I agree that this direction is not currently evident in the provisions of Change 1, but I consider that this is the direction which Change 1 seeks to achieve in accordance with the NPS-UD. The recommended amendments by Ms Zöllner to policies being considered through the FPP includes the addition of a new policy which addresses this issue (from paragraph 566 of this report). Recommended new Policy UD.4 (Achieving a compact regional form with well-functioning urban and rural areas – district plans) sets out the hierarchy for achieving a compact and well designed urban form and well-functioning urban and rural areas. This hierarchy identifies that rural-residential development is considered behind development within urban areas, planned development beyond urban areas, and unanticipated or out of sequence greenfield development.

819. This is a regulatory policy and so district plans will need to introduce policies, rules and/or methods to implement this requirement. I consider that this new policy addresses the submission point from Waka Kotahi and therefore I recommend accepting in part the relief sought.

820. Ātiawa seeks that the following new clauses are included in Policy 56:

- (h) **integrates Te Mana o te Wai consistent with Policy 42**
- (i) **protecting indigenous ecosystems and habitats with significant biodiversity values as identified in Policy 23**

821. I do not consider that these new clauses are required as they are already addressed through the respective policies which are referenced in the relief sought, and that including these matters in Policy 56 would be an unnecessary duplication of both these policies. I therefore recommend rejecting the relief sought with regards to including these two clauses. However, I note that Ms Zöllner has made a recommended amendment to Policy 56 (paragraph 515 of this report) that includes specific reference to Te Mana o te Wai through a response to a separate submission point, such that this relief is partially accepted through the proposed amendment of Ms Zöllner.

822.I agree with WCC that the wording of the policy appears to be in conflict in terms of what the policy is seeking to happen and what the policy doesn't want to happen. In response I recommend amendments to provide consistency in terminology used and to be more consistent in stating what the policy is seeking to achieve. This includes recommended amendments to the phrasing of clauses to ensure they are appropriate in relation to changes to the chapeau text and to be more consistent with the outcomes sought. On this basis I recommend accepting the relief sought by WCC.

823.I also recommend consequential changes to the explanation text of the policy to reflect the recommended amendments to the clauses, including where new clauses have been proposed.

5.4.3 Recommendations

824.I recommend that Policy 56 is amended as follows:

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 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 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) 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~~ minimises demand for non-renewable energy resources through appropriate location, design and density of development; and
- (f) is climate-resilient; and
- (g) gives effect to Te Mana o Te Wai; and
- (h) ~~(d) for rural residential development, the proposal~~ 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;~~ or

- (i) ~~(e)~~—in the absence of such a framework or strategy, ~~the proposal~~ will increase pressure for public services and *infrastructure* beyond existing *infrastructure* capacity; and
- (i) for urban development, is consistent with Policy 55.

Explanation

Policy 56 considers urban development and rural residential development within the region's rural areas. The policy seeks to ensure that rural development occurs in a manner that maintains the rural environment's character and values and recognises that development in rural areas can lead to the cumulative reduction of the productive capability of rural areas if not appropriately managed.

The policy also seeks to ensure that reverse sensitivity issues are appropriately considered and managed, and that the amenity, open space, and mana whenua values are maintained.

Where development in rural areas 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.~~

Insert new definition for Primary Production

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.

825.I recommend that the submission points relating to Policy 56 are accepted, accepted in part, rejected or noted as no recommendation as detailed in **Appendix 2**.

5.4.4 Section 32AA Evaluation

826.In accordance with s32AA of the RMA I consider my recommended amendments to Policy 56 are appropriate for the following reasons:

- The proposed amendments are an efficient and effective way to continue to ensure that rural character and values within the region are maintained and enhanced with associated benefits for rural communities. The amendments improve the wording of the policy and provide clarity on the type of development considered and the purpose of the policy.
- There are benefits to achieving the purposes of Change 1 by ensuring that rural-residential development is consistent with relevant growth frameworks which will contribute to regional form outcomes, and similarly for urban development, with the

amendments made directing that urban development is considered against the direction in Policy 55.

- The proposed amendments are effective at ensuring the policy considers mana whenua / tangata whenua values explicitly and seek to ensure rural areas are climate change resilient which is consistent with the purpose of Change 1 and provisions which relate to climate change, with social benefits for the rural environment and rural communities.
- The proposed introduction of the new definition for primary production will be effective in assisting interpretation of the policy and aligns with The Standards, and the policy will continue to ensure the productive capacity of the rural area is considered in response to development, with associated benefits for the rural environment.
- The proposed amendments will lead to minor additional costs for managing development against the additional matters considered through Policy 56, including climate resilience, however there are positive social and environmental benefits through the proposed amendments.

5.5 Policy 57 – Integrating land use and transportation (Owen Jeffreys)

5.5.1 Matters raised by submitters

827. Overall, there were 32 submission points received on this policy, 21 submission points and 11 further submission points on Policy 57.

828. Muaūpoko [S133.062], Sustainable Wairarapa Inc [S144.005], Forest and Bird [S165.078], Rangitāne [S168.0178], and Ātiawa [S131.0101] seek that the policy is retained as notified. Rangitāne [S168.0146] also seeks that the clause (e) is amended, to minimise the extent of time when servicing of subdivision of development is not efficient and/or practical. Sustainable Wairarapa Inc [FS31.075, FS31.108] support the submission by Rangitāne. BLNZ [FS30.319] oppose the submission from Forest and Bird, and Ātiawa [FS20.409] oppose the submission of Muaūpoko (noting that this opposition is not in relation to the relief sought).

829. KCDC [S16.042] supports Policy 57 in part but seeks that it is refined so it only applies to relevant proposals that affect transport outcomes that are within the power of city and district councils, and that it provides clear thresholds for when the policy is applied. As alternative relief, they seek the policy is deleted.

830. CDC [S25.042] and SWDC [S79.048] both support in part but seek that the policy is amended to reflect the practicalities of achieving the outcome sought in the context of the Wairarapa, which they argue has a limited public transport network. Both submitters also seek that the wording is changed as below to allow for greater discretion with regard to how the policy is applied, stating that requiring this for resource consents is onerous.

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, require land use and transport planning within the Wellington Region is integrated in a way which have particular regard to the way in which land use and transport planning is integrated within the Wellington Region, so that it:

(a) supports a safe, reliable, inclusive and efficient transport network;

(b) supports connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity;

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

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

(e) provides for well-connected, safe and accessible multi modal transport networks, where practical, 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;

831.HCC [S115.077] supports in part but seeks that the policy is amended so that it doesn't apply to resource consents. WCC [S140.078] and WIAL [S148.052] both support in part and also seek that the policy is amended to not apply to resource consents. WIAL also seeks that the amendments be deleted if the policy is still applied to resource consents.

832.KiwiRail [S124.011] supports in part and seeks the policy is amended to include a new clause which expressly seeks to avoid reverse sensitivity effects on transport corridors. Kāinga Ora [FS12.0010] opposes the submission by KiwiRail and that reverse sensitivity effects should be mitigated at the source. Waka Kotahi [FS3.047] support the submission by KiwiRail.

833.DAST [S116.002, S116.004] supports in part but seeks that the policy is amended to require both a quantitative assessment of mode shift options and consideration on the wider network, and a health assessment of transport.

834.PCC [S30.074] opposes the policy. PCC states that the policy is a duplication of regulatory policies in other parts of the RPS, and that the application of the policy to resource consents is not appropriate as the integration of land use and transport will be achieved through other methods, including zoning and district wide provisions. They also identify that there is no threshold for when the policy is triggered, that clarity is required on what an 'inclusive transport network' is, and that the methods for minimising private vehicle use lie outside of the RMA. They seek that the proposed amendments to the policy are deleted.

835.UHCC [S34.015] opposes the policy. UHCC states that the matters considered through the policy are outside of the control of district and city councils, and it considers that there is no defined threshold for when the policy applies via the below amendments. They also provide comment on the duplication of specific clauses and request a definition for low carbon modes.

'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, require land use and transport planning within the Wellington Region is integrated in a way which:

(b) supports connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity;

~~(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;

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

(e) ~~provides for consider where practicable enabling a~~ 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;

... Explanation:

...Policy 57 lists matters that need to be ~~given particular regard when considering~~ **considered for 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'**

836.WFF [S163.077] opposes the policy and seeks that the policy is restricted to only applying within the urban areas or urban expansion areas via the below amendments. Forest and Bird [FS7.120], Ātiawa [FS20.242], and Ngā Hapu o Otaki [FS29.093] oppose the submission, whilst BLNZ [FS30.149] supports the submission.

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 **for land within urban areas or within proposed areas for urban expansion,...**

5.5.2 Analysis

Application to resource consents and notice of requirements

837.HCC, CDC, SWDC, WCC, and WIAL have all made submissions that relate to Policy 57 applying when considering resource consent applications, on the basis that applying this policy to resource consents is:

- Onerous and could cause burden in preparing and processing consents, especially for small developments.
- Inappropriate as this analysis should be completed at the plan making stage.
- That integration is best achieved at the plan provision level, and not the resource consent level.

838.WCC seek the following amendments to the policy:

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~~, require land use and transport planning within the Wellington Region is **to be** integrated in a way which: ...

839.Whilst I acknowledge that integrating land use with transport is a matter which can be achieved through the plan change process, including through appropriate land zoning and development management provisions, I do not agree that this should not also be considered at the resource consent level. I note that the existing Policy 57 in the operative RPS, which sought similar outcomes, already applies at the resource consent level.

840.This policy is a consideration policy. 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, however I note that there is regulatory direction in several policies of Change 1 that relate to transport demand from new development, including:

- Policy CC.2 - Travel demand management plans – district plans
- Policy CC.3 - Enabling a shift to low and zero-carbon emission transport – district plans

841. I consider that, in time, as district plans give effect to policies CC.2 and CC.3, there will be relevant provisions in the region's district and city plans that will further support integrating land use and transport. Until these policies have been given effect to, Policy 57 will provide this direction at the resource consent level. My understanding is that this is a key function of the consideration policies in the RPS, to provide for the interim consideration of matters which have not yet been reflected in the provisions of the city and district plans.

842. 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.

843. With regards to the submission points from KCDC, PCC and HCC on this policy applying to potentially unrelated consent applications where integration with the transport network is not relevant, I consider that this policy would only practically apply to the extent relevant for the applicable development. As a result, I do not consider that clear thresholds for when this policy applies are necessary nor would be of benefit.

844. PCC considers that other methods, such as congestion charging, which are outside the RMA, should be used to minimise private vehicle use. Whilst I acknowledge that there are other regulatory methods which can be used to achieve the integration of land use and transport, resource management plans have a part to play in managing development in the right locations to enable people to access services and activities without private vehicle use. Other methods can still be used to achieve similar outcomes, but I note controls such as congestion charges do not address the matters managed by this policy, which seeks to manage development to ensure transport outcomes are achieved. I note that the NAP recognises that the RMA and the wider planning system can complement other initiatives outside of the planning system that can achieve similar outcomes.

Integration in the Wairarapa

845. CDC, SWDC and MDC have all submitted on the application of this policy in the Wairarapa. I note that there is a broader consideration of the application of the NPS-UD and Change 1 provisions to the Wairarapa context earlier in this report starting at paragraph 206208.

846. I acknowledge the arguments made by these submitters that the public transport network within the Wairarapa is not as extensive as the network in other areas of the region. That being said, there is still public transport available within the Wairarapa and I consider that development in these areas should still be seeking to achieve integration with the public transport network that does exist. The benefits of integrating land use development with the transport network are just as relevant to the Wairarapa as they are to the other regions, including increasing the number of people who are able to use public transport which can support additional investment in the network, and ensuring people can access a range of transport modes with associated positive effects for people movement and achieving well-functioning urban environments.

847. I also acknowledge that as worded, the policy may be difficult to apply in these areas due to the use of 'require' in the chapeau. CDC and SWDC both seek that instead of 'require' the policy chapeau is changed to 'particular regard'. I note that this is the terminology used in the operative policy. The introductory wording for Chapter 4.2 has been recommended for amendment in the

Integrated Management s42A report by Mr Wyeth (paragraph 147) (Hearing Stream 2). This is in response to submission points that identified inconsistencies and interpretation issues in the direction about how consideration policies apply, and the statutory weight of terms including 'have particular regard' and 'have regard to'. On this basis the chapeau text across Change 1 has been recommended to be amended such that consideration policies need to be 'given effect to' when reviewing, changing, or varying district or regional plans, and that 'regard must be had to/particular regard', when assessing and deciding on resource consents and notices of requirement. On this basis, I recommend that the word 'require' should be removed from the chapeau of the policy, as it conflicts with the recommended amendments by Mr Wyeth, and this would align with the request of CDC and SWDC. This change of terminology would also allow for a greater degree of discretion in how this policy is applied, whilst still ensuring these matters are considered to the degree relevant through the statutory weight afforded to the policy. I recommend changing the chapeau wording to 'seek to achieve integration between' as a result of the amendments.

848.CDC and SWDC also seek that the clauses (c) and (e) are amended to include reference to 'where practical'. I do not consider that this is required on the basis that the directiveness of the policy has been recommended to be changed, and that the matters included are no longer 'required' to be delivered. The policy will need to be 'had regard to' through any consent process, which provides for greater discretion at a consenting level on whether these matters are practicable to achieve and relevant for the consent application.

849.I therefore recommend rejecting the relief sought by CDC, SWDC, and MDC.

Rural areas

850.WFF considers this policy should only apply to urban areas or areas proposed for urban expansion. As notified, there are no thresholds or restrictions for the types of development the policy is intended to be applied to, and therefore the policy applies to all development within both the urban and rural areas of the region. I support this approach, as the integration of land use and transport should not be limited to within the urban area as it is a relevant issue for urban and rural growth. As an example, if a large scale rural-residential subdivision and development was proposed in the rural lifestyle zone, being outside the urban area, I consider that it would be relevant for this policy to apply. When considering how the region will grow, ensuring that development is integrated with the transport network is a key principle of the direction of intensification within the NPS-UD for urban areas, but is also a key consideration of the WRGF and the NAP, which both seek to ensure development is managed to occur in a manner that supports the movement of people whilst reducing emissions.

851.When reviewing the matters in clauses (a) to (f) of the proposed policy, I can appreciate that a number of these matters could be challenging to achieve for development in the rural environment, especially given the notified policy wording in Change 1 'requires' these matters to be achieved. However, as described in paragraph 847, I have recommended replacement of the term 'require' and amendment of the policy to have more flexibility in application. Overall, I do not recommend restricting the policy to only apply to urban areas or urban development in the rural area and recommend rejecting the relief sought by WFF.

Deletion of clauses

852.UHCC requests that clauses (b) and (d) are deleted, stating that (b) is too onerous for resource consents and could stymie development opportunities in the rural area, and that clause (d)

duplicates clause (c). I do not consider that clause (b) is too onerous; clause (b) supports giving effect to Policy 1(c) in the NPS-UD and the notified wording has not changed substantially from the operative policy wording. The policy chapeau has been recommended for amendment in response to other submissions such that the policy is less directive. I therefore recommend rejecting the relief sought in relation to clause (b).

853. However, I do agree that there is duplication between the matters in clause (d) and clause (c) in terms of minimising private vehicle use and increasing public transport and active mode usage, and recommend that clause (d) is deleted to address this duplication. On this basis I recommend accepting in part the relief sought by UHCC.

Inconsistency between Policy 57 and 58

854. Waka Kotahi considers there is a potential inconsistency between policies 57 and 58. Both policies consider how development is integrated with the transport network to a degree. Policy 57 explicitly provides for this as the primary purpose of the policy, whilst Policy 58 provides a broader consideration of all development infrastructure, which includes transport infrastructure. I do not consider that there is a conflict between the two policies. Policy 58 provides a specific focus to ensure that infrastructure sequencing is managed to ensure that development is appropriately serviced by necessary infrastructure, but Policy 57 in my interpretation is focused on ensuring development is occurring in the appropriate areas to minimise private vehicle travel and promote connectivity to the public transport network. In principle, if Policy 57 is achieved and development is appropriately integrated with the transport network, then Policy 58 should also be achieved in so far as transport infrastructure is available, or anticipated to be available, to service new development.

Other Matters

855. DAST seeks that health assessments be required under Policy 57. This relief was also sought for policies CC.9 and EIW.7. I agree with the recommendation put forward by Ms Allwood in her Section 42A report⁶⁶ that the inclusion of a health assessment would be beyond the scope of the RMA.

856. DAST also seeks that a robust quantitative assessment of mode shift options is included as a requirement of Policy 57, and this was also requested for policies CC.9 and EIW.7. I do not agree that this direction is required. It will be up to the discretion of the processing officer for the relevant application to determine if the information submitted with the application is sufficient to address the matters detailed in Policy 57, and that an assessment of this detail will not always be appropriate for a proposal, depending on scale and location. Therefore, I recommend rejecting the relief sought by DAST.

857. Taranaki Whānui seeks that a new clause is included ('supports an equitable transport network'). I acknowledge the reason behind the requested amendment and agree that this should be a relevant matter considered through this policy. I recommend that 'equitable' be included as part of the existing clause (a) of the policy, rather than adding a new clause because of the efficiency of including this as part of the existing clause. In this regard, I consider that an equitable transport network is one which allows for all people to access the transport network and it provides for

⁶⁶ Section 42A report of Louise Allwood for Hearing Stream 3, dated 31 July 2023, paragraph 106 <https://www.gw.govt.nz/assets/Documents/2023/07/S42A-Report-HS3-Climate-Change-Transport.pdf>

transport options where they may not currently exist. I recommend accepting in part the relief sought.

858. Clause (e) of the policy recognises that the timing and sequence of land use and public transport is not always correlated, and that this can lead to a period where the provision of public transport may not be efficient or practical. Rangitāne seeks that this clause is amended so that this delay of public transport provision is minimised as much as possible. I do not agree that this amendment is required. The policy wording recognises that this situation could occur, but it is beyond the powers of territorial authorities to minimise this time as the provision of public transport is not within their functional powers. I also note that through my proposed recommendations, Policy 58 will address this through requiring infrastructure to be provided 'in a timeframe commensurate to the scale and type of infrastructure'. I recommend rejecting the relief sought by Rangitāne.

859. UHCC seeks that a definition of low carbon modes is included. I note that Ms Allwood has also considered submission points on defining low carbon modes in her section 42a report⁶⁷. I agree with the recommendation in that report that a definition of this term is not required and that a definition would likely lead to unintended policy application results, as transport modes transition to low carbon technology. The general application of the term, meaning walking and cycling and other low emission vehicles or modes of transport, should apply as a plain English interpretation.

860. I agree with PCC that the growth corridors detailed in the policy need to be referenced or an image included. As the image of these corridors is already displayed in the chapter introduction, I suggest a reference within this policy is appropriate. PCC also seeks clarity about what is meant by an 'inclusive transport network'. In my opinion, a specific definition of this term is not required on the basis that inclusive transport ensures that all people are able to use the transport network, which is the plain English interpretation of the wording that should be applied. I recommend rejecting the relief sought by PCC to delete the policy amendments but recommend changes to clause (f) in response to their submission.

861. KiwiRail seeks inclusion of a clause that recognises the potential for reverse sensitivity effects associated with integrating land use and transport. I agree that as intensification is occurring in the region's urban areas, including around key transport corridors, the potential for reverse sensitive effects increases and this should be considered through this policy. I do not agree with the further submission from Kāinga Ora that these effects should be mitigated at the source if the effect existed prior to the development (for example noise from operating an existing rail line). Whilst I recommend including a new clause, I suggest that the use of the term avoid is overly restrictive and is not consistent with how reverse sensitivity has been considered through other policies (including recommend amendments to Policy 56), and that minimise would be a more appropriate term for the policy to use, recognising that reverse sensitivity effects may not always be able to be avoided.

5.5.3 Recommendations

862. I recommend that Policy 57 is amended as follows:

Policy 57 – Integrating land use and transportation - consideration

⁶⁷ Section 42A report of Louise Allwood for Hearing Stream 3, dated 31 July 2023, paragraphs 60 and 61 <https://www.gw.govt.nz/assets/Documents/2023/07/S42A-Report-HS3-Climate-Change-Transport.pdf>

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, ~~require, seek to achieve integration between~~ land use and transport planning within the Wellington Region ~~is integrated in a way which:~~

- (a) supports a safe, reliable, equitable, inclusive and efficient transport network; and
- (b) supports connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity; 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, 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) ~~(f)~~ supports and enables 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) ~~minimises the potential for reverse sensitivity effects on the safe and efficient operation of transport corridors.~~

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 considered for 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.

863.I recommend that the submission points relating to Policy 57 are accepted, accepted in part, rejected or noted as no recommendation as detailed in **Appendix 2**.

5.5.4 Section 32AA Evaluation

864.In accordance with s32AA of the RMA, I consider my recommended amendments to Policy 57 are appropriate for the following reasons:

- The recommended amendments will continue to provide for the integration of development and the transport network as a relevant consideration which will be effective in achieving well-functioning urban environments and give effect to Objective 1 and Objective 3 of the NPS-UD.
- The recommended amendments ensure that these outcomes are still directed to be achieved for rural environments which will ensure that integration is still sought to be

achieved between development and the transport network in the rural environment with benefits for regional form outcomes.

- The recommended amendments do introduce consideration of reverse sensitivity on transport corridors. This could result in a cost associated with development around these corridors which will need to consider how reverse sensitivity effects can be minimized. However, there will be social benefits in managing the potential reverse sensitivity effects that can arise from intensification around transport corridors through maintaining amenity and infrastructure operation.
- The recommended amendments align with the outcomes sought by Objective 22 and the wider direction of Change 1 which relates to climate change and transport, and respond to issues identified for this topic, including reverse sensitivity, and are an effective and efficient way of achieving the outcomes Change 1.

5.6 Policy 58 – Co-ordinating land use with development and operation of infrastructure (Owen Jeffreys)

5.6.1 Matters raised by submitters

865. Overall, there were 30 submission points received on Policy 58. There were 23 original submission points and 7 further submission points.

866. SWDC [S79.049], Taranaki Whānui [S167.0120] and Rangitāne [S168.0179], supported by Sustainable Wairarapa inc [FS31.109], seek that the policy is retained as notified, as does BLNZ [S78.016]. Ātiawa [FS20.324] opposes the submission of BLNZ where deletion of amendments is sought, which is not relevant for this policy.

867. Transpower [S10.006] supports in part and seeks that Policy 58 is retained as notified, but that Policy 7 is changed to consider the RSI required to support urban development, in line with amendments sought elsewhere in their submission.

868. Chorus, Spark and Vodafone [S49.007] support in part and seek that the explanation text is amended to include reference to all RSI as per below.

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 all regionally significant three waters infrastructure and transport~~ infrastructure that would be necessary to support the development.

869. KCDC [S16.043] supports in part, specifically clause (a), but seeks that clause (b) of the policy is deleted. CDC [S25.043] supports in part but states that the policy is very broad in its application and seeks that clause (b) is amended to delete references that require new development to provide low or zero carbon, multi-modal and public transport infrastructure. WWL [S113.044] supports in part but seeks that that clause (b) should be amended to reference Te Mana o te Wai infrastructure.

870. HCC [S115.078] supports in part but seeks the policy is amended so it doesn't apply to resource consents. Waka Kotahi [S129.028] supports in part but seeks clarification on how this policy will be implemented, with MDC [FS14.032] supporting the submission from Waka Kotahi.

871.WCC [S140.079] supports in part but seeks the below amendments to ensure development can occur where public transport and multi-modal transport infrastructure is available to serve it. They also seeks clarification to the chapeau text to address overlap between terminology.

When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan, for **new urban development**, subdivision, use or development, **give particular regard to its layout, location and sequencing so require all new urban development including form, layout, location, and timing is sequenced in a way that:**

(a) the development, funding, implementation and operation of infrastructure serving the area in question is provided for; and

(b) the development is integrated with planned or constructed transport infrastructure for low or zero carbon modes and public transport.

~~(b) 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.~~

872.GWRC [S137.035] seeks that the explanatory text is amended to reference that well-functioning urban environments apply to all urban areas in the region.

873.Ātiawa [S131.0102] supports in part but opposes that development is enabled, on the basis of programmed infrastructure and seeks that the policy is amended to require development occurs on the basis of infrastructure provided. Ngā Hapu [FS29.217] supports this submission.

874.MDC [S166.040] considers the policy is too specific and should be broader to encourage a range of infrastructure. Ngāti Toa [S170.063] seeks that the chapeau text is relocated to the responsive planning section of the RPS, and that co-ordinating land use and development is not limited to just transport. Ngā Hapu [FS29.177] supports the submission.

875.Peka Peka Farm [S118.017], Summerset [S119.006] and RVA [S120.006] oppose in part, considering that the policy should be deleted or amended to be consistent with Objective 6(c) and Policy 8 of the NPS-UD. The submitters also consider that the policy is inconsistent with Policy 57(e) of the RPS.

876.UHCC [S34.096] opposes in part and seeks that the policy is amended to delete all references to 'require', on the basis that these matters are beyond the legislative control of district and city council and should not be directed by the RPS.

877.PCC [S30.075] opposes the policy and states that its implementation is unclear. They seek that the policy be deleted or that the policy is amended to provide clear direction. Peka Peka Farm [FS25.108] supports the submission of PCC.

878.Powerco [S134.018] opposes the policy on the basis that the explanation wording as provided just applies to three waters infrastructure and transport infrastructure and seeks that clause (b) and the explanatory text are amended to include reference to energy and telecommunications infrastructure.

(b) all infrastructure required to serve new development, including low or zero carbon, multi modal, ~~and~~ public transport infrastructure, **energy and telecommunications infrastructure is**

available, or is consented, designated or programmed to be available prior to development occurring.

Explanation:

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, **energy and telecommunications infrastructure** that would be necessary to support the development.'

879.WIAL [S148.053] opposes this policy and seeks it be deleted on the basis that the policy sets an onerous threshold. WIAL also seeks that a clear definition of urban development is included in the RPS. Guardians of the Bays [FS8.025] opposes the submission of WIAL.

5.6.2 Analysis

Implementation and application

880.Several submitters have sought amendments to the policy on the basis that the implementation of the policy is beyond the control of authorities and applicants, but I also note that there is support in principle for ensuring that development is supported by the necessary infrastructure.

881.I partly agree with the submitters on the basis that it is beyond the functions of territorial authorities or the applicant of a resource consent to control the delivery of public transport and some other infrastructure that could be considered through this policy, including the wider multi modal network. However, the policy does not require these to be delivered by either a council or applicant. Territorial authorities are responsible for ensuring that urban development is located where it can be supported by the appropriate infrastructure. There is strong direction through the NPS-UD that intensification should be occurring in locations which are supported by existing and planned rapid public transport (Objective 3, Policy 1, Policy 3). Objective 6 of the NPS-UD also specifically seeks to ensure that decisions on urban environments are integrated with infrastructure planning and funding decisions. I consider that the policy accurately reflects this direction from the NPS-UD by seeking to ensure that urban development is serviced by infrastructure, including transport infrastructure.

882.I do not agree that deleting clause (b) is appropriate, as requested by KCDC. Whilst it will not be the responsibility of the applicant or a council to provide all relevant infrastructure considered through this policy, councils should be managing urban development to ensure it is supported by the necessary infrastructure, including transport infrastructure, and ensuring that isolated development with no existing or planned infrastructure does not occur as per the NPS-UD. I therefore recommend rejecting the relief sought by KCDC.

883.I agree with PCC that these matters can be managed through development agreements and development contributions. The policy does not exclude these from being mechanisms to achieve the policy outcome, and I consider that these would be captured by clause (a) of the notified policy which provides for the funding and provision of infrastructure to support development. However, I do not consider that the policy needs to be amended or deleted, and so recommend rejecting the relief sought by PCC.

884.I agree with the relief sought by UHCC that 'require' should be deleted from the policy. This direction comes through the chapeau text. The use of require in consideration policies conflicts with the direction provided in the amended introductory text to Chapter 4.2 as discussed in paragraph 847 of this report. I acknowledge that removing the term 'require' also provides more

flexibility for implementing this policy at the consenting level. In place of 'require', I suggest the chapeau should say 'seek to co-ordinate'. I therefore recommend accepting the relief sought by UHCC.

885.CDC seeks that the reference to low or zero carbon, multi modal and public transport infrastructure is removed from clause (b), noting there are other policies that already provide for a range of transport infrastructure with development. I agree that there are other consideration and regulatory policies in the RPS that provide for the consideration of transport options with development, including:

- Policy 57 - Integrating land use and transportation – consideration
- Policy CC.9 - Reducing greenhouse gas emissions associated with transport infrastructure – consideration
- Policy CC.2 - Travel demand management plans – district plans

886.I consider that removing the specific reference to transport infrastructure in clause (b) is appropriate, as it does not lose the overall direction of the clause (b), which is directed on ensuring that 'all infrastructure is consented, designated or programmed prior to development occurring'. As clause (b) states 'all infrastructure required', it seems redundant to then specify the specific transport infrastructure through this clause. My understanding is that this specific reference has been included as this type of infrastructure is not always considered at a consenting level as necessary to support development. My recommendation is that this reference is moved to the explanation text for the policy, but that the policy text itself should apply the broader lens of all infrastructure to avoid mis-interpretation.

887.CDC considers that the scale of the policy application is too broad, as it applies to all urban development of any scale, including infill development. PCC is unsure how this policy would be implemented for brownfield or infill development. The policy currently applies to all urban development that would require infrastructure servicing. If there is existing servicing in place to serve infill development, then this policy direction would already be met. I do not agree that limiting this policy to a certain type or threshold of urban development is appropriate, and that all urban development needs to demonstrate that servicing can be provided for. Where infill or brownfield development occurs, they are most likely able to meet the policy direction through existing infrastructure in the urban environment and making efficient use of the existing infrastructure. However, if there is no existing capacity and no intended provision for new infrastructure, consent applications for infill development should still be serviced by infrastructure, and this policy provides for that consideration. I do not consider therefore that this policy should not be applied to infill or brownfield development and recommend rejecting relief sought to this extent.

888.WIAL seeks that the policy is deleted as it is onerous to require infrastructure to be provided before development occurs. WCC seeks amendments, on the basis that stopping urban development until public transport and multi modal transport is available is not appropriate.

889.I do not agree that the policy should be deleted as requested by WIAL, however I agree with WCC that development should be allowed to proceed where infrastructure is programmed to be provided, rather than requiring infrastructure to be delivered before development occurs. In my opinion, this is consistent with the direction of the NPS-UD, which includes enabling intensification around future rapid transport routes, indicating that where infrastructure is known to be provided, development should be enabled. On this basis I recommend removing the wording 'prior to development occurring' from clause (b). However, the main direction of clause (b) to ensure that

there is infrastructure either currently available or planned to be available is suitable for retention and is consistent with the direction of the NPS-UD.

890. I recommend that additional text is provided in clause (b) that requires infrastructure to be identified in a long-term plan, transport plan, or infrastructure strategy, and be delivered in a timeframe commensurate with the scale and type of infrastructure. The intention of this clause is to provide for greater certainty that the timeframes for infrastructure delivery are reasonable and do not lead to significant gaps between development occurring and infrastructure delivery. On this basis, I recommend accepting in part the relief sought by WCC.

Infrastructure to be considered

891. Several submission points relate to the specific infrastructure that is included and explicitly referenced within Policy 58, with the general theme of these submission points being that the scope of the policy is too narrow and needs to be more specific in what infrastructure is included.

892. MDC states the policy is too specific and should encourage a range of infrastructure. In my interpretation of the policy wording, it is already broad in scope and allows for consideration of all the necessary infrastructure required to serve new development and does not exclude any infrastructure that may be required. Whilst I note that the explanation text makes specific reference to three waters and transport infrastructure, and that clause (b) specifically mentions low or zero carbon, multi-modal and public transport (which I have recommended deleting), this inclusion does not exclude other infrastructure being considered through the policy.

893. I do not support the change sought by Chorus, Spark and Vodafone, as not all three waters infrastructure and transport infrastructure are considered RSI under the definition in Change 1. For example, the definition of RSI only refers to the strategic road network and local arterial roads, which is more limited than the wording of the notified policy which refers to all infrastructure. I also consider that the use of the general term infrastructure includes RSI and so this change is not required.

894. Transpower seeks that Policy 7 is amended to reflect the requirements of RSI to support urban development and that Policy 58 is retained as notified. RSI is a specific topic that will be considered through Hearing Stream 7. However, I note that Policy 7 specifically directs that the social, economic, and cultural benefits of RSI are recognised in the policies and methods of district and regional plans. In my opinion, this would be inclusive of identifying the benefits of RSI to urban development, and the associated positive social, cultural, and economic benefits. On this basis, I recommend rejecting the relief sought by Transpower.

895. Powerco seeks that energy and telecommunications infrastructure is specifically referenced within the policy. I do not consider this amendment is required, as this infrastructure is captured within the definition of infrastructure in the RMA (and incorporated in to the RPS) and subsequently by the term 'all infrastructure' within the policy.

896. WWL seeks that clause (b) is amended to specifically reference Te Mana o Te Wai infrastructure. Te Mana o te Wai infrastructure is not a defined term, however my interpretation is that WWL are referring to all freshwater infrastructure, given the meaning of Te Mana o te Wai under Clause 1.3 of the NPS-FM. I do not consider this amendment is required, as this infrastructure is captured within the definition of infrastructure in the RMA (and incorporated in to the RPS), and so this infrastructure is captured by the term 'all infrastructure' within the policy.

Resource Consents

897.HCC seeks that the policy should not apply to resource consents. I note that HCC states that this is a relevant consideration for consents not anticipated by the underlying zoning, which I agree with, but that in that instance the policies within the relevant district plan will be applied. I do not agree with this argument and consider it appropriate that the RPS should provide this as a consideration policy, noting that consideration policies provide for direction that may not be included in district plans. I note that the existing Policy 58 in the operative RPS already applies at the resource consent level. In general, the consenting process is an important stage for the consideration of infrastructure that is required to support the activity or development consent is sought for, and if this policy was limited to not applying to resource consents, then the ability to achieve well-functioning urban areas as per Objective 22 would be compromised. I therefore recommend rejecting the relief sought.

Responsive Planning

898.Peka Peka Farms, Summerset, and RVA consider that the policy is not consistent with Objective 6(c) and Policy 8 of the NPS-UD. They seek the policy is deleted or amended to achieve consistency. These specific provisions of the NPS-UD relate to responsive planning for proposals that provide significant development capacity. My understanding of the submission points received is that in requiring infrastructure to be provided before development occurs, the ability for responsive planning decisions to be made is not achievable.

899.Policy UD.3 of Change 1 is the consideration policy for unanticipated or out-of-sequence plan changes developments that provides for significant development capacity. Clause (e) of Policy UD.3 requires that the required development infrastructure can be provided efficiently and effectively, as well as considering the relationship of out-of-sequence development on infrastructure capacity that could serve other likely to be realised development.

900.Infrastructure provision for out-of-sequence development is a relevant consideration under the NPS-UD. The MfE guidance on implementing the responsive planning direction of the NPS-UD⁶⁸ includes proposals demonstrating that infrastructure is committed and how it will be provided. On this basis, I do not agree that Policy 58 is inconsistent with the responsive planning direction in the NPS-UD. Out-of-sequence development will need to ensure that enabled development can be supported by the relevant infrastructure.

Consistency with Policy 57

901.Peka Peka Farms, Summerset, and RVA consider that the policy is not consistent with clause (e) of Policy 57. This specific clause identifies that the timing and sequence of land use and public transport may be such that the provision of public transport is not always efficient or practical.

902.I do agree that there is a conflict between these policies. Policy 58 as written requires that infrastructure is designated, consented, or programmed to be available before development occurs. In my interpretation, this does not align with clause (e) of Policy 57, which recognises that the provision of public transport may not be efficient or practical when sequencing land use and public transport.

⁶⁸ <https://environment.govt.nz/publications/understanding-and-implementing-responsive-planning-policies/>

903. I consider that this inconsistency is addressed through deleting 'prior to development occurring'. This reflects that development should still be able to occur where it is known that infrastructure will be provided, but reflects that development should not be stymied in the interim. I therefore recommend 'accepting in part' the relief sought by Peka Peka Farms, Summerset, and RVA.

Other matters

904. Ātiawa opposes development being enabled on the basis of programmed infrastructure and they seek that the policy is amended to require that development occurs on the basis that infrastructure is provided. I do not support the relief sought and consider that programmed infrastructure can support urban development and growth, and so is a suitable consideration within Policy 58. For example, in accordance with Policy 3 of the NPS-UD, intensification should be enabled around both existing and planned public transport stops. 'Infrastructure-ready' in relation to development capacity under the NPS-UD means that in the medium term and long term, infrastructure should be identified in a long-term plan or infrastructure strategy. In my interpretation, this direction is clear that development should be enabled where infrastructure capacity is programmed to be delivered in the future, and not only where there is existing infrastructure.

905. Ātiawa also seeks that where infrastructure is available, its capacity is assessed. I do not agree that this level of direction is appropriate through this policy. However, I do consider that where there is existing infrastructure capacity available, that this should be utilised, and so recommend including clause (a) from the operative Policy 58 ('makes efficient and safe use of existing infrastructure capacity; and') to ensure existing network capacity is utilised. On this basis, I recommend accepting in part the relief sought by Ātiawa.

906. Ngāti Toa requests that the text '*ensure all new urban development including form, layout, location, and timing is sequenced in a way that*' is moved to the responsive planning section of the RPS. I do not agree with this change and consider that this wording is appropriate to remain with Policy 58, noting that this policy also applies to responsive planning and out-of-sequence development. Ngāti Toa also considers that clause (b) should not just be limited to transport. I do not consider that clause (b) is currently limited to transport, as it specifically states, 'all infrastructure required to serve new development', but does make specific reference to specific transport modes. As has been recommended elsewhere⁶⁹, the specific reference to 'low or zero carbon, multi modal and public transport infrastructure' has been removed from clause (b) and included in the explanation text.

907. WIAL seeks that a definition of urban development is included in the RPS. I note that there is a definition of urban development within the operative RPS and therefore a new definition is not required.

908. WCC considers that the terms used in the chapeau are confusing, specifically 'urban development' and 'subdivision, use or development'. I agree with WCC and note that the definition of urban development in the RPS includes the text 'subdivision, use or development'. On this basis, I recommend this term should be removed from the chapeau text of Policy 58. I do partially agree with WCC that the terms 'low or zero carbon', 'multi modal', and 'public transport' overlap, however I consider that these terms are clear enough to interpret without confusion, and that it would not be of benefit to specifically try to separate the overlap between these terms.

⁶⁹ Paragraph 886

909.I do not consider that the additional explanation on well-functioning urban environments as requested by GWRC is necessary to include in Policy 58, as this is reflected in the introductory text of the chapter.

5.6.3 Recommendations

910.I recommend that Policy 58 is amended as follows:

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

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, require, seek to co-ordinate urban development and infrastructure integration including form, layout, location, and timing is~~ sequenced in a way that:

- (a) ~~makes efficient and safe use of existing infrastructure capacity; and~~
- (b) ~~(a) provides for the development, funding, implementation and operation of infrastructure serving the area in question is provided for; and~~
- (c) ~~(b) 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 delivered through a long-term plan, transport plan or Infrastructure Strategy and in a timeframe commensurate to the scale and type of infrastructure. available. prior to development occurring.~~

Explanation

Policy 58 ~~seeks to avoid isolated urban development which is not serviced by infrastructure. The policy seeks that requires urban development is to be~~ 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.

911.I recommend that the submission points relating to Policy 58 are accepted, accepted in part, rejected or noted as no recommendation as detailed in **Appendix 2**.

5.6.4 Section 32AA Evaluation

912.In accordance with s32AA of the RMA I consider my recommended amendments to Policy 58 are appropriate for the following reasons:

- The recommended amendments improve clarity for plan users but will continue to seek to achieve that urban development is supported by the appropriate infrastructure, but in a more effective way than the notified policy as it does not restrict development from occurring before infrastructure has been delivered. This will help achieve well-functioning urban environments and gives effect to Objective 22 which seeks to ensure development is integrated with infrastructure provision, and will result in associated social, economic, and environmental benefits of enabling development.

- The recommended amendments recognise that existing infrastructure capacity should be utilised which will ensure that efficient land use is promoted with positive environmental, economic, and social effects. The amendments still effectively provide for all infrastructure that should be provided to support development and will still retain the direction that development which is isolated from infrastructure is not promoted.
- I recognise that the proposed amendments may lead to social and environmental costs where development is enabled that is not immediately supported by the required infrastructure however this cost is mitigated through the requirement that infrastructure must still be available, consented, designated or programmed to be delivered.

5.7 Policy UD.1 - Providing for the occupation, use, development and ongoing relationship of mana whenua / tangata whenua with their ancestral land (Owen Jeffreys)

5.7.1 Matters raised by submitters

913. Overall, there were 13 submission points and 10 further submission points received on Policy UD.1.

914. UHCC [S34.093] and Taranaki Whānui [S167.095] support the policy and seek it is retained as notified.

915. Rangitāne [S168.0167] supports in part, but seeks that explicit reference to Mātauranga Māori is included in clause (e). Ātiawa [S131.079] supports in part and seeks that the papakāinga should be provided for instead of recognised. Ngāti Toa [FS6.008] and Ngā Hapu o Otaki [FS29.349] supports the submission.

916. WCC [S140.056] and HCC [S115.055] seek clarity on whether the policy applies only to Māori freehold land, or if general land in Māori ownership is included, and that the policy clarifies which mana whenua groups are covered.

917. KCDC [S16.079] supports in part but has recommended an amendment that requires tangata whenua to demonstrate an ancestral connection to their land and that the land will remain in Māori ownership. Ngāti Toa [FS6.001] supports the submission of KCDC, however Ātiawa [FS20.053] seeks the relief sought is disallowed.

District plans shall include objectives, policies, rules and/or methods that provide for the occupation, use, development and ongoing relationship of mana whenua with their **ancestral land, ~~and~~ tangata whenua where it can be demonstrated that there is a whakapapa or ancestral connection to the land and the land will remain in Māori ownership,**

918. Muaūpoko [S133.072] seeks that they are specifically recognised through this policy. Ngāti Toa [FS6.070] and Ātiawa [FS20.419] oppose this submission point.

919. Tumu Paeroa [S102.077, S102.097] supports in part but seeks that the policy is broadened to include providing for development for land owned by Māori landowners through the below amendment, and that it is clarified who will identify a Māori Purpose Zone.

(f) providing for the development of land owned by mana whenua / tangata whenua and Māori landowners.

920.Ngāti Toa [S170.087] made a submission point on Policy UD.3, however this submission point more clearly relates to Policy UD.1. On this basis it is assumed this submission point related to UD.1, and it has been assessed in relation to this policy. They consider that the policy should be broadened to apply to all tangata whenua sites of significance and land returned to iwi. They also seek that marae and papakāinga, and potentially other taonga and sites and areas of significance, awa and moana and important places where iwi still practice cultural matāuranga, should be safeguarded from the effects of intensification and densification.

921.PCC [S30.055] opposes the policy and seeks that a definition for ancestral land is included. They also request that clause (a) is deleted, and consideration of Tino Rangatiratanga is moved to clause (e), as per the below amendments. Peka Peka Farm [FS25.088] supports PCC.

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 enabling mana whenua / tangata whenua to exercise Kaitiakitanga and their Tino Rangatiratanga; and

(f) providing for the development of land owned by mana whenua / tangata whenua.

5.7.2 Analysis

Tangata Whenua Status

922.KCDC are seeking an amendment to the policy that will specifically require tangata whenua to establish a whakapapa or ancestral connection to the land and that the land will remain in Māori ownership.

923.I do not agree that this proposed amendment is suitable. The RPS does not differentiate between the terms mana whenua and tangata whenua. The specific request by KCDC would provide a distinction between these two terms which is not reflective of how they are applied consistently in the RPS. Additionally, my understanding is that the addition KCDC is seeking is unnecessary, as the terms mana whenua / tangata whenua already establish that there is an ancestral connection to the land in question. The Standards also refer to 'mana whenua / tangata whenua' rather than 'mana whenua or tangata whenua', and so the RPS approach is consistent with The Standards. On this basis, I recommend rejecting the relief sought by KCDC.

Land within the policy scope

924.Several submission points were received with regards to the land ownership that is captured by this policy. HCC and WCC seek clarification about whether the policy applies to general land in Māori ownership and Māori freehold land. Te Tumu Paeroa specifically seeks that clause (f) is amended to specifically reference Māori landowners. PCC seeks that a definition of ancestral land is provided.

925. I note that the request for a definition of ancestral land has been considered by Ms Jenkin in her section 42A report for Hearing Stream 1⁷⁰. I agree with the recommendation that was made in that report that there are potential unintended consequences of applying a definition for the term, but note, that Ms Jenkin made her recommendation on the basis that *'the Council would then work with mana whenua/tangata whenua to determine firstly whether they consider a definition is required, and if so, what would be appropriate'*. However, I also note that in the section 32 report for Change 1, in response to feedback on the policy from PCC, the report author has stated that ancestral land is not defined in the RPS, and *'based on feedback from Mana Whenua, should not be defined'*⁷¹. This indicates that this matter has already been discussed with mana whenua, which Ms Jenkin was not aware of (I have confirmed this through discussion with Ms Jenkin).

926. Policy UD.1 in my interpretation is seeking to enable mana whenua / tangata whenua to undertake the activities on ancestral land, an undefined term in the RPS and RMA. In general, I consider that clarification on what land this policy applies to could be provided through a specific definition of ancestral land, which appears to be the crux of where the uncertainty of how this policy applies. However, following Ms Jenkin's recommendation in Hearing Stream 1, I have been advised by Council officers that there have not yet been any discussions with mana whenua / tangata whenua about whether a definition is required, and it appears based on the response from the Section 32 officer that mana whenua do not agree that the term should be defined.

927. On the above basis, I recommend that the policy should be amended to provide improved clarity on what land this applies to rather than a specific definition of ancestral land, and whether it applies to mana whenua / tangata whenua as a collective or individuals. To aid in my interpretation of land status I have referred to Part 6 of the Te Ture Whenua Māori Act 1993.

928. I do not consider that this policy should be expanded to include land not owned by mana whenua / tangata whenua, as sought by Te Tumu Paeroa by modifying clause (f) to include Māori landowners. This is addressed by Policy UD.2. Policy UD.2 provides for a much broader enablement of Māori cultural and traditional norms, which includes enabling 'Māori to express their culture, traditions, values and aspirations in land use and development'.

929. However, I consider that the policy should apply to Māori freehold land that is the ownership of either mana whenua / tangata whenua as a collective or as an individual. In my opinion, it is suitable to capture this land as it has never been out of Māori ownership, and in my interpretation, this is consistent with the general meaning of ancestral land. I also consider this is appropriate with regard to the policy intent, that is that mana whenua / tangata whenua can maintain their relationship with their ancestral land, which from my understanding could include Māori freehold land. Accordingly, I recommend additional text in the explanation text of Policy UD.1 to specifically identify that the policy includes freehold land owned by mana whenua / tangata whenua but excludes general land owned by Māori.

930. I do not consider that the deletion of clause (a) and amendments to clause (e) sought by PCC are necessary, on the basis that PCC has recommended the amendments if clause (a) applies to land

⁷⁰ Para 82, Section 42A report of Ms Sarah Jenki for Hearing Stream 1, dated 26 May 2023 <https://www.gw.govt.nz/assets/Documents/2023/05/RPS-Change-1-Section-42A-Report-General-Submissions-FINAL.pdf>

⁷¹ Page 369, RPS Change 1 Section 32 Report, August 2022 <https://www.gw.govt.nz/assets/Documents/2022/08/RPS-Change-1-Section-32-Report-August-2022.pdf>

that is not ancestral. As has been discussed above, this policy does not apply to general land owned by Māori, and so the amendments are not required.

931. Ngāti Toa seeks that the policy applies to all tangata whenua sites of significance and land returned to iwi. I consider that this land would already be captured on the basis that the policy applies to all land owned by mana whenua / tangata whenua, as clarified through my recommended amendment to the explanation text. They also request that 'Marae and Papakāinga should not be negatively impacted in the face of intensification and densification proposals'. They consider this could be addressed through considering resource consent applications. I agree with Ngāti Toa, however I note that this matter is adequately addressed through other provisions, including Policy UD.5, which specifically seeks that urban development contributes to well-functioning urban areas, including clause (c):

'protecting mana whenua / tangata whenua values, including sites and areas of significance and places where mana whenua / tangata whenua practice Mātauranga Māori, and'

Other matters

932. Rangitāne seeks that clause (e) is amended to recognise Mātauranga Māori. I agree that this inclusion is appropriate and recommend accepting this amendment and the relief sought by Rangitāne.

933. Muaūpoko seeks that they are specifically recognised through this policy. The wider issue of the status of Muaūpoko as mana whenua was considered through Hearing Stream 1. On this basis I will not revisit this issue in this report, and make no recommendation on their relief sought.

934. I consider that to specifically reference which iwi are mana whenua / tangata whenua is not necessary for policy implementation and to do so would be inconsistent with the remainder of Change 1 and the broader RPS. On this basis I recommend rejecting the relief sought by HCC and WCC that the policy should state which mana whenua groups are covered in the policy.

935. Ātiawa seeks that clause (c) is amended to 'provide for' rather than 'recognise' papakāinga. I do not agree that this amendment is necessary as clause (b) already includes 'making appropriate provision' for both marae and papakāinga. My interpretation is that this wording already achieves the relief that Ātiawa are seeking. On this basis I recommend rejecting the relief sought.

936. Te Tumu Paeroa seeks that clarification is provided about who will identify a Māori Purpose Zone. I do not consider that this clarification is necessary as zoning land is the responsibility of the territorial authorities through their district and city plans, either through a council plan change or review, or a private plan change request. On this basis I recommend rejecting the relief sought.

5.7.3 Recommendations

937. I recommend that Policy UD.1 is amended as follows:

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.

938.I recommend that the submission points relating to Policy UD.1 are accepted, accepted in part, rejected or noted as no decision as detailed in **Appendix 2**.

5.7.4 Section 32AA Evaluation

939.In accordance with s32AA of the RMA I consider my recommended amendments to Policy UD.1 are appropriate for the following reasons:

- The proposed amendments are minor in scale and do not change the purpose of the policy. The amendments provide clarification on what land owned by mana whenua / tangata whenua is specifically captured by this policy. This will contribute to ensuring mana whenua / tangata whenua are able to use their land, contribute to providing for marae and Papakāinga, and promote mana whenua / tangata whenua values.
- The proposed amendments will have social and cultural benefits for mana whenua / tangata whenua, with no costs identified for the proposed amendments.

5.8 Method 40 – Sign the New Zealand Urban Design Protocol (Owen Jeffreys)

5.8.1 Matters raised by submitters

940.BLNZ [S78.028] seeks the method is deleted as notified. Ātiawa [FS20.336] opposes the entire submission of BLNZ where BLNZ seeks the deletion of proposed amendments. As BLNZ is not seeking any amendments, I consider the further submission by Ātiawa is not relevant for this method.

941.HCC [S115.0107], WCC [S140.0110] and Taranaki Whānui [S167.0160] all support the deletion of the method, and request it is retained as notified.

5.8.2 Recommendations

942.As no submitters have requested amendments, I recommend that all submissions on Method 40 are accepted, and the method remains deleted as proposed in Change 1.

5.9 Method 41 – Integrate Public Open Space (Owen Jeffreys)

5.9.1 Matters raised by submitters

943.BLNZ [S78.029] seeks the method is deleted as notified. Ātiawa [FS20.337] oppose the entire submission of BLNZ where BLNZ seeks the deletion of proposed amendments. As BLNZ is not seeking any amendments here, I consider the further submission by Ātiawa is not relevant for this method.

944.Taranaki Whānui [S167.0161] supports the deletion of the method as proposed by Change 1.

5.9.2 Recommendations

945.As no submitters have requested amendments, I recommend that all submissions on Method 41 are accepted, and the method remains deleted as proposed by Change 1.

5.10 Method 42 – Develop Visions for the Regionally Significant Centres (Owen Jeffreys)

5.10.1 Matters raised by submitters

946.BLNZ [S78.030] seeks the method is deleted as notified. Ātiawa [FS20.339] opposes the entire submission of BLNZ where BLNZ seeks the deletion of proposed amendments. As BLNZ is not seeking any amendments, I consider the further submission by Ātiawa is not relevant for this method.

947.Taranaki Whānui [S167.0162] support the deletion of the policy and seek it is retained as notified.

5.10.2 Recommendations

948.As no submitters have requested amendments, I recommend that all submissions on Method 42 are accepted, and the method remains deleted as proposed by Change 1.

5.11 Method 43 – Develop Principles for Retail Activities (Owen Jeffreys)

5.11.1 Matters raised by submitters

949.BLNZ [S78.031] seeks the method is deleted as notified. Ātiawa [FS20.339] opposes the entire submission of BLNZ where BLNZ seeks the deletion of proposed amendments. As BLNZ is not seeking any amendments, I consider the further submission by Ātiawa is not relevant for this method.

950. Taranaki Whānui [S167.0163] support the deletion of the method and seek it is retained as notified.

5.11.2 Recommendations

951. As no submitters have requested amendments, I recommend that all submissions on Method 43 are accepted, and the method remains deleted as proposed by Change 1.

5.12 Method 44 – Analysis of Industrial Employment Locations (Owen Jeffreys)

5.12.1 Matters raised by submitters

952. BLNZ [S78.032] seeks the method is deleted as notified. Ātiawa [FS20.340] opposes the entire submission of BLNZ where BLNZ seeks the deletion of proposed amendments. As BLNZ is not seeking any amendments, I consider the further submission by Ātiawa is not relevant for this method.

953. Taranaki Whānui [S167.0164] supports the deletion of the method and seeks it is retained as notified.

5.12.2 Recommendations

954. As no submitters have requested amendments, I recommend that all submissions on Method 44 are accepted, and the method remains deleted as proposed by Change 1.

5.13 Method 45 – Develop Principles for Rural-Residential Use and Development (Owen Jeffreys)

5.13.1 Matters raised by submitters

955. BLNZ [S78.033] seeks the method is deleted as notified. Ātiawa [FS20.341] opposes the entire submission of BLNZ where BLNZ seeks the deletion of proposed amendments. As BLNZ is not seeking any amendments, I consider the further submission by Ātiawa is not relevant for this method.

956. Taranaki Whānui [S167.0165] supports the deletion of the method and seeks it is retained as notified.

5.13.2 Recommendations

957. As no submitters have requested amendments, I recommend that all submissions on Method 45 are accepted, and the method remains deleted as proposed by Change 1.

5.14 Method 47 – Analysis of the range and affordability of housing in the region (Owen Jeffreys)

5.14.1 Matters raised by submitters

958. BLNZ [S78.035] are neutral on the deletion of the method. Ātiawa [FS20.343] opposes the entire submission of BLNZ where BLNZ seeks the deletion of proposed amendments. As BLNZ is not seeking any amendments, I consider the further submission by Ātiawa is not relevant for this method.

959. Taranaki Whānui [S167.0166] supports the deletion of the policy and seeks it is retained as notified.

960. Ātiawa [S131.0134] opposes the deletion of Method 47, seeking that the method is retained and amended to include a reference to working in partnership with mana whenua. Ngā Hapu [FS29.252] supports the submission of Ātiawa.

5.14.2 Analysis

961. Ātiawa seeks that the method is retained, and state that an analysis of housing range and affordability in the region is important to understanding a well-functioning urban environment. In principle I agree that this information is important, however I do not consider that this method is still required as an assessment of housing affordability and the competitiveness of housing markets has already been considered through the Regional Housing and Business Capacity assessment⁷². This assessment is a requirement of the NPS-UD, and section 3.23 of the NPS-UD specifically directs that an analysis of housing markets is included in the assessment. I therefore recommend rejecting the relief sought by Ātiawa.

5.14.3 Recommendations

962. I recommend that the submission points relating to Method 47 are accepted, accepted in part, rejected or noted as no decision as detailed in **Appendix 2** and this policy remains deleted as proposed by Change 1.

5.15 Method UD.2 – Future Development Strategy (Owen Jeffreys)

5.15.1 Matters raised by submitters

963. Overall, there were 10 submission points and 4 further submission points received on Method UD.2.

964. Waka Kotahi [S129.009], Sustainable Wairarapa Inc [S144.034], and Rangitāne [S168.0184] support the method and seek it is retained as notified. Sustainable Wairarapa Inc [FS31.114] supports the submission of Rangitāne.

965. Taranaki Whānui [S167.0167] supports in part, and seeks the method is retained as notified. BLNZ [S78.036] seeks it is retained as notified. Ātiawa [FS20.344] opposes the entire submission of BLNZ

⁷² <https://wrlc.org.nz/regional-housing-business-development-capacity-assessment-2022>

where BLNZ seeks the deletion of proposed amendments. As BLNZ is not seeking any amendments, I consider the further submission by Ātiawa is not relevant for this method.

966.MDC [S166.080] supports in part but seeks further detail about on how the method applies to tier 3 Councils.

967.GWRC [S137.056] supports in part, but seeks the method is amended as below to provide explicit consideration of climate change:

The Future Development Strategy 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, and considering the impacts of climate change.

968.Ngāti Toa [S170.075] seeks clarification on the impact on iwi, hapū and Māori. Ngā Hapu o Otaki [FS29.189] supports the submission.

969.Ātiawa [S131.0135] supports in part, but seeks the method is amended to include reference to hapū and iwi values via the below amendment, 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. Ngā Hapu [FS29.253] supports the submission.

The Future Development Strategy must include a clear statement of mana whenua values and aspirations for urban development. The Future Development Strategy shall be prepared in partnership with relevant mana whenua.

970.HCC [S115.0109] opposes the method and seeks it be deleted on the basis that it is a duplication of the requirement in the NPS-UD.

5.15.2 Analysis

971.Method UD.2 directs that a FDS for the Wellington region is developed in accordance with sub-part 4 of the NPS-UD. One FDS for the Wellington region is proposed to be developed, as opposed to an FDS for each territorial authority in the region. The development of the FDS will be facilitated by the Wellington Regional Leadership Committee.

972.I acknowledge and agree with the submission from MDC that tier 3 Councils are not required to develop a FDS under the NPS-UD, however Clause 3.12 (4) of the NPS-UD allows for non-tier 1 and 2 authorities to prepare an FDS if they choose, and Clause 3.12 (2) states that an FDS can apply to a wider spatial area than the tier 1 and 2 urban environments. My understanding of the submission from MDC is that they only seek that this method is clarified as optional for tier 3 councils. As this is already detailed in sub-part 4 of the NPS-UD, which the method directly references, I do not consider that any amendments to provide more detail in the RPS are required. I consider that the involvement of MDC in the Wellington Regional Leadership Committee will determine their engagement with any development of a future FDS. I therefore recommend rejecting the relief sought by MDC.

973.GWRC seeks that the method should require the consideration of the impacts of climate change, to implement Objective CC.1 and Policy 55 of Change 1. Sub-part 4 of the NPS-UD does not state that in the development of an FDS, climate change impacts must be considered. However, the purpose of an FDS is to achieve well-functioning urban environments (Clause 3.13(1)), which as defined under the NPS-UD includes resilience to the likely, current, and future effects of climate

change, and also includes supporting reductions in greenhouse emissions. On that basis, the FDS must consider climate change resilience and the reduction of greenhouse gases to achieve well-functioning urban environments, and therefore the explicit statement suggested by GWRC is appropriate. I recommend accepting the relief sought, but I recommend an amended wording that also identifies that the FDS should support reductions in greenhouse gas emissions.

974. Ātiawa considers that the method as drafted is silent on the role of mana whenua in the preparation of the FDS, which is contrary to the NPS-UD. Method UD.2 states that the FDS will be developed in accordance with sub-part 4 of the NPS-UD and this sub-part states that the FDSs are informed by 'Māori, and in particular tangata whenua, values and aspirations for urban development'. Sub-part 4 requires that local authorities must engage with relevant hapū and iwi in preparation of the draft version of the FDS. On the above basis, I do not consider that the method as drafted is silent on the role of mana whenua and recommend rejecting the relief sought by Ātiawa.

975. Ātiawa has also requested that provision is made for Ātiawa tino rangatiratanga within the FDS process and for a review of the FDS on the Ātiawa Settlement with the Crown'. Ātiawa state that the development of the FDS and intensification provisions prejudice the outcomes of their settlement with the Crown, which has not been completed. They also state that 'development of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and the National Policy Statement on Urban Development 2020, and the timeframes provided for their incorporation into the RPS do not uphold the guarantee of tino rangatiratanga'.

976. In my interpretation, the issue raised by Ātiawa in relation to their treaty settlement is a direct result of the national direction that is required to be implemented by GW through the RPS, and that Ātiawa are seeking this issue be resolved as far as possible through the FDS process. I consider that whether provision is made for Ātiawa tino rangatiratanga in the FDS is a matter that can be considered through the development of the FDS itself, which will include engagement with hapū and iwi. I do not consider it appropriate to provide this level of direction in the Method. Similarly, I consider that a review of the FDS once the settlement is completed should be a matter considered through the development of the FDS, rather than through the method to develop an FDS. The timeframes for the review of the FDS are set through Clause 3.16 of the NPS-UD, which provides for regular reviews of the FDS to determine if it needs updating. In my opinion, if the FDS is identified to be reviewed when the settlement of Ātiawa with the Crown occurs, then this should be identified in the document itself. On this basis I do not recommend accepting the relief sought by Ātiawa.

977. HCC seeks that this method is deleted as it is already required through the NPS-UD. Whilst I acknowledge that the method is providing for direction that is already included in the NPS-UD, by providing for this method in the RPS it identifies that the FDS is a key component of achieving the relevant objectives to urban development and regional form. Furthermore, the RPS method does differ from the requirements of the NPS-UD in that it directs that a FDS should be developed for the Wellington region as a whole, as opposed to individual territorial authority FDSs which don't provide for a combined approach for accommodating growth in the region. On this basis, I do not support the deletion of this method from Change 1 as requested by HCC and recommend rejecting the relief sought.

5.15.3 Recommendations

978. I recommend that Method UD.2 is amended as follows:

'....

The Future Development Strategy 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, support reductions in greenhouse gas emissions, and provide for climate-resilience.'

979.I recommend that the submission points relating to Method UD.2 are accepted, accepted in part, rejected or noted as no decision as detailed in **Appendix 2**.

5.15.4 Section 32AA Evaluation

980.In accordance with s32AA of the RMA, I consider my recommended amendments to Method UD.2 are appropriate for the following reasons:

- The amendments retain the direction for an FDS to be developed which will enable a holistic management of growth in the Wellington region but provides for the consideration of climate change impacts which will ensure that well-functioning urban environments are achieved, with associated social, cultural and environmental benefits.
- The amendments also align with the direction of Change 1 on climate change matters, including Objective 22 which seeks to achieve a climate resilient region.
- I do not consider that the proposed amendments will result in additional costs as the amendments are including matters which are already directed through the NPS-UD.

5.16 Anticipated environmental results (Owen Jeffreys)

5.16.1 Matters raised by submitters

981.BLNZ (S78.039) seeks that the anticipated environmental results are maintained as notified. Ātiawa [FS20.347] opposes the entire submission of BLNZ where BLNZ seeks the deletion of proposed amendments. As BLNZ is not seeking any amendments, I consider the further submission by Ātiawa is not relevant for the anticipated environmental results.

982.HortNZ [S128.062] supports in part and seeks that paragraph 5 in Table 14 is amended to reference highly productive land.

983.Taranaki Whānui [S167.0190] seeks that the environmental results are amended in partnership with mana whenua, and that AERs should include mātauranga Māori. They also seek confirmation of the input from mana whenua in developing AERs.

984.Ātiawa [S131.0157] supports in part and seeks that additional AER's are included to align with clause (h) of Objective 22 (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). Rangitāne [FS2.71] and Ngā Hapu [FS29.277] support this submission.

985.Kāinga Ora [S158.049] supports in part and seeks that the AERs are amended as consequential amendments to their changes sought on Objective 22. Ngāti Toa [FS6.018] oppose the submission, WIAL [FS17.036] oppose in part, and Waka Kotahi [FS3.061] supports in part the submission.

5.16.2 Analysis

Highly Productive Land

986. HortNZ seeks that AER 5 is amended to specifically recognise the retention of highly productive land in reference to urban expansion. I consider that this is an appropriate amendment but recommend that it should be amended to 'retains the productive capability of land' to align with the broader outcome of Objective 22 in relation to biophysical characteristics. I recommend accepting the submission in part.

Urban development

987. Kāinga Ora has requested amendments to AER 1 that specifically state the level of resulting urban intensification which will be enabled, including building heights around specific centres and within specific distances. I do not support this amendment and consider this is too prescriptive for the RPS to include.

Mana whenua / tangata whenua

988. I agree with the submission from Ātiawa that there is no AER that reflects clause (h) of Objective 22, and I agree that an AER should be included which aligns with this specific clause of the objective. However, I do not agree that the specific AER wording Ātiawa has requested is appropriate, as I consider that their AER duplicates other results which are more appropriate to be considered through alternative objectives. This includes matters relating to ecological connectivity and the environment, which I consider are results more directed by other provisions in the RPS.

989. As such, I recommend the following AER is included to reflect the relief sought by Ātiawa:

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.

990. Taranaki Whānui has questioned what input has come from mana whenua on the development of AERs and seeks that AERs should be developed in partnership with mana whenua. After consultation with Council Officers, my understanding is that AERs were not included in the draft version of Change 1 that was subject to consultation with mana whenua, and that mana whenua have not had any specific input in the development of AERs.

991. While it is accepted that the AERs should have been included in the draft of Change 1 that was consulted on with mana whenua to provide for their input, the AERs are a reflection of the specific outcomes that are sought by the regional form objectives. Mana whenua have been involved in developing these objectives and have provided feedback through the consultation process for Change 1.

992. Taranaki Whānui seeks that AERs should be developed and monitored in partnership with mana whenua. I agree that mana whenua should be involved in the monitoring of environmental results, however I do not consider this needs to be specified in the AER section itself. Involvement of mana whenua and iwi in monitoring is confirmed through section 5.1.1 of the RPS which states:

'The process of revising the Regional Monitoring Strategy will also seek input, and potentially also monitoring assistance from iwi authorities and key stakeholders'

5.16.3 Recommendations

993.I recommend that Change 1 is amended as follows:

Monitoring the Regional Policy Statement and progress towards anticipated environmental results

5. Urban expansion is carefully planned including occurring in locations and ways that are well connected, support the protection of freshwater ecosystems, retain productive capability of land, and improve resilience to the effects of climate change.

New AER 7

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.

994.I recommend that the submission points relating to AERs are accepted, accept in part, rejected or noted as no decision as detailed in **Appendix 2**.

5.16.4 Section 32AA Evaluation

995.In accordance with s32AA of the RMA, I consider my recommended amendments to Method UD.2 are appropriate for the following reasons:

- The proposed amendments will have positive social and cultural effects through the specific recognition of mana whenua / tangata whenua in the anticipated results of the provisions framework, and benefits for the rural environment through the addition of the clause on highly productive land with positive social, environmental, and economic effects.
- I do not consider that the proposed amendments will result in any costs beyond monitoring requirements.

5.17 Marae and Papakāinga Definitions (Owen Jeffreys)

5.17.1 Matters raised by submitters

996. There were 5 submission points and 6 further submission points on the deletion of the Marae and Papakāinga definitions in Change 1.

997. Ātiawa [S131.0160, S131.0161] opposes the deletion of the definitions on the basis that in the absence of a definition, inappropriate development may be enabled through the policy framework. They seek that mana whenua work together to draft an appropriate definition of Marae and Papakāinga. Ngā Hapu [FS29.281, FS29.282] supports the submission. Ngāti Toa [FS6.009] supports the submission point from Ātiawa on Papakāinga.

998. Taranaki Whānui [S167.0194, S167.0195] opposes the deletion of the definitions and seeks new definitions for both Marae and Papakāinga are provided with input from each iwi and hapū. Ngāti Toa [FS6.042, FS6.043] supports the submission.

999. Te Tumu Paeroa [S102.093] opposes the deletion of the definition for Papakāinga, and seeks a new definition is included in consultation with iwi, hapu and Māori landowners. They also seek that the

definition make specific reference to residential accommodation and communal buildings. Ngāti Toa [FS6.005] supports this submission.

5.17.2 Analysis

1000.The Operative RPS contains definitions for both Marae and Papakāinga, however both these definitions have been deleted in Change 1. My understanding from reviewing the Section 32 report for Change 1⁷³ is that these definitions have been deleted on the basis that each iwi may have their own definition of these specific terms, and that it is inappropriate to provide for a region-wide definition which doesn’t reflect these localised differences.

1001.The terms Marae and Papakāinga are used in different provisions in Change 1. In the urban development provisions, this includes Policy UD.1, where district plans are directed to include provisions for Marae and Papakāinga, and recommended Policy UD.4, which seeks to enable and protect Marae and Papakāinga.

1002.I note that neither the NPS-UD or The Standards contain definitions for either term which could be relied upon in the absence of a definition for the terms in the RPS. A breakdown of the territorial authorities and whether they have an existing definition for the two terms in their relevant district and city plans is shown in Table 10.

Table 10: Marae and papakāinga definitions

Authority	Marae	Papakāinga
UHCC	Yes	Yes (introduced through the IPI)
HCC	Yes	Yes
WCC	Yes (introduced in the Proposed District Plan)	No
PCC	No	Yes (introduced in the Proposed District Plan)
KCDC	No	Yes
SWDC	No	Yes

1003.Table 10 shows that only half the authorities currently have a definition for Marae in their district or city plan, whilst all but one of the district or city plans contains a definition for Papakāinga. There is variation in these definitions between the different district plans, and some definitions have been included through recent notified proposed district plans and IPIs.

1004.I consider that having a definition of these terms within the RPS would likely result in inconsistency with the various existing definitions which are already used within the region’s

⁷³ Section 32 report – Proposed Change 1 to the Regional Policy Statement for the Wellington Region - Page 239

district plans, which may have been developed in partnership with mana whenua / tangata whenua.

1005. I consider that the RPS does need to provide direction to territorial authorities that these terms need to be defined within the district plans due to the absence of definitions within some district plans. I agree with Ātiawa that, in the absence of a definition for these terms, inappropriate development could result. I consider that these definitions should be included in district plans and developed in partnership with iwi, hapu and Māori landowners, rather than included in the RPS, given that most district plans already contain definitions for these terms.

1006. On the above basis, I recommend the addition of a new method is included in Change 1 that directs territorial authorities to develop definitions of marae and papakāinga in partnership with mana whenua / tangata whenua and include these in district plans.

5.17.3 Recommendations

1007. I recommend that Change 1 is amended as follows:

Method UD.4: Definitions of marae and papakāinga

City and district councils will develop definitions of 'marae' and 'papakāinga' in partnership with mana whenua / tangata whenua and include these in their district plans.

Implementation: City and district councils

1008. I recommend that the submission points relating to the definitions of Marae and Papakāinga are accepted, accepted in part, rejected or noted as no decision as detailed in **Appendix 2**.

5.17.4 Section 32AA Evaluation

1009. In accordance with s32AA of the RMA I consider my recommended amendments are the appropriate for the following reasons:

- The proposed amendments introduce a new method that will ensure appropriate definitions for Marae and Papakāinga are developed that will support the implementation of direction in the RPS in relation to these matters, whilst avoiding inconsistencies between the existing definitions in district plans and RPS definitions for the same terminology, with positive social and cultural effects.
- There will be some cost associated for Councils in requiring them to define these terms in their Plans.

5.18 Regionally Significant Centres definition (Owen Jeffreys)

5.18.1 Matters raised by submitters

1010. HCC [S115.0125] supports the proposed amendment to the definition of regionally significant centres.

5.18.2 Recommendations

1011. I recommend that the submission from HCC [S115.0125] be accepted.

5.19 Key centres and regional form definitions (Owen Jeffreys)

5.19.1 Matters raised by submitters

1012.WFF [S163.0106] opposes Appendix 3 (Definitions) in its entirety and is seeking that all amendments are deleted. BLNZ supports this submission [FS30.075], whilst Forest and Bird [FS7.046], Ātiawa [FS20.168] and Ngā Hapu [FS29.19] oppose it.

5.19.2 Analysis

1013.WFF's relief sought was addressed in Hearing Stream 1 by Ms Jenkin in the Section 42A Report 'General Submissions' in relation to the definition for regional form⁷⁴. Although Ms Jenkin recommended that the deletion of regional form be retained, I note that Mika Zöllner has recommended that this definition is reinstated in paragraph 178 in response to submissions on Objective 22.

1014.I note that Ms Jenkin did not address the definition for 'key centres' although it did not receive any submission points, which appears to be in error. WFF's submission has therefore been addressed here. This definition is being removed by Change 1 as it is no longer used in any provisions aside from Policy 57. As this definition is being deleted, I recommend the relief sought by WFF is accepted.

5.19.3 Recommendations

1015.I recommend that the submission from WFF be rejected with respect to regional form and accepted with respect to key centres.

6.0 Conclusions (Mika Zöllner and Owen Jeffreys)

1016.A wide range of submissions have been received in support, partial support, in opposition or neutral to the provisions relating to natural hazards in Change 1. A summary of these submissions and our responses to accept, accept in part, reject or make no recommendation to these submissions can be found in **Appendix 2**.

1017.After considering all the submissions and reviewing all relevant statutory and non-statutory documents, we recommend that Change 1 should be amended as set out in **Appendix 1** of this report.

1018.We consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, giving effect to higher order documents, achieving the purpose of Change 1 and the relevant objectives of Change 1 and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.

1019.We recommend that:

⁷⁴ Section 42A report of Sarah Jenkin, dated 26 May 2023, paragraph 88, <https://www.gw.govt.nz/assets/Documents/2023/05/RPS-Change-1-Section-42A-Report-General-Submissions-FINAL.pdf>

Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Hearing Steam: 4

Officer's Report: Urban Development

- The Hearing Panels accept, accept in part, or reject submissions and associated further submissions as outlined in **Appendix 2** of this report.
- Change 1 is amended in accordance with the changes recommended in **Appendix 1** of this report.