

Greater Wellington Regional Council

Transcription

Hearing Stream Four – Urban Development

SUBMISSIONS

Proposed Change 1 to Regional Policy Statement for Wellington Region

Hearing Dates:	Monday 2nd to Wednesday 4 th of October 2023
Location:	Venue: Naumi Hotel, 213 Cuba Street, Te Aro, Wellington 6011
Hearing Panel:	Commissioner Dhilum Nightingale (Chair) Commissioner Glenice Paine Commissioner Gillian Wratt Commissioner Ina Kumeroa Kara-France
Hearing Advisors:	Jo Nixon Whitney Middendorf

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Hearing Stream Four Urban Development – Submitter Record of Appearance

Submitter Organisation/Person	Names of people who appeared at the Hearing	Appearing
Ātiawa ki Whakarongotai Charitable Trust S131	Melanie McCormick - Taiao Coordinator	Online
Horticulture New Zealand S128	Emily Levenson - Environmental Policy Advisor	In person
Hutt City Council	Torrey McDonnell - Principal Planner Stephen Davis - Senior Policy Planner	In person
Kāinga Ora-Homes and Communities S158	Brendon Liggett - Manager of Development Planning Tim Heath - Property Consultant, Market Analyst and Urban Demographer, Property Economics Ltd Matt Heale - Principal Planner, The Property Group Nick Whittington - Barrister	In person
Ngā Hapu o Otaki FS29	Dr Aroha Spinks - Managing Director Kirsten Hapeta - Kaihautū	Online
Peka Peka Farm S118	Mitch Lewandowski - Resource Management Consultant	In person
Porirua City Council S30	Rory Smeaton, Principal Policy Planner	In person
Summerset Group Holdings Ltd S119	Mitch Lewandowski - Resource Management Consultant	In person
Te Kaunihera o Te Awa Kairangi ki Uta, Upper Hutt City Council S34	Gabriela Roja - Senior Policy Planner	In person
Wairarapa Federated Farmers S163	Elizabeth McGruddy - Senior Policy Advisor	Online
Waka Kotahi - NZ Transport Agency S129	Catherine Hephlethwaite - Eclipse Group Limited Evan Keating - Principal Planner	Online
Wellington City Council	Joe Jeffries - Principal Planner Wellington City Council	In person
Wellington International Airport Ltd S148	Claire Hunter - Director, Mitchell Daysh	Online
Wellington Water S113	Caroline Horrox - Planning Specialist Morgan Slyfield - Legal counsel for Wellington Water Angela Penfold – Title not supplied Victoria Buchanan - Advisor	In person

Greater Wellington Regional Council

Transcription
Hearing Stream Four – Urban Development
Day One

SUBMISSIONS

Proposed Change 1 to Regional Policy Statement for Wellington Region

Date: Monday 2nd October 2023

Location: Venue: Naumi Hotel, 213 Cuba Street, Te Aro, Wellington 6011

Hearing Panel: Commissioner Dhilum Nightingale (Chair)
 Commissioner Glenice Paine
 Commissioner Gillian Wratt
 Commissioner Ina Kumeroa Kara-France

Hearing Advisors: Jo Nixon
 Whitney Middendorf

1 Chair: Mōrena. Karakia tātou.
 2
 3 Guest: Kia tau ngā manaakitanga o te mea ngaro, ki runga ki tēnā, ki tēnā o tātou. Kia
 4 mahea te hua mākihikihi, kia toi te kupu, toi te mana, toi te aroha, toi te reo
 5 Māori. Kia tūturu ka whakamaui kia tina. Tina. Hui e, tāiki e.
 6
 7 Chair: Tēnā koutou katoa. Nō Heraka aku tīpuna. Nō Poneke ahau, kei Taputeranga au
 8 e noho ana. Tokotoru aku tamariki. He rōia ahau, ko Dhilum Nightingale tōku
 9 ingoa, nō reira, tēnā koutou, tēnā koutou, tēnā koutou katoa. Nau mai, haere mai
 10 ki te kaupapa o te rā.
 11
 12 Good morning. My name is Dhilum Nightingale. I am a Barrister in Kate
 13 Shepherd Chambers and an Independent Hearings Commissioner. I live in
 14 Taputeranga, Island Bay in Te Whanganui-a-Tara, Wellington.
 15
 16 It is a pleasure to welcome you to the first day of the hearing of submissions on
 17 the Urban Development topic – Hearing Stream 4, for Proposed Change 1 to the
 18 Regional Policy Statement for the Wellington Region.
 19
 20 We are the Independent Hearing Panels that will be hearing submissions and
 21 evidence, and making recommendations to Council on Proposed Change 1. We
 22 are sitting at two panels with overlapping membership and we will hear and

- 23 consider both the Freshwater and Non-Freshwater Provisions of Change 1. I
 24 have been appointed as chair of both panels.
 25
- 26 I would like to please invite the other panel members to introduce themselves.
 27 Paine: Tēnā koutou katoa. Ngā mihi nui ki a koutou i tēnei wā. Ko wai au? Ko Piripiri
 28 te maunga, ko Waitaha te awa, ko Waikawa te marae, ko Te Ātiawa me Ngāi
 29 Taku aku iwi, ko Glenice Paine tōku ingoa.
 30
- 31 My name is Glenice Paine. I am an Environment Court Commissioner and I
 32 come from a resource management conservation background. I am on both
 33 panels. Kia ora.
 34
- 35 Wratt: Kia ora koutou katoa. Ko Gillian Wratt tōku ingoa.
 36
- 37 I am Gillian Wratt. I was initially appointed as a Freshwater Commissioner – I
 38 am now on both panels. I live in Whakatū, Nelson and my background is in the
 39 science sector. Welcome to the hearing.
 40
- 41 Kara-France: Tēnā koutou katoa. Nau mai, haere mai ki te kaupapa o te rā. Te whare e tū nei,
 42 te marae e takoto nei tēnā kōrua. Te hau kāinga, e ngā mana whenua, e ngā iwi
 43 o Te Whanganui-a-Tara, tēnā koutou. E ngā rangatira i te tēpu, tēnā koutou. E
 44 ngā rangatira i te ruma, tēnā koutou. Ngā hau e whā, ngā iwi e tau nei, tēnā
 45 koutou, tēnā koutou, tēnā koutou katoa. Ngā mate, ngā aituā o koutou aroha o
 46 mātou ka tangihia tātou i tēnei wā. Haere, haere, haere. E tika ana me mihi ki tō
 47 tātou kīngi Māori a Tūheitia, te pouherenga waka, te pouherenga iwi, te pou i
 48 ngā tāngata Māori katoa, paimārire. Karanga mai ki a mātou e whāngai au i ngā
 49 taonga a ngā tūpuna. Nō reira, kapiti hono ki tātai hono, te hunga mate ki te
 50 hunga mate. Te hunga ora ki te hunga ora., Tēnā koutou, tēnā koutou, tēnā
 51 koutou katoa.
 52
- 53 Ko Ina Kumeroa Kara-France taku ingoa. Ko Waikato Tainui, ko Ngāti
 54 Kahungunu, ko Ngāti Tūwharetoa, ko Te Atiaunui-a-Pāpārangī, ko Ngā Rauru
 55 ngā iwi. E ngā whānau, e ngā hapū, e ngā iwi i ngā takiwā. Nō reira, tēnā tātou
 56 katoa.
 57
- 58 I work for WSP full-time as a Kaitohutohu Māori Matua. I represent and
 59 advocate on behalf of mana whenua on sites in regards to cultural value, sites of
 60 significance and legislation that protects mana whenua. I am also on a statutory
 61 board for the New Zealand Conservation Authority as a board member.
 62
- 63 I come from a background of mana whenua within the te taiao space. Absolute
 64 pleasure to be here. I am on both panels for Freshwater Planning Process and
 65 Part 1 Schedule 1. Kia ora.
 66
- 67 Chair: Kia ora.
 68
- 69 Some brief housekeeping matters.
 70
- 71 Hearings are being livestreamed and recorded for transcription purposes, so if
 72 everyone who is talking could please say their name into the microphone before
 73 they begin, that is very helpful for the transcript.
 74

75 We start the Urban Development Hearing Stream today with presentations from
76 the Council, including the two reporting officers for this topic. Also, counsel for
77 the Council will be presenting, or at least available to answer questions on the
78 pre-circulated legal submissions. We will then move to hearing submitters
79 scheduled for the day. We will also hear from submitters tomorrow and on
80 Wednesday morning.

81
82 I mean to ask if the Council team who is here wouldn't mind introducing
83 themselves, so submitters and others know who is here. That would be helpful.
84 Thank you.

85
86 Anderson: Tēnā koutou katoa. Ko Kerry Anderson tōku ingoa. Kei DLA Piper ahau e mahi
87 ana. He rōia tumuaki ahau.

88
89 Kerry Anderson here from DLA Piper and one of Regional Council's lawyers.

90
91 Guest: Tēnā koutou katoa. Ko Pam Guest tōku ingoa. I am a Senior Policy Advisor for
92 the Regional Council.

93
94 Jeffreys: Kia ora. My name is Owen Jeffreys and I am the co-author of the S.42A Report
95 for the Urban Development topic.

96
97 Zollner: Tēnā koutou katoa. Ko Mika Zollner tōku ingoa. I am a Senior Policy Advisor
98 at Greater Wellington Regional Council and co-author of this report.

99
100 Chair: Thank you. Council officers, all staff and others who have worked on this
101 hearing stream preparing the reports and information we thank you for your
102 work. To all the submitters, thank you for engaging with the Change Proposal
103 and for your considered views on it. We look forward to understanding your
104 submission points further over the next few days.

105
106 We have read submissions and evidence that you have presented in advance; so
107 we do invite you to share the key points that you wish to make and leave plenty
108 of time for questions. We do promise to listen with an open mind and ask
109 questions of clarification.

110
111 We are required to ensure the hearing runs efficiently and that everyone who
112 wishes to present can be heard. Therefore, in accordance with the hearing
113 procedures, we ask that submitters do keep to their allocated hearing time. This
114 is ten minutes, unless you have requested an advance for extension. There is time
115 allocated after that ten minute slot for questions from the panel.

116
117 To help keep things on track the hearing advisors, Ms Middendorf and Ms Nixon
118 will ring a bell when you have two minutes left of your allocated timeslot. There
119 will be a further bell that will ring at time.

120 Finally, please turn your cell phones off or onto silent mode.

121
122 I think that's it, unless anyone has any legal issues or procedural points they
123 would like to make.

124
125 We welcome the Council then to begin with their presentation. Thank you.

126

Greater Wellington Regional Council

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Zollner:

Tēnā koutou Chair Nightingale and the Hearing Panel Commissioners. As I said I am ko Mika Zollner tōku ingoa. I am a co-author of the S42A Report and the rebuttal evidence for Hearing Stream 4.

The provisions in Hearing Stream 4 span both the Freshwater Planning Process and the Part 1 Schedule 1 Process. The S42A Report for this hearing stream has been co-authored by Mr Jeffreys and I. We have split the scope of our S42A report according to the two process, such that I considered submissions on the provisions that were notified under the Freshwater Planning Process and Mr Jeffreys covered the remaining provisions.

Today I will provide a bit of context on the National Policy Statement for Urban Development and give a bit of an overview of what we are seeing to achieve with the provisions in this topic; and then for each of our provisions we will provide an overview of the amendments we are recommending on response to the submissions and the submitter evidence, and the key issues that remain in contention at this stage.

[00.10.15]

The National Policy Statement on Urban Development was Gazetted in 2020 and provided direction to Regional Policy Statements and District Plans with jurisdiction over urban environments. The NPS-UD seeks to achieve well-functioning urban environments, where more people can live in and there are more businesses located in areas that are in or near centres, are well-served by public transport, or have high demand for housing and business uses.

The NPS-UD also has several other objectives, including housing affordability, the principles of Te Tiriti o Waitangi and seeking that urban environments are climate resilient, support emissions reduction and are allowed to change over time.

Here I have just summarised the specific direction that's given to Regional Policy Statements. There are also various other policies and objectives which refer to planning decisions or Local Authority decisions which are also relevant.

Change 1 seeks to put the NSP-UD direction into the broader context of the RMA and the RPS – in particular, the National Policy Statement for freshwater management, and the need to support climate change mitigation and resilience. This ultimately emphasises the concept of density done well. This means undertaking development that focuses on well-planned, well-designed intensification, predominantly in our existing urban areas which seeks to use land efficiently and achieves multiple co-benefits for freshwater, biodiversity, climate resilience and emissions reduction.

These images just give an indication of what we are talking about when it comes to housing.

I also just want to note that we aren't just talking about big cities here. This kind of soft density has been shown to be appropriate and beneficial for the connectivity and liveability of smaller towns too.

179 Contributing to well-functioning urban areas means to promote access to a
180 diversity of housing typologies in order to support housing affordability and
181 choice. It means to avoid or mitigate the adverse effects on natural and cultural
182 values; to support efficient and effective use of infrastructure; to locate higher
183 densities where there is access to public or active transport; to provide for access
184 to employment services, amenities and greenspace; to enable Māori to express
185 their culture and traditions in urban spaces; and to support the health and
186 wellbeing of residents through high quality housing and built environments.

187
188 I will now give a brief overview of the Freshwater Planning Process provisions.

189
190 My S42A analysis covers the following provisions, as well as a few extra
191 definitions. On the slide I have shown the provisions that I'm recommending are
192 deleted, in strikethrough, and the provisions I am recommending are added in
193 underline.

194
195 The asterisk show those provisions I'm recommending are removed from the
196 Freshwater Planning Process to the PIS1 process.

197
198 I just want to note that I haven't actually addressed whether I consider the
199 recommended new definitions for urban zones environmentally responsive and
200 walkable catchments should be in the Freshwater Planning Process or not. This
201 was an oversight. Similar to my previous assessment of new definitions, because
202 these terms are all used in provisions going through the Freshwater Planning
203 Process they must also proceed through the Freshwater Planning Process to
204 support their interpretation.

205
206 Before we go any further, I just want to briefly cover the terms 'rural areas',
207 'urban areas' and 'urban environments', which are all terms used in Change 1.

208
209 Urban environments have a specific definition under the NPS-UD, which means
210 areas that form part of a housing and labour market of at least 10,000 people.
211 The region's urban environments, as you can see on this slide, form a subset of
212 its urban areas. Urban areas is land that is zoned for urban activities – so that
213 includes residential, commercial and industrial activities. Urban areas includes
214 smaller towns, including those in the Wairarapa.

215
216 Rural areas consist of the rural zones and the settlement zones. When we use the
217 term 'regional form' this relates to the form and connectivity of the whole
218 region, and it therefore encompasses urban areas, rural areas and urban
219 environments.

220
221 I will now just focus on the provisions that still have the most remaining
222 contention.

223
224 Change 1 replaced the operative Objective 22 on regional form with an objective
225 on well-functioning urban environments and an objective on rural development.

226 [00.15.05]

227 Submitters raised a range of concerns regarding the structure, length and focus
228 of the two objectives, particularly in relation to the clarity of Objective 22 as it
229 was drafted, which is the one on rural development.

230

231 Other concerns included the policy language that was being used in Objective
232 22, and that it was duplicating other parts of the RPS, that smaller urban areas
233 were missing and that direction to urban and rural environments was
234 inconsistent.

235
236 In response to submissions, I recommend that the two objectives are recombined
237 and that the concept of regional form is reinstated, as this approach helps to
238 provide a holistic and strategic direction to the whole region and in my view
239 better fulfils the purpose of an RPS. This approach is broadly supported by
240 submitter evidence.

241
242 I also recommend that direction regarding infrastructure, strategic land use and
243 reverse sensitivity effects on RSI, regionally significant infrastructure, is added
244 to Objective 22 to reflect direction in the supporting policy framework.

245
246 I also recommend wording amendments to focus the objective on the outcomes
247 being sought. Accordingly, the articulation of what it means to contribute to
248 well-functioning urban areas better sits at the policy level in a consideration
249 policy UD-5, which I am recommending is added.

250
251 Regarding Objective 22, submitters are still concerned about its length, its
252 complexity, duplication with other matters in the RPS, the way that some terms
253 are used and the flexibility that it affords to District Plans. I have recommended
254 some further minor amendments in my rebuttal and a new definition for the term
255 environmentally responsive; however, I don't consider significant changes to be
256 necessary.

257
258 Objective 22 provides an overview of the outcomes sought for an entire chapter,
259 and it must therefore cover a wide range of matters. District Plans must already
260 give effect to all of its supporting policies, so reflecting this direction at the
261 objective level does not affect the level of flexibility provided to them.

262
263 Referring to Te Mana o Te Wai, climate mitigation and climate resilience, assists
264 plan users to know that these matters are relevant to land use and development
265 and it does not add to the length or complexity of implementation in my view.

266
267 Regarding the new consideration Policy UD-5, submitters are still concerned
268 about duplication with the rest of the RPS and how strongly the natural
269 environment and existing infrastructure are protected.

270
271 In my rebuttal evidence I have recommended that one clause regarding
272 freshwater is removed, as well as some other minor amendments.

273
274 Policy 55 is a consideration policy that provides direction to Greenfield
275 Development, which is development beyond the existing urban zones. It was
276 amended by Change 1 to add cross-references to other RPS policies that are
277 relevant to Greenfield Development and to reflect NPS-UD direction.

278
279 In my recommended amendments, I added in references to existing RPS policies
280 on natural character and significant mineral resources, which were missing. I
281 also fleshed out what it means to be well-connected to the existing urban area,
282 and added in direction seeking that density is clustered to suit the site and to best

283 support access to infrastructure, centres and options for low and zero carbon
284 travel. I also clarified the intent of Policy 55 and its relationship to Policy UD-3
285 on responsive planning, which I will discuss next.

286
287 Outstanding concerns on Policy 55 relate to the unnecessary duplication of other
288 RPS direction, application to resource consents and that direction for structure
289 planning and consistency with the future development strategy is too stringent;
290 particularly for unanticipated or out of sequence development.

291
292 I am comfortable with the recommended amendments and responses in my
293 rebuttal, which addresses these concerns.

294
295 I also note operative RPS Policy 55 already contains direction seeking structure
296 planning and consistency with regional spatial strategies; so this direction is not
297 new or unworkable in my view.

298
299 Policy UD-3 gives effect to the requirements under Clause 3.8 in the Policy 8 of
300 the NPS-UD. It applies to Urban Development plan changes that are
301 unanticipated by the District Plan, or that have been brought forward from the
302 planned land release.

303
304 Policy UD-3 identifies the criteria that a plan change must meet in order to be
305 treated as adding significantly to a development capacity, and this development
306 capacity can then be given particular regard under the responsive planning
307 pathway.

308 [00.20.05]
309 Submitters concerns related to Policy UD-3 being too stringent, too unclear,
310 failing to prioritise intensification over Greenfield Development and
311 inadequately managing the impacts of unanticipated development. In response
312 to submissions I have recommended various wording amendments and added
313 two new clauses: one that seeks justification of the need for additional urban
314 land, which is clause (e); and another that seeks to mitigate potential adverse
315 effects of unanticipated or out of sequence development, which is clause (f).
316 The outstanding issues on Policy UD-3 are whether the criteria are too stringent
317 to provide for responsive planning; whether the two new clauses (e) and (f) are
318 necessary; and whether an expectation for some medium or high density
319 development to occur in these plan changes should be set.

320
321 I have addressed these in my rebuttal which recommends some amendments to
322 Policy UD-3.

323
324 Several submitters questioned how intensification is being prioritised by Change
325 1 and how different types of development are related to each other. There are
326 also several other gaps that came up through submissions across the police
327 framework of Change 1. In response to these submissions I recommend that a
328 new policy is added to Chapter 4.1, which contains a strategic hierarchy for
329 District and Regional Plans to apply when they respond to housing and business
330 demand.

331
332 My S42A Report and rebuttal justifies and discussed this policy in detail,
333 including why I consider this direction is most appropriate to be provided to
334 District and Regional Plans, rather than to specific applicants undertaking

335 subdivision use and development – which is why it sits in Chapter 4.1, rather
336 than Chapter 4.2.

337
338 I consider that Policy UD-4 is consistent with the NPS-UD and better achieves
339 a compact regional form to respond to the regionally significant issues.

340
341 Implementation of the NPS-UD and the medium density residential standards in
342 the Wellington, Lower Hutt, Upper Hutt, Porirua and Kapiti Coast District Plans
343 has enabled realisable development capacity on existing urban land that is over
344 double the demand.

345
346 Using and developing natural and physical resources efficiently, which is sought
347 by RMA section 7, supports a preference for realising this capacity first, over
348 zoning additional rural land to urban via Greenfield Development.

349
350 Policy UD-4 was addressed in the evidence of Upper Hutt who expressed
351 support and seek amendments, and Peka Peka Farm in Summerset who seek its
352 deletion. Waka Kotahi and Wellington Water sought relief in their evidence in
353 support of a strategic hierarchy which is very similar to that in Policy UD-4; so
354 they may not have seen the new policy before they prepared their evidence.

355
356 I have recommended some wording amendments to Policy UD-4 to improve its
357 clarity, but otherwise I consider the policy is necessary and appropriate.

358
359 Finally, Policy 31 provides direction to District Plans regarding intensification.
360 It has been fully replaced via Change 1 to give effect to Policies 3 and 5 of the
361 NPS-UD, because the operative policy had considerably weaker direction than
362 the NPS-UD.

363
364 Submitters were primarily concerned with conflicts between Policy 31 and
365 national direction. The level of direction that's given regarding a centre's
366 hierarchy and whether duplicating direction from the NPS-UD adds any value. I
367 recommend several amendments to the Policy and the related definitions to
368 better align with NPS-UD terminology and to better recognise non-residential
369 land uses.

370
371 The remaining points of contention are what values Policy 31 adds, how
372 directive it should be to town centre zones, and the use of supporting high level
373 definitions for walkable catchments, medium density development, high density
374 development and rapid transit.

375
376 I have responded to each of these in my rebuttal and I am comfortable with the
377 drafting as it stands.

378
379 I will now hand over to Mr Jeffrey.

380
381 Jeffrey: Owen Jeffrey. I am the co-author of the S42A Report and rebuttal evidence
382 pertaining the Part 1 Schedule 1 Urban Development Provisions.

383
384 The Part 1 Schedule 1 Urban Development Provisions of Change 1 are as shown
385 on the screen.

386

387 As a result of analysing the relevant submission points, key matters and
388 submitter evidence, I recommend the amendments to Change 1 provisions to
389 address the relief sought.

390 [00.25.00]

391 My opening statement will concentrate on providing a summary of the main
392 changes that I recommend.

393
394 I would also like to highlight an error in Appendix 1 to the S42A Report, in
395 clause (h) of Policy 56, where the reference to Urban Development should be
396 deleted. This was recommended in my S42A Report but not reflected in the
397 Appendix. This is shown correctly in the rebuttal evidence combined provisions
398 document.

399
400 I will start off with Policy 30. The primary matters raised through submissions
401 received on Policy 30 relate to the specific centres which have been included in
402 the centres' hierarchy.

403
404 Submitters sought the removal of some centres, the inclusion of others and the
405 changes to how Johnsonville and Kilbirnie are recognised in the hierarchy.
406 Submitters also sought that the policy wording more closely aligned with the
407 centre zone's terminology under the National Planning Standards.

408
409 I have made recommended amendments to ensure the Policy retains a consistent
410 approach to identifying centres. This approach uses the operative or proposed
411 zoning of these centres, which I understand was the methodology behind the
412 notified amendments. However, I argue that it is not appropriate to recognise
413 some centres in Policy 30, given the operative and proposed zoning under the
414 relevant District and City Plans, not aligning with this methodology.

415
416 I also consider it is not appropriate or necessary to specifically use the centre
417 zoning terminology from the National Planning Standards, as this effectively
418 zones these centres by proxy through the RPS.

419
420 Other minor amendments have been recommended to improve the terminology
421 and interpretation of the policy.

422
423 Moving onto Policy 56. Several submissions on Policy 56 related to giving effect
424 to the National Policy Statement of highly productive land. The NPS-HPL was
425 not within the scope of Change 1 when it was notified.

426
427 Policy 56 currently includes consideration of the effects of development on the
428 productive capability of rural areas, which I consider is sufficient to ensure
429 effects on productive capability, including food production on highly productive
430 land, are adequately considered. I also note that the NPS-HPL provides a strong
431 framework in the interim until the RPS has given effect to the NPS. On this basis
432 I do not consider that there is a need to partially or fully give effect to the NPS-
433 HPL through Change 1, when this could be done more holistically and
434 effectively through a separate plan change process.

435
436 I do agree with submitters that the term 'primary production' should be defined,
437 and recommend including a definition for this term, as per the National Planning
438 Standards.

439
440 The relationship between Policies 55, 56 and UD-3 was also raised by
441 submitters. I agree with submitters that the connection between these policies
442 was not clear and have recommend amendments to ensure consistency between
443 them – especially in relation to unanticipated or out of sequence plan changes.

444
445 The role of the future, development strategy, Wellington regional growth
446 framework and other regional growth strategies was questioned by several
447 submitters. However, I consider that these strategies and frameworks can assist
448 in achieving Objective 22, with regard to overall regional form, and therefore
449 recommend retaining this clause.

450
451 I have recommended amendments in response to submissions received that saw
452 specific recognition of reverse sensitivity effects, mana whenua/tangata whenua
453 values and climate change adaptation and mitigation. I have also recommended
454 amendments to improve the overall phrasing of the Policy.

455
456 In relation to Policy 57, some submitters questioned the implementation of this
457 policy and its application through the Resource Consent process, especially
458 within rural environments. I consider that the policy is appropriate to be
459 considered at a Resource Consent level, but that the policy should only be
460 applied to the extent relevant for the applicable consent application.

461
462 I did agree with submitters that the wording, specifically the use of ‘require’ was
463 not aligned with the weighting of consideration policies and should be amended
464 to provide flexibility at a consenting level – especially within the context of the
465 Wairarapa where the public transport network is less extensive.

466
467 I recommend accepting the amended chapeaux text proposed by Waka Kotahi in
468 their evidence, on the basis that this strengthens the policy’s application at the
469 plan change review level.

470
471 I also consider the policy is relevant for development within the rural
472 environment, noting that the scope of the operative policy is not limited to urban
473 development or the urban area.

474
475 I further proposed amendments to remove duplication between clauses in Policy
476 57 and a new clause that seeks to minimise reverse sensitivity effects on transport
477 corridors.

478
479 In my supplementary statement I responded to the submission point from
480 combined cycle submitters which was missed in the S42A Report which
481 recognises well-designed multi-modal transport in Policy 57.

482
483 Moving onto Policy 58, a number of submitters sought that Policy 58 was
484 broadened to specifically reference a range of different infrastructure. I disagree
485 with submitters, noting that this is redundant as they would be captured in the
486 definition of infrastructure under the RMA and the RPS anyway.

487
488 I recommended deleting specific reference to low or zero carbon, multi-modal
489 and public transport infrastructure from the policy body, and providing for this
490 in the explanation text instead.

491
 492 [00.30.00] I agree with submitters who argued that it is not appropriate that all infrastructure
 493 required to service development should be available, consented, designated or
 494 programmed to be delivered before development occurs. In my opinion, this is
 495 inconsistent with the NPS-UD direction. However, I disagree with submitters
 496 who argue that the policy is inconsistent with the responsive planning direction
 497 of the NPS-UD, so I consider that out of sequence and an anticipated
 498 development should still be supported by the necessary infrastructure, as per the
 499 direction of Policy 58.

500
 501 Some submitters questioned the implementation of this policy, including noting
 502 that the provision of public transport is not a matter in control of the Territorial
 503 Authorities. The policies focused on ensuring infrastructure is in place to support
 504 development but it does not require that Council provide this infrastructure.
 505 Decisions on development should be informed by available and planned
 506 infrastructure, with both developers and Councils responding to infrastructure
 507 constraints as appropriate.

508
 509 In relation to submitter evidence, I agree that the proposed amendments through
 510 my S42A Report did not accurately reflect a difference between public and
 511 private provision of infrastructure; so I have recommended amending the policy
 512 to address this. I also recommend including a clause and using existing
 513 infrastructure capacity efficiently and effectively.

514
 515 Moving onto Policy UD.1. Submissions on Policy UD.1 focus on the application
 516 of the policy, specifically in relation to what land was captured and request for
 517 a definition of ancestral land. I note that within the S42A Report there was a
 518 statement that the mana whenua preference was for this term not to be defined.
 519 On this basis I have not recommended a definition for this term. However, I have
 520 suggested amendments to the explanation text to identify that ancestral land
 521 includes freehold land owned by mana whenua/tangata whenua, but excludes
 522 general land owned by Māori. General land owned by Māori is broadly captured
 523 under Policy UD.2.

524
 525 I disagree with submissions on directing tangata whenua to demonstrate a
 526 connection with the land, and that the policy should specifically identify the
 527 mana whenua/tangata whenua groups included.

528
 529 There are several definitions as well within this Part 1 Schedule 1 topic. Whilst
 530 most submissions are received on definitions were in support, a number of
 531 submissions opposed the proposed deletion of definitions for ‘marae’ and
 532 ‘papakāinga’. I agree with these submitters that these terms should be defined
 533 within the RPS and recommend a new method that directs the relevant City and
 534 District Councils to define these terms in partnership with mana whenua and
 535 tangata whenua.

536
 537 I will just pass back to Ms Zollner who will go over some of the matters which
 538 cross both the Freshwater and Part 1 Provisions Schedule.

539
 540 Zollner: Finally, we just wanted to summarise a few of the remaining concern that relate
 541 to provisions in both processes. The role of consideration policies, general

542 duplication and how policies are implemented in District Plans have been raised
543 in previous hearings and the panels will be familiar with these issues.
544

545 How the Future Development Strategy should be implemented in the RPS has
546 been a significant point of contention, with varied views from submitters. This
547 direction was included in Change 1 in anticipation of an FDS being prepared,
548 and I note that consultation on a draft FDS commences next Monday on the 9th
549 of October.
550

551 Mr Jeffreys and I remain of the view that it is appropriate for some policies in
552 the RPS to seek consistency with the FDS.
553

554 Finally, the level of intensification provided to centres and implementation of
555 the NPS-HPL remain in contention for some submitters. We have outlined our
556 views in our S42A Report and rebuttals on these matters.
557

558 Thank you.
559

560 Chair: Thanks very much Ms Zollner and Mr Jeffreys. I will just take a minute, just to
561 gather some thoughts before we start our questions. Thank you for that
562 presentation. That was very helpful. Quite a bit to digest, so will just a brief
563 minute.

564 [00.35.00]

565 Chair: I have got some questions, just starting with the explanatory text. I might just
566 start with those.
567

568 Ms Zollner, the explanatory text for Policy UD.5 – sorry, I’ll come back to that.
569 I’ll to do this in a bit more of a logical order. The introductory text, we’ll start
570 there.
571

572 I have a question on C.4 which is about Policy UD.3 in the introductory text to
573 the chapter. That talks about in places connected to existing urban areas. Is that
574 wording appropriate given that this policy is about responding to or providing
575 for unanticipated or out of sequenced development in certain cases.
576

577 Zollner: Clause 3.8 of the NPS-UD for the responsive planning pathway to apply seeks
578 three things: it seeks that that plan change would provide for a well-functioning
579 environment; that it will be well connected to the existing or planned urban area;
580 and that it is considered to add significantly to development capacity. So, there’s
581 actually three tests.
582

583 Policy UD.3 is essentially doing the third test, which is that testing does it add
584 significantly to development capacity.
585

586 Policy 55, which applies to all Greenfield Development does the other two tests.
587

588 So, yes, that kind of test of being connected to the existing urban area does still
589 apply to those plan changes.
590

591 Chair: I know this is a point that we will explore with Peka Peka and Summerset, but
592 it's just that 3.8 says, “well-connected along transport corridors”. I think they
593 give the example at Summerset of a retirement village in Masterton which I think

- 594 the point they make is that it's not immediately adjacent to existing urban
595 development in that area.
596
- 597 I guess I am just wondering about that reference to “connected to existing urban
598 areas”. I guess if it's connected through a transport corridor.
599
- 600 Zollner: Yeah. It could be amended to make it clearer. The intention of the chapter
601 introduction wording was to keep it pretty high level, to support interpretation
602 of the policies. But, it could be amended to be a bit more explicit if that would
603 be helpful.
604
- 605 Chair: Maybe we’ll come back to that once we’ve heard from that submitter or those
606 submitters.
607
- 608 I won’t spend too much time on the explanatory text.
609 [00.40.00]
- 610 C.5 refers to residential development in rural areas. My reading of Policy 56 is
611 that it is broader than that.
612
- 613 Zollner: Policy 56 applies to urban development in the rural area and rural development
614 in the rural area. I guess it's both. When we talk about I guess residential
615 development, Policy 56 is the only one that applies to residential development
616 in the rural area; so rural lifestyle development and things like that. I guess the
617 intention of making that reference is just that’s the key one for that kind of
618 development.
619
- 620 However, I do note that in Policy UD.4, which is kind of the policy that this part
621 of the chapter introduction is kind of mirroring, I have Upper Hutt did make a
622 point that there is often or can be mixed use development that happens,
623 particularly in settlement zones in rural areas.
624
- 625 So, I have recommended an amendment to Policy UD.4 which now says
626 residential and mixed use development – which should actually be reflected in
627 the chapter introduction as well.
628
- 629 Chair: Thank you.
630
- 631 There are two references in the introductory text to rapid transport stops, existing
632 and planned. Are you able to describe or give more information about what the
633 existing ones are? Are they set out in the Regional Land Transport Plan?
634
- 635 Zollner: My understanding is that the Regional Land Transport Plan generally at a high
636 level identifies what the rapid transport network is, but that is subject to change
637 every three years when the Regional Land Transport Plan is reviewed. It's
638 defined quite generally in the NPS-UD as a service that’s frequent, quick,
639 reliable and high capacity. It's relatively high level as a definition.
640
- 641 It is a matter of quite a lot of discussion in the District intensification planning
642 instruments, what that network is, particularly in relation to Wellington City. I
643 don’t know if you will have heard, but whether the Johnsonville Line is or is not
644 a rapid transit line.
645

646 I guess it's not definitively written down anywhere at this point. The Regional
 647 Land Transport Plan does have an indication but at a pretty high level. It's quite
 648 important, because that does determine under the NPS-UD locations for high
 649 density development under Policy 3. That's kind of being resolved at the District
 650 Plan level.

651
 652 Chair: In the intro text, above the heading 'Lack of housing supply and choice' there
 653 are some submitters, Kāinga Ora and Winstones that have asked for the words
 654 "Territorial Authorities" to be included before Iwi Authorities.

655
 656 I think in your report, it might be s.61 of the RMA, when you talk about that. Is
 657 the inclusion of "Territorial Authorities" something that you would be able to
 658 give some further thought to?

659
 660 Zollner: It could be given further thought. It would need to be considered across the
 661 whole structure of the RPS-. You can see that line is in the operative RPS-, in
 662 every single chapter of the RPS-. That is what is in the operative RPS right now.
 663 That bit is not being amended by Change 1 – that particular line.

664 [00.45.00]
 665 I was hesitant to consider that. It would need to be consequentially amended
 666 across the whole RPS if an amendment was made; but I could consider it.

667
 668 Chair: I take that point. Thank you.

669
 670 That might be all I had on the introductory text. I will just see if any other panel
 671 members.

672
 673 Wratt: I am coming onto the intro text. Just a general question and comment I guess.
 674 Some of the submitters, there's a lot of range in whether submitters support the
 675 level of detail in the intro text, or whether they would like to see it reduced. Your
 676 comment Ms Zollner, I think is that you haven't given a lot of attention to that
 677 because it is introductory text and I certainly understand that.

678
 679 I guess the other comment there seems to be around a degree of negativity in the
 680 way it's presented, focusing on all the issues and not on the opportunities I
 681 suppose. I did notice that Porirua City Council in their proposed redrafting have
 682 a second paragraph which presents a more positive of what the opportunities are
 683 associated with urban planning and development.

684
 685 I certainly take your point and the submitters that are supportive of the
 686 introductory text and say it's useful. I think it is useful to have a reasonable level
 687 of explanation in that text, but I do think it would be useful for you to go back
 688 to it in your reply and just consider whether it is possible to tighten it up and
 689 reduce perhaps. It does seem quite repetitive in places. Maybe look at what
 690 Porirua City Council has done compared to your drafting.

691
 692 Zollner: I did actually accept most of Porirua's drafting to the chapter introduction. The
 693 reason there are quite a lot of amendments is that I did try to reframe it quite a
 694 lot, to take out the emphasis on the risks – recognising the risks, but also trying
 695 to really acknowledge the opportunities, which is why there are in my S42A
 696 Report quite a lot of changes. I think I pretty much accepted most of Porirua's
 697 amendments and where I didn't it was because it was repeating something that

698 had already been said elsewhere. I definitely can go have a look and see if I can
699 consolidate.
700

701 Wratt: Thanks.
702

703 Chair: Thanks Ms Zollner. One more question before we move on from this.
704

705 C.1 of the introduction, firstly urban development within existing urban areas, I
706 wonder if that should say ‘urban zones’. The reason for that is because urban
707 areas includes the FUZ (Future Urban Zone) and this is setting out the priority
708 for intensification; so that should be urban zones?
709

710 Zollner: Yeah. I missed that.
711

712 Chair: Would that also be the same in C.2 within existing zones?
713

714 Zollner: Yes.
715

716 Chair: Then in C.3 – urban development in areas identified for future urban
717 development; so this is beyond the region’s existing region zones.
718

719 I think my question is... urban development in areas identified for future urban
720 development through growth strategies. Would you be able to think about
721 whether that’s clear enough, given the very broad definition of urban
722 development and whether perhaps there should be some reference or indication
723 that we are talking here about development beyond the existing urban zones?
724

725 Zollner: Yes.
726

727 Chair: We do recognise the provisions themselves are more important. We’ll move on.
728

729 Who would like to start with the provisions? Thank you Commissioner Paine.
730

731 Paine: Kia ora. Mr Jeffreys, my questions might be for you.
732

733 [00.50.00]
734 They’re about the definitions for ancestral land, marae and papakāinga. I was
735 pleased to say that there wasn’t a definition, because I spent some time looking
736 for that definition for ancestral land.
737

738 If we haven’t got definitions for those things now when do you envisage having
739 those?
740

741 Jeffreys: I guess for marae and papakāinga there’s a method there that directs that the TAs
742 have to define those terms. I think in my S42A Report there is a table that shows
743 that a number of councils have already define those terms, but they will have to
744 go through a process of, I guess, a plan change to include those definitions within
745 the District Plans. I couldn’t speak to the timeframes of when that would occur.
746 I guess it would have to be when they’ve given effect to the other relevant
747 policies for Change 1 – for example, those definitions probably support Policy
748 UD.1. So, when they’ve given effect to that, I would imagine they would have
749 to provide those definitions.

- 750
751 In relation to ancestral land, I haven't recommended including a method to direct
752 that needs to be defined, so I am not sure if it ever would be defined. It could be
753 already defined within the relevant District Plans, but there is nothing to direct
754 them to define it, so there's no timeframe of there ever being a definition for that
755 term.
756
- 757 Paine: Because when you look at ancestral land, so those policies that talk about that,
758 and we talk about ancestral land including freehold land owned by mana whenua
759 and tangata whenua, but excluding general land owned by Māori; and
760 understanding that there are occasions where general land can start off as
761 ancestral land and those complexities.
762
- 763 Jeffreys: Yeah, it is a complex. What I was trying to do through the explanation of
764 amendments is try and provide a bit more context on the basis that if we're not
765 defining ancestral land, the preference of mana whenua, then trying to provide
766 some context in the explanation as to what land it might capture.
767
- 768 My interpretation was that general land owned by Māori may not have that sort
769 of, I guess, maintained connection, or I guess history. I figured it was better to
770 potentially exclude that and have it covered more broadly in Policy UD.2 –
771 which I think or guess was the purpose or principle of the two policies being
772 separate.
773
- 774 Paine: The policies that deal with Māori mana whenua, for me, you've made a clear
775 distinction between mana whenua and Māori. Was that the intent?
776
- 777 Jeffreys: I couldn't speak for the intent of when they were drafted. I know that they were
778 originally, I think, one policy. Then in the S32A Report it's detailed that they
779 were split into two separate policies. But, I couldn't speak to the intent of why
780 they were split separately and whether there was a purpose of separating out
781 mana whenua, tangata whenua and Māori; but it appears that way when you read
782 the provisions.
783
- 784 Paine: I say that because it would appear to me that only mana whenua would have
785 ancestral land in this rohe, and mātāwaka who it would appear to me come under
786 that heading of 'Māori', would be general land.
787
- 788 I am just raising those issues, when you talk about ancestral land and freehold
789 land. Is it freehold Māori land, and is it European land, if you like, and general
790 land can be ancestral as well. Interested to see how you deal.
791
- 792 Jeffreys: I would also be interested to hear some of the submitters who raised that point
793 through their submissions. They're probably going to be able to explain that a
794 little bit more. I'm open in the right of reply to addressing that.
795
- 796 Paine: When you are talking those provisions about expression, culture and traditions,
797 can you just explain that a bit more to me? You have mana whenua building a
798 house in a suburb. What do you think that looks like?
799 [00.55.00]
- 800 Zollner: NPS-UD essentially is part of well-functioning urban environments; a variety of
801 homes where Māori are enabled to express their cultural and traditional norms.

802 I guess that's where referring to Māori came from, kind of as the board Māori.
 803 My understanding is that there is an intent in Policy UD.2, which is the one that
 804 is quite broad, on enabling Māori to express culture and traditions; to be mata
 805 waka included as well and mana whenua. My understanding of that is pretty
 806 much any opportunity in an urban development project demonstrating
 807 consideration of looking for opportunities for urban design in larger projects and
 808 enabling the development of general land owned by Māori. Kind of anything
 809 that does that intent. So, it's deliberately quite open to allow for that to look quite
 810 different in different places potentially. It's things like the [56.12] design
 811 principles and things like the application of Māori being enabled to apply
 812 mātauranga Māori in urban spaces, to lead urban design projects – kaupapa
 813 Māori led urban development.

814
 815 Paine: I can understand that and I applaud that inclusiveness, but when I read the
 816 provisions, some of them are quite inclusive and then a clause down they're not.
 817 I've having, not trouble look at it, but the consistency of it right through those
 818 provisions that relate to Māori.

819
 820 Zollner: Policy UD.2 is really intended to be that board one, which is a consideration
 821 policy so it applies to resource consents as well as District Plan changes and
 822 District Plan reviews. Policy UD.1 is intended to be, as I understand it, quite a
 823 lot more specific, because it's giving direction to District Plans that is quite
 824 specific around enabling the ongoing occupation and development of ancestral
 825 land specifically. There is that quite deliberate one is quite a lot more specific
 826 and one is broader, to be enabling more broadly. In my view they are
 827 complementary to each other.

828
 829 Paine: That's great. I have another couple of questions on different matters. One of
 830 them was about well-connected. That was about Policy 55, but we'll deal with
 831 that later.

832
 833 It was about the words "housing affordability and affordable housing". I see you
 834 have deleted "affordable housing" and just replaced it with "housing
 835 affordability".

836
 837 Do you just want to talk to me a wee bit about what housing affordability is?

838
 839 Zollner: Yes. Thank you. That's a good question.

840
 841 The NPS-UD refers to housing affordability. I think the objective says, "Housing
 842 affordability is supported"... I just want to make sure I am using the right
 843 language. Improved.

844
 845 The NPS-UD seeks that housing affordability is improved. It does not use the
 846 term affordable housing. My understanding of the term "affordable housing"
 847 and this was raised by a few submitters is that it's a kind of line in the sand to
 848 say this housing is affordable, and this housing is unaffordable. So what you're
 849 saying is, you're trying to use a metric to say when does housing become
 850 affordable versus unaffordable? Housing affordability is a bit more broad. We
 851 want housing affordability to be improved for anyone across the region.

852 We also specifically want more provision of more affordable housing. Housing
 853 affordability is intended to capture both or all of those. Both potentially

854 subsidised housing, social housing, all the way up to generally housing is more
855 affordable for more people.

856
857 My decision to move away from “affordable housing” was just that once I used
858 that term I could see with submitters that it was quite important to potentially
859 define that, because it is drawing a line in the sand. That can change. For
860 example, one metric that’s used is thirty percent of income might be roughly
861 considered affordable housing. But, that can change quite a lot depending on the
862 situation. In some cases that isn’t actually sufficient in different times, with
863 changes in income and changes in other. I’m not an economist so I’m not going
864 too much down that path.

865 [01.00.20]

866
867 Essentially it's a bit of vexed term to say what is an affordable house. That’s why
868 I have gone back to saying “housing affordability” only, because it is used in the
869 NPS-UD. It can kind of capture yes we want some specifically affordable
870 housing, but we also want housing to generally be more affordable for everyone.

871
872 Does that help?

873
874 Paine: Yes it does. When you talk about housing affordability, that’s owning a house
875 or renting a house?

876
877 Zollner: Both.

878
879 Paine: Are you coming from the premise that all New Zealanders should own a house
880 or have a house?

881
882 Zollner: The NPS-UD doesn’t necessary go to that. I would say the RPS also doesn’t
883 really deal with the distinction between renting and buying houses. It's about
884 access to homes. That’s the kind of premise I’ve gone on. It's access to housing,
885 access to homes, and a variety of homes. The particular way that looks through
886 renting or purchasing isn’t addressed.

887
888 Paine: I only have one more question. At the very beginning when you showed your
889 slide, you talked about ‘soft density’. Would you like to...

890
891 Zollner: I don’t think that’s an official term. I guess ‘soft density’ what I mean by that is
892 kind of two to three story. Medium density would be a rough translation kind of.
893 I guess also talking about smaller sections or more houses/units on one section.
894 Density can look different in different places and intensification can look
895 different in different places. A place, a town, where you might have 2000 square
896 metre sections, soft density might just be two houses for each of those sections
897 rather than one. So, just kind of on the way to a higher density, but not six stories
898 straight away.

899
900 I’m talking particularly about small rural towns when I talk about this, where
901 there is pretty much only single storey residential; and particularly in places
902 where medium density residential standards don’t apply. So, in a lot of
903 Wellington the medium density residential standards apply in all residential
904 zones. So, that means medium density is enabled anywhere where there’s
905 residential zones at the moment.

906
907 Paine: Thank you Ms Zollner. I have one question. I think it's for you Mr Jeffreys.
908
909 I am just wondering, when we are looking at the provisions and we talk about
910 things like the highly productive lands and what's happening there, the NPS for
911 that, and the FDS and other legislations, that are coming or have come in after
912 this process has started. Then sometimes we are actually incorporating things
913 from the FDS, but we're not from the NPS for the highly productive lands. Why
914 is that? It's okay to do it for one, even though it started after the start date for the
915 process. I hope this is not being confusing. But, it's not for others.
916
917 Jeffreys: I guess with the FDS, the FDS comes through the NPS-UD, and the purpose of
918 Change 1 is to give effect to the NPS-UD; so it makes logical sense that you
919 would then consider the role of the FDS in the future of providing for the
920 regional form of region. The NPS-HPL was not part of the original scope of
921 Change 1, so I don't think it needs to be given effect to. I think there's a clear
922 distinction there between the FDS, which is from the NPS-UD and the NPS-
923 HPL which was not in effect when Plan Change 1 was notified.
924
925 Paine: Can I just ask you, what's your feeling about that? You would know that a lot
926 of submitters have talked about the NPS-HPL. What's your view about what
927 they're asking?
928 [01.05.00]
929 Jeffreys: My view is that it would potentially be difficult to try and piecemeal and give
930 effect to the NPS-HPL plan change in dribs and drabs through different policies.
931 It would be really difficult to give full effect to it.
932
933 I think considering that there is quite a strong interim framework in HPL, which
934 is there regardless of whether it's given effect to through Change 1, I think is
935 probably sufficient. It doesn't need to be incorporated into Change 1. I would
936 also say that when you're considering resource consents, for example, you have
937 to have regard to the NSP-HPL. So, it's there regardless of whether it's in the
938 RPS. I think that's fine in my opinion.
939
940 Paine: So, there is enough protection in place now in your view?
941
942 Jeffreys: Yeah, they're really strong policies in the HPL, in terms of what you can do on
943 highly productive land – development and subdivision. There are strong avoid
944 policies that you would... and I know that Council is already using the HPL
945 when they're looking at consent applications on highly productive land. It's there
946 regardless of if it's in Change 1 at the moment.
947
948 Wratt: Can I just explore that one a little bit further.
949 Seems to me there are two levels: one is whether you try to implement the NPS-
950 HPL and I hear what you're saying in relation to that. We've had similar
951 comments in previous hearings as well. Then there is use of the term "highly
952 productive land." In his reply evidence, Mr Wyeth in the integrated management
953 hearing, did in fact include that term "highly productive land" and I think it was
954 in Objective A; whereas you have resisted using that "highly productive land"
955 term. I think you used "productive rural land" which is in the introduction under
956 well-functioning urban environments and then in Policy 56 you've used
957 "productive capability".

- 958
959 There's potential for inconsistency I guess across the RPS in what term is used.
960 Can you perhaps just explore that a little bit, on why you're reluctant to use the
961 highly productive land term.
962
- 963 **Jeffreys:** I think this maybe something for me and Ms Zollner to consider together,
964 because I think she addressed the submissions in relation to that definition. I
965 would say with regards to Policy 56 I think the wording at the moment is more
966 appropriate. It's broader than just highly productive land. For example, it
967 captures stuff like 'quarrying' which wouldn't be captured under the definition
968 of highly product land. So, I think retaining that is more appropriate.
969
- 970 Within the context of Policy 56 I think Ms Zollner will be able to talk to the
971 broader change of that definition there, so I will just hand over to her.
972
- 973 **Zollner:** I guess it's possibly something that we should consider a bit more. I think our
974 initial thought was that was in the context of the integrated management
975 provisions which are very high level, and an objective which again is quite high
976 level. Once we get down to the policies you've got this slight conflict with the
977 current definition of 'highly productive agricultural land' which is in the
978 operative RPS-. It already had a policy, Policy 59, about highly productive
979 agricultural land.
980
- 981 If we were to put in, to essentially try to refer to either highly productive land,
982 or highly productive agricultural land, we would need to be really sure exactly
983 how we are reflecting the interim requirements of the NPS-HPL, and being
984 consistent. There's quite a lot of detail in terms of how highly productive land
985 is defined, and the exemptions that apply as part of it. Then also the exemptions
986 that relate to protections of highly productive land.
987
- 988 You would essentially need to bring in quite a lot of policy framework to make
989 sure you're being consistent with the NPS-HPL. I think at the objective level, in
990 relation to integrated management, there is not so much of a risk of potentially
991 conflicting with the NPS-HPL direction. Again, that's kind of where we landed,
992 that this was just going to be simpler to do through a separate plan change
993 process, where you have time to consider across the whole RPS how the NPS-
994 HPL can be given effect.
995
- 996 **Wratt:** So, including "highly productive land" in Objective 22, you wouldn't be
997 comfortable with doing that? That is at the objective level and perhaps would
998 respond to Horticulture New Zealand's submissions.
999
- 1000 **Zollner:** I could consider that, whether it could fit in.
1001
- 1002 **Wratt:** Thank you.
1003 [01.10.00]
- 1004 **Chair:** Just on that point, in the previous hearing stream, the officers supported an
1005 amendment to Policy CC.15 which is about resilience. They supported an
1006 amendment to recognise the importance of food security. Just seeing in terms of
1007 we are all wanting these provisions to read well together and be integrated; so
1008 that might be something else when you're thinking about that, you could have a
1009 look at that provision as well.

- 1010
1011 I had some questions on Objective 22, but I think Commissioner Kara-France
1012 has some questions.
1013
- 1014 Kara-France: A question for Mr Jeffreys, just in relation, if we just step back in regards to the
1015 subject matter regarding ancestral lands. You made a comment in regards to the
1016 difficulty... or, let me just say, move to the statement made by Āti Awa and also
1017 Rangtāne, which both highlighted s.6(e) of the RMA and the definitions
1018 regarding ancestral lands. So, “must be considered for both urban expansion and
1019 rural development”.
- 1020
1021 Regarding RMA s.6(e), as you know, in terms of what it means, I just want your
1022 thoughts in terms of why you didn’t consider that regarding ancestral lands was
1023 a definition supported by both Āti Awa and also Rangtāne.
1024
- 1025 Jeffreys: Sorry, could I just ask for some clarification? Are you saying they supported a
1026 definition?
1027
- 1028 Kara-France: Both Āti Awa and also Rangtāne seek that all matters covered, in s.6(e) of the
1029 RMA must be considered by both urban expansion and rural development. This
1030 is in regards to the relationship of Māori and their culture and traditions with
1031 their ancestral lands, water, sites, wāhi tapu and other taonga.
1032
- 1033 Just talking about that note and leaving it with you, why didn’t you consider
1034 bringing that through both Policy UD.1, UD.2 for example? You start off with
1035 UD.1 acknowledging mana whenua/tangata whenua with the ancestral land by
1036 etc. etc. But, by the time you get to number Policy UD.2 onwards, the wording
1037 ‘ancestral land’ is missed out. It's left out in your explanation.
1038
- 1039 Could you give me a reason for that please? Is there any reason for that? Is that
1040 a typing error?
1041
- 1042 Jeffreys: I can’t give you a reason why it wasn’t included. I guess the way I see it is that
1043 ‘ancestral land’ was just supposed to be considered through Policy UD.1 when
1044 it was drafted. But, you’re right, it clearly hasn’t been carried through to Policy
1045 UD.2. I guess that is something we can look at amending for consistency.
1046
- 1047 Kara-France: Okay. Ancestral land definition is land owned by tūpuna and inherited through
1048 whakapapa, etc. That’s good that you’ve given me that explanation. But, as I
1049 have stated in here, from Policy UD.1 and Policy UD.2, the words “ancestral
1050 lands” starts getting lost. You have highlighted, recognising for example, (b)
1051 UD.2, recognising taonga, sites and areas of significance, awa and moana, and
1052 important places where mana whenua/tangata whenua practice mātauranga
1053 Māori. Awa and moana again for example, and the above, number (a), providing
1054 for mana whenua/tangata whenua to express their relationship with their culture,
1055 land, etc. etc. The words “ancestral land” is missing.
1056
- 1057 My encouragement is just to review that with the level of continuity based on
1058 the recommendation from Rangtāne and Āti Awa, that they seek that all matters
1059 covered in s.6(e) of the RMA must be considered by both urban expansion and
1060 rural development.
1061

- 1062 Then again, can I just talk about rural development?
 1063 [01.15.00]
 1064 There was a statement in your presentation with regards to... or can you just
 1065 clarify to me, the urban development kaupapa. The cultural values, the
 1066 connection to ancestral land, surely that also applies to rural areas and not only
 1067 urban. Is that correct?
 1068
 1069 Jeffreys: Yes.
 1070
 1071 Chair: Objective 22. In your S42A Report, at para 298, you recommend amendments
 1072 to Policy UD.5 for consistency with Objective 22, including seeking
 1073 improvements to housing affordability, quality and choice. I just notice that
 1074 quality isn't mentioned in Objective 22, and why I think that may be a gap is
 1075 there's a policy later on which I think speaks to good urban design.
 1076
 1077 Zollner: That's a good question. This is something I did mull over. Before my rebuttal in
 1078 clause (e) there was a statement of high quality housing being sought as an
 1079 outcome. Some submitters in their evidence stated that was too unclear what
 1080 high quality housing meant. At the objective level it was kind of a little bit tricky
 1081 to think how can you articulate housing quality as an outcome that isn't a bit
 1082 vague in terms of what it means. In the end I kind of deciding that saying the
 1083 region is well designed in the chapeaux of Objective 22, and saying that clause
 1084 (a) there is sufficient development capacity to meet the needs of future
 1085 generations. For both of those things to be true I think housing needs to be of a
 1086 high quality. So, I think it is a little bit more implicit than explicit. In the policy
 1087 I think it's more appropriate to be explicit about improving housing quality.
 1088
 1089 Chair: Thank you. That's clear. I had missed "well designed" in the chapeaux there.
 1090 That probably does address that.
 1091
 1092 In Objective 22, para (i) development densities are sufficient to support the
 1093 provision and ongoing maintenance of infrastructure. Is that sort of getting at
 1094 development contributions? So, the more intensity you have, the more that
 1095 you're able to maintain servicing infrastructure?
 1096
 1097 Zollner; It's getting at kind of a broadly strategically clustering density to best support
 1098 both existing and new infrastructure in particular. One of the regionally
 1099 significant issues, Issue 2 in the operative and now it's Issue 5, has a clause (d).
 1100 It says, "Insufficient population density to support public transport and other
 1101 public services." It's trying to pick up on that point that seeking population
 1102 density to be sufficient to support infrastructure that's necessary, to support new
 1103 development. So Policy 55 kind of fleshes that out a bit more, seeking that
 1104 development is clustering density where it can, to make most efficient use of
 1105 infrastructure.
 1106
 1107 Chair: The provisions in the previous hearing stream on climate resilience and nature-
 1108 based solutions, it would be really helpful - and I don't know if maybe having a
 1109 conversation with Ms Guest about this before you submit your reply - there's a
 1110 lot of reference obviously in those provisions around Policy CC.4, CC.4(a) and
 1111 others about climate change mitigation and adaptation; climate responsive
 1112 development.
 1113 [01.20.00]

1114 I appreciate we don't want to have everything repeated again. It's just that this
 1115 regional form chapter, those issues are so important to having well-functioning
 1116 urban environments, as recognised in the NPS-UD.

1117
 1118 I just wonder whether it's enough? I think you're relying on the new definition
 1119 of climate resilience. Just whether it would be okay to maybe give that some
 1120 further thought and see in your reply if more integration between those
 1121 provisions and these provisions would be helpful.

1122
 1123 In particular, I just wonder about climate responsive development. It comes out
 1124 really strongly in that set of CC.4 and CC.14.

1125
 1126 Zollner: I will just note I totally agree with you. In Table 9, which shows the policies
 1127 contributing to Objective 22, CC.14, CC.4, 4(a) and 14(a) are included in there.
 1128 So, really acknowledging that they are also really key to achieve Objective 22.
 1129 Definitely I will give it more thought.

1130
 1131 Chair: I think that was all I had on Objective 22. If it's useful to take them provision by
 1132 provision and have questions from us – obviously we can move around and come
 1133 back if we need to.

1134
 1135 Also conscious of in terms of the schedule for the day, we're scheduled to have
 1136 a break at 11.45, which I am conscious is another hour. Our questions may well
 1137 take that time, but I am just wondering if you might appreciate a short break
 1138 before then, if that works.

1139
 1140 We might take a break at 11.00am, then come back and finish our questions and
 1141 then move onto Ms Anderson at that point before lunch if that works. Great. Just
 1142 conscious you'll be responding to us for another hour otherwise.

1143
 1144 For the remaining five minutes, I will just see if anyone would like to...

1145
 1146 Kara-France: Just in regards to a comment made "while functioning urban environments
 1147 provide for cultural visibility of mana whenua/tangata whenua."

1148
 1149 Well-functioning urban environments means for a lot of people that there isn't
 1150 a reoccurrence of the past state home communities all put together in one place,
 1151 so you create all this recycled problems again of high poverty, high
 1152 unemployment and all the high statistical data in a community which is quite
 1153 evident, which New Zealand has been experiencing for a very long time.

1154
 1155 Well-functioning urban environments means that new homes and opportunities
 1156 are built for all people – poor, middle class and very wealthy, and it becomes
 1157 accessible. Also, it has all the amenities in the community to enhance the
 1158 family's growth and positivity, away from the cluster again of putting all poor
 1159 people together, which has not worked for New Zealand society.

1160
 1161 When you're writing you've taken that into consideration, right?

1162
 1163 Zollner: Yeah. I totally and absolutely agree. That's actually specifically something that
 1164 I'm trying to get at with the wording in Objective 22 of the use "access to a
 1165 diversity of housing typologies within neighbourhoods."

1166 [01.25.00]

1167 We had some submitters questioning whether that was necessary when we're
1168 saying "housing choice." But, housing choice, what you're talking about,
1169 doesn't recognise the spatial concentration of different kinds of housing. When
1170 say "access to a diversity of housing within neighbourhoods," we're saying
1171 different kinds of houses are built, close together, so that everyone can access
1172 what they need where they are, and we don't get these big clusters of one kind
1173 of housing.

1174
1175 It's getting at that spatial diversity of what is available for people to access.
1176

1177 Kara-France: Thank you for that response. I do have questions for Kāinga Ora. Certainly
1178 evidence has suggested that the homes built from Kāinga Ora and putting low
1179 income groups and high statistical data communities together has created
1180 existing problems, including the fact of no car parking availability and a lack of
1181 space to grow your own food; and an assumption that a community space for
1182 community gardens would suffice for individual families, where that hasn't been
1183 the case.

1184
1185 Therefore, this conversation again: you've taken those issues and consideration
1186 in terms of your policy development, is that correct.
1187

1188 Zollner: Yes. Another big one is access to greenspace and access to services and
1189 amenities. Clause (e) of Objective 22, but also Policy UD.5 really go into that
1190 access for everyone, to what they need. Yes, definitely agree.
1191

1192 Kara-France: Kia ora. Thank you.
1193

1194 Chair: I have some questions on Policy 31. Sorry, before that, I did want to ask one
1195 more thing about Objective 22. Objective 1 of the NPS-UD has a reference to
1196 health and safety. You will be familiar with the submission of Doctor's for
1197 Active Safe Transport (DAST) seeking that these provisions or the RPS
1198 generally has more recognition of the health benefits of active transport, and
1199 mode-shift. Given that the NPS-UD does recognise health benefits, and your
1200 S42A Report also talks about the co-benefits that are possible for the region in
1201 implementing the NPS-UD, have you thought about whether these well-
1202 functioning urban environments could also acknowledge the positive health
1203 impacts of having more compact urban form and well-connected transport?
1204

1205 Zollner: Yes. I guess the connection, particular from a transport perspective, between
1206 more things being closer to people in terms of what they need, and then access
1207 to those things via active transport, the connection between that and health and
1208 wellbeing has been made through my amendments to clause (e) of Objective 22,
1209 where it's setting up the frame that built environments meet the health and
1210 wellbeing needs of all people; and then it's going through to say one of the ways
1211 that's done is through multi-modal access to all the things that are listed there.
1212

1213 The question of safety comes through in Policy UD.5, where it specifically says
1214 safe access. I did consider whether the question of safety should be also reflected
1215 in Objective 22, because recognising the submissions that do seek that transport
1216 networks are safe, and there's equity involved in safety as well. That's
1217 something I could potentially consider, is reflecting safety.

1218
 1219 I definitely think health and wellbeing is acknowledged there at the moment.
 1220 [01.30.00]
 1221 Chair: Policy 31: At the moment, I am not sure that the explanatory text accurately
 1222 reflects the changes that you're proposing in your rebuttal evidence to Policy 31
 1223 – the distinction that you're now making between urban areas and urban zones.
 1224 That might just be something to come back to.
 1225
 1226 I didn't write down the specific paragraph that was referring to when I noted
 1227 that. I will give you more a steer on that when I find it.
 1228
 1229 Staying with Policy 31, in your S42A Report at paragraph 394 you refer to and
 1230 around centres, but then Policy 31(b)(i) refers to adjacent to town centres. This
 1231 is the same point I mentioned earlier. I think some of the Wairarapa Councils
 1232 have noted that, in terms of how the centre of their specific urban areas and how
 1233 close do these provisions support development.
 1234
 1235 Do you still think that the NPS-UD is requiring that the development occur
 1236 adjacent to town centres?
 1237 Zollner: I guess the second part of Policy 31 (and this is discussed a little bit in the report)
 1238 it's Policy 5 of the NPS-UD, which actually has quite a lot more high level
 1239 direction to Tier 3 Territorial Authorities, which is Masterton. It doesn't actually
 1240 mention centres. It just refers to where there's demand and where there's access
 1241 to a range of commercial activities and community services. That's essentially
 1242 what it says. That's the same language that's used in the National Planning
 1243 Standard definitions of centres. It's essentially saying centres without saying
 1244 centres directly.
 1245
 1246 What I have done in clause (b) it is a little bit further. It's a bit more explicit than
 1247 Policy 5.
 1248
 1249 The reason I guess for picking up on that is to kind of pick up on some of the
 1250 submitters seeking a stronger direction around town centre zones, or some of the
 1251 other centres. There's metropolitan and city centres. But, you will be aware that
 1252 Kāinga Ora are wanting quite a lot of relief around town centre zones, which is
 1253 kind of the next one down.
 1254
 1255 The thinking with clause (b) was to just provide a little bit more direction; that
 1256 in the case of the Wairarapa towns we are talking about, they each have a town
 1257 centre zone in their centre. So, rather than keeping it quite open and saying, "A
 1258 range of commercial activities and community services," just saying that is your
 1259 centre.
 1260
 1261 Hopefully that makes sense.
 1262
 1263 Chair: I wonder if this is something Ms Anderson might be able to think about and give
 1264 us some guidance on. RMA case law on the meaning of "adjacent" is quite clear.
 1265 [01.35.05]
 1266 My understanding is that it does actually mean physically adjacent. So, whether
 1267 (b)(i) is too restrictive, or whether that interpretation would apply to this
 1268 provision and result in overly constraining.
 1269

- 1270 Anderson: I can probably answer that now if you like. The key case on it is actually a Hutt
 1271 City Council case, and it's actually the other way around. The word "adjoining"
 1272 means directly next to, and "adjacent" means nearby. There is always an
 1273 argument about how close "nearby" is, but adjoining is very strict. Adjacent is a
 1274 wee bit looser.
 1275
- 1276 Chair: Thank you, that probably clarifies that, thanks.
 1277
- 1278 Kara-France: Just in regards to town centre zones into Policy 31, and the reference here made
 1279 to a small town like Featherston, and Kāinga Ora's relief sought in regards to
 1280 building heights for at least six stories, surely it's a case-by-case situation. A
 1281 small town of Featherston having a six storey apartment which is inappropriate
 1282 visually.
 1283
- 1284 Zollner: That's my view as well. You will see in clause (b) it just says "greater building
 1285 height and densities." It doesn't specify high density, it doesn't specify medium
 1286 density. It just says increasing heights and density. It's leaving it really open for
 1287 the Territorial Authorities to work out what that might look like, recognising that
 1288 for a town like Featherston there isn't directive NPS-UD direction.
 1289
- 1290 I will also just note that Kāinga Ora in their evidence did clarify that they're
 1291 talking about larger town centres and smaller town centres and provide a
 1292 distinction there.
 1293
- 1294 Kara-France: Surely we need to set standards and boundaries to large city communities, such
 1295 as Wellington Central in comparison to Featherston, etc. and those small areas,
 1296 otherwise we're allowing that principle policy to be applied accordingly to
 1297 where their development focuses are.
 1298
- 1299 Zollner: The policy does that through clauses (a) and (b). Clause (a) replies to Tier 1
 1300 Territorial Authorities and that's Kapiti, Porirua, Upper Hutt, Hutt and
 1301 Wellington. Then the second part of the clause applies to the Wairarapa
 1302 Councils. That's where that distinction is made.
 1303
- 1304 Wratt: I have another question around those building heights, particularly relating to a
 1305 submission from the Porirua City Council, where they are requesting some
 1306 wording of "at a minimum building heights at least six stories." I think that does
 1307 apply just to Tier 1.
 1308
- 1309 Your view really, in terms of the wording in the NPS-UD Policy 3 talks about
 1310 enabling at least six stories; whereas Porirua City Council are saying "at a
 1311 minimum of six stories."
 1312
- 1313 Those seem to be quite different to me. "Enabling at least six stories," doesn't
 1314 say you have to have a minimum of six stories. It says that you have to enable
 1315 it. What's your view on that?
 1316
- 1317 Zollner: I agree. This is something that is quite varied across the District Plans.
 1318 Wellington city for example, in the way that they've given effect to Policy 3,
 1319 they actually have different precincts, where some precincts you might call high
 1320 density development, they have said there's at least four stories here but not
 1321 more than six stories. I don't actually know what the numbers are, but they've

1322 gone to quite a fine level of detail. I think in their evidence they make the point
 1323 that there are some areas where they haven't gone at least six stories for various
 1324 reasons in the way that they've applied qualifying matters, and generally for how
 1325 they've implemented Policy 3.

1326
 1327 There's quite a lot of nuance between each District Plan and how they've
 1328 implemented that.

1329 [01.40.00]

1330 From the Regional Policy Statement perspective, I agree it would be quite
 1331 directive to say "at least six stories" in all of these places. It would then come in
 1332 and potentially quite a lot of more detailed sites or spatial specific work that's
 1333 been done.

1334
 1335 There was a decision made at the time of notification not to come in and be really
 1336 prescriptive in the way that Policy 3 is to be implemented by District Plans, and
 1337 that's the position that I still agree with at this point. It's more useful to be high
 1338 level. Be consistent but not go well beyond the direction of the NPS-UD.

1339
 1340 Wratt: Just to make sure I've got it right: nowhere in the RPS now is there that
 1341 requirement for a minimum six storeys?

1342
 1343 Zollner: Kind of. We have a definition of high density development. That is intended to
 1344 be quite high level. The wording that it now uses is "anticipated building height"
 1345 and so that's the qualifier. I think when we're talking about high density we
 1346 anticipate at least six stories, but there are situations where that won't be true;
 1347 so it's not hyper prescriptive in that sense.

1348
 1349 The reason I did decide it was worth putting it in, in high density at least, is just
 1350 because the NPS-UD does say "enable at least six stories".

1351
 1352 Wratt: Would you be better to use the NPS wording, which is "enable" rather than
 1353 "anticipate"?

1354
 1355 Zollner: I guess Policy 31 is in the context of enabling. It's not in the context of delivering.
 1356 It is still about what is enabled, rather than what will actually be delivered. But,
 1357 again the point that some District Plans haven't enabled at least six stories. Either
 1358 way, it still needs to be qualified potentially. If anticipated isn't clear enough as
 1359 a qualifier then I could consider a different term potentially.

1360
 1361 Chair: We'll take a break in just a minute, but I have one question on Policy 31 just
 1362 before we finish, and then I think we can leave that one.

1363
 1364 At the top of the policy, I just wonder instead of referencing Policy UD.5,
 1365 whether that is better to be Objective 22. If that's something you could have a
 1366 think about.

1367
 1368 Actually in the heading as well, it refers to "urban areas". Urban areas includes
 1369 future urban zones and rec zones, and whether that should be urban zones
 1370 instead. Although well-functioning urban zones is a bit... maybe it doesn't
 1371 sound quite right.

1372

- 1373 Zollner; In that case, I think urban areas is appropriate. When we're talking about well-
 1374 functioning urban areas, we're talking about the holistic kind of view of an urban
 1375 area, which includes its open space zones and its other zones. We want to make
 1376 sure that intensification is enabled in a way that allows those areas to be well-
 1377 functioning. I think in that case it's appropriate to be a bit broader.
 1378
- 1379 Chair: We might take five minutes and come back.
 1380
 1381 [Break taken 01.44.00]
 1382
- 1383 Chair: Kia ora. We have just been talking about Policy 31.
 1384 We will continue with our questions on the provisions. Would anyone like to
 1385 start off, otherwise I can continue.
 1386 [01.45.00]
 1387 Might start with UD-3 Ms Zollner. Is Policy UD.3 primarily relevant in terms
 1388 of Policy 55(d)? That's the connection?
 1389
- 1390 Zollner: Yes, that's correct. I guess I might just quickly add to that though: yes it's correct
 1391 most of the time. Technically under the NPS-UD we need to provide for
 1392 responsive planning both for Greenfield Development and intensification, or
 1393 Brownfield Development. While it's not stated in the NPS-UD, the explanation
 1394 supporting documents to the NPS-UD do say that responsive planning applies
 1395 to both kinds of development.
 1396
 1397 Most of the time we are talking about Greenfield Development through private
 1398 plan changes; however there may be some instances (and I think I discuss this
 1399 in my report) where you might get a particular private plan change come through
 1400 to up-zone or to rezone land from industrial to residential or something, within
 1401 the existing urban footprint.
 1402
 1403 The Policy is written to also be able to be considered in an intensification
 1404 situation, even though there is no link over to an intensification policy in that
 1405 sense, like there is to 55.
 1406
- 1407 Wratt: A question about the title for that policy. I understand what it means I think, but
 1408 it doesn't read well. I've tried to think about how you might express it some
 1409 other way, but I haven't come up with a solution.
 1410
 1411 "Responsive planning to planned changes" is a really clunky expression. You
 1412 do want these headings to be meaningful. Any thoughts on that?
 1413
- 1414 Zollner: I agree.
 1415
- 1416 Chair: I guess the term comes from the NPS-UD doesn't it. It's responsive planning.
 1417
- 1418 Zollner: Yes. The change to plan changes was to make it specific in response. You would
 1419 have seen.
 1420
- 1421 Wratt: Initially it said "developments". Could you just swap it around? "Plan changes
 1422 responsive planning."
 1423
- 1424 Zollner: I could have a play and see if I could come up with something better.

- 1425
1426 Chair: Just from what you were saying before, could Policy 55(d) be relevant then to
1427 Local Authorities who are considering a plan change not in an urban
1428 environment?
1429
- 1430 Zollner: Policy 55 yes applies to any urban development in the region that is beyond an
1431 existing urban zone. However, caveated with 55(d) specifically only talking
1432 about urban environments... you would have seen in my initial S42A Report
1433 there was a line in there that said, "This is only relevant for a city or district
1434 containing part or all of an urban environment." I had some submitters that that
1435 kind of felt unnecessary if you were going to say it again in Policy UD.3 anyway.
1436 So, in the chapeaux of UD.3 it says, "For local authorities the jurisdiction of a
1437 part or all of an urban environment." So, that's where you're essentially
1438 excluding the Wairarapa Councils, because it is very specific NPS-UD direction.
1439
- 1440 I guess there was a view that it's not needed both in clause (d) of 55 and in UD.3.
1441
- 1442 [01.50.00] I think in Policy 55(d) you would just, I guess, understand that when you then
1443 looked at UD.3 that that wasn't relevant if you weren't in an urban environment.
1444 It could be more explicit though. It could be put back in to say that it's only
1445 relevant in urban environments.
1446
- 1447 Chair: In UD.3, the terms "realisable development capacity and feasible likely to be
1448 realised developments"... where is that? Is that UD.3?
1449
- 1450 Zollner: Do you mean in clause (d) of UD.3?
1451
- 1452 Chair: Yes I do. Thank you. I couldn't see it there. Is that clear what that is? Does that
1453 have to be something that's already consented or part of a structure plan? Or, is
1454 it really to be assessed on a case-by-case basis.
1455
- 1456 Zollner; Feasible and reasonably expected to be realised I think is the full term. They're
1457 both NPS-UD terms and they do mean different things. Feasible means
1458 commercially viable to develop. So, I guess that's a broader number of
1459 developments and then reasonably expected to be realised is a smaller subset of
1460 that, based on economic analysis is actually expected to be developed in a certain
1461 timeframe, in the short to medium term.
1462
- 1463 Housing and business capacity assessments need to assess both feasible and
1464 likely to be realised as two kind of separate assessments. The housing and
1465 business capability assessment would be the point of reference for those.
1466
- 1467 Chair: So, in terms of knowing whether you satisfy that criteria in (d), how would that
1468 work? You mention the HBA. How would the development need to be identified
1469 in the HBA?
1470
- 1471 Zollner: I guess it would probably depend on a few things – I guess how specific the most
1472 recent HBA was in terms of identifying specific developments. I think most
1473 realistically it would be an assessment of the developments that are anticipated
1474 in that area over the short to medium term. Then the infrastructure that's been
1475 assigned to that. I think that future development strategy would probably also be

- 1476 a source of information. It might depend on the area for when that consideration
1477 is being undertaken.
1478
- 1479 Chair: An applicant who is trying to show that they satisfy that criteria, would be able
1480 to perhaps point to that, point to the FDS, point to maybe any agreements they've
1481 got with the likes of Wellington Water?
1482 Zollner: Yes.
1483
- 1484 Chair: I think you said feasible and likely to be realised developments are two separate
1485 assessments.
1486
- 1487 Zollner: Yes.
1488
- 1489 Chair: They are meant to be. So, for other feasible and likely to be realised
1490 developments?
1491 [01.55.05]
1492
1493
- 1494 Zollner: Yes. In that case, if something is likely to be realised it's is most of the time also
1495 going to be feasible. So, saying them both kind of just is for clarity. Reasonably
1496 expected to be realised is kind of the higher test to meet under the HBA.
1497
- 1498 Chair: I was thinking about the wording in the UD.3(c) and also looking at what the
1499 NPS-UD 3.8 requires. I had wondered if that wording in (c) could be simplified
1500 by saying "The following criteria must be met." The chapeaux doesn't flow that
1501 well into (c) I don't think. "The following criteria must be met." Then it says
1502 "When considering the significance of the contribution to a matter in (a)."
1503
- 1504 Anyway, that aside, I wondered if all (c) is trying to say is that a plan change
1505 will make a significant contribution if (1), (2), (3) and whether that wording is
1506 accurate. It just might simplify that provision a bit.
1507
- 1508 There were some submitters that had raised the issue about "long term" in this
1509 provision. I wondered if the requirement in sub-clause (ii) will be realised in a
1510 timely manner," is that what indicates that you're not looking at long term –
1511 which I think is it ten to thirty years? You're looking at something more
1512 immediate than that?
1513
- 1514 Zollner: I'm trying to remember particularly which clause. I think it was Peka Peka Farm
1515 and Summerset were seeking reference to long term. I need to double-check
1516 which clause they were looking at. Essentially the focus of the provision is on
1517 the short to medium term. That's where the housing and business capacity
1518 assessment has the most detailed information. We don't necessarily want to be
1519 talking about plan changes that will be delivered beyond ten years from now.
1520
- 1521 I guess the point of a responsive planning pathway being responsive to
1522 developments that can provide significant development capacity now, or soon,
1523 as opposed to in the long term.
1524
- 1525 Chair: I understand that point. I think they were talking about sub-para (3) where it says
1526 for the short to medium term. I think they had asked for that to be long.
1527

- 1528 Then there were also some questions raised about the words “in that particular
1529 location” in (3). I do wonder if that is quite specific. If the demand will be in
1530 that area as opposed to actually in that location, and whether that would meet
1531 that criteria.
1532
- 1533 Zollner: I think the proposed replacement of “in the urban area” I think is what Peka Peka
1534 Farm and Summerset wanted. I considered that was too broad again, because an
1535 urban area is quite expansive of the Wellington City urban area. That particular
1536 location is, in my view, just narrowing it down a little bit more; but it's not
1537 saying...
1538
- 1539 Chair: Literally right in that site.
1540
- 1541 Zollner: It's saying to the level of spatial detail that the HBA and other information
1542 sources are going to.
1543
- 1544 Chair: We'll hear from them later today. They might raise that. There might be a bit of
1545 a middle ground between that particular location, which you could see how
1546 someone could interpret that as being actually right there – which might mean
1547 that it's not workable, but I do hear what you're saying about their relief is
1548 probably too broad.
1549 [02.00.00]
- 1550 It talks about housing or business types proposed. Would that also capture
1551 community facilities, which I think that must come up in the NPS-UD. Housing
1552 or business types I think had wondered whether that was broad enough to allow
1553 for the types of development that I think are acknowledged in the NPS-UD.
1554
- 1555 Zollner: Yeah, that's a good point. I wonder whether it could be more just for the land
1556 use types proposed, to be a bit more inclusive possibly.
1557
- 1558 Kara-France: Just in regards to community access to amenities, in regards to papakāinga, has
1559 there been consideration in terms of papakāinga and what that means for mana
1560 whenua and tangata whenua, beyond housing development, access to amenities,
1561 community developments such as health care, Kōhanga Reo, Kura Kaupapa, in
1562 that growth of the community which a papakāinga and the marae can have
1563 availability to explore; such as developing business industrial areas within that
1564 papakāinga. So, you have had these conversations with your iwi treaty partners?
1565
- 1566 Zollner: I wasn't involved in the original drafting of Change 1 in terms of those
1567 conversations. I totally acknowledge that we are often being really cognisant.
1568 We're talking about not just residential land uses happening through these
1569 policies. We're being inclusive of other kinds of mixed use development and
1570 community services, health care services, educational services. We've made a
1571 couple of amendments to recognise that particularly in the rural area, the rural
1572 provision, we need to make sure we're also talking about mixed use and other
1573 kinds of development and not just residential. The same with the urban policies.
1574
- 1575 Kara-France: Kia ora. Therefore under the kaupapa of papakāinga you've allowed for that
1576 expansion of a kaupapa Māori based solution?
1577
- 1578 Zollner: Yes, several of the policies do keep it quite open. Papakāinga is specifically
1579 mentioned in Policy UD.1. Do you want to talk to that?

- 1580
 1581 Jeffreys: I would say it's not explicitly excluded anywhere. Like Mika said, it's quite broad
 1582 Policy UD.1 in terms of clause (c) where you're looking at the historic,
 1583 contemporary, cultural and social importance of papakāinga; which in my
 1584 interpretation is quite broad. It could include a lot.
 1585
 1586 There is that method which the District Plans will define papakāinga, so it will
 1587 be interesting to see what comes out of that. But, the interpretation of that policy
 1588 I think is that it's a broad consideration and it's not trying to narrow what that
 1589 can include.
 1590
 1591 Kara-France: So, you're working on developing the definition of papakāinga with your treaty
 1592 partners, is that what you're saying?
 1593
 1594 Jeffreys: No. There's a proposed method where the Territorial Authorities have to define
 1595 that with treaty partners. It's not the RPS-. The RPS won't include the definition.
 1596
 1597 Kara-France: However, the RPS you've highlighted here in terms of kaupapa Māori based
 1598 solutions, which would be applicable to the definition of papakāinga, which is
 1599 beyond the development of housing. Kia ora.
 1600
 1601 Chair: I have another two questions on Policy UD.3.
 1602
 1603 We're going to hear shortly from someone in the Council who is going to talk
 1604 to us about the FDS.
 1605 [02.05.00]
 1606 If I'm an applicant and I've requested a private plan change, will there actually
 1607 be a need identified in the latest HBA, given my understanding is that there's
 1608 now more than double the capacity through the various IPIs and through the
 1609 MDRS provisions, given that there is now so much housing that it has been
 1610 enabled through these provisions. Will I actually be able to satisfy (a)? So, prove
 1611 that the plan change makes a significant contribution to meeting a need identified
 1612 in the HBA?
 1613
 1614 Zollner: I guess this policy was written and is intended to sit independently from what
 1615 the most recent HBA is saying. It was drafted not know what this current HBA
 1616 would say and that HBA needs to be reviewed every three years. There will
 1617 always be a different situation potentially. That is a live question. This policy
 1618 sits independently of that question I guess.
 1619
 1620 Chair: That's housing isn't it? If I wanted to enable business or some other urban
 1621 development, then I guess that's what parts 2 and 3 of (a) are doing, are
 1622 acknowledging.
 1623
 1624 Zollner: Yes. It's also, I guess, drilling down to particular types of housing as well. So,
 1625 there might be new answers within that, in a particular HBA that comes through
 1626 as well. But, yes, also business land and different land uses.
 1627 Chair: I think your S42A acknowledges that it is meant to be a high threshold that is
 1628 set in the NPS-UD for unanticipated and out of sequence developments anyway.
 1629
 1630 Can you actually have Brownfield? So, given how enabling the MDRS
 1631 provisions are, can you actually have unanticipated infill?

- 1632
1633 Zollner: Yes, I guess you could. It is a little bit hard to imagine that situation happening
1634 very often going forward, because of how much capacity has been enabled. But,
1635 I guess a situation might be where in an area that is a relevant residential zone
1636 at the moment; so it has medium density enabled there was a plan change that
1637 was not otherwise expected by the District Plan to up-zone that even further.
1638 That would be a situation where then this policy and the tests in it might come
1639 into play.
1640
- 1641 Chair: So, if someone wanted to go say six. Thanks.
1642
1643 Did anyone have anything else on UD.3, otherwise I've got some questions on
1644 UD.5 and Policy 55?
1645
1646 In UD.5 Ms Zollner, you're recommending deleting, "protecting and enhancing
1647 the quality and quantity of fresh water," but there are other provisions in this
1648 suite that refer to Te Mana o Te Wai. I have read your reasoning for doing that,
1649 but are you just able to see whether you think there's a gap there – explain if
1650 there's a gap there?
1651
- 1652 Zollner: In this instance, I think the roll of that clause initially was to create a link to the
1653 freshwater policies, to make it really clear that when you are contributing to a
1654 well-functioning urban area, there's an expectation that the freshwater policies
1655 are relevant and they come into play. The intention isn't to independently try to
1656 provide specific direction but to provide a link.
1657 [02.10.00]
1658 I think the reference you are referring to in Policy 55 to Te Mana o Te Wai, that
1659 provides a specific cross-reference to Freshwater Policy. I think it's Policy 42. I
1660 can't remember off the top of my head.
1661
1662 The intent isn't to independently provide that direction, it's to provide a link
1663 over. In this instance, it felt like there was a risk of trying to summarise the
1664 direction from quite a complex suite of policies in a way that potentially conflicts
1665 with those policies, which was raised by a few submitters that it might be a little
1666 bit too strong or not have enough context with it, in terms of being realistic for
1667 every urban development to do that.
1668
1669 In this instance, I kind of felt if there's a clear link in the objective, which says
1670 Te Mana o Te Wai has given effect to, that's relevant to subdivision use and
1671 development and that's what we're seeking to achieve; otherwise the Freshwater
1672 policies can kind of do that and contribute that. In Table 9, again they are listed
1673 specifically as contributing to Objective 22. Similarly to the client-resilience
1674 policies, they sit very much alongside and all of that direction doesn't need to
1675 be duplicated over.
- 1676 Chair: Thank you. It might be something that we think about again when we're going
1677 through the Freshwater stream. I guess it's that problem isn't it, that if you start
1678 doing it in some provisions and not others does that mean anything. But, the
1679 NPS-FM provision, and I can't remember now what it is, but that links
1680 specifically to Urban Development, would still apply anyway.
1681
- 1682 Zollner: Yes. I might also just quickly add that I guess the Freshwater policies do
1683 specifically discuss land use and development. They do quite clearly relate to

- 1684 Urban Development and apply to Urban Development activities, and rural
1685 activities.
1686
- 1687 I guess the example being Policy FW.3 very explicitly says that it applies to
1688 development. In that case, I feel comfortable that they can sit alongside.
1689
- 1690 Chair: In UD.5(e) and (f) – UD(e) acknowledges direct effects on regionally significant
1691 infrastructure through the words “avoiding mitigating potential adverse effects
1692 and the ability to manage, use and operate existing infrastructure.” So, I think if
1693 there was something that was having a direct effect on infrastructure that could
1694 be considered under that provision.
1695
- 1696 But, UD.4 only acknowledges reverse sensitivity effects. It doesn’t recognise
1697 that there is a potential for direct effects. I can’t remember who had relief on that
1698 provision, but assuming that there is scope – although UD.5 is actually a
1699 Freshwater provision isn’t it? No it's not. We’re not limited by scope. I think
1700 actually maybe it's not a Freshwater provision.
1701
- 1702 My question is, should UD.4 recognise direct effects as well as reverse
1703 sensitivity effects?
1704
- 1705 Zollner: Sorry, which part of Policy UD.4 are you referring to?
1706
- 1707 Chair: Have I got that wrong? Sorry.
1708 [02.15.00]
- 1709 One of these policies refers only to reverse sensitivity effects. Sorry, I might
1710 have that reference wrong.
1711
- 1712 Zollner: It might be Policy UD.3 which has a clause (f) that relates broadly to adverse
1713 effects on urban and rural areas, including reverse sensitivity.
1714
- 1715 Chair: It might be that. Again, it's just that consistency point. If the provisions are
1716 acknowledging that effects on regionally significant infrastructure can be
1717 broader than reverse sensitivity effects; if you could maybe just think about
1718 whether that needs to be reflected consistently throughout the provisions.
1719
- 1720 Sorry, I might have had that reference wrong before.
1721
- 1722 I’ve got some questions on the definitions and then I have some questions for
1723 Mr Jeffreys. Does anyone else have anything else for Ms Zollner?
1724
- 1725 Kara-France: No thank you.
1726
- 1727 Chair: I will just see if the questions I had on the definitions have already been
1728 addressed.
1729
- 1730 The definition of “urban zones”, I think I initially wondered if “city centre” and
1731 “metropolitan zones” should be in there, but I think they come under the
1732 definition of commercial and mixed use.
1733
- 1734 Zollner: Yes, that’s correct. There were a lot of them.
1735

- 1736 Wratt: While we are still with Ms Zollner, can I bring you to the categorisation question.
 1737 You have gone through and revised some of your categorisation either to the
 1738 Freshwater Planning Provisions or P1S1. A couple of the submitters, and I know
 1739 Clarke on behalf of Winstones, and also Hansen in relation to the Mansell
 1740 Family, comment that their view is that all the provisions here should be
 1741 allocated to P1S1.
 1742
 1743 A comment in the Winstones one: “At a high level these policies are aimed at
 1744 implementing the National Policy Station for Urban Development, not the
 1745 National Policy Statement for Freshwater.
 1746
 1747 They also note that in the Integrated Management Chapter, I think in the reply
 1748 from Mr Wyeth, he recommended that the provisions all be considered under
 1749 P1S1 for similar reasons.
 1750
 1751 My question I guess is, do you consider that any of these provisions do
 1752 predominantly focus on implementing the NPS-FM as opposed to the NPS-UD?
 1753
 1754 Zollner: My response to that, I guess, is that that’s not the test to apply, whether they
 1755 predominantly focus on implementing the NPS-FM. The test that was applied
 1756 was, do they meet one of those two criteria that came out of the Otago Regional
 1757 Council test. Do they relate to matters which directly impact Freshwater quality
 1758 or quantity? I can’t remember the exact wording. Are they implementing the
 1759 NPS-FM? Or, do they relate particularly to parts of the NPS-FM that do that?
 1760
 1761 That was the test that was applied. If a part of that provision met that test then
 1762 that provision was notified under the Freshwater Planning Process.
 1763 [02.20.05]
 1764 My view remains that the explicit link between urban development, rural
 1765 development and freshwater is very clear in the NPS-FM and through the RPS.
 1766 I’ve outlined my view on that.
 1767
 1768 Wratt; In essence, that is a different view from the view that Mr Wyeth ended up taking
 1769 in relation to the integrated management provisions?
 1770
 1771 Zollner: Yes, I guess so. I would say specifically in relation to land use and development
 1772 that is very explicitly made in the NPS-FM. In my view the policies are directly
 1773 related to matters that are regulating matters that directly impact Freshwater
 1774 quality and quantity. Land use change has a direct relationship to Freshwater
 1775 quality and quantity.
 1776
 1777 Wratt: I agree that it does, but these provisions do cover a much broader aspect than
 1778 just impacts on Freshwater. The NPS-FM really does also say that you’ve got to
 1779 consider impacts on Freshwater management across the whole of your planning;
 1780 which doesn’t necessarily mean that all of your planning becomes Freshwater
 1781 Planning Provision.
 1782
 1783 I understand your position. Thanks.
 1784
 1785 Chair: Just a couple of questions on definitions. Regional form, that talks about spatial
 1786 distribution, arrangement design of urban areas and rural areas, and linkages
 1787 between them. Would linkages through them also be useful to have in there?

1788
1789 Zollner: Yes, that would be good.
1790
1791 Chair: Something to maybe think about. It does say infrastructure networks after the
1792 reference to linkages. You will know in places like with the big expressways the
1793 shared parts and connections that they've got. You can bike between all of those
1794 areas up the coast now. So, whether something that the concept of regional form
1795 should acknowledge.
1796
1797 The definition of "urban areas" which includes future urban zone open space.
1798 As I understand Policy 55, that is about enabling development within all of these
1799 urban areas in certain circumstances. Acknowledging the existing urban areas.
1800
1801 I just wonder if we get into a slight definition issue because existing urban areas
1802 could mean existing future urban zones.
1803
1804 Zollner: Yes. I've tried to review the provisions to make sure we don't get any unintended
1805 consequences. So, where we are trying to talk specifically about the current
1806 urban extent, we're using the term urban zones to specifically to refer to those
1807 zones, where intensification is being enabled, and the extent beyond which it's
1808 called Greenfield Development. Because development in a future urban zone is
1809 still Greenfield Development. Most of the time it hasn't yet been actually zoned.
1810
1811 Urban areas is hopefully used in all the places where we are talking more about
1812 the functioning of that urban area and how it's connected; where I think there is
1813 a case to consider planned future growth areas as well in that. I think that point
1814 came through from the Wellington City Council, that that is useful as a part of
1815 that consideration.
1816
1817 Chair: I think I follow all of that. I guess we'll be going through and checking that the
1818 provisions make that distinction.
1819 [02.25.05]
1820 Would really appreciate in your reply, you having basically another thorough
1821 check of that. We want to make sure. The hierarchy you've identified is
1822 important, and that it does actually flow through all of the provisions properly.
1823 Sorry to go back to UD.4 but Peka Peka say that this policy is going to have a
1824 significant impact on the competitive operation of land and development
1825 markets; and so is consistent with the NPS-UD. I think they're basically saying
1826 that it doesn't properly recognise the need for responsive planning.
1827
1828 You've noted that there are existing constraints already through the NPS-HPL
1829 for instance. They also criticise that a thorough S32A assessment hasn't been
1830 done.
1831
1832 Are you comfortable that the impacts on competition and the Cost Benefit
1833 Analysis has been properly considered in the S32 Report?
1834
1835 Zollner: There's probably a few things I'll say there. Firstly, competitive operation of
1836 land and development markets isn't solely related to enabling Greenfield land.
1837 It's about generally enabling development capacity. So, my first response is that
1838 the RPS provisions are doing that.
1839

- 1840 Secondly (and this is addressed in the legal submissions of Ms Anderson) there
 1841 is as pathway for every kind of development. Nothing has been excluded in
 1842 Policy UD.4. There is merely a preference indicated, which was sought by
 1843 several submitters and in my view better supports the broader policy framework
 1844 to achieve Objective 22 and respond to the regionally significant issues.
 1845
- 1846 Chair: We might have to move onto Mr Jeffreys I think. Thanks Ms Zollner.
 1847
- 1848 I have some questions on Policies 56 and 57. Are you happy for me to start, or
 1849 would anyone else like to jump in?
 1850
- 1851 Mr Jeffreys, I notice that the clause referring to the FDS in Policy 56 is written
 1852 quite differently from the similar clause in Policy 55. Are you able to consider
 1853 whether some more consistency would be useful there? You could address that
 1854 in your reply if you wish.
 1855
- 1856 Jeffreys: I am happy to consider that. I think they were probably more consistent before
 1857 we started making amendments to the policies.
 1858
- 1859 Chair: Might not have caught up.
 1860
- 1861 Policy 56 doesn't refer to notices of requirement at the moment. Again, is that
 1862 something that you could please consider?
 1863
- 1864 Jeffreys: Yes, we can consider it. I am not sure if there was any relief sought, that it does
 1865 include notice of requirement; so that's probably why it wasn't addressed. I am
 1866 not sure if there would be scope in that instance to include notices of requirement
 1867 in there.
 1868
- 1869 Chair: I wonder if there is scope from relief in the IM provisions. I think that's where
 1870 Mr Wyeth recommends that the entire RPS deals with those consideration
 1871 policies in a certain way.
 1872 [02.30.00]
 1873
- 1874 Jeffreys: I'll take a look at that.
 1875
- 1876 Chair: In the explanation to Policy 56, is the reference to rural residential right given
 1877 that the policy applies to all areas that are not Urban Development?
 1878
- 1879 Jeffreys: I think it is, on the basis that you're not trying to manage all rural development
 1880 here. For example, primary production sort of development isn't what you're
 1881 trying to manage with this policy. It is rural residential, and that's, I believe, the
 1882 scope of the operative policy as well.
 1883
- 1884 Chair: The deletion of August 2022, from Policy 56 again, can you explain. I think that
 1885 comes up maybe in another policy somewhere as well.
 1886
- 1887 Jeffreys: There was no relief sought on Policy 56 to delete that. It was a consequential
 1888 amendment that Ms Zollner made, because there was relief sought for Policy 55
 1889 to delete the dates that were included; so I might just hand over to her to address
 1890 why she deleted in Policy 55 and then Policy 56.
 1891

- 1892 Zollner: This question came up in submitter evidence of the Mansell Family and of Upper
 1893 Hutt. They both essentially raised a similar point, which is, if you set the state
 1894 where you're defining the current urban extent and by proxy in Policy 56 the
 1895 current rural extent, over time that's going to change. It has already probably
 1896 changed at least a little bit since the intensification planning instruments were
 1897 notified. You will have a situation where land that's already been zoned urban
 1898 needs to be considered under the Greenfield Development Policy, and vice-
 1899 versa.
 1900
 1901 You've got the rural extent in Policy 56 that's been defined at August 2022 and
 1902 that might have changed. It doesn't make them super responsive, I guess, to
 1903 changing extents.
 1904
 1905 I agreed actually that those dates, I couldn't see the benefit they were adding. It
 1906 wouldn't work if I then took it out of one and not the other, because they work
 1907 in tandem.
 1908
 1909 Chair: Understand.
 1910
 1911 Mr Jeffreys, and feel free, this might need some more time, but I will just raise
 1912 it briefly. I think there might be an inconsistency in Policy 57 and Policy CC.9
 1913 as supported in the rebuttal evidence of Ms Alwood. I think Ms Alwood is going
 1914 to be providing her reply sometime in the next couple of weeks or so. Hopefully
 1915 there will be time for you to see if she recommends any changes to CC.9 and
 1916 how that fits in with Policy 57.
 1917
 1918 But, where I think there's a potential discrepancy is CC.9 talks about
 1919 maximising mode-shift from private vehicles to public transport, or active
 1920 modes. Policy 57 talks about minimising private travel trip length, supporting
 1921 mode-shift to public transport. I just want to have alignment between those. If
 1922 you are able to confer with Ms Alwood and come to us that would be really
 1923 great.
 1924
 1925 Back to 56, is there a typo in (j)? Should that say "in the absence of such a
 1926 framework or strategy will not increase pressure for public services."
 1927
 1928 Jeffreys: No. I think what you're looking at there is if there's no framework or strategy
 1929 whether the development will increase pressure on infrastructure available; and
 1930 if it does increase pressure whether it responds to that readily by providing new
 1931 infrastructure capacity, or whether the development is inappropriate in that case.
 1932
 1933 Chair: Understand that. Thanks.
 1934
 1935 [02.35.00] In Policy 57, and just looking at the wording, just before what is now (d), would
 1936 that work if it said, "Integration between land use and transport planning within
 1937 the Wellington region to support a safe..." etc. rather than "in a way which..."
 1938
 1939 Jeffreys: Yeah, I think that would work. They would need a few s' taken out.
 1940
 1941 Chair: You can think about that more in your reply if you wish.
 1942

- 1943 I do think that the changes that you've suggested to the chapeaux of 57 and 58
 1944 are useful and they might actually address some of the various submitters relief
 1945 or concerns through other hearing streams. But, of course, I don't know if there
 1946 will be scope to do that – certainly for the Non-Freshwater Provisions, to make
 1947 those changes consistent through the RPS-. To me they do make that really clear
 1948 what the requirements are in relation to each.
 1949
- 1950 Jeffreys: I agree. I think it's a much clearer chapeaux text in that format. I think it's a pretty
 1951 good recommendation, but once again I only accepted it for the [02.36.31] scope
 1952 of the submission. I can see it working for all the other consideration policies in
 1953 the chapter.
 1954
- 1955 Chair: Growth corridors in para (h).
 1956
- 1957 Jeffreys: Policy 57.
 1958
- 1959 Chair: Are these the same? I am just wondering about consistency with the FDS. Does
 1960 there need to be? Does it matter?
 1961
- 1962 Jeffreys: I think it would be good if there was consistency. These growth corridors are the
 1963 ones identified in the regional growth framework at the moment. I think they're
 1964 consistent with what's currently identified in the FDS as well. I think it makes
 1965 sense that those are the areas where you'll be supporting growth in the region,
 1966 than they are identified in this policy.
 1967
- 1968 Chair: It comes up in terms of the Johnsonville corridor, which as I understand
 1969 identified under the regional growth framework. Maybe we'll ask actually the
 1970 next presenters if that is also in the FDS.
 1971
- 1972 Jeffreys: It's identified as a potential growth corridor, whereas these are not potential.
 1973 They are the confirmed growth corridors that that's why I haven't included it.
 1974
- 1975 Chair: In 58(e) provision is made the development funding, implementation, etc. of
 1976 infrastructure. What do you think they would need to do there? Would they need
 1977 to provide a funding agreement or a letter from Wellington Water? What would
 1978 be expected?
 1979
- 1980 Jeffreys: I guess there would need to be certainty that there's funding. Maybe if it's
 1981 through the LTP process they could confirm that. Or, you would have to confirm
 1982 that you've got financial contributions or development contributions that
 1983 confirm that you're providing the infrastructure, which is generally a standard
 1984 consenting process anyway.
 1985
- 1986 Chair: But, you obviously think that it's clear enough what is needed?
 1987
- 1988 Jeffreys: Yes, I think so.
 1989
- 1990 Chair: Does anyone else have any questions for Mr Jeffreys?
 1991
- 1992 Paine: I think it's for you Ms Zollner and it's a bit on a tangent really. I am looking at
 1993 Policy 55 and it's [02.39.56].
 1994

- 1995 [02.40.00] I understand that this policy is about Greenfield Development. I'm looking at
 1996 the protection of Māori values, land use occupation and all of those things.
 1997 Whereabouts can you put me in the RPS is the provisions that safeguard those
 1998 occupations that already exist? So, there is a papakāinga or urupā, or whatever,
 1999 and then they're threatened by a natural hazard. What provisions actually deal
 2000 with that?
 2001
 2002 Zollner: I guess in the situation you're describing for protecting from a natural hazard,
 2003 my understanding is that's where the climate resilience and the natural hazards,
 2004 I think there's a Policy CC.16. I will need to double-check what number policy.
 2005 I think it's about supporting resilience. I'm actually not sure what the drafting of
 2006 the policy is now, following Mr Dawe's amendments. I guess in that situation
 2007 that's through the climate resilience policies.
 2008
 2009 In this instance, I guess thinking about the impacts of Urban Development or
 2010 other kinds of development, there's probably two other places; so Policy UD.5
 2011 applies to both intensification and Greenfield Development and has a clause in
 2012 there that looks to protect mana whenua values, sites and areas of significance
 2013 from impacts of Urban Development.
 2014
 2015 Policy UD.2 which is also a consideration policy, explicitly mentions marae and
 2016 urupā in terms of recognising those sites. That's about enabling the recognition
 2017 of that existing occupation and the values associated with that.
 2018
 2019 Paine: That's alright, because I just wanted clarification. When I read those two policies
 2020 I thought this was all about Greenfield Development and would it actually
 2021 protect things already in place that have been threatened; and that's what you're
 2022 telling me to some extent, is that it will.
 2023
 2024 Zollner: Yes, from when subdivision use and development is happening they would be
 2025 triggered, and then general protection is where the climate resilience and natural
 2026 hazards policy... I can't remember. I will have to see if I can find it.
 2027
 2028 Paine: It will be fine to let me know later.
 2029
 2030 Zollner: Okay, sure. Will do.
 2031
 2032 Paine: Thank you Madam Chair.
 2033
 2034 Chair: I might just grab a few more then if I can, just quick ones.
 2035
 2036 Mr Jeffreys, 58(f), how would this work for unanticipated development or
 2037 private plan change requests? Someone being able to show that the infrastructure
 2038 is able to be delivered in a timeframe appropriate to service the development.
 2039
 2040 Jeffreys: I maintain that our sequence and anticipated plan changes need to have that
 2041 [02.43.52] available. I am not sure why it would be different for them to not
 2042 have to demonstrate that infrastructure is going to be available.
 2043
 2044 I would also anticipate for those kind of Greenfield Developments, where there
 2045 is a structural plan process going on, that what infrastructure capacity is already

- 2046 available and what infrastructure will be made available, and how that's
 2047 considered. So, I think it's still appropriate for it to apply.
 2048
- 2049 Chair: The last two that I missed on Policy 55 Ms Zollner – 55(b) if a private plan
 2050 change is unanticipated, can it actually then be consistent with a regional or local
 2051 strategic growth framework?
 2052 [02.45.00]
- 2053 If I was planning to lodge a private plan change request, and I know the FDS is
 2054 going to be notified next week, if the area that I wanted to develop in hadn't
 2055 been identified in that FDS then, and I understanding this provision right, that I
 2056 would actually be able to satisfy, or prove that I had met that requirement in the
 2057 policy?
 2058
- 2059 Zollner: My view is that you could still be consistent with the strategic direction in that
 2060 strategy. Even if you haven't been spatially identified by a strategy you can still
 2061 demonstrate consistency with its intents, its objectives and its strategic direction.
 2062 In that case I think you could still demonstrate consistency.
 2063
- 2064 Chair: As you say, consistent. It doesn't say identified.
 2065
- 2066 Just below it in (c) a structure plan has been prepared. Some submitters have
 2067 talked about that, and just how workable that is in all contexts. You've proposed
 2068 that to be a level of detail commensurate.
 2069
- 2070 I was wondering: a structure could take lots of different forms couldn't it. I was
 2071 thinking about whether the word "structure plan" or similar would be useful
 2072 there. There's not definition of a structure plan anywhere. Structure could be
 2073 quite simple.
 2074
- 2075 Zollner: It could be one map that identifies essentially how linkages have been provided
 2076 for, how different land use types have been allocated for. It would be relatively
 2077 simple all the way up to quite detailed. I will also note that that direction has
 2078 been in the operative RPS since 2013.
 2079
- 2080 Chair: Thank you. I think we have reached time. Thanks very much both of you for
 2081 your very detailed report and for answering all of our questions so clearly. Thank
 2082 you.
 2083
- 2084 Moving to Ms Anderson.
 2085
- 2086 Anderson: Kia ora. Ms Anderson here.
 2087
- 2088 Not sure how much I need to go through the submissions in detail because you
 2089 will see they were very brief that the legal submissions that were filed on 25
 2090 September, and really just dealing with on issue around whether the hierarchy
 2091 that's in Policy UD.4 is in accordance with the NPS-UD, because one submitter
 2092 at least, and I think possibly more, suggested it was inconsistent with the NPS-
 2093 UD.
 2094
- 2095 Put very briefly, the legal submissions say not it's not. First step really is that the
 2096 RPS needs to give effect to an NPS-UD. We all know post King Salmon means
 2097 implement; so looking at what are the most relevant bits of the NPS that deal

2098 with this unanticipated out of sequence development, I would say they are
 2099 Objective 6, which is set out at paragraph 11 of my submissions and Policy 8.
 2100 They're the ones that talk about responsive planning, where you've got
 2101 significant development capacity coming in throughout of sequence or
 2102 unanticipated development.

2103
 2104 Really what the NPS require is for the RPS to be responsive to those types of
 2105 development. As Ms Zollner has already said, that really is ensuring that there
 2106 is a pathway available. It doesn't necessarily mean it has to be provided in all
 2107 situations, or as the most appropriate option. UD-4 provides for it and it gives it
 2108 a priority in existing urban areas. It certainly does not prevent it outside of
 2109 existing urban zones or areas.

2110
 2111 Probably don't need to say too much more about that topic. Unless you have any
 2112 questions, I've noted I will pop the case law for joining and adjacent into reply
 2113 legal submissions; unless you have any other questions.

2114 [02.50.00]

2115 Chair: Your submissions are very concise and clear, thank you.

2116
 2117 Various submitters have raised this issue about whether the consideration
 2118 policies should apply to consenting. I'm not sure if that's specifically covered in
 2119 your submissions, but you took us to Objective 6, and Objective 6, I was going
 2120 to say, is about planning decisions, but actually that's in Objective 5. Planning
 2121 decisions covers consenting as well as plan changes. That's in Objective 2 as
 2122 well, which is relevant to responsive planning – refers to planning decisions.

2123
 2124 This issue, a lot of submitters raise it with these consideration policies; whether
 2125 they should apply to consenting. If these submissions or previous submissions
 2126 haven't covered that, is that something else you might be able to look at in your
 2127 reply?

2128
 2129 Anderson: Do you mean the submitters are saying they should apply to resource consents
 2130 and not plan changes; or they should apply to everything?

2131
 2132 Chair: I think there's a mix. I think there are some that say it shouldn't apply to
 2133 consenting because once a Territorial Authority has given effect to the
 2134 regulatory policy then all consenting decisions will come under that provision.
 2135 There shouldn't be another provision that applies through the RPs-.

2136
 2137 Then I think there are also some submitters that say the consideration policy
 2138 should fall away and it should just be transitional. So, once a plan change is
 2139 given effect to the regulatory policy the other one should fall away.

2140
 2141 Anderson: I'm not sure the legal submissions can probably add an awful lot to what officers
 2142 have said, because it will depend on what the policy is about. Those policies, I
 2143 guess the easiest one is where they say list outstanding, natural landscapes in say
 2144 a district plan and then that's done; and those policies are specific that they fall
 2145 away once they're done. Then there are others that don't have that same fall-
 2146 away comment, because they are meant to apply, and that depends totally on the
 2147 topic of the policy that we're talking about.

2148

- 2149 I did have a look earlier on, maybe in Hearing Stream One, because I think
2150 Porirua had filed some legal submissions. The case law didn't really help on this
2151 topic, but I can have a look and see if there is anything I can add to what the
2152 officers have said.
- 2153
- 2154 Chair: Thank you. That would be appreciated.
- 2155
- 2156 Will you be available to hear the submitters after lunch, because I think a lot of
2157 the points in these submissions relate to their relief? So, just in case there is
2158 anything that comes up there that you would also like to respond to in your reply.
- 2159
- 2160 Anderson: I had intended to dial in and listen to those.
- 2161
- 2162 You didn't need me here?
- 2163
- 2164 Chair: I think if you're just available and can hear what their response is.
- 2165
- 2166 Anderson: Sure. Thank you.
- 2167
- 2168 Chair: We'll break for lunch and be back with the Wellington Regional Leadership
2169 Secretariat presentation at 1.15pm.
- 2170
- 2171 **[Break for lunch 02.54.05]**
- 2172
- 2173 Chair: Kia ora. Welcome back to the session. Thank you Ms Kelly and Ms Rotherham.
2174 Thank you. Would you like the Panel to introduce ourselves?
- 2175
- 2176 Kia ora. Ko Dhilum Nightingale tōku ingoa. I am the Chair of P1S1 and the
2177 Freshwater Panel. We really appreciate you coming today to talk to us about the
2178 FDS, which we have heard quite a bit about. Be great to have a discussion about
2179 that.
- 2180
- 2181 Paine: Kia ora. My name is Glenice Paine. I'm an Environment Court Commissioner
2182 and I am on both Panels. Kia ora.
- 2183
- 2184 Wratt: Kia ora. I'm Gillian Wratt. Freshwater Commissioner but now on both panels.
2185 Welcome.
- 2186 **[02.55.00]**
- 2187 Kara-France: Kia ora. Ina Kumeroa Kara-France tōku ingoa. Independent Commissioner on
2188 both panels. I have a background in mana whenua and environment space.
2189 Welcome.
- 2190
- 2191 Chair: The floor is yours. Thank you.
- 2192
- 2193 **GWRC Wellington Regional Leadership Secretariat**
- 2194
- 2195 Kelly: I'm Kim Kelly, just so you know which one is which – that would be useful. I'm
2196 just going to do the first few slides, which is actually to talk about the Wellington
2197 Regional Leadership Committee, to give a bit of context.
- 2198

2199 The Leadership Committee was set up under the government's [02.55.40]
 2200 growth agenda; so if you've heard of 'Smart Grows Futureproof' there's one in
 2201 Christchurch and Queenstown as well.

2202
 2203 Essentially, it's a conglomeration of central government, local government and
 2204 iwi in a partnership. This committee in particular has got five areas of
 2205 responsibility in its agreement. It's set up as a committee under the Local
 2206 Government Act, has an agreement that all Councils sign up to and in there it
 2207 talks about it's responsible for regional spatial planning and regional economical
 2208 development, and then that kind of morphs it's way into those five shared
 2209 responsibility areas.

2210
 2211 Mainly it was set up initially from Local Government, in terms of actually
 2212 looking at region [02.56.27], just like emissions reduction, climate impacts etc.
 2213 and regional economical development.

2214
 2215 In terms of its membership, these are the current members. When we talk about
 2216 the region and when Parvati talks about the future development strategy, it also
 2217 includes Horowhenua, so wider than the region that you're considering; but from
 2218 a housing and employment point of view Levin in particular in the Horowhenua
 2219 is part of this housing market. So, that's the region we talk about.

2220
 2221 It has ten local government members because of that; so nine Mayors and the
 2222 Regional Chair. Seven iwi within the region were offered places on the
 2223 committee; so again the same boundaries and six currently have membership –
 2224 so two in the Wairarapa, Ngāti Kahungunu, Rangtāne, Port Nick and Ngāti Toa,
 2225 and then Raukawa mainly through Ngā Hapū o Otaki and Muaūpoko up in Levin
 2226 – so six iwi members. On the committee itself at the moment is the Minister of
 2227 Transport and Associate Minister of Housing. On a working level, so day-to-
 2228 day, because of that, we work with those six central government agencies below.

2229
 2230 They meet four times a year and are responsible for a range. They've signed off
 2231 a regional economic development plan; they've now signed off a second
 2232 regional spatial plan; do a number of regional climate change projects. They
 2233 meet just like any other Council standing orders, etc.

2234
 2235 That's a bit of context. Parvati is going to move onto the FDS. I don't know if
 2236 you've got any questions on the committee itself.

2237
 2238 Rotherham: Kia ora everybody. My name is Parvati Rotherham. I am the Project Lead for
 2239 the Future Development Strategy. We have formed a team made up of all those
 2240 people in the partnership that Kim mentioned earlier to help us produce this
 2241 document.

2242
 2243 If you're not aware, the document is a requirement under the NPS-UD and is a
 2244 document that needs to feed into the Regional Policy Statement and also the FDS
 2245 also have to have regard to the Regional Policy Statement as well, so they kind
 2246 of need to work in tandem; and also the localised District Plans, Regional Plans,
 2247 etc. It also then needs to inform long term plans to ensure there is adequate
 2248 funding for infrastructure and other things that need to be done to be able to
 2249 implement the strategy itself.

2250

2251 The main purpose of the Future Development Strategy is to look at that bigger
2252 picture of how we want to create well-functioning urban environments across
2253 our region. As Kim mentioned earlier, our region includes Horowhenua which
2254 is not part of the Greater Wellington area, but it is an economic unit that works
2255 closely with our region so we include it in this process.

2256

2257 How have we produced the Future Development Strategy?

2258

2259 We plan to go out for consultation next Monday on the 9th of October and we
2260 have a variety of technical reports we have produced to help inform the strategy
2261 itself. We have mapped constraints, which are the same sort of constraints that
2262 have been used on the Regional Plans and District Plans, to cover off things like
2263 hazards, natural areas, and information that we had readily available to date.

2264 [03.00.00]

2265 We have a foundation document which sets out the context that we're working
2266 in, so the population projections, the issues, challenges and opportunities that
2267 we have in our region. One of the other key documents is a regional housing and
2268 business assessment and I will share some of those key findings with you. That
2269 is a key input into the Future Development Strategy.

2270

2271 One of the other key requirements as well is to consider scenarios and evaluate
2272 those. We have produce a summary report on the way we have done that. But,
2273 just for your information we tested four different scenarios with different urban
2274 growth patterns across the region; so a Greenfield heavy option at one end and
2275 a hyper-centralised option where most people live in Wellington City at the other
2276 end, and a couple of options in between, to test what the implications of those
2277 patterns of growth are on our region.

2278

2279 We also engaged with quite a lot of people throughout the process, as well as
2280 obviously the people in our partnership. We also engaged with iwi and we also
2281 engaged with developers and infrastructure providers. We did a little bit of
2282 engagement with youth, because we know this plan being a thirty year strategy
2283 is important to our children.

2284

2285 All of these documents are fed into developing the strategy which I will walk
2286 you through at a high level. Before we get into that, with our iwi partners we
2287 have developed a statement of iwi and hapū values and aspirations for urban
2288 development, and this is based around a whare concept with a vision about
2289 ensuring that the future of our region is founded on tino rangatiratanga and
2290 provides for our mokopuna and our future generations, and obviously
2291 encompasses key Māori concepts like rangatiratanga, mātauranga Māori,
2292 kotahitanga and kaitiakitanga. This has been developed with the six iwi partners
2293 that we have on our committee. It has not been developed, just to be clear, with
2294 other Māori outside of those groups.

2295

2296 What are we planning for with the FDS? We are planning for another 200,000
2297 people to live in our region and obviously that includes Horowhenua, which
2298 means 99,000 more homes in our region. We also need to have a greater supply
2299 of business and industrial land. In particular, industrial land is a challenge for
2300 this region, given the typography and those types of businesses need flat land.
2301 We are looking at doing a separate detailed project to look at the best place for
2302 industrial land. Alongside that obviously we create well-functioning urban

2303 environments; we need to provide community services and amenities and
 2304 upgrading our infrastructure to meet our current needs as well as those growing
 2305 needs is important.

2306 Where we locate development obviously is important to make sure that we are
 2307 becoming a more climate and natural hazard resilient region.

2308
 2309 With that in mind, the housing and business assessment sets out what we need.
 2310 It's a point in time document. It is looking retrospectively. On the business land
 2311 side of things, we obviously need to have additional business land to meet those
 2312 growing populations. We understand that retail and commercial activity can be
 2313 accommodated with the intensified business districts that most councils now
 2314 have implemented or in the process of implementing, but the industrial land is
 2315 going to be the challenge and we are doing a separate project on that.

2316
 2317 On the housing side, we have plenty of capacity across our region for housing.
 2318 As I said earlier, we only need 99,000 homes in our region, but we have enabled
 2319 through all the recent identification plans over 206,000 homes cross our region.

2320
 2321 One of the things that HBA has noted is that building density outside of
 2322 Wellington, Porirua and the Hutt is more challenging from an economic
 2323 perspective; so one of the things we will be looking at, because we are
 2324 encouraging identification in all of our cities, is to look at incentives and
 2325 opportunities to try and facilitate more intensive development in those other
 2326 areas.

2327
 2328 Obviously infrastructure investment needs to match housing growth, and we
 2329 know and understand there's a bit of a gap there in terms of building enough
 2330 infrastructure to be able to match the housing growth that's needed.

2331
 2332 Kelly: I might just comment on those 99,000 homes and 200,000 people, because if
 2333 you divide one by the other you might think they're quite small homes. The
 2334 99,000 includes the competitive ratio you have to put. The NPS-UD says you
 2335 have to put twenty percent in the first ten years or something, and fifteen percent.
 2336 If you take those percentages off it's like 85,000, so that's why the 99,000 figure
 2337 seems quite big.

2338 [03.05.15]
 2339 Rotherham:

2340 All of this kind of context has helped us shape the Future Development Strategy
 2341 and our vision for this strategy is to ensure that we are responsible ancestors and
 2342 that we provide this growth that is sustainable for our current population as well
 2343 as our future generations to meet their own needs. As mentioned earlier it's
 2344 founded on Te Tiriti o Waitangi and realised through the tino rangatiratanga of
 2345 tangata whenua.

2346
 2347 There are six parts to our strategic direction. We look to provide affordable
 2348 housing that meets the needs of our population, and for compact well-designed
 2349 towns and cities. We want to realise the iwi and hapū values, that we've
 2350 discussed with them. We want to promote a flourishing zero emissions region.
 2351 We want to protect what we love – so our natural environments, our food
 2352 producing land etc.

2353
 2354 We want to ensure that we have the infrastructure we need to thrive and we need
 to provide opportunity for productive sustainable local employment.

2355 The key way that we are realising this strategic direction is through the
2356 prioritisation of developments. We are prioritising well-designed, well-
2357 functioning urban environments in the following order of priority across the
2358 region.

2359
2360 Areas that are important for iwi for development to help bridge that gap of iwi
2361 housing needs, is number one priority. Number two is along strategic public
2362 transport networks with good access to employment education and active mode
2363 connections. Number three is within the priority development area. These are
2364 the priority areas recognised under the urban growth – there's specific areas that
2365 we want to focus our development on. Within our existing rural towns around
2366 our current and proposed transport loads. Then finally Greenfield, but only if
2367 they are well-connected to existing urban areas and can provide infrastructure
2368 readily and would be in a location obviously that would maximise climate and
2369 natural hazard resilience. We would not support development that does not meet
2370 these priorities.

2371
2372 So, what does that look like on the page? This is a map just showing you the
2373 metro areas. That's the highly urbanised Councils. You would see where we
2374 have got the orange is where we want to focus intensification and development
2375 within; so around the existing train lines in the Hutt Valley, Porirua and around
2376 the main town centres and Kapiti, so Paraparaumu, Waikanae, and down the
2377 bottom you will see 'Let's get Wellington moving' as a key project that we are
2378 promoting in the FTS as a key opportunity for intensification and low carbon
2379 living within our city centre.

2380
2381 The large yellow bit in there is the Porirua northern growth area. That's one of
2382 the large Greenfield opportunities in our region that is currently going through
2383 a specified development process, alongside Kāinga Ora, the developers and
2384 Ngāti Toa. That's included in here as one of the significant Greenfield
2385 opportunities. Otherwise it is looking at intensification in our existing urban
2386 areas.

2387
2388 In our more rural type areas, the map on the left there is the Wairarapa and the
2389 one on the right is Horowhenua and includes Otaki as well. Even though Otaki
2390 is part of Kapiti Coast District Council, a Tier One council, we recognise that
2391 area is slightly different and a lot their services that they connect to, like the
2392 hospitals etc. look north rather than south; but again, we're looking to focus our
2393 development within the existing urban footprint, with a few Greenfield
2394 extensions.

2395
2396 Obviously infrastructure is a key component. We've looked at what we have
2397 already in our long term plans to facilitate this growth. There is a bit of a gap
2398 there. As part of the implementation plan for the Future Development Strategy,
2399 we'll be specifying that gap and detailing how we will try and meet that gap to
2400 facilitate the development we have just discussed.

2401
2402 The next step of the Future Development Strategy is we're going out for
2403 consultation for a month from next week. We look to have hearings in the week
2404 of the 11th of December and ten in the New Year have the plan updated and
2405 endorsed by March.

2406

- 2407 That's us today. Thank you.
- 2408 [03.10.10]
- 2409 Chair: Are you happy to take a few questions? Thank you.
- 2410
- 2411 I'm aware that the NPS-UD requires every Tier One and Tier Two Local
- 2412 Authority to have an FDS. The Tier Ones and Tier Twos that are within the
- 2413 region and obviously in Horowhenua, is it that they have the option of preparing
- 2414 their own FDS, or is there an expectation that they will prepare their own FDS
- 2415 but it will be consistent with this one?
- 2416
- 2417 Kelly: No, this is their one. Back in sometime last year, the leadership committee
- 2418 considered exactly that point, that only the Tier Ones in this region, so not the
- 2419 Wairarapa or Horowhenua, but agreed that they wanted to do a Regional FDS
- 2420 because they region has done a spatial plan before, the Wellington Regional
- 2421 Growth Framework and it kind of made sense. At some point we'll have to do
- 2422 one again.
- 2423
- 2424 The decision was made at the leadership committee. Then we had to update the
- 2425 agreement that the committee has to enable the committee to do that, and for the
- 2426 Tier One Councils to delegate their authority to the committee to do that. So,
- 2427 that was done.
- 2428
- 2429 The daft that was signed off last month is the draft for the whole region,
- 2430 including those councils that didn't have to do it.
- 2431
- 2432 Chair: That's good. That's efficient. I was thinking that would be very complex if there
- 2433 were a multitude of FDS's.
- 2434
- 2435 You mentioned the Wellington Regional Growth Framework. This will
- 2436 supersede that. There won't be any more versions of that Growth Framework
- 2437 Document. It will be the FDS that will then continue to be reviewed, is it every
- 2438 six years?
- 2439
- 2440 Kelly: That's correct. It's every three.
- 2441
- 2442 Rotherham: Reviewed every three years and redone every six years.
- 2443
- 2444 Chair: We've been looking at the provisions that have been allocated to this topic this
- 2445 morning and hearing from the Council officers. Don't feel it's fair to ask you to
- 2446 comment on the provisions, but just in terms of just understanding how things
- 2447 fit together, the issue of responsive planning has come up quite a bit in
- 2448 submissions. Let's take for example I notice that Otaki is one of the priority
- 2449 development areas. If I wanted to apply for a consent, or apply for a private plan
- 2450 change, that was for a residential development, or even a business development,
- 2451 but it was just outside Otaki say, I guess what is the Regional Leadership
- 2452 Committee's view for how that should be, or the extent to which that can be
- 2453 provided for through the FDS?
- 2454
- 2455 Rotherham: With the FDS in terms of our priorities for development, if it was outside of the
- 2456 Otaki urban extent it wouldn't really meet one of our priorities. We would do all
- 2457 our Greenfields but the Greenfields are to be well connected. If it doesn't meet
- 2458 that criteria then the FDS doesn't support it. Then it would depend on the Local

2459 District Plan and all the Regional Policy Statements said that they would fall
 2460 too.

2461

2462 Wratt: Can I just expand on that a little bit?

2463

2464 If it met the criteria, in terms of connectivity with public transport and whatever
 2465 else, but wasn't in one of the areas that you've identified, could it potentially
 2466 still go through the process and be approved, if it met the criteria other than that
 2467 it wasn't in one of those areas?

2468 [03.15.18]

2469 Kelly: I guess there's a couple of things. Once the FDS is signed off, councils are meant
 2470 to give regard to that in their plans. Whether that would entice a council to
 2471 reverse something I highly suspect not. That is one mechanism.

2472

2473 The other thing with the FDS is a bit like with the growth framework; is the
 2474 committee essentially is saying, "This is where we would prioritise growth." In
 2475 the FDS it essentially says with all that now we've got so much enabled, mainly
 2476 because of off the back of the six-by-six, of the [03.16.01] Transit Network.

2477

2478 If you take the areas the FDS focus on, it's essentially 40 percent of the growth,
 2479 so there's still a whole 60 percent. All the MDRS and everything at the back of
 2480 the Western Hills or Khandallah or something that is enabled. Anything that's
 2481 enabled the FDS can't do anything about.

2482

2483 Wratt: So, you're saying that that 'enabled' will be 'unabled' under processes that have
 2484 already happened.

2485

2486 Kelly: Yeah.

2487

2488 Wratt: It's not necessarily part of the FDS identified areas?

2489

2490 Kelly: Yeah.

2491

2492 Wratt: That's an interesting one isn't it? I hadn't quite appreciated that.

2493

2494 In terms of Greenfield Developments, you're HBA, when you say there's that
 2495 essentially surplus of capacity to meet the housing demand, does that include
 2496 identified Greenfield areas?

2497

2498 Kelly: The HBA does include the identified Greenfields that we've already identified
 2499 in the FDS. So, nothing extra. The majority of that growth is in our existing
 2500 urban areas on intensification.

2501 Rotherham: But, counter to that, the FDS says we want all the growth in the intensification,
 2502 but actually about 65,000 homes are either enabled through Greenfield or
 2503 identified. So, as an example, in [03.17.34] in Horowhenua, 3,500 new homes
 2504 enabled has central government funding for water infrastructure. It's either
 2505 enabled or identified in a council plan somewhere. Wainuiomata North for
 2506 instance is not enabled but identified in a Hutt City plan.

2507

2508 We're saying we want all this growth, but there's 65,000 pretty much enabled.

2509

- 2510 Wratt: It seems strange that those are enabled, so they're going to go ahead, but they're
2511 not included in the areas identified in the FDS? Am I hearing that correctly?
2512
- 2513 Rotherham: Not all of those 65,000 are enabled sorry. It's that they're ones that people have
2514 put out in strategies. As well there's a big one in Kāpiti, [03.18.33], which is
2515 20,000 – potentially basically a whole new town in Kāpiti. That's in a strategy
2516 but it's nowhere near being enabled. That's just from our analysis. We have
2517 looked at all the Greenfields that people have got in their district plans and
2518 strategies that haven't been built yet or aren't under way. That's where the
2519 65,000 comes from. What we know is that we don't need to enable half of those
2520 anymore. We've got a lot of development already in existing urban
2521 environments enabled.
2522
- 2523 Wratt: So, if those aren't enabled now, but they're in a plan, but they're outside of the
2524 areas identified by the FDS, that presumably means they've got a higher bar to
2525 get across.
2526
- 2527 Rotherham: We haven't included those. For example this [03.19.27] one of 20,000 homes,
2528 we haven't included in here because we don't actually think it's an appropriate
2529 development anymore; because we've got so much enabled and we don't need
2530 that new town in Kāpiti. It may still remain in their plans, but maybe in a hundred
2531 years they might want to build it. At this stage, for this thirty year strategy, it is
2532 not necessary.
2533
- 2534 Wratt: For a private developer who wanted to develop an area like that, again they
2535 would have a very high bar to convince. I guess that would be through a plan
2536 change, or consenting or whatever. They would have a very high barrier to be
2537 able to convince the Council.
2538 [03.20.05]
2539 Thank you. That clarifies that for me thanks.
2540
- 2541 Chair: Some submitters have questioned whether those provisions in Proposed Change
2542 1 give proper effect to then NPS-UD. As you said, the NPS-UD requires, or the
2543 wording is, "have regard to the FDS" but there are some provisions in Change 1
2544 that require a consent application to be consistent with the FDS. But, that is
2545 something that submitters have raised that point, about what the Change 1
2546 provisions are seeking goes further than what the NPS-UD requires. That's
2547 something that we'll continue to think about that and talk to submitters about
2548 that over the next few days.
2549 Is the Wellington Region, Horowhenua in a bit of a unique situation having this
2550 much identified capacity in excess of?
2551
- 2552 Kelly: Someone from Kāinga Ora told us (I haven't checked it) but when you think
2553 about the logic that intensification of the NPS-UD is off the back of a rapid
2554 transit network, and we've got the best rapid transit network in the country, that
2555 makes sense. Definitely three years ago, when we did the growth framework
2556 without that, that's why a number of Greenfield areas were identified three years
2557 ago, because there wasn't enough enabled in the metro areas, and through the
2558 period that has changed. So, I suspect that is the case.
2559
- 2560 Chair: By rapid transit, do you mean the Otaki Expressway? Is that what you mean by
2561 that?

- 2562
- 2563 Rotherham: The train lines.
- 2564
- 2565 Chair: There's more development planned for that isn't there? There's electrification.
- 2566
- 2567 Rotherham: Yes. They're looking to double the services that go to the further away places,
- 2568 like the capital connection which connects us to Palmerston North, and the
- 2569 Wairarapa Line which goes to Masterton. They'll look to double those services
- 2570 over the next... I can't remember the time period. That will definitely help with
- 2571 having more growth along those areas.
- 2572
- 2573 Chair: Also the Hutt Valley connections as well?
- 2574
- 2575 Rotherham: Yes.
- 2576
- 2577 Chair: Work is planned there too isn't it, on the rail?
- 2578
- 2579 Kelly: Essentially when you do 800 metres around every train station in the Hutt Valley
- 2580 and join them up, it's the whole Hutt Valley. You can picture six storey
- 2581 enablements within a 100 metres. That's the perfect example where you've now
- 2582 enabled this growth.
- 2583
- 2584 Chair: That's the walkable catchments isn't it?
- 2585
- 2586 Rotherham: The Hutt Valley, Lower Hutt has one of the key projects as well. They've talked
- 2587 about in here River Link where the Regional Council, Waka Kotahi and Hutt
- 2588 City Council are improving the flood resilience of that area and transport
- 2589 networks, and facilitating more urban development in the CBD, which there is
- 2590 already infrastructure funding for 3,500 homes in that area. That's a key area
- 2591 that we can see people [03.23.54].
- 2592
- 2593 Paine: I'm not sure which one this question is for ladies. When you're doing the
- 2594 strategy, I'm wondering, what sort of economic considerations do you take into
- 2595 account? Like, when you're saying, "We're going to have homes here, or here,
- 2596 or in this suburb or that suburb. From an economic point of view, do you look
- 2597 at what the ramifications might be for those existing homes in that developed
- 2598 area, and having more housing or certain types of housing, which is maybe not
- 2599 consistent with the housing that is there at the minute? Is that a clear question?
- 2600 Do you understand what I'm asking?
- 2601 [03.25.00]
- 2602 Rotherham: I suppose the main economic consideration we have as part of the housing and
- 2603 business assessment, those feasible capacity numbers, that we share the 206,000,
- 2604 that is a result of economic analysis; so they get all the number of houses that
- 2605 enabled in the District Plans, and that was like a million and something, and then
- 2606 they use an economic lens and put it through a model and it comes out with
- 2607 206,000. That sort of sets out where it's actually developed. They look at what
- 2608 developers want to build, land prices and various factors. They determine this is
- 2609 where people are likely to build.
- 2610
- 2611 In terms of then what the impact is – is that what you mean?
- 2612
- 2613 Paine: Yes.

- 2614
2615 Rotherham: On existing home owners?
2616
2617 Paine: Yeah.
2618
2619 Rotherham: That's not something as such we can specifically cover off.
2620
2621 Paine: So, that's not been considered, the impact on those people, with existing homes
2622 in those areas; and the economic impact on them is not considered in this
2623 strategy.
2624
2625 Kelly: That may have been done by each of the councils when they did their plan
2626 changes to align with the National Policy Statement on Urban Development.
2627 Going back to one of those earlier slides, about this informs district plans, but
2628 district plans have also informed this. So, the fact that in the Hutt Valley they
2629 had to do a plan change to enable six storey development, if anyone did it at that
2630 level it was more likely to be done at the council level. We have just taken what
2631 they've given us, because that's what they had to do anyway, because that's
2632 what they were told to do.
2633
2634 Paine: I understand that Ms Kelly, it's just that you end up with a provision and there
2635 are so many things prior to actually ending up with a provision that feeds into it.
2636 Just confirming for my own concern whether these things somewhere down the
2637 line have been taken into account. Because when we read some of the provisions
2638 that we've been looking at this morning, there's a lot of economic but it's in
2639 relation to the environment, so it's not about the impact on people who are going
2640 to have these homes in front of, beside, or behind them, and what does that do
2641 to property prices?
2642
2643 Also, when you're looking at development outside of the urban area, what does
2644 that do to land prices for those people who have that, wanting to develop outside
2645 of the urban area? There's no provision to say you cannot do that. But, as
2646 Commissioner Wratt has sort of teased out, the bar is so high that the chances of
2647 success are quite slim.
2648
2649 Thank you ladies. Thank you Madam Chair.
2650
2651 Kara-France: Just confirmation for me. On page 9 within the [03.28.14] section, sites of
2652 significance and mana whenua, you have here a statement in regards to
2653 paragraph of undeveloped sites of significance could be protected from new
2654 housing and Urban Development. Does this include accidental discoveries,
2655 given that a lot of water piping infrastructure is being renewed at this current
2656 time? And, those existing pipes have been laid prior to of course the RMA, and
2657 within designated rohe tribal areas, in particular for Porirua for example, Kāpiti
2658 Coast. I know of a case there where the pipes were put through a wāhi tapu.
2659
2660 The FDS is taking consideration to those accidental discoveries as undeveloped
2661 sites of significance? Is that where this sits? So, the accidental discoveries of
2662 wāhi tapu, concerning sites of significance to iwi and mana whenua, is this
2663 paragraph encapsulating that value?
2664

- 2665 Rotherham: Constraints mapping is an ongoing process. Actually one of the key things in
 2666 implementation of this will be working with our mana whenua partners to
 2667 understand more about where special sites are. My understanding is, where
 2668 there's already provisions in place, if you do come across accidental discovery,
 2669 processes need to be kicked in. Obviously then at that point we would look to
 2670 update our mapping and do that. But, it's not covered specifically in the FDS
 2671 because it's on too much of a detailed level. But, we will work with mana whenua
 2672 partners after this to refine the mapping of sites of importance.
- 2673 [03.30.00]
- 2674 Kara-France: That's really great. So, sites of significance to iwi and mana whenua will be
 2675 highlighted within your FDS strategy?
- 2676
- 2677 Rotherham: Yes.
- 2678
- 2679 Kara-France: Excellent. Including those resource consents with confidential cultural impact
 2680 assessments attached?
- 2681
- 2682 Rotherham: When someone goes for a development that information will be used at that
 2683 point, but it hasn't been used at this point.
- 2684
- 2685 Paine: Sorry Ms Kelly, I forgot to ask. When you were speaking, you said in the
 2686 leadership group there were seven iwi within the region?
- 2687
- 2688 Kelly: Yes. So, the one that's not actively on the committee at the moment is Āti Awa
 2689 ki Whakarongotai up in Kāpiti.
- 2690
- 2691 Paine: The region is different to... that's why we've got seven and not six.
- 2692
- 2693 Kelly: Muaūpoko which is based in Levin will be the one that's not in your region.
- 2694
- 2695 Paine: That's lovely. Thank you.
- 2696
- 2697 Kara-France: In regards to Muaūpoko, are they highlighted within the framework and the
 2698 whānau framework of Ngā Hapū o Otaki, is that correct? Or, stand alone?
- 2699
- 2700 Kelly: They stand alone. That geographic part of the world, as a member on the
 2701 committee, it lists Muaūpoko, it lists Raukawa ki [03.31.41]. Someone from Ngā
 2702 Hapū is the Raukawa [03.31.46] person. Then it also lists Āti Awa. So, that's
 2703 the three of them.
- 2704
- 2705 Chair: I think we're at time and we've got a submitter on line.
- 2706
- 2707 These provisions do incorporate the Future Development Strategy which is
 2708 going to be notified next week. This might be something that we might ask the
 2709 Regional Council to come back to us about – just whether there are any issues
 2710 with... so the public is going to see the FDS for the first time when it's notified
 2711 next week. Policy 55 and I think there is one other in particular, have a strong
 2712 connection to the FDS, and just whether that creates any issues for submitters,
 2713 because for example, whether they would feel that they hadn't had the chance to
 2714 have the proper say on the impact of these provisions, given that they're only
 2715 seeing the FDS next week.
- 2716

- 2717 I think that's the intention isn't it Ms Zollner, that the FDS, as soon as it's notified
2718 it is going to apply in particular, so Policy 55.
2719
- 2720 Zollner: Yes, that's the intent. The provision was notified as such a year ago with that
2721 intent, in August of last year. That was how it was intended to go.
2722
- 2723 Chair: Thanks very much for your time in coming along today.
2724
- 2725 We have Āti Awa. Kia ora.
2726
- 2727 **Ātiawa ki Whakarongotai**
2728
- 2729 McCormick: Tēnā koutou.
2730
- 2731 Chair: Kia ora. Welcome. Is it Ms McCormick?
2732
- 2733 McCormick: Correct.
2734
- 2735 Chair: Kia ora. Would it be helpful if we do some brief introductions so you know who
2736 we are?
2737
- 2738 McCormick: Yes please, thank you.
2739
- 2740 Chair: Kia ora. Ko Dhilum Nightingale tōku ingoa. I am chairing both panels, P1S1
2741 and the Freshwater Panel. I am a Barrister and Independent RMA
2742 Commissioner.
2743
- 2744 Paine: Tēnā koe ko Glenice Paine tōku ingoa. Ko Te Ātiawa, ko Ngāi Tahu aku iwi.
2745 I'm Glenice Paine and I'm an Environment Court Commissioner on both Panels.
2746 Kia ora.
2747
- 2748 Wratt: Kia ora. Ko Gillian Wratt ahau. I am a Freshwater Commissioner but now on
2749 both panels. I come from Nelson, live in Nelson. Kia ora.
2750
- 2751 **[03.35.03]**
2751 Kara-France: Tēnā koe. Ko Ina Kumeroa Kara-France tōku ingoa. Independent
2752 Commissioner, Hearing Commissioner on both panels. I have a background in
2753 mana whenua within the taiao space. I work fulltime for WSP Engineering in
2754 Tāmaka-makaurau. Tēnā koe.
2755
- 2756 Chair: We have read your submission, but really grateful if you would like to take us
2757 to the key points that are relevant to this topic. Thank you.
2758
- 2759 McCormick: Thank you.
2760
- 2761 Tēnā koutou katoa, tēnei te mihi atu ki a koutou. He uri tēnei o Te Ātiawa ki
2762 Whakarongotai, ko Kaitangata tōku hapū, ko Whakarongotai tōku marae, ko
2763 Melanie McCormick tēnei.
2764
- 2765 Good afternoon, Madam Chair, Commissioners and staff officers. My name is
2766 Melanie McCormick. I whakapapa to Te Ātiawa ki Whakarongotai through my
2767 mother. My role for the Ātiawa ki Whakarongotai Charitable Trust is the Pou
2768 Takawaenga Taiao.

2769
2770 Unfortunately, my colleague Claire Gibb could not be here with us today, so I
2771 will be providing our oral submission for Hearing Stream 4.

2772
2773 I apologise that you do not have my speaking notes in front of you, however I
2774 will provide these to the Hearing Administration team for later reference.

2775
2776 Firstly, I appreciate where our relief has been included and supported by the
2777 reporting officer's proposed amendments. Thank you.

2778
2779 If it's okay, I will now comment on specific provisions.

2780
2781 Chapter 3.9 introduction: Under the sub-heading 'Well-functioning urban
2782 environments and areas', the proposed wording currently includes a sentence
2783 that states: "The NPS-UD also requires planning decisions relating to urban
2784 environments to take into account the principles of Te Tiriti o Waitangi".

2785
2786 I would like to suggest re-drafting the last sentence to read: "Planning decisions
2787 relating to urban environments must take into account the principles of Te Tiriti
2788 o Waitangi as required by the NPSUD".

2789
2790 While this a relatively minor change, I think it is important. The current
2791 proposed wording by the reporting officer distances itself from that requirement.

2792
2793 Policy UD.2: Generally, I support the redrafting and intent of Policy UD.2. I
2794 note here, although it is a general point, that throughout the Plan Change the
2795 wording used to refer to s6(e) matters of the RMA, which is ancestral lands,
2796 water, sites, wāhi tapu and other taonga, seems to differ between provisions.

2797
2798 By that, sometimes it is the full s6(e) matters that are listed, other times it is
2799 more or less - for example, moana, marae and urupā included.

2800
2801 I think the policy statement would read better if one consistent statement was
2802 included when referring to those matters.

2803
2804 I acknowledge that other mana whenua in the rohe have sought these
2805 amendments, so I welcome the inclusion of drafting that provides for our ways
2806 of understanding the natural word through kupu Maori. However, I think there
2807 is not a consistent narrative throughout.

2808
2809 Also, with the greatest respect to the reporting officers, there is capitalisation of
2810 some kupu Māori, such as taonga and mātauranga. The council may wish to seek
2811 the advice of an appropriately qualified reo Māori expert to determine whether
2812 that is appropriate.

2813
2814 Turning back to the Policy itself, I also request a minor amendment to the
2815 Explanation section of Policy UD.2. I request that the word 'norms' is deleted.
2816 This is consistent with the re-drafting of Policy UD.2, and throughout the
2817 chapter.

2818

2819 Policy UD.4: Ātiawa support the addition of sub-clause (e), thank you. However,
 2820 I think that the proposed wording does not fully recognise Te Mana o te Wai and
 2821 the implications of inadequate infrastructure on that.

2822
 2823 Ensuring infrastructure development pre-empts a shortfall in capacity is an
 2824 important part of giving effect to Te Mana o te Wai by avoiding infrastructure
 2825 failures that adversely affect te taiao.

2826
 2827 Policy UD.5: Firstly, Ātiawa support the inclusion of sub-clause (c). However,
 2828 as Policy UD. 5 is the Regional Policy Statement's expression of a well-
 2829 functioning urban areas, it is important that this policy fully address all aspects
 2830 of the integrated nature of the wider environment in which the urban
 2831 environment forms part of.

2832
 2833 As it is drafted it seems that it prioritises providing for the housing and
 2834 infrastructure aspects of urban development, and not giving very much to the
 2835 natural and physical aspects that contribute to well-functioning urban areas.

2836
 2837 Further, the proposed wording does not fully recognise Te Mana o te Wai, while
 2838 I acknowledge that sub-clause (f) addresses quality and quantity of freshwater,
 2839 it does not adequately provide for Te Mana o te Wai which is much broader than
 2840 that.

2841
 2842 The objective of the NPS-FM is to "ensure that natural and physical resources
 2843 are managed in a way that prioritises: first, the health and wellbeing of water
 2844 bodies and freshwater ecosystems". Therefore, urban development must also
 2845 meet this objective.

2846 [03.40.05]

2847 Policy UD.5 does not address the role of mana whenua or the impact of poor
 2848 urban design on our relationship with the natural world. While Ātiawa supports
 2849 growth, we are also seeking to ensure that the scale of that development is
 2850 planned and delivered in a way that recognises the rangatiratanga of Mana
 2851 Whakahaere in relation to their land and waterways, and how this can be
 2852 exercised to better manage the sustainable use of these resources. That is, the
 2853 urban environment forms part of the broader, interconnected environment.

2854
 2855 Therefore, in developing a well-functioning urban environment, the wellbeing
 2856 of the environment must be provided for.

2857
 2858 Policy 55: Ātiawa support inclusion of sub-clause (x), however I oppose the
 2859 proposed amendment to sub-clause (c) of the reporting officer's rebuttal
 2860 evidence which deletes reference to 'in partnership with mana whenua / tangata
 2861 whenua' – in regard to the development of structure plans.

2862
 2863 While I acknowledge the reasoning to change the requirement for a structure
 2864 plan to be prepared to a level of detail commensurate to the scale of the urban
 2865 development, I think that where a structure plan is necessary there should be a
 2866 requirement to partner with mana whenua. Often, I find Ātiawa in the position
 2867 where we have to be reactive and provide a response to detailed plans, rather
 2868 than being included in the design and development phase which is much more
 2869 reflective of a partnership and better provides for our values.

2870

2871 Policy 67 I request that sub-clause (f) include reference to the words ‘and other
2872 urban design guidelines’. I consider that the current drafting may be limiting in
2873 regard to the range of interests in urban development for mana whenua that go
2874 beyond papakāinga. This complements Method UD.1.

2875
2876 Moving onto Method UD. 1

2877
2878 I have one minor amendment, at sub-clause (b). This could be redrafted to read:
2879 ‘Papakāinga design guidance that are underpinned by kaupapa Māori in
2880 accordance with Policy 67(f).’

2881
2882 Method UD.4: Ātiawa support the approach set out in this method.

2883
2884 I now turn to the definition of ‘environmentally responsive’. The reporting
2885 officer has proposed a definition through the rebuttal evidence. As it is drafted,
2886 I do not think the wording adequately recognises the integrated nature of both
2887 the natural and built environment. I think the words ‘responds positively’ does
2888 not go far enough to provide protection or recognition of the wider environment,
2889 including ecosystem values and cultural values.

2890
2891 I have suggested the following definition as an alternative:

2892
2893 Environmentally responsive: Recognises the integrated nature of both the
2894 physical and built environment, and provides for the cultural values, natural
2895 landscape, health and well-being of the wider environment.

2896
2897 Chapter 5: Monitoring the Regional Policy Statement and progress towards
2898 anticipated environmental results. I would like to note Ātiawa’s support for the
2899 inclusion of point number 7. I appreciate the wording and thought that has gone
2900 into this AER.

2901
2902 Finally, a general point: I also wanted to pick up reference to an early point
2903 made by my colleague Claire Gibb in her oral submission in Hearing Stream 3
2904 that is reoccurring and relevant to the urban development provisions.

2905
2906 Claire has sought minor redrafting to the way iwi authorities are referenced in
2907 this policy statement change. I seek that those changes are adopted throughout.

2908
2909 To be clear, the current drafting by the reporting officer is “Wellington region’s
2910 iwi authorities”. Ātiawa seek that this is re-drafted to “iwi authorities of the
2911 Wellington region”.

2912
2913 We seek this change because the iwi authorities are not possessed by the
2914 Wellington region, and returns mana to the iwi authorities themselves. It is a
2915 minor change, but I think language is important.

2916
2917 Thank you for taking the time today to hear our oral submission on Hearing
2918 Stream 4. I welcome any questions or comments. Kia ora.

2919
2920 Chair: Thank you Ms McCormick.

2921

- 2922 Paine: Tēnā koe Ms McCormick. Since we have got your submission I only have a
 2923 couple of questions for you. The last thing that you raise about the changing of
 2924 the wording “iwi authorities of the Wellington Regions” we have noted that from
 2925 Ms Gibb’s submission.
 2926
- 2927 [03.45.00] I note the consistent narrative that you’re talking about throughout those
 2928 provisions. I might have to come back to you with the other question, as I seem
 2929 to have lost it. But thank you for that.
 2930
- 2931 McCormick: Thank you. I apologise you don’t have my notes. It makes it difficult to ask
 2932 questions, I acknowledge that.
 2933
- 2934 Chair: Ms McCormick, I read in Ātiawa’s submission the concerns about Policy 58
 2935 enabling development on the basis of programme infrastructure, rather than on
 2936 having the infrastructure ready and confirmed. That’s how I understood that
 2937 point in the submission.
 2938
- 2939 I am just wondering if the changes the officers are recommending to Policy 58
 2940 are an improvement and address your concern, or if you still think that more
 2941 changes are needed. Really the key change in the rebuttal evidence is in Policy
 2942 58(f) to require that all infrastructure is either available or is able to be delivered
 2943 in a timeframe appropriate to service the development.
 2944
- 2945 McCormick: Sorry, I’ve been referring to the S42A, the original proposed amendment. I will
 2946 have to go back and look at the further changes.
 2947
- 2948 I think from what you have said, and I have forgotten the exact words you used
 2949 just now sorry, but it was I think “all infrastructure is provided in a timely”...
 2950
- 2951 Chair: Are “able to be delivered in a timeframe appropriate to service the
 2952 development.” I’m just wondering if that helps address some of the concern that
 2953 you had raised in your submission.
 2954
- 2955 McCormick: I think in part yes it does, because it refers to all infrastructure. The proposed
 2956 amendments in Appendix 1 have separated out existing and new infrastructure.
 2957 If that’s a change from that then I think that’s an improvement. I think all
 2958 infrastructure, whether it's for an existing or new development needs to be
 2959 provided in a way that’s sequenced appropriately for the development. Without
 2960 having it in front of me – I’m trying to quickly bring it up.
 2961
- 2962 Chair: No problem. I think the amendments do recognise that there’s a balance I think
 2963 between having all new development completely infrastructure ready, but then
 2964 also at the same time having more certainty. There has to be some certainty there,
 2965 but it's perhaps not workable to require the infrastructure to always be provided
 2966 ahead of the new development occurring; as I think the officers are trying to
 2967 achieve a bit of a balance in that provision.
 2968
- 2969 McCormick: With that explanation that you’ve provided I support that rationale.
 2970
- 2971 Chair: Thank you. Feel free if you do – I understand you’re going to send your speaking
 2972 notes through to the hearing’s advisor. We’ve got them? Thank you. I was going
 2973 to say, if you have another look at the recommended changes to 58, and if you

- 2974 did want to comment further. I know it's a bit hard on the fly to look at provisions
2975 and comment on them on the spot.
- 2976 [03.50.00]
- 2977 I think I had one other question. I was trying to take notes as you were talking.
2978 I think you mentioned the kaupapa. Did you mention the kaupapa based
2979 frameworks?
- 2980
- 2981 McCormick: I did. It was in Method UD.1. It was only a really minor amendment. I think the
2982 current drafting is “kaupapa that are Māori”, and I just requested that it's
2983 amended to “kaupapa Māori”.
- 2984
- 2985 Chair: UD.3 which is new, ‘opportunities for kaupapa Māori based frameworks for
2986 urban development’ - I guess I’m interested in understanding your perspective
2987 or experience of how these would apply in this context and support Urban
2988 Development in a way that would help to achieve the objectives of Change 1.
2989
- 2990 McCormick: I think this requested relief was sought through Rangtāne ki Wairarapa. I guess
2991 I can only speak to what I think my views at Ātiawa, my perspective on this.
2992 Again, this perhaps is one of the things where we have kaupapa Māori based
2993 frameworks and then we also have reference to mātauranga Māori, which I think
2994 are similar but perhaps are not the same. I’m just, I guess, trying to highlight
2995 where we could benefit, where I think the plan might benefit from consistency.
2996
- 2997 I guess I don’t have any examples that are coming to mind in terms of kaupapa
2998 Māori based frameworks for Urban Development, though I am sure that there
2999 are many across the motu. I guess I can speak to this at a high level. I think the
3000 inclusion of Method UD.3 and providing for kaupapa Māori based frameworks
3001 for Urban Development is the means that gives effect to providing. That’s how
3002 we can as mana whenua feed into these processes to ensure that our values and
3003 those section 6(e) matters are provided for through Urban Development. So,
3004 while I don’t have a specific example of perhaps a papakāinga that was based
3005 off kaupapa Māori based frameworks, I think that by including this it provides
3006 the pathway for mana whenua to be actively involved or to put forward their
3007 own developments that support kaupapa Māori or are based in kaupapa Māori
3008 and mātauranga Māori.
3009
- 3010 I am not sure whether that adequately answers your question. I can provide
3011 further kōrero after this if it's useful.
3012
- 3013 Chair: Thank you. That was interesting to hear your perspective on that. I think
3014 Rangtāne are presenting later in the week. We might raise that with them as well.
3015
- 3016 Kara-France: Tēnā koe Ms McCormick. Just in regards to Method UD.1, your point here,
3017 regarding clause (b). Do you suggest that the papakāinga design guidance that
3018 are underpinned by kaupapa Māori in accordance with Policy 67(f) which is
3019 work together and partner with mana whenua/tangata whenua to prepare
3020 papakāinga design priorities that underpinned by kaupapa Māori – do you
3021 suggest to have that clause attached to (b) Method UD.2 Future Development
3022 Strategy to state... it's stating currently, “priority outcomes and long term plan
3023 and infrastructure strategies, including decision or funding and financing and
3024 papakāinga designed guidance that are underpinned, etc. etc. Is that what you’re
3025 suggesting to be amended?

- 3026 [03.55.37]
 3027 McCormick: My suggestion was much simpler than that. I am not saying that I don't support
 3028 that. It was really minor wording change that was just seeking to... I think it
 3029 says, "kaupapa that are Māori" and just changing it to "kaupapa Māori."
 3030
 3031 Kara-France: Sub-clause (b) regarding Method UD.1, which is (b) priority outcomes, etc. etc.
 3032 are you suggesting... which is okay, I'm just really asking your guidance. It
 3033 states "and" for example at the end of (b) and it goes into "priorities and
 3034 decisions." But, before that, are you suggesting to have "and papakāinga
 3035 designed guidance," etc. etc.
 3036 McCormick: What provision are you referring to? I think I'm looking at the wrong thing. I'm
 3037 not following.
 3038
 3039 Kara-France: That's okay. Basically that's what I'm just stating here. Asking are you
 3040 suggesting to have papakāinga design guidance that are underpinned by kaupapa
 3041 Māori? That particular statement that you refer to, in accordance with Policy
 3042 67(f) would you like that attached to the wording in (b) under Method UD.2?
 3043
 3044 Sorry, I hope that's a lot clearer.
 3045
 3046 McCormick: I'm following the cascade. On the spot I think yes that would be a useful
 3047 inclusion, but I would have to go away and look at it properly. I'm just going
 3048 back and forth on my screen here trying to hopefully follow what I think you're
 3049 providing.
 3050
 3051 Chair: We would need to check that there was scope for that change. I'm not sure if
 3052 that relief has been sought by anyone. It's certainly something we can look at.
 3053 Maybe the officers might be able to advise on.
 3054
 3055 Any other questions for Ms McCormick.
 3056
 3057 Paine: Tēnā koe Ms McCormick. I found what I wanted to ask you about. It was in the
 3058 first paragraph under your Chapter 3.9 introduction. You're talking about the
 3059 rewording or reworking of that sentence there underlined, the planning decisions
 3060 relating to.
 3061
 3062 When I read what you're proposing and what the officer has got, we've got in
 3063 his the NPS-UD also required, and then further in the sentence, "to take into
 3064 account." I'm just wondering what you are proposing? It just turns those two
 3065 around. For me, saying the same thing. Am I missing something here?
 3066
 3067 McCormick: Again, I think this is one of our suggested changes that appear or perhaps are
 3068 relatively minor in the grand scheme of things. I think it's about shifting where
 3069 the mana is in that sentence from a requirement.
 3070
 3071 I acknowledge what you're saying there are quite minor and perhaps similar on
 3072 the first read, or when you do read them, but I think our suggestion is about
 3073 putting the mana and the onus on doing and giving effect to Te Tiriti and its
 3074 principles through planning decisions; and then at the end the requirement is
 3075 through the NPS-UD, but it's being more active in the way that you're wording
 3076 and more intention I suppose, than having it flipped on its head – in terms of
 3077 how it's currently worded by the reporting officers.

3078 [04.00.00]

3079 Like I said, in the grand scheme of things and what's been achieved so far
3080 through the proposed changes, it might be minor but I think there's always room
3081 for improvement.

3082
3083 Paine: Words have power. Thank you.

3084
3085 Chair: Thank you very much Ms McCormick. I do apologise, I said your name
3086 previously, sorry about that. Thank you very much for your time and
3087 presentation. We will read your speaking notes carefully in due course. Thank
3088 you.

3089
3090 McCormick: Thank you Commissioners.

3091
3092 Chair: We are scheduled to have a ten minute break. We will be back for Peka Peka
3093 Farm's submission. Thank you.

3094
3095 [Break taken 04.01.002]

3096
3097 Chair: Kia ora Mr Lewandowski. Welcome. We did introductions before. Are you
3098 comfortable you know who we all are? Wonderful. Over to you.

3099
3100 Lewandowski: Thank you Commissioners. Good afternoon.

3101
3102 Firstly just to start with an apology. I realise I have given you two briefs of
3103 evidence that are very, very similar. Ordinarily I would have tried to give you a
3104 joint one and I wasn't able to in this instance, so my apologies there.

3105
3106 There are only a couple of instances across those, where the relief sought is
3107 different or additional to, so I will highlight those for you as we go. I guess in
3108 order not to duplicate things too much today, I think in this Peka Peka slot now
3109 I will talk through those changes as whole and then in the subsequent Summerset
3110 slot I really will focus on the contextual difference between the two and those
3111 points of difference really; so hopefully that overcomes some of the duplication.
3112 Apologies about that.

3113
3114 Chair: Thank you. No problem.

3115
3116 Lewandowski: A theme today that's universal to both is how these Urban Development
3117 provisions of PC1, or ensuring that the provisions of PC1 are not overly
3118 restrictive on the competitive operation of land and development markets, by not
3119 overly elevating the role and importance and reliance on existing urban areas by
3120 elevating their importance at the expense, if you like, of complementary
3121 Greenfield Development, and we'll cover that off, I guess, as we go through.

3122
3123 I gave you at the previous hearing stream an extract out of the Kāpiti Coast
3124 District Council decision, and I haven't included that again, but the quote there
3125 that I gave you was that hearing panel expressing some scepticism about the
3126 likely realisation or reliance on the realisation of infill development solely, and
3127 that panel recognising the ongoing need for Greenfield Development. So, just
3128 remind you of that extract.

3129

3130 The relevance there of course is the 2023 HBA that I think is releasing next
3131 Monday, referenced in evidence of course shows some quite significant numbers
3132 on the infill new development site, which is the NPS doing its job frankly, and
3133 that has significantly boosted what might be expected to be realised from
3134 existing capacity.

3135
3136 I also at the last hearing stream expressed some reservations about the level of
3137 economic evaluation in S32 terms that has gone into some of these provisions,
3138 and that's coming back to that competitive operation of land development
3139 markets. That concern is very much alive for these provisions and perhaps even
3140 heightened with some of the policies, particular UD.4 that has now been
3141 recommended for inclusion. I will come to that when I start discussing those
3142 provisions.

[04.05.05]

3143
3144 Lastly Commissioners, neither Peka Peka nor Summerset have really picked up
3145 on this point, but I know you've heard extensively around the split between the
3146 two approaches, I won't really wade into that now, except to say that some of
3147 my recommended amendments may well have a bearing on your ultimate
3148 classification, and my feeling of, I guess, looking at the fundamental thrust of
3149 the given provision as to it's appropriate classification. I will leave that issue
3150 there.

3151
3152 Turning to the provisions and starting at Objective 22, and having looked at the
3153 rebuttal evidence from Ms Zollner as well, I am reasonably comfortable with the
3154 introductory statement there.

3155
3156 The changes that I would like to see, I guess are covered in my evidence, but
3157 just to pick up on a few there, at matter (a) and having read Ms Zollner's rebuttal,
3158 I still think mirroring the NPS-UD language of at least sufficient development
3159 capacity is warranted, because that is painting the picture of having a bigger
3160 bucket of supply than you necessarily need. I guess I don't agree that that
3161 wording, and I forget Ms Zollner's terminology, but I think 'clunky' was
3162 perhaps the word used. I think it works, so I would be very keen to see that there.

3163
3164 The change around 'affordability' or the change recommended around
3165 affordability removes the directness of affordable housing, but still maintains
3166 that complicated element of housing affordability; so my preference would be
3167 for that terminology to still be removed. In other words, I think same horse but
3168 different rider really, in terms of how that labelling has been amended.

3169
3170 Similarly, the reference there around a diversity of housing typologies within
3171 neighbourhoods, as per my evidence I would be keen to see that removed,
3172 because I think the housing choice reference is sufficient there.

3173
3174 I might come back to this with a different hat on, if you like, next, but we get
3175 into complications around what is the neighbourhood scale and what is the level
3176 of diversity that is appropriate there. If we're dealing with residential zoning we
3177 have MDRS standards that provide for certainly a medium level of density. That
3178 doesn't necessarily need to be exercised, but is nevertheless provided for, so you
3179 see some organic change in that happening. We have much more targeted
3180 approaches through the NPS that reflect centres etc. and walkable catchments.
3181 So, I don't think that that in the objectives is a necessary change.

3182 I would like to see deletion of matter (c) and I realise it's been considered by Ms
 3183 Zollner and rejected, but that matter is simply given effect to by Objective 12 as
 3184 I read the notified RPS. I don't see the purpose in that duplication. There are a
 3185 number of instances across a couple of provisions where that duplication of other
 3186 RPS provisions is evident.

3187
 3188 Need to acknowledge the amendment to matter (d) around reducing greenhouse
 3189 gas emissions. That is absolutely supported.

3190
 3191 It's a passing observation: I have no issue with high quality housing in matter
 3192 (e). I have noted the change. Really neither here nor there on that one.

3193
 3194 Another addition though that has crept in at matter (g) is the addition of
 3195 "effectively."

3196 [04.10.00]

3197 Again, not one that I'm going to die in a ditch on, but I'm not sure how
 3198 infrastructure can be used ineffectively. I am not sure what effectively is there.
 3199 I certainly see how efficiently is a relevant term to the use of infrastructure, but
 3200 if a piece of infrastructure is being used for its purpose, one would presume that
 3201 is being used effectively.

3202
 3203 Again, not a huge issue, but I read it and thought what is necessarily the point of
 3204 that word. I will leave that one in your hands.

3205
 3206 The last tweak there that I observed of relevance to Peka Peka was the change
 3207 to matter (h) in the deletion of including transport infrastructure. I am happy
 3208 with that deletion.

3209
 3210 To rattle through one very quickly, Objective 22(b), I absolutely support that
 3211 deletion. There's probably not much more to be said on that one. The integration
 3212 there is absolutely supported.

3213
 3214 Moving to Policy 55 and there's been a reasonably substantial change here, as
 3215 there has been to a number of policies, so it's been a bit of a trick to try and work
 3216 through that over the last few days, the title change there, I am comfortable with
 3217 that change, I think.

3218
 3219 Wratt: Are you saying you are comfortable?

3220
 3221 Lewandowski: I am comfortable Commissioner. Sorry.

3222
 3223 Working through that policy as it's now proposed, matter (a)(1) subject to
 3224 comments about Policy UD.5, which that references, I think that's okay.

3225
 3226 Matter (a)(2)(i) I do have an issue with the word adjacent. I think in my main
 3227 evidence I was a bob-each-way on that one. Reading the rebuttal evidence, and
 3228 I don't have the paragraph number immediately to hand I'm sorry, but that
 3229 probably cemented my concern, because it appeared to confirm that it was
 3230 looking for that absolute direct adjacency or adjoining. That is potentially a
 3231 problem, because it suggests that a site that might not otherwise be suitable (sort
 3232 of hypothesising here) if there is a break for whatever reason, then that is failing
 3233 that particular criteria. My suggestion there was using something along the lines

- 3234 of well-connected. I would be still more supportive of that approach than the
 3235 adjacency that's currently put forward.
 3236
- 3237 Chair: Sorry to interrupt. Just to note that we did ask Ms Anderson, counsel for the
 3238 Council about this word this morning. She is going to helpfully address this in
 3239 reply legal submissions. It seems that the case law on the word "adjacent"
 3240 doesn't require there to be an immediate boundary connection. It's not the same
 3241 as adjoining, which is interpreted in that narrow way.
 3242
- 3243 Lewandowski: That is my understanding as well Commissioner, which is why I guess I hedged
 3244 my bets somewhat in evidence, but what then concerned me was the rebuttal
 3245 evidence that seemed to indicate it was looking for that direct connection.
 3246
- 3247 Adjacent in the context of the answer that I think you will receive from Ms
 3248 Anderson is therefore probably okay, yeah.
 3249
- 3250 Chair: Are you okay if we...
 3251
- 3252 Lewandowski: I am happy to do this however you like, absolutely.
 3253
- 3254 Chair: Can you just remind me of the provision in the NPS-UD? You probably refer to
 3255 it in your evidence but there's a provision in the NPS-UD where this is derived
 3256 from. I don't know if Ms Zollner is able to help me.
 3257 [04.15.05]
- 3258 Lewandowski: The adjacency issue.
 3259
- 3260 Zollner: Are you referring to clause 3.8?
 3261
- 3262 Lewandowski: It may well be that Commissioner. The issue of well-connected certainly comes
 3263 from clause 3.8.
 3264
- 3265 Chair: It must be 3.8. So, you're saying, if I understand you correctly, the main point is
 3266 that you don't have to be right next to it. You're okay with that wording or the
 3267 word "adjacent" there?
 3268
- 3269 Lewandowski: I was expressing some caution, or I guess crystal ball-gazing on how it might be
 3270 applied. I read it I guess in mind of my understanding of the case law and thought
 3271 it's probably okay, but wondered whether to remove that ambiguity. Well-
 3272 connected might be a better term. Again I don't think it's a make or break
 3273 situation, but what did concern me reading the rebuttal, what I read there, that
 3274 indicated it was looking for that direct connection.
 3275
- 3276 Working my way through 55, matter (a)(2)(ii), the wording itself here is okay.
 3277 What I think needs to be considered, and it also runs to I think Policy 58 and
 3278 perhaps others, is that public transport is of course out of a private developer's
 3279 hands. Funding decisions etc. and the provision of that service is in Greater
 3280 Wellington. That including public transport tag there is I think okay, but there's
 3281 a bit of an asterisk beside that, that says that is not in the direct control of a
 3282 private developer, and particularly for things that might be out of sequence
 3283 unplanned that is an issue. I will come back to that at Policy 58 as well.
 3284
- 3285 Chair: But, multi-modal transport options are more...

- 3286
3287 Lewandowski: Certainly more along that spectrum, because if you're constructing new roads
3288 you're putting in cycleways, off-road paths, or whatever they might be,
3289 absolutely. That's acknowledged.
3290
- 3291 Wratt: Can I just ask you a question on that? The way I read this doesn't necessarily
3292 say that it's in the control of the private developer, but it would be saying is if a
3293 private developer wants to put... one of the criteria for a private development is
3294 consideration of whether there is planned multi-modal or public transport.
3295
- 3296 Lewandowski: That's agreed Commissioner. I am happy with this wording. I guess I'm just
3297 highlighting the fact that some of these decisions are outside of a developer's
3298 control. I think we're in agreement.
3299
- 3300 A similar point for the next matter 3.
3301
- 3302 Matter 3 however, concentrating building heights and densities, in my view that
3303 whole section should be deleted. My rationale there is simply that NPS direction
3304 has been given effect to and those matters are by extension addressed there. So,
3305 whether we are talking about town centres, city centres, etc. we've had those in
3306 so many requirements and I think effectively there's a duplication of effort here
3307 that I don't think is required.
3308
- 3309 Chair: This is a consideration policy obviously. If a Territorial Authority hadn't
3310 notified an IPI, so hadn't provided for the MDRS, wouldn't this Policy 55(a)(3)
3311 be relevant then for when assessing a complaint application?
3312 [04.20.10]
- 3313 Lewandowski: You may well be right Commissioner. Perhaps I don't spend enough time, as I
3314 should, in the Wairarapa. It's a point well-made.
3315
- 3316 Can I just reflect on that further – but acknowledge the point.
3317
- 3318 Moving to Matter (a)(4) that portion of the policy just lists references on ten
3319 occasions to different parts of the RPS-. In my view it's just plainly duplication
3320 and that should disappear from my perspective.
3321
- 3322 Wratt: I guess the point that I would take from the Council team's rebuttal etc. is that
3323 they see value in making sure that within a section of the RPS the requirements
3324 are made clear without having to go elsewhere. I can't remember exactly where
3325 it was, but someone did give an example of a situation where people who are
3326 doing the work can just look at the one chapter and then not look across the
3327 whole of the RPS-. Humans being what humans are, I think that's a fair
3328 comment. So, it's getting the right balance in my view between repeating where
3329 it's helpful and not having too much duplication.
3330
- 3331 Lewandowski: My position is not that this section does any harm. My position is that when you
3332 look at this policy on a bit of paper, or you have to type it out or whatever, it's
3333 an extremely long policy. This policy is quite cumbersome I guess. I am going
3334 to come to what I perceive is a degree of cumbersomeness in the next couple of
3335 matters, because of all the "and" linkages etc. Then you have this section that
3336 simply just says, "You must look at a, b, c and d."
3337

3338 A couple of other points there: I acknowledge the point made by Ms Zollner in
 3339 her rebuttal. She gave an example, I believe in Upper Hutt somewhere, where
 3340 something was not looked at. That is a fault of practice potentially – not being
 3341 familiar with that example at all.

3342
 3343 I don't remember the front-end structure of the RPS but I believe there is some
 3344 sort of effectively how-to guide in there. So, to what extent can something like
 3345 that address the how to use this plan?
 3346

3347 I don't necessarily Commissioner Wratt think that... there's a certain amount of
 3348 lowest common denominator drafting to this and I'm not sure that's necessarily
 3349 something to strive for. Again, it does no harm, but pulling a reasonable chunk
 3350 out of this policy which effectively just says, "Look there, look there, look
 3351 there," yeah, I'm not sure it's required.
 3352

3353 Wratt: I guess one perspective could be that it's actually less time efficient for
 3354 everybody if the Applicant in this case doesn't meet all the requirements. If
 3355 you're clear about what all those requirements are then you're addressing that
 3356 right up front, rather than waiting until the consent application.
 3357

3358 Lewandowski: Maybe my last point here is that, that section is effectively a road-map rather
 3359 than the answer. It's simply saying go and turn the pages to get to that policy in
 3360 any case. It gives you the headline of the issue, absolutely, but it's not the policy
 3361 in full.
 3362

3363 Again, not one I'm going to die in a ditch about. I just think that policy structure
 3364 can be simplified.
 3365

3366 Matters (b), (c) and (d) are probably where the meat is. I think in my evidence I
 3367 set out a hypothetical private plan change.
 3368

[04.25.00]

3369 Having worked our way from the top down, we reached a situation where you
 3370 assess consistency with the Future Development Strategy. In my hypothetical
 3371 example that fails and that's fine, that's an appropriate outcome. Then we have
 3372 the "and" linkage to (c) and I need to acknowledge what I think is a helpful
 3373 change here, because my issue around the structure plan particularly was the
 3374 prepared and approved by a relevant city councillor and that could not happen
 3375 in a private plan change situation. So, the change there I think needs to be
 3376 acknowledged.
 3377

3378 But, then we still have this "and" linkage. I have been reading this repeatedly
 3379 and I am not sure that this works. I think that the linkage between (c) and (d)
 3380 needs to be an "or" rather than an "and", and if there is a need for that structure
 3381 plan element then I think that structure plan element should then be duplicated
 3382 in (d).
 3383

3384 I will come back that again with my next hat on about how resource consents
 3385 work with this, because again I think there's a slight issue there.
 3386

3387 I don't know Commissioners that I cracked it, which is slightly unhelpful.
 3388 Something about it still doesn't quite work for me with those "and" linkages;
 3389 and I think the answer is splitting off (d) from (c), which is what I suggested in
 my evidence.

- 3390
3391 Chair: This morning we did ask the officers about this. We heard that there's no
3392 particular form or template, or anything like that for a structure plan, as you
3393 know. It could be something that's presented very simply – sort of concept high
3394 level.
3395
3396 I guess I'm trying to really understand if this would be unworkable.
3397
- 3398 Lewandowski: It would have been unworkable had the change to matter (c) not been made. I
3399 think it was broken at that point. The change that has been made needs to be
3400 acknowledged.
3401
3402 What I'm not quite sold on... I'm trying to isolate I think and un-sequence 'out
3403 of order' and that's not the right word, but you know what I mean – a proposal
3404 that's unanticipated. I'm trying to isolate how that would work and certainly it's
3405 matter (d) linking to Policy UD.3 that is of relevance.
3406
3407 I'm looking at the linkages up the Policy and I'm just not sold that it needs to
3408 link to matter (b). I am trying to then cut it off after matter (c), but
3409 acknowledging the point about the structure plan. I have no objection to that. I
3410 am trying to think whether that is better moved now to matter (d).
3411
3412 Under the previous drafting that was broken and so I was definitely trying.
3413 Having moved on from that, all I am saying at this point is that having read it a
3414 number of times (and maybe therein lies the answer that it is just a little bit
3415 tricky) I am just not sold that that last "and" linkage is required.
3416
- 3417 Wratt: Just to clarify: so you're comfortable now with (b) and (c)?
3418
- 3419 Chair: Not (b).
3420
- 3421 Lewandowski: I'm not comfortable with the linkage to (b). I am comfortable with (b) how it's
3422 drafted. Not the content of (b) – that's not an issue.
3423
- 3424 Wratt: So, you're comfortable with it stating that it should be consistent with the FDS?
3425
- 3426 Lewandowski: If there is one, yes, absolutely.
3427
- 3428 Wratt: You're comfortable with the concept of a structure plan. So, I'm struggling.
3429 [04.30.00]
3430
3431 If you're comfortable with both of those and it needs to add significantly
3432 development capacity. I'm struggling with why there's a problem...
- 3432 Lewandowski: I'm struggling too. As I say, I've read it a number of times and I am just working
3433 through all those linkages and I'm trying to isolate (d), because (d) automatically
3434 is inconsistent with (b). That's fine. You can assess it and say it's not an FDS,
3435 it's unanticipated it, that's okay; but breaking that linkage makes it cleaner.
3436
3437 My unanticipated out of sequence development is by definition inconsistent with
3438 matter (b), because it's not in the FDS.
3439
- 3440 Wratt: So, you're saying should be in the FDS or a plan change that significantly adds
3441 to development capacity?

- 3442
3443 Lewandowski: Correct.
3444
3445 Chair: I think Ms Zollner might be able to help us here.
3446
3447 Zollner: Kia ora. I think the conversation that's being had is about the question of clause
3448 (b) and whether an unanticipated or out of sequence development can meet that
3449 clause. My view is that it can. I think it can still demonstrate it's consistent with
3450 a Future Development Strategy, in terms of what a Future Development Strategy
3451 is trying to achieve. It can demonstrate it's consistency with the strategic
3452 direction. That clause does say "identified in a Future Development Strategy."
3453 In that case, I think the situation Mr Lewandowski is describing might happen,
3454 where you would automatically not be able to meet that clause; but it doesn't
3455 say that, it just says, "is consistent". So I don't personally see the problem with
3456 that then linking right through, because that is just one consideration and then
3457 whether it adds significantly to a development capacity is another consideration.
3458
3459 Wratt: So, you could have a plan change which is consistent with the FDS and that's in
3460 fact what you are seeking; that if there is a plan change put forward then there's
3461 nothing here that says it has to be an area identified in the FDS, but it has to be
3462 consistent with the overall strategy of the FDS.
3463
3464 Zollner: Yes and it's showing that it has done that consideration or a check across.
3465
3466 Chair: This is hypothetical at the moment, but when the FDS is notified, then it might
3467 be...
3468
3469 Lewandowski: That was going to be my very point Commissioner Nightingale. I have in fact
3470 just on Friday frankly had a very quick scroll through that document available
3471 on line, but being released next week. I wouldn't say I know it at all well. I
3472 understand that high level spatial distribution it's trying to achieve.
3473
3474 I think the point is a fair one Ms Zollner makes and perhaps I was reading an
3475 inference of an identified in.
3476
3477 Chair: Going back to first principles, the NPS-UD doesn't at all that there can be no...
3478 you have to provide full responsive planning. The NPS-UD doesn't require that
3479 out of sequence unanticipated developments can never occur; but what it does
3480 say, in 3.8, that the Regional Council can set the criteria.
3481 Lewandowski: Yes. Requires the Council to include criteria for determining what plan changes
3482 will be treated for the purposes of implementing Policy 8 as adding significant
3483 development capacity.
3484
3485 Chair: Ms Anderson's legal submissions, I'm not sure if you've seen those.
3486
3487 Lewandowski: I have, yes. I think those were made in the context of my commentary around
3488 Policy UD.4.
3489
3490 Chair: UD.4, right.
3491
3492 Lewandowski: I also make some comments around UD.3 which are those criteria that the
3493 Council has come to.

3494 [04.35.00]

3495 This Policy 55 matter it's sort of on the fly isn't it. But, I take some comfort from
3496 what Ms Zollner has just said and I acknowledge that point. I am loathe to say
3497 it's okay because I'm just not quite convinced. I've been through this a number
3498 of times and have not quite been able to settle it in my mind.

3499
3500 Chair: I think it's really useful that Ms Zollner is here and we're having this discussion.
3501 There will be more reflection in her reply on the point. We might have taken it
3502 as far as we can at the moment.

3503
3504 Lewandowski: But, certainly to acknowledge that the change to (c) has removed what I thought
3505 was actually a breakage in that policy.

3506
3507 I am just conscious of time Commissioners.

3508
3509 Chair: We're sort of having this whole session as one aren't we, wrapping it with the
3510 Summerset slot as well.

3511
3512 Lewandowski: I may or may not have someone joining for the Summerset slot is all, but equally
3513 he may not. Let's in that case move on.

3514
3515 That takes us to Policy 56. I won't dwell on this one at all really. Simply to say
3516 that I think matter (a) can and should be deleted. I think that's been overtaken
3517 by events. You have an interim framework by the NPS-HPL. I just think that
3518 matter is superfluous at the moment. Not much more to say on it than that.

3519
3520 To acknowledge the change to matter (e) around supporting reductions in
3521 greenhouse gas emissions, that's just bringing in that consistency of language
3522 there; so acknowledge that point and support it.

3523 Mirroring my comment around Objective 22, I think matter (g) giving effect to
3524 Te Mana o te Wai can go because you have a singular objective there. It's just
3525 repeating and earlier point.

3526
3527 Policy 58 – and I just noted for curiosity that an equivalent change has been
3528 made to 57, but we didn't touch on that policy so I'll park that one – the change
3529 to the chapeaux there has broken that up into (a), (b), (c), resource consent,
3530 notice of requirement and change variation with have regard to, have particular
3531 regard to and require now accompanying each one respectively.

3532
3533 At 57 and 58 I just noted there was an equivalent change. I won't talk about 57.
3534 I have got no scope really to go there.

3535
3536 Firstly, just from a drafting perspective, I wonder whether the chapeaux has
3537 changed a little bit to say, “when considering an application for a resource
3538 consent a notice of requirement, a change...” etc. etc. and then jump into the
3539 steps; because I'm not quite sold that the flow of it currently works. That's just
3540 a drafting convention aspect.

3541
3542 Before you get to (a), (b) and (c) you set that out and then you jump in. I just
3543 think it could be a little bit tidier in its drafting there.

3544
3545 Wratt: I think that applies to 57.

- 3546
3547 Lewandowski: Exactly, which is why I raised both Commissioner. Absolutely, yes.
3548
- 3549 Chair: Just on that point, because some submitters had said that the previous version
3550 hadn't properly picked up the statutory requirements; so it's just not correct
3551 under the RMA to say, "When considering and application for a consent
3552 require..." because it's only a have regard to requirement.
- 3553 [04.40.10]
3554 Lewandowski: I've got no objection to the "have regard to" or "particular regard to" or
3555 "require." I am simply suggesting that the introduction there could be rewritten
3556 slightly, because at the moment I just think it's a little bit cumbersome – "When
3557 considering an application for a resource consent have regard to."
3558
- 3559 I think you could write that introduction slightly differently to make it flow into
3560 what is now proposed to change. It's just a stylistic observation. I just wonder if
3561 it could be thought about a little bit more.
3562
- 3563 The "require" of course stems from the "give effect to".
3564
- 3565 I did wonder, and it goes to the point in my evidence still, and my earlier point
3566 around decisions around PT being outside of a developer's hands, whether
3567 matter (f) can be realised. So, "even though ore is able to delivered in a
3568 timeframe appropriate to service the development." There is probably sufficient
3569 wriggle-room, or probably sufficiency there to account for the uncertainty. And,
3570 again I don't want to dwell on this point particularly, but I just want to flag that
3571 for you. I just have a reservation about that, and that links to matter (g) of Policy
3572 57, where that policy acknowledges that the timing and sequencing of land use
3573 and public transport may result in a period where the provision of public
3574 transport may not be efficient or practical. So, I just still seeing...
3575 notwithstanding the changes, I'm just still seeing some tension between those
3576 two things.
3577
- 3578 Chair: If you were preparing a consent application for a client, what would you provide
3579 as part of the application to satisfy 58(f), as it's supported by the officer's
3580 rebuttal?
3581
- 3582 Lewandowski: It's always going to be contextual I think Commissioner. If I could switch hats
3583 and put a Summerset hat on, Summerset has recently completed a plan change
3584 in Masterton. It is physically adjoining and existing area of Urban Development.
3585 The site is not serviced by public transport, nor the neighbouring subdivision. I
3586 am not aware of any plans to extend any immediate timeframe of a public
3587 transport service to that.
3588
- 3589 Is it able to be delivered? Yes, we've shown that we can put a bus through that
3590 road, through that subdivision to the site. We have shown that a bus can turn
3591 around in the resource consent application. But, I can't do the delivered in a
3592 timeframe appropriate to service the development part.
3593
- 3594 In this case, we can also say the retirement village operator runs a private shuttle
3595 service etc. But, it's that aspect that I'm left a little bit uncertain about, linking
3596 back to the slightly different way that's framed in 57, where it acknowledges
3597 that there is going to be an intervening period.

- 3598
3599 Wratt: Just with that 58(f), I suppose as a developer you could argue that that public
3600 transport is not required to serve that development because the operator of the
3601 facility provides that equivalent of public transport for that development.
3602
- 3603 Lewandowski: Arguably yes, but if that site... again a real example. A portion of that site has
3604 just been zoned for residential development. That will just go to a residential
3605 subdivision of some sort, yet to be determined by another land owner.
3606
- 3607 Wratt: But, wouldn't in that case then the requirement for public transport would seem
3608 a reasonable one.
3609 [04.45.00]
3610 So you could argue that looking at the big picture that's a reasonable requirement
3611 that public transport connection is able to be delivered
3612
- 3613 Lewandowski: Is able to be delivered or will be.
3614
- 3615 Wratt: Because the other residential development would have to...
3616
- 3617 Lewandowski: I think therein lies the crux of it. Those decisions are made elsewhere. The
3618 development can service it. At what point of a given development is there
3619 enough critical mass for instance that makes that economical and viable, etc.?
3620
3621 The point around public transport is very well made.
3622
- 3623 Chair: Given the officer's recommended deletions in (f) though, the definition of
3624 infrastructure doesn't include public transport.
3625
- 3626 Lewandowski: I'm happy to stand corrected there, but I believe that there is a reference to PT
3627 in the definition of infrastructure.
3628
- 3629 Chair: I've just opened it in the operative. It's not been changed through Proposed
3630 Change 1 I don't think. While it includes structures for transport and land by
3631 cycleways and that sort of thing, there's nothing that... are you saying there's a
3632 risk that by referring to all infrastructure?
3633
- 3634 Lewandowski: I am trying to find where I thought I had read in the rebuttal evidence, what I
3635 thought was a linkage to PT in that definition, and I'm kind of looking to my left
3636 to see I'm just plainly wrong. I might be. If I am wrong I will stand corrected;
3637 whilst also just trying to very quickly find.
3638
- 3639 Chair: Policy 58 is all about the servicing infrastructure is my understanding; and 57 is
3640 about the integrating, the transport network with development. Mr Jeffreys
3641 might be able to help us.
3642
- 3643 Jeffreys: Under the operative plan definition of "infrastructure" it does include structures
3644 for transport and land by cycleways, railroads, walkways or any other means,
3645 which I would include public transport, for example, and the rail definition of
3646 that.
3647
- 3648 Chair: That's the intention in that policy to require public transport provision as well to
3649 a development contemplated by Policy 58.

3650
3651 Jeffreys: I think you would expect it to, on the basis that it requires all infrastructure, and
3652 then under the definition of infrastructure it would include that. Yes, that's how
3653 I would interpret it.
3654
3655 Wratt: Again for Mr Jeffreys. We've got Policy 57 which is a consideration, as is Policy
3656 58. Couldn't you then refer back to Policy 57(g) which says, "provision of public
3657 transport may not be efficient or practical," and there may be a time period.
3658
3659 Jeffreys: Yeah, you could link back to that.
3660
3661 Lewandowski: One acknowledge the other. I'm happy to move on from that one
3662 Commissioners.
3663
3664 Really that leaves two, perhaps three.
3665
3666 Policy UD.3 – this is the one that's giving effect to the criteria under clause 3.8
3667 of the NPS-UD.
3668
3669 I'm jumping between my evidence and the rebuttal.
3670 Chair: If it helps, there is a printed out version on the table if that is useful of UD.3,
3671 which shows the rebuttal changes in blue.
3672 [04.50.00]
3673
3674 Lewandowski: Thank you. I suggested in my evidence a change to matter (a) through the
3675 insertion of "overall housing demand". Ms Zollner has not agreed with that. I
3676 guess I understand her logic.
3677
3678 The basis for my suggestion there is that that is attacking the NPS-UD, as I read
3679 it, head-on, by saying providing for that at least for housing sufficiency is the
3680 outcome sought. That is a change there, that I guess tackles that one.
3681
3682 Chair: Sorry, I don't see the relief there that you have sought. Did you say that was to
3683 (a)?
3684
3685 Lewandowski: Yes. I am at 5.62 of my Peka Peka Farm evidence.
3686
3687 Moving to matter (b)(i) I don't think this matter is required, both in terms of
3688 clause 3.8 of the NPS-, but also because if we are using a general residential
3689 zone for instance, we're immediately getting MDRS level of development.
3690
3691 So, my only suggestion here is that this is getting to a finer grain of criteria that
3692 I don't think is required for the purposes of clause 3.8.
3693
3694 Wratt: This is the new clause (b) that you're talking about?
3695
3696 Lewandowski: (b)(i).
3697
3698 Chair: Including as part of a mix helps though doesn't it?
3699
3700 Lewandowski: I'm not sure that changes things significantly, because again if you're using a
3701 general residential zoning you're getting that MDRS level of development and

- 3702 anything higher than the general residential zoning. You're getting that in any
3703 case.
3704
- 3705 Chair: Are we actually interested in, if the officers have any comment on whether that
3706 wording in (b)(i) does add to the existing requirements under the intensification
3707 provisions.
3708
- 3709 Zollner: I guess it might depend on the situation. Remembering that we're talking only
3710 about plan changes here, I do kind of take the point that if a general residential
3711 zone is being applied then that could be enabled. That amount could be enabled.
3712 It doesn't necessarily mean that there is through structure planning an indication
3713 that that will actually be what is built. You could zone a general residential zone
3714 at a plan change level, but through a structure plan you could then indicate,
3715 "We're anticipating that this is delivered at a medium density level in these
3716 areas," or a high density level of these areas.
3717
- 3718 That's where a structure plan, for example, could help to flesh out the difference
3719 between what's being enabled through that plan change; just in terms of the zone
3720 that's being applied and actually what's expected to be delivered.
3721
- 3722 Lewandowski: I think I should acknowledge as part of a mix is helpful there from where it was,
3723 because you might have a site for instance where you seek to apply a large lot
3724 residential zone to a portion of the site for whatever reason; it might be a
3725 landscape response, or a response to a particular typography or vegetation.
3726
- 3727 In the previous wording that would have been tricky. So, as part of a mix is
3728 helpful.
3729 [04.55.05]
- 3730 I guess my starting position is I'm just not sure it's required, so my suggestion
3731 is deletion.
3732
- 3733 Need to acknowledge the change to matter (c)(ii). The tweak there proposed is
3734 supported.
3735
- 3736 I still would like to see "long term" added to (iii) and that is because some of
3737 these proposals do stretch out to that time frame. We're thinking about them
3738 now and you will see the early fruits of that in a short to medium term. But, if
3739 we're talking about things that are sufficiently large enough, which is what that
3740 clause 3.8 is really looking to reinforce, it's those out of sequence unanticipated
3741 that are of scale, then something of significant scale may well run into that long
3742 term period. So, I still would prefer to see "long term" added there.
3743
- 3744 Chair: Can you realise a development that's going to take between ten to thirty years
3745 in a timely way?
3746
- 3747 Lewandowski: You can start to realise it in a timely way, absolutely. This is my point. The
3748 retirement village example is probably really only good for medium term
3749 because it would typically roll out in five to seven years say. But, if you're
3750 talking about a sufficiently sized Greenfield area then an initial civil works
3751 period, and you would certainly be seeing rollout in the short to medium, but
3752 it would still likely be going over that ten year period absolutely.
3753

- 3754 Wratt: A point was made. We had a presentation on the FDS earlier. Their point was
 3755 that the HBA's beyond about a five year period, and I think medium would be
 3756 five to ten years is that correct? Or, is it only up to five years – five to ten. Was
 3757 that you're actually not able to predict the housing demand beyond that five to
 3758 ten year period, which is one reason for focusing on medium term.
 3759
- 3760 I guess it's not saying that you can't be planning long term, but it's saying that
 3761 there needs to be a demonstrated demand in the short-medium term.
 3762
- 3763 Lewandowski: That's fair.
 3764
- 3765 Wratt: I guess the question is how would you demonstrate long term demand in a
 3766 particular location?
- 3767 Lewandowski: You would be relying population projections etc. as you do now. One of the
 3768 things that made me think about adding long-term to that is, if we look at
 3769 Objective 6 of NPS-UD, Local Authority decisions on Urban Development that
 3770 affect environments are: and it then it goes (a), (b), (c); and (b) is strategic over
 3771 the medium and long-term.
 3772
- 3773 We're talking about unanticipated out of sequence things. I would probably
 3774 concede the point that the predominance of them might not be long term. I am
 3775 simply suggesting that some of them could be a long-term fixture as well.
 3776
- 3777 The next part of Objective 6 of course is responsive, particularly in relation to
 3778 proposals that would add supply significant development capacity. So, that was
 3779 my cue if you like for thinking about that addition.
 3780
- 3781 Wratt: I guess it would be helpful if you could provide us with how you would
 3782 demonstrate a demand for housing or business types proposed for the long term;
 3783 because that's what you're asking to go in there, but what we're hearing is, how
 3784 do you do it?
 3785
- 3786 Paine: Just to clarify for me: we're talking a specific type of housing here?
 3787
- 3788 Lewandowski: Not necessarily, no.
 3789
- 3790 Paine: Fine. Thank you.
 3791
- 3792 Lewandowski: I need acknowledge Commissioner Wratt the uncertainty in population
 3793 projections. There's movement.
 3794 [05.00.00]
- 3795 Lewandowski: I guess my thinking about it is again in the context of that objective, thinking
 3796 strategically in the long term, if you're responding to unanticipated out of
 3797 sequence proposals there could be some that are of sufficient size that impact on
 3798 that long-term game.
 3799
- 3800 I acknowledge though, and I don't have an answer, that we're projecting demand
 3801 at a particular point in time. There's a number of variables to that.
 3802
- 3803 Chair: Those provisions that we're looking at link back to UD-3(a). They're part of
 3804 assessing whether there will be a significant contribution to capacity, which in

- 3805 itself has to meet a need that's identified in the latest HBA. I think the HBA is
3806 reviewed every six years.
3807
- 3808 Lewandowski: Three years, or six years now. Used to be three years. I think that's maybe
3809 changed.
3810
- 3811 Wratt: I think we were told. There's a review in six years – it's revised.
3812
- 3813 Chair: I can't remember the exact number. It is provided in the NPS-UD I think, the
3814 timing.
3815
- 3816 Just wondering how long-term would work there, given that the HBA is
3817 projecting out to only really the next six year block I think.
3818
- 3819 Lewandowski: It's still projecting out to thirty years. It is still doing that work. Absolutely. But,
3820 you're correct on the review periods. It is still required to do short, medium and
3821 long term.
3822
- 3823 Lewandowski: Lastly on this, on Policy UD.3 is matter (e). Plan change justifies the need for
3824 additional urban zone land in that particular location to meet housing and
3825 business demand. And, this is the kicker for me: demonstrating consideration of
3826 existing realisable development capacity within existing urban zones.
3827
- 3828 I will take you to a real example which was again Summerset in Masterton.
3829 Summerset struggled for some time to find a suitable site. Looked at a Greenfield
3830 opportunity for a private plan change; because they couldn't find a suitable site
3831 within an existing urban area for a range of reasons. I will come to the particular
3832 Summerset context soon, time permitting. But, I think this oversteps by trying
3833 to overly exhaust or overly elevate the availability of existing provision versus
3834 a Greenfield situation.
3835
- 3836 There were sites within the Masterton urban area, in my example, that were over
3837 a certain size threshold but they had their own issues. They might not have been
3838 able to be bought for instance. One can't compel a willing seller necessarily.
3839
- 3840 My point to you is that I think matter (e) is overly elevating the importance of
3841 the existing environment and exhausting that before looking elsewhere. So, my
3842 suggestion there is that matter (e) is deleted.
3843
- 3844 Chair: Isn't that really one of the key objectives of the NPS-UD though, to see where
3845 development can occur in existing urban zones first; but also acknowledging the
3846 need to be responsive?
3847
- 3848 Lewandowski: I don't agree with the first part of that Commissioner. I don't see any
3849 prioritisation in the NPS-UD. I do see a movement in the NPS-UD to break what
3850 was a real barrier to intensification and it is very directive in saying that in these
3851 areas you must do x, y and z. No argument from me there at all, but the
3852 prioritisation of one over the other I don't see, and I don't read in the NPS-UD.
3853 [05.05.10]
- 3854 Wratt: Just to continue my pushing back on your questioning. In the case that you gave
3855 in example, surely if there was land that theoretically was available but it

- 3856 couldn't be purchased, couldn't be obtained, surely then it's not realisable, which
 3857 is what the term here says – realisable development capacity.
 3858
- 3859 Lewandowski: Realisable is an estimation, as I understand it in HBA terms. We go from plan
 3860 unable to feasible. That's a much clearer level of assessment. Then the
 3861 realisation makes a number of assumptions.
 3862
- 3863 Wratt: So, is there a need to replace "realisable" with "feasible"?
 3864
- 3865 Lewandowski: I think the need for a rezoning is going to be justified in S32 terms anyway. I am
 3866 not sure (and I have given you a retirement village example) that in NPS-UD
 3867 terms, which is in my view not trying to pick a winner, it's saying all of the
 3868 above, that you need to get to this level of consideration. We might have a
 3869 situation where in a hypothetical council you have x amount of infill
 3870 redevelopment capacity and y amount of Greenfield. If that Greenfield is
 3871 dwindling, but you still have a significant infill redevelopment capacity, could
 3872 that clause be used as an argument against additional Greenfield because we still
 3873 have a significant infill redevelopment capacity number? If that is the case, is
 3874 that a problem within the housing choice direction that the NPS gives us. That
 3875 is, I think, my point Commissioner Wratt; that this is trying to push the pendulum
 3876 too far in one way.
 3877
- 3878 Wratt: The clause doesn't say just capacity development, just capacity. You've got that
 3879 land that's not developed it does realisable.
 3880
- 3881 Lewandowski: Same argument from me though. If you've got a realisable number that's
 3882 significant on one side of the ledger and a smaller one, does that sway that?
 3883
- 3884 Paine: I am just going to ask some questions specifically about retirement villages and
 3885 that type of housing.
 3886
- 3887 Is it usual for retirement villages to be built outside the urban area?
 3888
- 3889 Lewandowski: On the edge of, if you like. If I could reframe the question Commissioner, on the
 3890 edge of, no not uncommon. It's multifaceted I think. Location, suitable sites,
 3891 generally seven to ten hectares or thereabouts. Topography needs to be flat or
 3892 needs to be able to be made flat at obviously as minimal cost as that can be done
 3893 with. Location in terms of context, if I'm putting a Summerset hat on, I don't
 3894 particularly want to be arriving at my retirement village through an industrial
 3895 area for instance. Outlook and amenities.
 3896
- 3897 There are quite a number of factors that go into that choice. More recently, a
 3898 different dynamic. Urban or peri-urban shall we shall. In more metro areas you
 3899 are starting to see a movement to smaller sites, still of a size, but smaller sites
 3900 and retirement villages going up. That's context dependent as well. There's a lot
 3901 of things that go into that – development economics, what's the land value etc.,
 3902 what's the return we can get. All of those things.
 3903
- 3904 [05.10.00]
 3904 Paine: I see in your submissions you've talked about location and you've made a few
 3905 suggestions about that in the provisions. In terms of demonstrating need for the
 3906 development, for you to build a retirement village is that sold before you build
 3907 it, or is there a level of interest?

- 3908
 3909 Lewandowski: It would be nice if Mr Boyd was here to answer that. He is more across that than
 3910 I am Commissioner. Grain of salt I guess is my caveat to this answer.
 3911
 3912 There is generally an awareness that there is a market demand. A village I
 3913 believe will start getting pre-sold – certainly not before it's consented I wouldn't
 3914 have thought. Then because a village is rolled out over a five, seven, maybe ten
 3915 years tops timeframe, it is sold progressively as it's rolled out.
 3916
 3917 I'm looking at the whole context really and the national conversation being had
 3918 at the moment about the demographics of the population and the increasing age,
 3919 and lack of. I'm sure we've all heard it. Then I'm thinking, the HBA, is that just
 3920 talking about the need for housing within a specific area? And, another part of
 3921 that question is that retirement villages are not just servicing that immediate area
 3922 in which they're built in. Is that more a national audience or buyers?
 3923
 3924 Lewandowski: I think the recognition of that growing cohort is national. There is a national
 3925 strategy of some sort and the name escapes me, that addresses the growth in that
 3926 cohort more generally. Turning to your HBA comment, from my recollection,
 3927 and it's been a while since I worked on the first one for Wellington, I distinctly
 3928 recall that we did some work on, if you like, more targeted subsets of demand.
 3929 We looked for instance at student housing which is a real pressure point and still
 3930 is a pressure point in Wellington. I don't think there is anything to preclude and
 3931 HBA delving into what are the demands for retirement housing and how can we
 3932 meet them? Whether it does that or not right now I couldn't say. But, I think it's
 3933 open to an HBA to look at subsets of demand.
 3934
 3935 Paine: A very short and last question: Do you feel that the provisions that we have here
 3936 today are enabling as far as you're providing that type of accommodation and
 3937 that type of housing?
 3938
 3939 Lewandowski: I think that if the Summerset Masterton Plan change was going through these
 3940 provisions that would be problematic. One we have successfully done recently,
 3941 and this was notified during, we acknowledged these provisions but gave them
 3942 frankly very little weight given the statutory process. But if these provisions
 3943 were in effect, I think it would be a lot more challenging to rezone that site under
 3944 these. Whether it succeeds or fails I couldn't rightly say, but I think it would be
 3945 a more challenging exercise.
 3946
 3947 Paine: Thank you sir. Thank you madam chair.
 3948
 3949 Chair: Just on that Masterton example, I think you talk in your evidence about how you
 3950 didn't include a structure plan but you included an outline development plan. Do
 3951 you think that would meet the requirements of 55(4)(c) as recommended to be
 3952 changed?
 3953
 3954 Lewandowski: I certainly would have argued it did, but I also take some comfort from the
 3955 comment Ms Zollner made earlier that different levels of complexity for a
 3956 structure plan. So, between the two I think it would have been okay.
 3957
 3958 Chair: I know we're out of time.
 3959

- 3960 Lewandowski: I probably missed Policy UD.4.
 3961 [05.15.00]
 3962 Chair: I was just going to say, which is one of your key things. Sorry, we've been
 3963 interrupting you. If you would like to...
 3964
 3965 Lewandowski: No, that's absolutely fine. I'll try and do this one as quickly as I can.
 3966
 3967 At a high level (and it goes to the point I was just making in response to
 3968 Commissioner Wratt) I think is taking application of the NPS-UD to a place it
 3969 shouldn't necessarily go.
 3970
 3971 Drawing on Ms Anderson's legal submissions to you, it is not my position that
 3972 this is beyond the powers. I am certainly not arguing it's in some ways ultra vires.
 3973 I am however saying it is inappropriate in NPS-UD terms. I read a comment in
 3974 Ms Zollner's rebuttal where she says, "On balance the NPS-UD places greater
 3975 emphasis on intensification." I don't read that. I don't see that in there at all. I
 3976 certainly see, as I said to you before, that the NPS-UD sought to break a sort of
 3977 stalemate on intensification and be very directive about heights and locations,
 3978 but that preference sort of equation is not there in my reading.
 3979
 3980 A couple of other things just to note: this was obviously introduced through the
 3981 S42A. It wasn't consulted on in any wider sense. I just have a degree of caution
 3982 about that point.
 3983
 3984 Returning to what I think I said in opening, there's been negligible in my view
 3985 S32 evaluation of the economics of this, and certain negligible on this policy as
 3986 introduced through the S34A Report. So again I would caution you on that point.
 3987
 3988 On the content of it itself, matter (a) duplicates Policy UD.2. I think that could
 3989 be struck out – putting aside that I think actually ultimately the whole policy
 3990 should disappear, just to comment on I guess subsets of it.
 3991
 3992 On the more positive side, I think I need to acknowledge that the change to
 3993 matter (b), being deletion of the words "prevent and disburse growth patterns by
 3994 prioritising," I need to acknowledge that is a positive change. I am still of the
 3995 view the policy should go, but that does change the balance of this policy
 3996 slightly.
 3997
 3998 Again, it's clause (c) is now proposed that is a problem for me, for the reasons
 3999 we have just discussed. I think the policy is inappropriate and I think the policy
 4000 should disappear. Again, there's a Summerset context for instance to that, that
 4001 that prioritisation is necessarily difficult when you are looking for very particular
 4002 requirements.
 4003
 4004 I'm conscious of time Commissioners. I'm happy to part that one there.
 4005
 4006 Policy UD.5, I know others have got some concerns about it. My concerns are
 4007 more in passing and I'm happy to let my evidence stand on that point.
 4008
 4009 Chair: As I understand it, Policy UD.4 has been proposed because the officer
 4010 recognised that there isn't a regulatory provision that gives effect to the NPS-

- 4011 UD requirements. There are consideration policies in terms of consenting, but
 4012 there wasn't one that provided direction to District and Regional plans?
 4013
- 4014 Lewandowski: I'm not sure that's what the policy does. The direction to Regional and District
 4015 Plans comes from the NPS-UD itself. It's very directive to planning documents.
 4016 I'm not sure that the RPS needs to be a middle man to do that. What this is doing
 4017 is taking those directions and saying, "You should be targeting development in
 4018 this particular order and when you're balancing those things have a really good
 4019 look at existing capacity and justify any changes in that." I don't read that in the
 4020 NPS-UD I'm sorry.
- 4021 [05.20.00]
 4022 Chair: We've heard that there is more than double the capacity.
 4023
- 4024 Lewandowski: I've only seen the high level summary document very briefly. I know it's coming
 4025 out next week with the individual chapters per council. I will be looking I guess
 4026 with great interest into what's behind those high level numbers and how that
 4027 composition at a per TA level changes. Certainly the impact of the NSP-UD and
 4028 the MDRS is very evident.
 4029
- 4030 I recall, just by way of anecdote really, when we were doing the first NPS-UD
 4031 report for Wellington City. The plan enabled number for Wellington was very
 4032 similar to what is actually now the realisable number for the reason. So, the scale
 4033 of what has been enabled and what in turn flows down to realisable is huge.
 4034
- 4035 Come back to the point made by that Kāpiti hearing panel where they expressed
 4036 reservation perhaps on those realisable numbers from intensification.
 4037
- 4038 Chair: I think we are unfortunately out of time.
 4039
- 4040 Lewandowski: That's alright. I think a slight rush at the end but we got there.
 4041
- 4042 Chair: Thank you very much.
 4043
- 4044 Welcome Ms Hunter. Sorry to keep you waiting.
 4045
- 4046 Hunter: That's okay. Thank you.
 4047
- 4048 **Wellington International Airport**
 4049
- 4050 Chair: Welcome. I think you know who we all are, so we don't need to do introductions
 4051 again. I don't know if you can see who the Council staff are in the room, but
 4052 we've got the S42A officers.
 4053
- 4054 Hunter: I can see everyone.
 4055
- 4056 I will just quickly do a summary, just verbally of my evidence, then happy to
 4057 answer any questions. It should be hopefully relatively short and your afternoon,
 4058 you can get back to it.
 4059
- 4060 The crux of my evidence is really ensuring the PC1 Provisions give effect to the
 4061 NPS-UD, in particular ensuring that appropriate recognition and inclusion has
 4062 been given to the qualifying matters that lives within it. One of those matters is

4063 the safe and efficient of nationally significant infrastructure, which is obviously
 4064 directly applicable to the Wellington International Airport, and even more so in
 4065 such an urban context, which this airport is.

4066
 4067 I have made suggestions to the various objects and policies, including Objective
 4068 22, Policy 55 and Policy UD.5. I note that the S42A in terms of the rebuttal has
 4069 made some further amendments, which I am largely supportive of, although I
 4070 would recommend changing Objective 22 and the addition there to read “the
 4071 safe and efficient operation” rather than just the “safe operation” just so the
 4072 policy does give better effect to the NPS-UD. That would be really my only
 4073 comments there.

4074
 4075 Happy to answer any questions on my evidence.

4076
 4077 Chair: That was Objective 22 was it?

4078
 4079 Hunter: Yes, Objective 22, the rebuttal evidence. There’s been a suggestion to include a
 4080 (k) to Objective 22, which reads “the safe operation of regionally significant
 4081 infrastructure is protected from potential reversed sensitivity effects. I largely
 4082 support that. Just would add “the safe and efficient operation,” which is the
 4083 language used in the NPS-UD.

4084
 4085 Chair: I don’t know if the Airport had any relief on this point, but I think some other
 4086 infrastructure providers have talked about there being maybe some
 4087 inconsistencies in these provisions, in terms of sometimes recognising only
 4088 reverse sensitivity effects; sometimes also recognising reverse sensitivity effects
 4089 and direct effects on infrastructure.

4090 [05.25.00]
 4091 I’m not sure if your relief extends to that. Any views on that? Are you happy
 4092 with the reference to reverse sensitivity effects in the Objective, and I think it
 4093 comes up again in UD.5.

4094
 4095 Hunter: At paragraph 11 I talk about my general support of the S42A amendments there.
 4096 They’re talking about reverse sensitivity effects. I did note that the language
 4097 used in the NPS-UD was somewhat broader, in terms of that it talks about the
 4098 safe and efficient operation. From my understanding of reverse sensitivity
 4099 effects people might come and complain that the airport is too noisy and things
 4100 like that. It's not so much a safety type consideration; it's more that there might
 4101 be people complaining and there will be conflict that way.

4102
 4103 So, I think that safe and efficient operation is more broader than reverse
 4104 sensitivity. But, in terms of the issues that are prevalent at Wellington Airport,
 4105 it is thing like noise and stuff like that. That is a reverse sensitivity type issue.
 4106 So, reasonably comfortable with that language generally, but I do think the NPS
 4107 is broader than that as an issue.

4108
 4109 Wratt: That’s in what is now in the rebuttal evidence Objective 22(k)? Where it says
 4110 “the safe operation of regionally significant infrastructure” and now you would
 4111 want it to say “the safe and efficient operation”.

4112
 4113 Hunter: Yes. I think it's fine to say it's protected from potential reverse sensitivity effects
 4114 because it's got that safety element too there.

- 4115
4116 Chair: Ms Hunter, in your evidence at paragraph 20, at the end of that paragraph, you
4117 talk about the Airport sitting within a very urban context and will be directed
4118 impacted by provisions to allow urban development and intensification. Would
4119 the Airport’s overlay protection designation be sufficient to protect against those
4120 impacts?
4121
- 4122 Hunter: To a certain extent. The Airport has overlays in terms of the District Planning
4123 level; like, obstacle limitation service is a noise, yes. But, I think to enable that
4124 framework to be set up, it needs to be set up in the RPS too. So, yes, they do
4125 help, but I think you do need to establish that framework and support in the RPS
4126 as well as the district plans.
4127
- 4128 Chair: In para 32, where you talk about the allocation of provisions between Freshwater
4129 and P1S1, I see the example you’ve given from Otago in your footnote 9, that
4130 provision there in footnote 9, that went through the standard Schedule 1 Process,
4131 even though it's about managing the use of freshwater and land.
4132
4133 I understand that’s a call the Otago Regional Council can make.
4134
4135 Is it your view that if a provision incorporates freshwater elements, so say for
4136 example it says “while providing for all these matters relating to housing you
4137 also need to give effect to Te Mana o te Wai,” and that that reference to Te Mana
4138 o te Wai isn’t enough to put that provision into the FPI?
4139
- 4140 Hunter: Yes that is my view. I was closely involved in the Otago Regional Council
4141 process for various clients. I have a bit of an understanding of the process they
4142 went through to allocate the provisions when the High Court decision came out.
4143 I understand there was three pieces of legal advice. In the end the list was very,
4144 very narrow based on those pieces of advice, and it had to be on freshwater rather
4145 than being a connection to or a linkage with.
4146 [05.30.00]
- 4147 Chair: Your evidence around qualifying matters, I was looking at Objective 22 and para
4148 (f) talks about I guess recognising the biophysical characteristics, location
4149 values, capability limitations of land. If that isn’t enough to provide that high
4150 level objective level support for qualifying matters, would adding in the word
4151 “limitations” or something like that into that, into para (f)... sorry, no,
4152 limitations is actually already there. “Constraints” or something like that. Would
4153 that help acknowledge that qualifying matters element?
4154
- 4155 Hunter: I’ve got the S42A version up. Does it still live within the S42A one?
4156
- 4157 Chair: Objective 22, the officer isn’t recommending any changes in the rebuttal.
4158 Hunter: In the original S42A I’m just looking at that.
4159
4160 I think this is talking about more the urban and rural areas. There’s no real
4161 direction to provide for adjacent type land uses within that I wouldn’t have said.
4162
- 4163 Chair: I guess I was just thinking - basically the limitations of land inform its use and
4164 development is really the key thing I was wondering.
4165

- 4166 Hunter: I guess in terms of Wellington Airport the adjacent zones, a lot of them are zoned
4167 residential. So, in terms of looking at that level and ignoring the airport presence
4168 there, then there would be a lot of limitations in terms of urban development.
4169 So, there does need to be some acknowledgement of adjacent land uses and their
4170 limits on those activities, which is slightly different I think.
4171
- 4172 Chair: I was hoping that that might help, but if it doesn't, have you suggested some
4173 relief to acknowledge qualifying matters?
4174
- 4175 Hunter: No. Only really the one around the nationally significant infrastructure, which
4176 has been addressed by the addition in the rebuttal evidence. I haven't looked
4177 broader than that to be fair.
4178
- 4179 Chair: Then just one last question. I think you say that Policy 57 shouldn't apply to
4180 consenting.
4181
- 4182 Hunter: In the evidence do you mean?
4183
- 4184 Chair: Maybe it was in the Airport submission, if it's not addressed in your evidence. It
4185 might be in the submission.
4186
- 4187 I think two questions. We saw in the previous hearing stream Ms Alwood
4188 supported some exemptions for the Airport's infrastructure.
4189 [05.35.00]
- 4190 My reading of Policy 57 is that the reference is to the transport network would
4191 include. Do you think they would include Airport assets? Can this be read with
4192 CC.9, or just that suite of transport provisions from the previous hearing stream?
4193
- 4194 Hunter: Sorry, can you ask me again. I didn't study that one very closely in preparation
4195 of this hearing.
4196
- 4197 Chair: It must have come from your submission rather than your evidence. There was
4198 a submission point saying that you didn't think it was appropriate that Policy 57
4199 applied to consents.
4200
- 4201 Hunter: Yes, it seems like it's quite a detailed type of policy. In situations like the Airport
4202 it wouldn't be directly applicable to a lot of activities they might do. That was
4203 the issue there I think in terms of the submission.
4204
- 4205 Chair: Would the direction around integrating land use and transport planning, would
4206 that apply only to the Airport – it would apply to the rental cars and what we
4207 looked at in the previous hearing stream?
4208
- 4209 Hunter: Yes, it would apply to the land based activities is my understanding – where it
4210 ended with previous hearings yes.
4211
- 4212 Chair: So, there's no risk of...
4213
- 4214 Hunter: I think there's been clear instruction that it wouldn't apply to aviation related
4215 activities. I think it's okay.
4216
- 4217 Chair: That was the question really. We got there. Thanks. I have nothing further.

4218
4219 Wratt: I'm good thank you.
4220
4221 Kara-France: No thank you.
4222
4223 Paine: No.
4224
4225 Chair: I think that was it Ms Hunter. Thanks very much.
4226
4227 That brings us to the end of the hearing of submitters for the day. Thanks very
4228 much. We're actually slightly ahead of time. The advisors will be very surprised.
4229
4230 We will close with karakia. Kia ora.
4231
4232 Guest: Kia tau te rangimārie ki runga, ki raro, ki roto, ki waho. Āio ki te ao rangi. Hui
4233 e, tāiki e.
4234
4235
4236 [End of recording 05.38.40]

Greater Wellington Regional Council

Transcription
Hearing Stream Four – Urban Development
Day Two

SUBMISSIONS

Proposed Change 1 to Regional Policy Statement for Wellington Region

Date: Tuesday 3rd October 2023

Location: Venue: Naumi Hotel, 213 Cuba Street, Te Aro, Wellington 6011

Hearing Panel: Commissioner Dhilum Nightingale (Chair)
 Commissioner Glenice Paine
 Commissioner Gillian Wratt
 Commissioner Ina Kumeroa Kara-France

Hearing Advisors: Jo Nixon
 Whitney Middendorf

1 Chair: Mōrena. Karakia tatou.
 2
 3 Zollner: *Manawa mai te mauri nuku*
 4 *Manawa mai te mauri rangi*
 5 *He manawa nui*
 6 *He manawa tahi*
 7 *He manawa ora e*
 8 *Tihei mauri ora*
 9
 10 Chair: Tēnā koutou katoa. Ko Dhilum Nightingale tōku ingoa. Tēnā koutou. Nau mai,
 11 haere mai ki te kaupapa o te rā.
 12
 13 Good morning. My name is Dhilum Nightingale. I am a Barrister in Kate
 14 Shepherd Chambers and an Independent RMA Hearings Commissioner. I live in
 15 Taputeranga, Island Bay in Te Whanganui-a-Tara, Wellington.
 16
 17 It is a pleasure to welcome you to the second day of the hearing of submissions
 18 on the Urban Development topic.
 19
 20 We welcome back to this hearing stream.
 21
 22 We will start with some health and safety messages. We'll cover those.
 23

24 The wharepaku are down the corridor to the right. Lifts are located further along
 25 the hallway. The stairs are outside the room and to the left. If the fire-alarm
 26 sounds, follow the instructions and directions of the staff and wardens, and exit
 27 via the closest stairway. Assemble on the grass in front of Victoria University.
 28 Please don't re-enter the building until the all-clear is given. If you need
 29 assistance in an evacuation please advise our hearing advisors Ms Middendorf
 30 or Ms Nixon, or a hotel staff member. Drop cover and hold if there's an
 31 earthquake. Do not evacuate unless instructed to do so. In the event of a tsunami
 32 follow the instructions of the staff and we will all move to higher ground, which
 33 is the top floor of the hotel via the stairs.

34
 35 I will just do some brief introductions. I know that some of you might be aware
 36 of who we all are.

37
 38 We are the Independent Hearing Panels that have been tasked with hearing
 39 submissions and evidence and making recommendations to Council on Proposed
 40 Change 1. We are sitting as two panels with overlapping membership and we
 41 will hear and consider both the Freshwater and Non-Freshwater Provisions of
 42 Change 1. I have been appointed as Chair of both panels.

43
 44 I would like to invite the other panel members to introduce themselves.

45
 46 Kara-France: Kia ora koutou katoa. Ko Ina Kumeroa Kara-France tōku ingoa. Independent
 47 Hearing Commissioner on both panels. Ko Waikato Tainui, ko Ngāti
 48 Kahungunu, ko Ngāti Tūwharetoa, ko Ngā Rauru ōku iwi.

49
 50 I work full-time for WSP Engineering in Tāmaki-makaurau, attached to
 51 transport and planning, Māori Business Services as the Kaitohutohu Māori
 52 Matua, Senior Advisor Māori. I have a strong background in mana whenua and
 53 te taiao space. Tēnā koutou katoa.

54
 55 Wratt: Kia ora koutou katoa. Ko Gillian Wratt tōku ingoa.

56
 57 I am Gillian Wratt. I am Independent Freshwater Commissioner. I was
 58 originally appointed just on the Freshwater Panel, now on both panels. My
 59 background is mainly in the science sector. I live in Whakatū Nelson. Welcome
 60 to the hearing.

61
 62 Paine: Tēnā koutou katoa. Ngā mihi nui ki a koutou. Ko Glenice Paine tōku ingoa. Ko
 63 Te Ātiawa, ko Ngāi Tahu ōku iwi. Nō Picton ahau.

64
 65 My name is Glenice Paine. I am an Environment Court Commissioner and I am
 66 on both panels. Mau mai haere mai. Kia ora.

67
 68 Chair: Just so you know who the Council staff and team are in the room it would be
 69 great if you could introduce yourselves too, thank you.

70
 71 Zollner: Tēnā koutou katoa. Ko Mika Zollner tōku ingoa. I am a Senior Policy Advisor
 72 at Greater Wellington Regional Council.

73
 74 Jeffreys: Kia ora. I'm Owen Jeffreys and I am the Reporting Officer for the Schedule 1
 75 Provisions in the Urban Development topic.

76
77 Chair: Just some very brief housekeeping points. There is a microphone on the desk.
78 Please speak into and say your name before you speak, as that is useful for the
79 transcript.

80
81 We have pre-read your submissions and the evidence that you filed. Thank you
82 very much for that.

83 [00.05.00]
84 After you have introduced yourselves, please feel free to take us to the key
85 points, and in particular it will be very helpful if you can take us to the points
86 where if there are points where you disagree with the Reporting Officers'
87 recommendations in their rebuttal evidence.

88
89 We do promise to listen with a very open mind and ask you questions of
90 clarification. The allocated hearing times you have been advised of those and we
91 will keep to those as much as possible. There will be a bell that sounds two
92 minutes before your time and two minutes again before the end of panel question
93 time.

94
95 Just finally, cell phones off or to silent please.

96
97 Unless there are any procedural matters anyone would like to raise, we will hand
98 over to Mr McDonnell and Mr Davis and Hutt City Council. Thank you.

99
100 **Hutt City Council**

101
102 McDonnell: Tēnā koutou katoa. Ko Torrey McDonnell tōku ingoa. I am a Principal Planner
103 employed by Insight Resource Environmental Consultants. Hutt City have
104 employed me to provide some expert planning evidence for Hutt City Council. I
105 am a Porirua resident. I know everyone is saying where they live.

106
107 Davis: I'm Stephan Davis, Senior Policy Developer at Hutt City Council. One of the
108 co-authors of the submission. I will just be here to answer questions if there are
109 any today. I live in Waterloo, Lower Hutt.

110
111 McDonnell: As you have noted, I produced a statement of planning evidence in support of a
112 number of submission points from Hutt City Council. I have provided some
113 specific recommendations in relation to two policies in Appendix A of my
114 evidence.

115
116 I just want to give a bit of context on where Hutt City Council is at in the planning
117 process in terms of the NPS for Urban Development. This hearing stream
118 addresses changes that are required to the RPS in response to the NPS-UD,
119 including or in particular Policy 3-5 relating to intensification, Policy 7 relating
120 to housing bottom lines and Policy 8 relating to unanticipated or out of sequence
121 developments. There are other very important objectives and policies, but I just
122 want to pull out those few.

123
124 I note the intensification changes to the RPS are somewhat out of sequence for
125 the planning processes of most Territorial Authorities within the region, with the
126 exception maybe of the Wairarapa Councils. Many councils have substantially
127 given effect to the NPS-UD which was fast-tracked through the government's

128 RMA amendments, which required Councils to incorporate the medium density
129 standards and NPS-UD in to the District Plans.

130
131 For context, Hutt City inserted Plan Change 56 into its District Plan through an
132 intensification planning instrument. This plan change was publicly notified on
133 18 August 2022 and became operative on 21 September 2023. This plan change
134 enabled medium density intensification throughout Hutt City's urban areas, as
135 well as high density development in walking distance of train stations and
136 centres. If you look at a planning map of the Hutt Valley it's quite substantial
137 across the Hutt Valley floor.

138
139 Hutt City Council will soon be consulting on a draft District Plan and aiming to
140 formally notify this next year. As such, the timing and outcomes of Change 1 to
141 the RPS are obviously very important to Hutt City. Change 1 is unlikely to be
142 operative when the District Plan is notified next year, meaning Hutt City and
143 submitters will have to apply a weighting exercise when considering the RPS
144 under sections 74 and 75 of the RMA.

145
146 Obviously Hutt City is here seeking clear and concise RPS provisions to provide
147 regulatory [09.26] council and submitters as they're implemented.

148
149 I have reviewed the rebuttal evidence filed Ms Zollner and Mr Jeffreys for
150 Greater Wellington. I would just like to acknowledge the work of the officers
151 pulling those together.

152
153 Finally, Mr Davis is here to help with any contextual information in terms of
154 Plan Change 56, or the current District Plan Review.

155
156 I plan to just go through my evidence in terms of each provision. Feel free to
157 jump in with any questions from this point.

158 [00.10.00]

159 Starting with the introduction. I won't dwell on this. I listened in yesterday and
160 noted that no-one is really too keen to spend too much time on this, seen as it
161 doesn't have any legal effect. Both Hutt City and I consider it should be
162 significantly reduced. It seems to have been further lengthened, as set out in the
163 rebuttal, but I note yesterday that Commissioners suggested the officers
164 reconsider this in their reply and try to truncate it somewhat. I would support
165 this. I think it should be condensed to a few paragraphs. This is a non-statutory
166 bit of information.

167
168 The RPS I guess if it's made operative in its current form is a giant PDF
169 document with no indexing or cross-referencing. It's quite difficult to navigate
170 your way around it. You have to scroll through a lot of detail. As a general
171 principle, and this applies across all of the objectives and policies, I think the
172 more concise and clearer the better, just purely in terms of being able to find the
173 key information you need quickly without having to scroll through a bunch of
174 stuff.

175
176 I would also like to encourage Greater Wellington to consider that most District
177 Plans are in digital format these days, and they're quite easy to navigate around.
178 You can click on a definition and it's hyperlinked. I think if there was some
179 degree of interactive-ness with the RPS it would reduce the need to have to

- 180 repeat stuff so much throughout the document. You could easily click and go to
181 what you needed.
182
- 183 I will leave that there. I am not sure if there are any questions on the introduction.
184
- 185 Chair: Kia ora. Thank you. Mr McDonnell you mention that cross-referencing can help
186 plan readability, yet you've said in Objective 22 that the references to other
187 provisions in the RPS add unnecessary length and complexity.
188
- 189 Is that still your position, even in light of the rebuttal changes?
190
- 191 McDonnell: Absolutely, yeah. I think that throughout Change 1 there is far too much
192 repetition. The RPS should be read as a whole and I think if there's an objective
193 that guides how Te Mana o te Wai is to be interpreted in this region and given
194 effect to in District Plans it only needs to be said once.
195
- 196 When I was talking about cross-referencing, I was more meaning if you had an
197 introduction you could point out sign posts that other chapters are relevant.
198 Freshwater management is obviously an important component of urban
199 development. If it was digital or interactive you could just click on that link and
200 it would take you to the relevant provision. That's very common District Plans.
201
- 202 Chair: I think one of the points the officers make though is that having these provisions
203 listed in Objective 22 won't actually add complexity and additional consenting
204 burden because they have to be considered anyway. So, you wouldn't need to be
205 providing a new Te Mana o te Wai analysis for example. It would have been
206 done when you're considering the specific Freshwater provision. So, in that
207 sense it's not adding to length and complexity and consenting burden, but it is
208 potentially helpful because sometimes people do miss those connections with
209 other important provisions in the RPS.
210
- 211 McDonnell: Respectfully, that's not my view. I think that having long-winded objectives and
212 policies absolutely adds to the time and complexity it takes to read through them.
213 From a consenting perspective these need to be considered under s.104. Purely
214 copying and pasting some of these objectives and policies would add pages to a
215 consent application and they do all need to be addressed. So, I think it does add
216 time and complexity.
217 Further, there's more of a legal risk when things are set repeated but in slightly
218 different context and different wording comes in, and then they get interpreted
219 in different ways and you'll spend a lot of time how it's interpreted in that
220 context; where I think it's much clearer to set a policy direction once and to not
221 have to repeat it.
222
- 223 Wratt: Just one comment you made there, copying and pasting stuff. Are you really
224 going to need to do that on an application? Surely you just refer to where.
225 [00.15.00]
- 226 I don't think there's a requirement you actually have to address each point under
227 Objective 2 and then address it again under the same. You would just put it in
228 there once as delivering on the requirements of information to the particular
229 topic.
230

- 231 McDonnell: No. I write consent applications every day and I do put in all of the relevant
 232 objectives and policies and address each part of it. I don't just put in the role
 233 title.
 234
- 235 Wratt: Would you put in a hyperlink.
 236
- 237 McDonnell: This is all relevant to the type of application you're doing as well. Obviously if
 238 it's a small infrastructure or two lot subdivision you're not going to put all of
 239 these detail in. but any sort of larger development yes I would, being thorough
 240 and a good planner, put in the objectives and policies and address them in full.
 241
- 242 Chair: Thank you very much. It would be interesting to get the views of the submitters
 243 that follow in that issue as well. I think we have got other expert planners in the
 244 room. Thank you. Please continue Mr McDonnell.
 245
- 246 McDonnell: Objective 22 – Hutt City sought for this objective to be retained as notified. First
 247 of all, I agree changes are required for Objective 22 in the Operative RPS to align
 248 with the NPS-UD. It is quite out of date when you read it now.
 249
- 250 Ms Zollner notes in her rebuttal evidence that she doesn't follow why Hutt City
 251 considers returning back to the notified Objective 22. I just wanted to clarify my
 252 position on this. Outlined in paragraph 29 I do not agree with a full return to the
 253 notified version. I believe some changes are needed. I consider though that the
 254 rebuttal version of Objective 22 includes numerous or several uncertain or
 255 unnecessary terms, as well as we were talking about earlier some concepts that
 256 are duplicated.
 257
- 258 Apologies I haven't provided a redrafted version of Objective 22, but I am happy
 259 to talk through a few of them. I note that the idea that some of these concepts are
 260 repeated through, reading through some of the other submissions, and I didn't
 261 real all of them, but there seems to be quite a common view, especially across
 262 the TAs as well.
 263
- 264 I note Ms Zollner has made some changes to Objective 22 through the rebuttal,
 265 noting the amendment to how housing affordability is referenced in sub-clause
 266 (a). I consider that it's an improvement, as now it says "including adequate
 267 housing affordability". In my view it would be better to stick with the wording
 268 that's in the NPS-UD, in Objective 2, which is "improving housing
 269 affordability" and that's for the reasons set out in my evidence. It's very difficult
 270 to ensure you have adequate housing affordability, because there's very few
 271 levers a Territorial Authority has to provide housing affordability, apart from
 272 rezoning land and enabling different typologies of housing. That's my view there
 273 and a differing point of opinion I guess.
 274
- 275 No questions?
 276
- 277 Paine: If you want your questions as you go through Mr McDonnell, just on that, on
 278 22(a) and talking about housing affordability, what are your thoughts about
 279 taking out "housing affordability" and leaving in "housing choice"?
 280
- 281 McDonnell: No, I think there needs to be a reference to affordability in there, because that
 282 does flow on from Objective 2 of the NPS-UD, which does require planning

- 283 decisions to consider how housing affordability is improved. I would suggest it
 284 stays in there.
 285
- 286 Paine: Thanks a lot.
 287
- 288 McDonnell: As I pointed out my evidence, I consider Objective 22(c) the reference to Te
 289 Mana o te Wai could be removed, just purely because of duplication.
 290
 291 That possibly goes as well for (d) which I believe is covered in other objectives
 292 and policies relating to creating a climate resilient urban area.
 293 [00.20.05]
 294 Moving onto Policy 31. Hutt City Council's submission was to delete Policy 31
 295 as proposed. I noted in my evidence that I don't agree with this. I agree that the
 296 policy is needed as it's a requirement to Policy 3 to enable intensification in the
 297 RPS. I do not support its deletion.
 298
 299 I note in my evidence that I believe it should basically do the minimum to align
 300 with the NPS-UD, just noting that most councils it's too late to have an impact
 301 on how intensification rolls out across our tier one councils. But, I do note
 302 reviewing the S42A Report that 31(b) is relevant to the Wairarapa under Policy
 303 5 of the NPS-UD, so might give some useful guidance to those councils. But,
 304 that's beyond my brief.
 305
 306 As such, I have not provided any specific changes, but as noted in my evidence,
 307 there are perhaps some small wording changes that could be useful.
 308
- 309 Chair: I do have a question on Policy 31. Will you be coming back to Policy 30 or
 310 should I ask my question.
 311
- 312 McDonnell: Apologies. Sorry, my notes are just out of order.
 313
- 314 Chair: I think it's just a very brief point. I just wanted to check that the relief Hutt City
 315 had sought regarding Petone has been appropriately adopted in the rebuttal.
 316
- 317 McDonnell: Yes, absolutely. Pleased to see that change has been recommended in the rebuttal
 318 version. Agree, Petone should be elevated. There are also some other wording
 319 changes there that I suggested were picked up, which were also good changes I
 320 believe.
 321 Chair: Can I just check I understand. Para 38, your third bullet point – removal of
 322 terminology that could confuse the reader that a specific zoning must be applied,
 323 [22.10] Porirua zoning is proposed to be metropolitan centre rather than city
 324 centre. Could you explain that? I didn't quite follow that. Para 38, bullet point
 325 three.
 326
- 327 McDonnell: That was just in reference to if Porirua for example is listed as Porirua City
 328 Centre, that might be confused with directing the zoning that should be applied
 329 to that area, rather than leaving it to the discretion of Council. I support the
 330 version in the rebuttal; the version of these provisions in the rebuttal that gives
 331 some discretion as to the zoning, but does from a hierarchy.
 332
- 333 Chair: It's a description but it's not using the same zoning term?
 334

- 335 McDonnell: Yeah, I think it was more the colloquial use of “city centre” rather than the
336 [23.10] standards.
337
- 338 Chair: I might actually see if the officers could think about your second bullet point in
339 para 32 in their reply. Certainly the reference to subdivision use and development
340 does appear in Objective 22; and you’re suggesting that that phrase could more
341 appropriately come into Policy 30 instead of land use activities. I am not sure
342 that point has been addressed in rebuttal. I couldn’t see it, so if the officers
343 wouldn’t mind looking at that in their reply that would be good. Thank you.
344
- 345 McDonnell: I would agree with that, it's definitely broader – subdivision use and development
346 than just land use activities.
347
- 348 Chair: Also your other bullet point about Wellington CBD, I think you have suggested
349 some wording in your appendix. Again I’m not sure if the officers have
350 considered that point, but if they could that would be good in their reply. You’ve
351 suggested an alternative to CBD.
352
- 353 McDonnell: Correct. I think the term “central business district” isn’t really in vogue these
354 days. It doesn’t really reflect the range of activities that happen in an urban centre
355 which is much broader than business.
356
- 357 Policies 22 and 33 I won’t dwell on. Hutt City sought to retain these policies and
358 notified. There have been some minor tweaks in the rebuttal version.
359 [00.25.00]
- 360 Slight preference is noted in the evidence to avoid using terms such as the
361 repeating in every single chapeaux of policy that something needs to be climate
362 resilient and environmentally responsive I don’t think adds a lot of value.
- 363 Chair: If that term environmentally responsive was to remain, have you considered
364 whether the definition the officers’ support explains the concept and is
365 workable?
366
- 367 McDonnell: To a degree. I don’t have it in front of me.
368
- 369 Chair: It's in blue text under Appendix 3 Definitions.
370
- 371 McDonnell: I think I remember it. If I recall it read it and it did somewhat make it clear what
372 environmentally responsive meant. I noted as I liaised with Mr Smeaton from
373 Porirua City Council on a few provisions and he noted that it could be read
374 multiple ways of something being environmentally responsive. To someone that
375 might mean draining a wetland is being environmentally responsive. It is better
376 but my recollection of the rebuttal version of that was it was quite focused on
377 the natural environment and it didn’t reference the built environment. That might
378 be intentional.
379
- 380 My broader point is that I don’t think it needs to be repeated in every single
381 policy, for reasons I outlined earlier.
382
- 383 Chair: The officers are saying it's part of the concept of well-functioning urban areas,
384 but you’re saying it doesn’t have to be repeated.
385
- 386 McDonnell: It could just be said once.

- 387
388 Chair: Understand.
389
- 390 McDonnell: Policy 55, this is the consideration policy around Greenfield Development. Sorry
391 if I'm jumping around again. Hutt City seeks to retain that policy as notified. I
392 haven't given a great deal of thought in terms of a re-write. I do in my evidence
393 outline that I believe it should fall away once given effect to in a district plan. I
394 made this point in relation to a few of the consideration policies in the previous
395 hearing stream as well for Porirua City.
396
- 397 Chair: Mr McDonnell, can I ask a question about that? Plan Change 56, have you been
398 involved with the Councils?
399
- 400 McDonnell: No.
401
- 402 Chair: But, you're familiar with what it contains?
403
- 404 McDonnell: Relatively familiar. I've got Mr Davis here to help me. I am doing a small
405 amount of work on the current District Plan Review, but not Plan Change 56 –
406 no involvement.
407
- 408 Chair: Given the timing of that it obviously hasn't been developed with Policy 55 in
409 mind. If as you say Policy 55 should fall away once a district plan has given
410 effect to how to manage Greenfield and to contribute to well-functioning – so
411 NPS-UD.1; then in the event Plan Change 56 did not implement Policy 55
412 because it wasn't developed when this was operative, how would this policy then
413 catch-up and feed into the Hutt City District Plan provisions? If you should say
414 it should fall away.
415
- 416 McDonnell: Plan Change 56, it's my understanding that was focused on intensification of the
417 existing urban areas and this policy relates to Greenfield development. It will be
418 relevant to the upcoming District Plan Review. My point is, once it's given effect
419 to in the full District Plan Review, that there should be some kind of clause that
420 it falls away. Because when it's given effect to in the Hutt City Plan it will be
421 given effect to in a manner that is consistent with this. If it is consistent with this,
422 this doesn't need to be repeated again. Not just consistent but it will be given
423 effect to in a way that's more relevant to the local circumstances of Hutt City. I
424 don't want to pre-suppose what might be in this draft District Plan Change, but
425 it's quite possible that there will be some guidance around what would be
426 required for a structure plan that would cover matters that are a lot broader than
427 these for instance.
428 [00.30.12]
429 So, I don't see value in having to apply two separate policy frameworks to
430 managing Greenfield Development.
431
432 I note this is separate to considering out of sequence Greenfield Development
433 which is covered by a separate policy, which I absolutely do believe needs to be
434 in the RPS because that's the direction from the NPS-UD.
435
- 436 Chair: You don't agree that it can provide a useful cross-check back up to the higher
437 order instrument? So, if it has been implemented, if the upcoming District Plan
438 does implement the policy then there's no harm in having it there as a check?

- 439
 440 McDonnell: No, I think there is potential for harm. As I mentioned earlier it's more regulation
 441 to have to consider in consent applications and plan changes. It won't be
 442 inconsistent with the approach taken in the District Plan because it's giving effect
 443 to it, but it might become dated some of this direction, especially if national
 444 direction changes.
 445
 446 It might be broadly consistent with the RPS but then there's always the potential
 447 to argue the difference between a word or two. I think it would give much more
 448 regulatory certainty if the consideration policies fell away once they're given
 449 effect to in the District Plan.
 450
 451 Moving on, I would note that I didn't provide any specific changes to Policy 55,
 452 but I consider there's a lot of stuff in here. Just looking at sub-clause 4 it lists a
 453 bunch of other policies in the RPS. I think that's unnecessary.
 454
 455 I also just want to note the reference to Future Development Strategy. The NPS-
 456 UD is pretty clear how you need to have regard to (and I forget the actual
 457 wording) but it is clear on the status that a Future Development Strategy has in
 458 terms of a District Plan. I haven't looked at it in detail, but just conscious that
 459 you don't want to be inconsistent with the NPS-UD there.
 460
 461 Chair: Thank you. Maybe just another one or two points because we are at time. I did
 462 actually want to ask the officers: I think the suggestions you have made in
 463 Appendix A to UD.3 have some potential merit if the officers are able to have a
 464 look. To me they do capture the intent of what's there, but there are potentially
 465 some helpful drafting suggestions to that Policy.
 466
 467 McDonnell: Thanks for considering the version I put forward, which you will note is subtlety
 468 different to Porirua City Council, so don't assume it's identical. I agree with the
 469 rebuttal version that having wording like, "particular regard" and "criteria must
 470 be met" is stronger and appropriate.
 471
 472 I still consider some of the wording I put forward is more appropriate. For
 473 example, "when determining whether a plan change will be treated," I believe
 474 that's better than "when considering". That language and determining is
 475 consistent with the NPS-UD.
 476
 477 I agree with the changes to replace "proposal plan change" for the same reason.
 478
 479 I disagree with the proposed wording... I'm not sure of the reference or sub-
 480 clause sorry, but it's where "is likely to be realised in a timely manner," and the
 481 officers recommend, "will be realised." I think "likely" is a better qualifier in
 482 that instance because it's not always possible.
 483
 484 Sorry, I know it's time.
 485
 486 Chair: I might just see if the other Commissioners have any questions for you? No.
 487
 488 I'll just double-check my list. I think we've pretty much covered everything.
 489

490 [00.35.00] Mr Davis, I know this is a difficult question to answer in the ten second we have,
 491 but is it your sense, and I won't hold you to this obviously, that substantial
 492 changes or significant changes would be needed to Plan Change 56 if these
 493 provisions as recommended in the officer's rebuttal were to become operative?
 494

495 Davis: Plan Change 56 is operative, so no changes can be made to it now. The next
 496 change in the District Plan will be a complete rewrite, so it will be having regard
 497 to the RPS as notified and putting weight on it based no how far it is through this
 498 process.
 499

500 What Torrey said before is that regulatory uncertainty will come through
 501 inevitably because when we notify our plan this RPS will still be in progress.
 502

503 Chair: I think my question was more, is the general direction of travel with having these
 504 compact urban form where intensification is prioritised in existing urban areas,
 505 is that generally consistent with the direction in your plan?
 506

507 Davis: Our plan is thoroughly intensification first. That's in large part driven by the
 508 geography of our district, which has essentially no realistic Greenfield options
 509 of any scale. It's a question of how it's implemented and we're not intending to
 510 revisit the questions about how the NPS-UD Policy 3 and 4 are interpreted. We
 511 did that in Plan Change 56 and it was actually quite disruptive for our
 512 community. We don't want to have another go again so soon.
 513

514 Chair: Thank you so much for your time. Really appreciate you coming along today
 515 and presenting to us.

516 McDonnell: Thank you very much.
 517

518 Davis: Thank you.
 519

520 Chair: Kia ora. We welcome Upper Hutt City Council.
 521

522 Upper Hutt City Council

523
 524 One part of Hutt Valley to the next. Kia ora. Welcome. You heard the
 525 introductions before. If you are happy to introduce yourself and then start your
 526 presentation that would be great.
 527

528 Roja: Kia ora. My name is Gabriella Roja. I am a Senior Policy Planner for Upper Hutt
 529 City Council. I live in Newlands, given everyone is saying where they live.
 530

531 If you are happy I will just jump right into and then please feel free to ask
 532 questions as I go along. I want to begin that I have reviewed the rebuttal evidence
 533 of both officers and just want to tautoko the amount of work that goes into that.
 534 I'm writing a lot of plan changes at the moment.
 535

536 The majority of our points I feel like have been addressed through the S42A and
 537 the rebuttal evidence. I really want to acknowledge and appreciate the changes
 538 that have been made. I really only have a point of contention with three
 539 provisions left and those are Objective 22, Policy 55 and Policy 56. So, I will
 540 just jump right into those.
 541

542 For Objective 22 I have read through the rebuttal and acknowledge some of the
 543 reasoning behind that. I remain of the opinion that from a drafting perspective
 544 Objective 22 would be better with removal of the sub-clauses or the simplifying
 545 of those sub-clauses. I think an objective should seek to enable the policies rather
 546 than direct them through the supporting policies, especially as an overarching
 547 objective, which is the only objective in that section of the RPS. It almost
 548 functions in that way. It leaves almost no room for the regional plan and district
 549 plans to then drill into the specifics as they seek to give effect to Objective 22,
 550 which is in their role.

551
 552 I acknowledge that even though District Plans would have to give effect to all
 553 of the supporting policies when we get into a resource consenting phase. For
 554 example, for an industrial development, they wouldn't be able to achieve all of
 555 the tests under Objective 22 and would only seek to apply the policies that would
 556 be relevant to the type of developing trying to be undertaken.

557
 558 For example, if some of the sub-clauses under Objective 22, clause (a) could be
 559 simplified to read: "There is sufficient development capacity to meet the needs
 560 of current and future generations," then that test is easier to tick at the objective
 561 stage, and then you drill into the specifics as the policies which are relevant.

562 [00.40.05]

563 Apologies, I haven't gone into real redrafting, other than to give an example. I
 564 can do that if you would like me to.

565 Moving into Policy 55, I do support the separation of the three meetings of urban
 566 area in the introduction of the new definition for urban zones identified through
 567 the rebuttal evidence. I think the amendments to rural areas resolves confusion
 568 and the policy gap that may have been identified with how they were drafted
 569 previously.

570
 571 I think we continue to assert that the settlement zone is a zone where the
 572 development of mixed use and somewhat dense potentially urban nature of
 573 development is anticipated; and that the potentially unforeseen result of those
 574 definitions, despite the fact that they are clear now, will or may mean that some
 575 developments within the rural areas, which may have otherwise benefited or
 576 connected to reticulated systems will now no longer do so, in order to not be
 577 perceived to come under the definition of an Urban Development, and therefore
 578 not have to be tested under Policy 55 – and instead have to be able to rely on
 579 Policy 56, which is obviously a lower test.

580
 581 This may or may not be the best option when considering outcomes against Te
 582 Mana o te Wai rural residential development, as it is considered under Policy 56
 583 would rely heavily on individual property owners and onsite servicing, which in
 584 relation to maintenance and upkeep doesn't have the same kind of oversight as
 585 reticulated systems.

586
 587 Chair: Sorry, can I just check I understand that? Is it Ms Roja?

588
 589 Roja: [Pronounces surname] Sorry, it doesn't have a hyphen. It really should. It's just
 590 South American.

591
 592 Chair: This is the settlement zone issue that you were talking about [42.05]?

593

- 594 Roja: Yes.
595
- 596 Chair: If I understand you correctly, are you saying that for development in that
597 settlement zone, it would be considered as a rural area, it would be Greenfield
598 Development, so for Policy 55 to not apply, housing in that area would not want
599 to connect into the reticulated system?
600
- 601 Roja: Yes. From my understanding of the definition of urban development, it relies on
602 reticulation and also lot sizes. I think if you're already in those rural areas, for
603 example, we have a recent plan change that just became operative for a
604 Greenfield Development in the [43.03] area called [43.05] Block. Some portion
605 of those lots were intended to be connected to the reticulated system and
606 therefore the lot sizes were much smaller on that end; whereas the sizes were
607 much bigger for the areas that intending to rely on onsite servicing. So, instead
608 of where possible connecting to the reticulated systems and having smaller lot
609 sizes, I think the understanding [43.35] consequence of how it is currently, or
610 the proposed definition is that developers seeking to provide rural lifestyle
611 developments for example, instead of connecting into the systems where
612 possible, for example there are some on the other side of [43.53] Station, which
613 may be able to rely on reticulated systems, they may seek to just provide onsite
614 servicing in order to be exempt from Policy 55.
615
- 616 Chair: You're saying that there are elements of Policy 55 that just couldn't be satisfied
617 then? Am I understanding correctly, in order to basically avoid having the policy
618 apply. There must be parts of it that you consider would be very problematic for
619 development in that area.
620
- 621 Roja: I think it is the consequence of having the settlement zones included in the rural
622 areas definition considering we have anticipated and have zoned some of those
623 areas to be able to provide that urban kind of mixed used nature that we consider
624 to be appropriate in those areas. Obviously for rural lifestyle that is a question
625 for if and when those developments come through. But, I think we're
626 specifically worried about how we have sought to apply the settlement zone,
627 particularly in that area surrounding [45.02] Station, and the signals that was in
628 on both sides from two developers. We've said it's appropriate and then the RPS
629 is saying actually it's not.
630 [00.45.15]
- 631 Chair: Understand. Because elements of the policy would clearly be met. I mean it is a
632 long and existing transport corridor.
633
- 634 Roja: Yes, it is. The question that I am not entirely certain, and I know this came up
635 yesterday was the meaning of "adjacent" to existing urban areas. Obviously
636 [45.37] is on an existing transport multi-modal corridor, however it is not
637 frequent so it is not considered to be kind of that rapid transit. It is otherwise
638 semi-separated and particular parts of it are semi-separated from what I would
639 consider to be adjacent to existing urban areas. Maybe I'm confusing that with
640 "adjoining". Particularly areas that have been sought to be rezoned as part of our
641 Plan Change 50, which is our rural review, which we're actually notifying I think
642 in the next month or so. Those areas are on the other side of the station and
643 therefore quite separated.
644

645 Chair: I think the word “adjacent” only comes in relation to regionally significant
646 infrastructure in this policy, we counsel for the Council is providing some legal
647 advice on the meaning of that word.

648
649 Sorry, “adjacent” to existing urban area. You’re right. Yesterday you might have
650 heard Ms Anderson say that that’s different from adjoining which would require
651 immediately connected.

652
653 Roja: That’s kind of it on Policy 55. I will move to Policy 56.

654
655 This is where I think we still have fundamental issues with the inclusion of the
656 FDS in that clause. I think it's (h) in Policy 56. Sorry, I might have got that
657 reference wrong. I wrote the residential section of the HBA, the Upper Hutt
658 chapter, for Upper Hutt, and I have worked on the core team developing the
659 FDS. As a party to that, I can confirm the FDS prioritises and identifies where
660 it supports urban development. As identified, I think it's a diagram – it doesn't
661 have a reference yet, but how to prioritise areas for development on page-31 of
662 the draft FDS. It clearly states that this in reference to the prioritisation. I think
663 the quote is, “the strategy goes not support urban development where it does not
664 meet this criteria.”

665
666 I further note that the NPS-UD clause 3.13 identifies that the purpose of an FDS
667 is to promote the long strategic planning, but setting out how our local authority
668 intends to achieve well-functioning urban environments and existing and future
669 urban areas.

670
671 Sub-clause (2) every FDS must [48.16] identify the broad locations in which the
672 development capacity will be provided over the long term in existing and future
673 urban areas.

674
675 Therefore, I think it's unlikely that any future FDS under the current legislative
676 requirement and environment would seek to discuss rural residential
677 development. I do note that I think it's unreasonable/inappropriate to anticipate
678 changes to national direction in order to include it in this particular provision;
679 and that it is good practice that policy drafting should be time bound, so therefore
680 we can't rely on anticipated future aspects in order to justify the inclusion of this
681 in this provision.

682
683 In addition, I think in relation to the local growth strategies my evidence
684 identified that Upper Hutt City’s growth strategy, like new strategy does not
685 concern itself with rural residential development. That’s because we’re trying to
686 give focus to urban growth and not seek to encourage rural residential growth. I
687 note that Mr Jeffreys did talk about this in his rebuttal evidence and that Kāpiti
688 strategy does identify rural residential areas. However, the fact that our does not,
689 and I also know that Hutt City’s is also an urban growth strategy, means that that
690 particular sub-clause cannot be applied consistently across the region, and
691 essentially requires us to develop a rural residential growth strategy in order to
692 be consistent and apply that sub-clause.

693 [00.50.05]

694 My recommendation remains that that sub-clause be removed because in its
695 entirety you cannot be consistent with something that does not discuss the type
696 of development that you’re trying to undertake.

697
698 Chair: The provisions on responsive planning would apply in that situation.
699
700 Roja: Yes and I think that is the point that I have made in my evidence, is that where
701 it is urban development, Policy 55 would apply as per the next sub-clause. So,
702 that particular sub-clause is not required.
703
704 I also note that the operative provision in Policy 55 that is referenced in Mr
705 Jeffrey's rebuttal, is also in the context of urban development.
706
707 So, just to harper back, if settlement zones were included in the definition of
708 urban zones, then Policy 56 could be simplified to relate to rural residential
709 developments and other rural developments and wouldn't require the reliance
710 on growth strategies in that particular sub-clause. I can find the reference for
711 you. Apologies, I should have brought it up just before.
712
713 Wratt: Are you looking for the reference to Future Development Strategy and Policy?
714
715 Roja: Yes.
716
717 Wratt: It's clause (b). A question in relation to your...
718
719 Roja: I thought it was (i).
720
721 Wratt: Policy 56?
722
723 Roja: Yes, 56(i).
724
725 Wratt: Okay, I was looking at (b). It is consistent with Wellington Regional Future
726 Development Strategy.
727
728 Roja: That's Policy 55 Commissioner Wratt.
729
730 Wratt: Is it?
731
732 Roja: Yes.
733
734 Wratt: My apologies, it is too. I'm losing track of it as well.
735
736 Roja: There are so many.
737
738 Wratt: A question in relation to your comment about rural residential. As I understand,
739 what you're telling is that is not included in the Upper Hutt Future Development
740 Strategy?
741
742 Roja: Sorry, the Future Development Strategy is a regional strategy. Upper Hutt land
743 use strategy 2016 is our district growth strategy.
744
745 Wratt: Then you commented that to be consistent with what's in here, you would need
746 to develop a strategy for incorporating rural residential. My question would be,
747 wouldn't that be something that you should be doing?
748

- 749 Roja: No, only because rural residential development tends to be sporadic and in line
750 with the requirements under the District Plan, i.e. the minimum lot sizes are quite
751 large. The requirement for onsite servicing and all of that mean that the types of
752 development you can undertake under the District Plan are quite specific in those
753 zones. We tend to let those develop as per the requirements that we've identified,
754 rather than seek to encourage or create any structure around exactly what needs
755 to go where, which is more the previous structure planning that would have been
756 undertaken as part of an urban growth strategy, i.e. identifying the areas that we
757 do and do not want development to happen. In the rural zones we do that through
758 the different types of zoning, i.e. some areas are rural productivity, in which case
759 higher density and development and many activities are just not appropriate and
760 that's reflected in the District Plan.
- 761
- 762 Wratt: So, just to summarise, so that I'm getting it right, what you're saying is that the
763 District Plan really is what governs, if you like, the distribution of and type of
764 rural residential development.
- 765
- 766 Roja: Yes, in regards to lot sizes, in regards to heights, in regards to the type of
767 buildings that are allowed on site, servicing and...
- 768
- 769 Wratt: And, where it is allowed?
- 770
- 771 Roja: Yes.
- 772
- 773 Wratt: Thank you. That clarifies that for me.
- 774
- 775 Roja: That's it from me.
- 776
- 777 Chair: Just following on from that, so you don't think that the NPS-UD requires
778 direction around development in those areas, to try to direct development along
779 transport corridors and connected to community areas.
- 780 [00.55.10]
- 781 If I understand correctly, you're saying that the NPS-UD doesn't and the RPS
782 don't need to have a role there and it should be left to the District Plan?
- 783
- 784 Roja: In regards to urban development absolutely. I think Policy 55 works to ensure
785 that that type of dense urban nature is well-connected and is connected to
786 services and is connected to community areas and all of that. I think the objective
787 of Policy 56 is different to that and therefore it doesn't need to be repeated,
788 because it's supposed to be considering something else.
- 789
- 790 Sub-clause (h) already identifies that for Urban Development it needs to be
791 consistent with Policy 55, and I think clause (j), i.e. in the absence of a
792 framework or strategy, will consider whether the proposal will increase pressure
793 for public services and infrastructure beyond the existing infrastructure capacity,
794 maybe enough in that sense. I just don't believe that trying to make a rural
795 residential development which has not been discussed in the Future
796 Development Strategy and is not the intention of the Future Development
797 Strategy and not the purpose of the Future Development Strategy; trying to
798 ensure that that development is consistent with that is kind of unworkable, and
799 in truth, local strategic growth strategies also don't identify it, so therefore

- 800 there's no way to be consistent – which renders that sub-clause kind of a moot
801 point anyway.
- 802 Chair: Guess you could be consistent because you're not being inconsistent potentially.
803 Understand the point. Certainly that was the view from a submitter yesterday,
804 about the extent to which the NPS-UD actually requires or places direction on
805 rural residential. That submitter, I think she had the same view as you.
806
- 807 But, even putting the NPS-UD aside, in terms of achieving integrated
808 management of the whole region, the Regional Council obviously has a role
809 there, and it's saying its view is that this direction is needed to achieve that.
810
- 811 Just on that point I last made you say in paragraph 17, the second bullet point,
812 that Greater Wellington is not able to legitimately directly outcomes. I think this
813 is talking about... I guess whether you had any other comment or any specific
814 examples of the outcomes that are in these provisions that you think are ultra
815 vires.
816
- 817 Roja: I think these general submission points were really related to the RSP- as
818 notified. The majority of those amendments have been made and we're happy
819 for the most part how those changes have occurred.
820
- 821 The ultra vires submission point I think really more specifically related to the
822 climate change provisions in the previous stream, however I have left those in
823 there because that submission point is quite large, and they're just aspects where
824 in those, particularly I think Objective 22, where we think it just gives a lack of
825 flexibility, not only for District Plans, but also for plan users and resource
826 consent applications, based on the points that I've made.
- 827 [01.00.15]
- 828 Chair: I have another question on para 24 of your evidence. This is this point about
829 leaving flexibility for District Plans to respond to local characteristics and issues.
830 I had wondered whether that is achieved through Policy UD.4. Actually, even
831 before UD.4 Objective 22(f) which says the “biophysical characteristics,
832 limitations of land etc. are to inform its use and development,” that would give
833 some higher level direction to allow district characteristics.
834
- 835 Roja: Sorry, I'm just having a read through.
836
- 837 Chair: Sorry, just jumping a bit there – 22(f).
838
- 839 Roja: I think our main issue with Objective 22 is that it's an objective that has a lot of
840 sub-clauses that are essentially giving policy direction in an objective. In that
841 sense, from a drafting perspective, we think it's more appropriate for an objective
842 to be more high level and not so prescriptive, in that it doesn't allow for the
843 policies to then sit on, I guess, not on their own but be considered as they're
844 applicable. It brings it back up into an objective test. So, that's where we're
845 seeing that there's a lack of flexibility in that sense.
846
- 847 Chair: I think we are at time. My very final point was on para 58 of your evidence. The
848 sentence there about the Upper Hutt City Council IPI. Is that operative now?
849

- 850 Roja: No. We have an extension from the Minister I believe until mid-December. I
851 know our panel is in the process of providing us the decision report, but not just
852 yet.
853
- 854 Chair: If I understand that point you make there, you're saying that because the IPI
855 enables intensification in all residential zones, the prioritisation that is supported
856 in UD.4 can't be achieved.
857
- 858 Roja: I think it was specifically when clause (a) was still... sorry, (i) and (ii) in that it
859 sought to prioritise around centres first and then in the rest. However, our IPI
860 has high density around centres but it is restricted to discretionary activity and
861 we don't consider that meets that test of enable.
862
- 863 We don't have the incentives to be able to prioritise that in the same way.
864 Though I note as part of the rebuttal evidence that was pushed back into (i)... or
865 I think it's (b) now, but that has been connected to reflect that kind of
866 prioritisation between those two areas within an urban area just isn't totally
867 possible from a territorial authority perspective.
- 868 [01.05.00]
- 869 Chair: Is that RD because of the extent of the qualifying matters?
870
- 871 Roja: I think it's just more the fact that we are seeing to enable it. However, we
872 acknowledge that those types of developments do need care around the type of
873 assessments being undertaken to ensure that they meet the test of a well-
874 functioning urban environment, and fit into those environments in a way that's
875 not detrimental to the things that surround it.
876
- 877 Chair: Okay. I think we're at that time. Thank you very much for your discussion and
878 presentation.
879
- 880 Roja: Thank you. Cheers. Kia ora.
881
- 882 Chair: Kia ora Mr Jeffries is it. Welcome.
883
- 884 Jeffries: Thank you.
885
- 886 Chair: I think you were here when we introduced ourselves and the Council did as well.
887
- 888 Jeffries: Yes. Thank you.
889
- 890 Chair: I think this might be Wellington City Council's first time presenting to us.
891 Welcome to Proposed Change 1 Hearings.
892
- 893 Jeffries: Thank you.
894
- 895 Chair: We know you've got a very busy time at the moment with your big review going
896 through, so we appreciate taking the time to come and talk to us about these
897 provisions.
898
- 899 Jeffries: Thank you.
900
- 901 Chair: The floor is yours.

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Wellington City Council

Jeffries: My name is Joe Jeffries. I am a Principal Planner at Wellington City Council. I have provided planning evidence on behalf of Wellington City.

My evidence recommends amendments to Policies 55, 56, 57 and 58. I have also recommended amending the introduction of s.3.9 to short it to provide greater clarity and to avoid duplicating the content of policies.

There are six key issues addressed in my evidence. The first is duplication of the NPS-UD. There is references to resource consents and policies, cross-references to other RPS policies, references to the Wellington Future Development Strategy, restricting out of sequence development to medium or high density development and infrastructure provision in Policy 58.

The Council rebuttal has accepted two of my recommendations; one change to Policy 56 for clarity and another change to Policy 58 in relation to infrastructure. I will focus here on the remaining points in contention.

Firstly, I recommend deleting Policy 31 in my statement of evidence, as this duplicates the NPS-UD without adding any additional value.

In my view the RPS should only seek to insert policy between the directive policies of the NPS-UD and District Plans where there is a clear need to articulate regionally specific direction.

This should be both distinct from and subordinate to the higher-level policy.

In my view Policy 31 as proposed is superfluous in the best case and sets up conflict with the NPS-UD in the worst.

I acknowledge that it is necessary to amend the operative version of Policy 31 to avoid conflict with the NPS-UD, but I do not agree that it is necessary to replace it with anything.

Policy 3 of the NPS-UD is sufficiently directive for District Plans to give effect to without intervening regional policy.

The Regional Council can give effect to the NPS-UD by doing nothing, so long as the RPS is not contradicting the intent of the NPS-UD. So, this could be achieved by deleting the operative version of Policy 31 without replacing it.

In rebuttal Ms Zollner notes that Policy 31 also provides direction to the Wairarapa Councils around intensification which is set out in clause (b). I agree with this and that as perhaps overlooked in my statement of evidence; so I support retaining clause (b) but deleting clause (a) as an updated recommendation to that in my statement of evidence.

Moving onto references to resource consents: I recommend deletion of direct references to resource consents in Policies 55, 56, 57 and 58. In my opinion, it

953 is inappropriate for the RPS policies to direct decision-making at the resource
 954 consent level.

955 [01.10.00]

956 Instead, the policies should seek to provide regional direction which is then
 957 implemented through District Plans. Once a District Plan has given effect to the
 958 RPS it is unnecessary for resource assessments to refer back to the higher order
 959 policy and requiring this imposes an unnecessary administrative burden; and I
 960 don't think that's necessary for consistency with s.104 of the RMA as stated in
 961 Council rebuttal. It can give effect to s.104 through implementing the RPS
 962 through a District Plan without referring back in that consent assessment.

963

964 I recommend deletion of the cross-references to other RPS policies in Policy 56.
 965 I consider that the RPS policies should be read as a whole and as these apply
 966 without specific cross-reference their inclusion is superfluous.

967

968 In addition to being superfluous these cross-references create an implication
 969 that omitted RPS policies do not apply.

970

971 Wratt: [Inaudible 01.11.10]

972

973 Jeffries: I think that would be useful in general but I still recommend deleting these cross
 974 references from this policy. I think hyper-linking them.

975

976 Wratt: So, you're saying you don't even think cross-referencing by hyperlinking?

977

978 Jeffries: Not in this specific policy.

979

980 Wratt: That's in Policy 55?

981

982 Jeffries: Yeah. I do recommend deleting the cross-references. I think hyperlinks would
 983 still be a cross-reference. But, I agree as a general principle that an ePlan would
 984 be useful. There is other parts that could benefit from hyperlinks.

985

986 Moving to the Future Development Strategy, the FDS, I recommend deletion of
 987 references to the FDS in Policies 55 and 56. Under the NPS-UD District Plans
 988 are required to have regard to an FDS. The requirement in the RPS for District
 989 Plans to be consistent with the FDS applies a more direction and constraining
 990 standard than the "have regard" wording of the NPS-UD.

991

992 There is also insufficient certainty over the content of the FDS as this document
 993 is yet to be consulted on, and the FDS is not necessarily, or the draft version,
 994 pitched at a level of detail to provide sufficient certainty around whether specific
 995 urban development is consistent or not.

996

997 In rebuttal, Ms Zollner states that consistency with the FDS would only be a
 998 matter for consideration to be given effect to and that is not a binary or absolute
 999 test. In my view, this interpretation conflicts with the proposed wording of
 1000 Policy 55 which states that consents or District Plans shall be determined by
 1001 whether they are consistent with the FDS.

1002

1003 I had a table provided. The table set out on the screen shows the relevant wording
 1004 of Policy 55. I think it is important to show how the introductory text connects

- 1005 with the clauses downstream from that. It's clear that it shall be determined
1006 whether it is consistent with the RPS. It is a lot stronger than a consideration
1007 matter.
1008
- 1009 Chair: I just note that the version you've got there is not the latest one in the officer's
1010 rebuttal evidence.
1011
- 1012 Jeffries: That's right. I apologise I haven't updated that. I did check it and that part
1013 remains the same. It has retained "shall be determined". Some of that wording
1014 is different but the "shall be determined by whether it is consistent with the RPS"
1015 is in the rebuttal. They haven't changed that.
1016
- 1017 Chair: Have you looked at the wording Mr Jeffreys supports to Polices 57 and 58 – so
1018 the chapeaux. That ring bound book has the rebuttal provisions in it if that's
1019 helpful.
1020 [01.15.00] Just seeing if the chapeaux wording in 57 or 58 would help.
1021
- 1022 Jeffries: If that was applied to 55 do you mean?
1023
- 1024 Chair: That's right. When considering an application for – see how that structuring has
1025 made the RMA tests link back to the specific tests in the RMA. Sorry, I'm not
1026 being very clear.
1027
1028 Have you got the rebuttal version of 57 or 58?
1029
- 1030 Jeffries: Yes, I have that.
1031
- 1032 Chair: How it's broken into a, b and c for consenting notices of requirements.
1033
- 1034 Jeffries: At a glance I think that is clearer but it doesn't solve the issue here - all of the
1035 issues I am raising I think. But, I would also need longer to consider that I think.
1036
- 1037 Chair: Sorry to interrupt.
1038
- 1039 Jeffries: This wording shows Policy 8 of the NPS-UD which is the direction to provide
1040 for responsive planning and it shows the wording of the draft Wellington FDS.
1041 It shows that there's a clear conflict set up by these three policies. The emphasis
1042 is mine added there in bold. Of the draft Wellington FDS it says, "We will
1043 prioritise in this order." It is quite specific the list. There is a lot of areas that
1044 would not be captured by that list. Then it says the FDS does not support
1045 development that does not meet these priorities.
1046 So, combining that with a requirement to be consistent with the FDS clearly sets
1047 up a conflict with Policy 8 of the NPS-UD that District Plans are to be responsive
1048 to plan changes, even if they're unanticipated by RMA planning documents.
1049
- 1050 Ms Zollner has stated that this strategic direction of the FDS could support a
1051 development, even if it is not spatially identified; but I think this does somewhat
1052 conflict with words of the draft FDS and by the comments yesterday from the
1053 FDS project lead Ms Rotherham. She was asked about whether a development
1054 on the outskirts of Ōtaki could be consistent with the FDS and she said that it
1055 would not be. It would not meet these priorities for development that are

- 1056 identified, so it wouldn't be consistent with the FDS. So, there wouldn't really
1057 be a chance to consider it.
1058
- 1059 Chair: Mr Jeffries, would clause 3.8 of the NPS-UD which allows the Regional Council
1060 to include criteria for determining whether an unanticipated out of sequence
1061 development provides significant development capacity, doesn't that allow the
1062 Regional Council to set the criteria around when these developments outside of
1063 existing urban areas can occur? So, while you've got Policy 8 of the NPS-UD,
1064 that has to be read with 3.8.
1065
- 1066 Jeffries: Yes, and there's three tests there. It's whether it provides for a well-functioning
1067 urban environment, whether it provides for significant development capacity,
1068 and whether it's well connected. I think you could achieve all those things, but
1069 you could still be not consistent with the FDS. I think there is a conflict there. It
1070 goes further than what is required to give effect to Policy 8.
1071
- 1072 In rebuttal Ms Zollner also states that removing reference to the FDS could
1073 promote unplanned and unanticipated developments, which is not the intent of
1074 the NPS-UD or the RPS, but I disagree with that; that Policy 8 clearly directs
1075 local authorities to be responsive to unanticipated development.
1076 [01.20.00]
- 1077 My final point in relation to the references to medium or high density
1078 development in Policy UD.3, and this is again related to that point on the Policy
1079 8. I recommend deletion of reference to "medium and high density" from that
1080 policy; and restricting out of sequence development to medium or high density
1081 is inconsistent with Policy 8; as it requires local authorities to be responsive to
1082 plan changes without clarification on the type of housing or level of density
1083 enabled.
1084
- 1085 Chair: Does the new drafting recommended by Ms Zollner help requiring that those
1086 densities are part of a mix of housing typologies?
1087
- 1088 Jeffries: I think it improves it but I don't think it solves the whole problem. I would prefer
1089 that wording to the notified or the S42A version. I think that's slightly better.
1090 But, I think there's still issues with it. My issue with it is that I think you could
1091 read that it's requiring at least medium density development and that could be
1092 interpreted to mean at least three stories. I know they've changed the definition
1093 but that was their initial definition. It could still be read that way. I think it could
1094 be quite constraining.
1095 I think it's important not to conflate "enabling" medium density development
1096 and "requiring" it. Providing a zoning that allows for it is not the same as
1097 preventing a development because it results in lower densities than medium.
1098
- 1099 I think there is circumstances where substantial housing capacity could be added
1100 at lower densities than medium, while still achieving well-functioning urban
1101 environments.
1102
- 1103 In rebuttal Ms Zollner states that if local constraints mean medium density is not
1104 achievable then it's not appropriate to develop. So, I disagree with that. There
1105 may be constraints that make medium density unachievable, but that did not
1106 make development inappropriate all together. A development of detached
1107 houses on two or three hundred metre square sections may achieve significant

1108 development capacity and well-functioning urban environments, and that could
 1109 be an area where there's constraints that make greater densities than that
 1110 unachievable, and that could be a natural constraint but it also could be a market
 1111 constraint.

1112
 1113 So I think perhaps it's not the intention here to require at least medium density
 1114 development, but the wording could be read that way.

1115
 1116 That's the end of my summary. I am happy to take questions thank you.

1117
 1118 Wratt: We will get a copy of this [inaudible 01.23.33]?

1119
 1120 Jeffries: Yes, I have provided that and I can provide me speaking notes.

1121
 1122 Chair: Mr Jeffries, the points you make about responsive planning in Policy UD.3, we
 1123 heard yesterday and it sounds like you are also familiar with the draft FDS, or
 1124 you heard the presentation from Council staff yesterday; there is a lot of capacity
 1125 that is being provided by MDRS and IPIs including Wellington Cities, so much
 1126 so that there's actually more than double the capacity than the actual projected
 1127 need.

1128 [01.25.05]
 1129 Your comments about Policy UD.3, and I'm paraphrasing, but being overly
 1130 restrictive on responsive planning, and I know that's not what you said, but that's
 1131 the sense I'm getting, overly restrictive and not being responsive to
 1132 unanticipated out of sequence proposals, is that because you consider it doesn't
 1133 give appropriate effect to the NPS-UD, or are you also concerned that in terms
 1134 of what Wellington City Council is going to need to provide for in the future,
 1135 this policy is not going to meet those needs?

1136
 1137 Jeffries: I have stated in a general sense that the HPA does say that there is sufficient
 1138 capacity, but there's two things I would note about that: one of them is that the
 1139 purpose of an HBA is to find out if you have a minimum capacity. It's not set an
 1140 upper limit and to stop zoning once you get to it, or to constrain development
 1141 beyond what's necessary to address other constraints. The NPS-UD does require
 1142 to consider the competitive operation of land and development markets and
 1143 greater opportunities for development does improve that. It potentially improves
 1144 affordability despite what everyone else has provided.

1145
 1146 The NPS-UD clearly has this Policy, Policy 8, to provide these other chances.
 1147 So, despite what anything in an HPA says or in any other policy.

1148
 1149 I would also say that there's a lot of uncertainty around predicting what
 1150 development capacity we have that's feasible, and it's likely to be realised, and
 1151 how the city is going to grow. The HBA is the best go at that. It may prove to be
 1152 wrong in future. Projection trajectories can change, and I think we are better to
 1153 have outlets for taking up development if we get those things wrong now. That
 1154 is the intention of and HBA is to just set the minimums, to make sure that District
 1155 Plans are providing at least a minimum. That's not say "Stop once you get
 1156 beyond this point."

1157
 1158 Chair: So, there is still very much a need to ensure, particular for ensuring the
 1159 competitive operation of markets, that responsive planning is provided where

- 1160 it's still connected to transport and all of the other things that comprise well-
 1161 functioning urban environments.
 1162
- 1163 Jeffries: Exactly. It's not providing a free-for-all. It still needs to meet those tests.
 1164
- 1165 Chair: I would really appreciate your views, staying with Policy UD.3, just the
 1166 workability of para (e) of that policy. If you have the officer's rebuttal version
 1167 with the blue text. That's the one that talks about considering existing realisable
 1168 development capacity.
 1169
- 1170 Based on your experience, if Wellington City Council for instance was
 1171 proposing a council initiated plan change, seeking to rezone land for urban
 1172 purposes, have you got any comment on how you would demonstrate that
 1173 existing realisable development capacity as part of that proposal?
 1174 [01.30.00]
- 1175 Jeffries: Yeah, the first place would be through the HPA. But, if there could be better
 1176 information in future, the HPA's will also be updated. If it was done today then
 1177 you would use the latest HPA. It would tough to justify given what that HPA is
 1178 saying but this is just one point in time and these things can change. The RPS
 1179 policy could be around for a long time – a lot longer than perhaps that
 1180 information is relevant for. That's just a hypothetical, but it is something we
 1181 need to consider here.
 1182
- 1183 Chair: Just if you have any comments again on the workability of the servicing
 1184 infrastructure policy, which is Policy 58.
 1185
- 1186 Jeffries: This has been amended in response to my evidence I believe through the rebuttal
 1187 of Mr Jeffreys.
 1188
- 1189 Chair: You're comfortable with what's now (f) that the infrastructure required to serve
 1190 the development is either available or able to be delivered in a timeframe
 1191 appropriate to serve the development.
- 1192 Jeffries: Yes I'm comfortable with that wording. I think it is an improvement on the
 1193 notified and S42A versions. It addresses the issues I raised. It was not providing
 1194 for the potential range of ways that infrastructure may be provided. It was very
 1195 constraining to have reference to what's already set out in a long-term plan.
 1196 Infrastructure is not going to be in a long term plan if there is not certainty around
 1197 the development.
 1198
- 1199 So, yeah, I'm happy with that amendment.
 1200
- 1201 Chair: The question came up yesterday about whether infrastructure would include
 1202 public transport related infrastructure. Would it include cycling infrastructure,
 1203 bus stops, park and rides, and that kind of thing?
 1204
- 1205 Jeffries: It could. I haven't considered it in that light. There is probably other places
 1206 where that could be compelled to be provided. It's not the only place where that
 1207 can direct that kind of outcome. I haven't fully considered what's that capturing,
 1208 but I think the most important things is the Three Waters Infrastructure, is at a
 1209 minimum what's needed to provide for a development. It's not the only thing but
 1210 it is the most basic.
 1211

- 1212 Chair: I think it was either the Telco's or Powerco had also commented on that
 1213 provision and just how workable it was for their infrastructure.
 1214
 1215 I think we're at time. I will just see if there's anything else critical.
 1216
 1217 The issue of the Johnsonville rail line came up. There might have been a question
 1218 about whether that was part of the rapid transport network. Was that in your
 1219 evidence? It might have been in the officers.
 1220
 1221 Jeffries: It was not in my evidence, no.
 1222
 1223 Chair: That's fine I think we'll probably leave it there. Thank you very much for your
 1224 time.
 1225
 1226 Jeffries: Thanks very much.
 1227
 1228 **Wairarapa Federated Farmers**
 1229
 1230 Chair: Kia ora. Welcome Ms McGruddy. Welcome back to the hearings and to Hearing
 1231 Stream 4 – Urban Development.
 1232
 1233 We're the same panel. Would you like us to go through introductions again?
 1234 [01.35.00]
 1235 McGruddy: No thank you. No.
 1236
 1237 Chair: It might be helpful for you to know who the Council team are in the room?
 1238
 1239 McGruddy: I have watched some of the presentations Commissioner, thank you.
 1240
 1241 Chair: Please, over to you. We have pre-read the submission obviously. Please take us
 1242 through the key points.
 1243
 1244 McGruddy: Thank you. It will be quite brief this morning Commissioner.
 1245
 1246 This is Hearing Stream Four, Urban Development and I am going to speak
 1247 directly to our submission. We haven't prepared a hearing statement or evidence.
 1248
 1249 The first key point that we made is that this chapter, which is titled, Regional
 1250 Form Design and Function, is in fact about urban development and the title of
 1251 this hearing stream sort of gives the game away.
 1252
 1253 Just very briefly an elaboration of that point. The primary rationale for RPS
 1254 Change 1 was to implement the NPS-UD. Pretty much all of the chapter
 1255 introduction speaks about urban form. I listened into some of the Council
 1256 presentation yesterday and the theme is very clear that NPS-UD has got a
 1257 direction about intensification and fighting for density of development. Council
 1258 have a particular interest in seeing density done well – urban density done well.
 1259
 1260 Clearly the focus is urban. Related to that we do make the point in our
 1261 submission that the National Planning Standards recommend having a chapter
 1262 on urban form and development.
 1263

1264 What we have seen with this chapter is not withstanding that it's all clearly about
1265 urban, yes there's a relationship to rural, but it's very much in the context of
1266 consequential. Very much the focus is on urban tucking its elbows in so that it
1267 doesn't unduly encroach on rural land and in particular the productive potential
1268 of rural land.

1269
1270 I take on-board that the Council officers are saying, "Yes, it's all related and
1271 therefore this chapter yes it about urban but also it's about rural, and therefore
1272 it's about regional form," but I am going to reiterate our primary point that this
1273 is an urban chapter and the chapter title should be retitled urban development or
1274 words similar to the National Planning Standards.

1275
1276 Then I am going to speak just very briefly to a couple of the provisions, and that
1277 would be Objective 22, Policy 56 and then just a couple of other smaller points.

1278
1279 Objective 22, originally we had an Objective 22(b). We recommended it be
1280 deleted. It was very open-ended and very unclear what it meant. Council have
1281 yes recommended that be deleted, so of course we agree with that. That leaves
1282 us with the primary Objective 22. I'm going to reiterate the point that Objective
1283 22 should be directed to urban areas. What we have got is kind of sort of an off-
1284 the-cuff attempt to, "No we'll make it about the whole of the regional form
1285 including regional areas," but it starts to not make sense.

1286
1287 For example: it started as being principally an objective about providing for
1288 compact regional form. That compact word has been retained, but now it's been
1289 applied to compact regional form. It doesn't make sense. That just doesn't make
1290 sense.

1291
1292 The key point I am going to make about Objective 22 is that it should be directed
1293 specifically and exclusively to urban areas. Then the whole things makes sense.

1294 [01.40.05]

1295 I will briefly note that I would be in accord with various of the other submitters
1296 who have questioned how long winded Objective 22 and various other parts of
1297 the chapter are, and I would generally agree, but my primary point is that
1298 Objective 22 should apply to urban areas.

1299
1300 The Policy that's probably most relevant for the farming sector is Policy 56 and
1301 that's the one that relates to rural residential development. In the operative plan
1302 we do have the existing policy for rural residential development with various
1303 conditions and caveats wrapped around it, allied to the existing operative policy
1304 about looking after highly productive land. Those two existing policies already
1305 provide for that outcome of looking after our highly productive land and
1306 constraining rural residential development to achieve that broad outcome.

1307
1308 In RPS Change 1 we have got Policy 56, which is very similar to the existing
1309 operative policy. It's chunked in various other bits and pieces. I will flag that like
1310 Objective 22 it's not clearly tied to its purpose. The title of Policy 56 is managing
1311 development in rural areas and it applies to any applications for subdivision use
1312 and development; so that's pretty wide. But, actually, Policy 56 is intended to
1313 be about rural residential development. That's clear as crystal in the operative
1314 policy and it's also pretty clear if you read through the lower detail in the
1315 explanation, that that's where this one is pitched to.

1316
1317 First preference for Policy 56 would be not to include it here in this urban
1318 chapter, but to rely on the existing operative policy. If it is retained here then I
1319 think it would usefully be tidied up, so that the title specifies that it's about
1320 managing residential development in rural areas and same for the chapeaux of
1321 that policy.

1322
1323 Turning to a couple of other smaller points, there's various consideration
1324 policies. I think it was in Hearing Stream One we questioned the extent to which
1325 the various policies were applying to resource consents. That topic has come up
1326 again this morning. I think a submitter this morning was recommending that
1327 those consideration policies it's absolutely that they direct District Plans but not
1328 that they direct resource consents. I briefly make that point.

1329
1330 There is a definition of rural areas. Again I think it was Hearing Stream One
1331 when we presented planning evidence on the definition of rural areas, that it was
1332 too open ended. Take on-board the Council explanation that they tried to keep it
1333 open-ended because there were things other than the District Plan zones that
1334 might be included. So, take that on-board. The clarifications are proposed are
1335 probably helpful.

1336
1337 Just this morning I picked up one of the Councils questioning including
1338 settlement zones in that definition. I confess I'm not highly familiar with the
1339 definition of settlement zone, but I would certainly take that on-board.

1340
1341 Final point is allocation. We made the point in our submission that this chapter
1342 is intended to give effect to NPS-UD and that in that context notwithstanding
1343 that it reaches across into trying to achieve an integrated frame for water and
1344 climate change and this thing and that thing; notwithstanding those relationships,
1345 the provisions in this Chapter should be Schedule One.

1346 [01.45.15]

1347 That's us for this chapter.

1348
1349 Chair: Thank you Ms McGruddy, that's very clear, thank you.

1350
1351 Wratt: Welcome back to the hearings Ms McGruddy. Just a clarification for me. I'm
1352 not as familiar with the operative RPS's and obviously you are. Can you just
1353 clarify for me which is the current operative policy that you were referring to?
1354 Is it Policy 56 in ...?

1355
1356 McGruddy: In my hardcopy of the operative RPS Commissioner it's actually Policy 55, but
1357 as it's been pulled across it's the same one that shows in black type in RPS
1358 Change 1. So, be it 55 or 56 it's the same policy – managing development in
1359 rural areas. I will just very briefly flag that reference to HPL is in the operative
1360 RPS Policy 59. It's called 'Retaining highly productive land class 1 and 2'.

1361
1362 Chair: Ms McGruddy I think I understand the point you make, about how protecting
1363 rural land and ensuring that it's productive and other qualities are not adversely
1364 impacted by housing developments is already provided for in existing provisions
1365 of the RPS. Have I understood that right?

1366
1367 McGruddy: Yes.

- 1368
1369 Chair: The wording in Policy 56 that the officers support, I think it is trying to
1370 strengthen that protection a bit. For example, para (a) instead of saying the plan
1371 change or the consent considering whether that will result in a loss of capability
1372 of the reality of the rural area, they're recommending that that now says,
1373 "considering whether the proposal retains a productive capability". Is that
1374 wording that you think is...
1375
- 1376 McGruddy: What's [01.49.31] Commissioner? What's the difference?
1377
1378 Probably big picture: does the operative one do the job? Does it measurably
1379 improve or increase it? Not forgetting that Council's position on the NPS-HPL,
1380 which I would tend to support, is let's do the job properly on the NPS-HPL at a
1381 date down the track.
1382 [01.50.00]
1383 Having a conversation now about fiddling around with the words in clause (a)
1384 when we know that the NPS-HLP has come in, it is very directive. Both the
1385 Regional Council and/or the various TAs will be giving effect to it in the not too
1386 distant future. So, right now Commissioner, be it clause (a) or the various other
1387 titivations in the other clauses, is there merit in continuing with this? On balance,
1388 I would say no. Just focus Chapter 9 on urban, which it clearly is, to the extent
1389 there is a subsidiary related question about looking after our rural areas and in
1390 particular the productive potential. Have we got provisions in place now, both
1391 in the operative RPS and in the NPS highly productive land, which is now in
1392 place, and as Council have said is pretty directive.
1393
1394 No, I don't particularly see merit in fiddling around with the words in 56.
1395
- 1396 Chair: The particular issue that's been identified in this regional form chapter, which
1397 this policy is trying to speak to, which is sporadic uncontrolled, uncoordinated
1398 development which can result in the loss of rural or open spaced land valued for
1399 its productive etc. qualities, you think that that issue is appropriately managed
1400 by the operative provisions and the changes in Policy 56 are not needed?
1401
- 1402 McGruddy: Correct. Obviously 56 just continues to rely on the operative one, and that even
1403 further clarifies that the rest of Chapter 3.9 or the provisions that are in front of
1404 us in this Hearing Stream, which is titled Urban Development is indeed urban
1405 development.
1406
- 1407 Chair: With respect I think the title of the Hearing Stream is indicative but the chapter
1408 is regional form.
1409
- 1410 McGruddy: With respect Commissioner I disagree. I have gone through the introductive, the
1411 objective and all the various policies looking for where is this actually about
1412 rural form? It's not. It's all about urban form being in particular compact urban
1413 form and within that a well-functioning urban form. It's all about urban. I stand
1414 to be corrected if I've missed policies. There's a few in the course of this process
1415 they started out being urban and then on reflection Council thought, 'Oh shivers,
1416 no we'll make them rural as well.' We challenged that in the last hearing stream
1417 in climate change, where there were various urban provisions, which are clearly
1418 directed at urban – and my memory is telling me it was to do with water supply,
1419 infrastructure or some such thing. The policy as notified, and all the clauses were

- 1420 all about urban. Council suggested we'll just make it rural as well. All of a
 1421 sudden it applies across the region, but actually it didn't make sense. The
 1422 policies were urban and they should have stayed urban.
 1423
- 1424 Chair: What about rural residential though – how policies are needed to manage rural
 1425 residential development?
 1426
- 1427 McGruddy: You mean 56?
 1428
- 1429 Chair: 56 is trying to manage rural residential development.
 1430 [01.55.00]
- 1431 McGruddy: That's the one. That's the one. I think the one other, from memory it's UD.4 –
 1432 it's the one that sets out the priorities, that in order to achieve a compact urban
 1433 form you start at the top where you intensify and then you densify and then you
 1434 reluctantly and grudgingly might spread out a little bit around the edges. The
 1435 last one was rural residential. But, it could stop there, knowing that over in the
 1436 operative plan that's already addressed.
 1437
- 1438 Chair: Thank you. We understand the point.
 1439
 1440 I don't know if you've seen (this is a non-regulatory policy) Policy 67.
 1441
- 1442 McGruddy: Not in front of me Commissioner.
 1443
- 1444 Chair: I don't know if it's in your bundle of papers you have there.
 1445
- 1446 McGruddy: No, not in front of me. What's the essence?
 1447
- 1448 Chair: The essence of this is again one of these policies that started out as urban
 1449 environments and the officers are recommending that it's amended to refer to
 1450 regional form, providing for well-functioning urban areas and rural areas, and
 1451 the very last paragraph of the policy, and this is non-regulatory, says
 1452 "safeguarding the productive capability of rural areas." I don't know if
 1453 Wairarapa...
 1454
- 1455 McGruddy: Apologies I haven't got it in front of me. My first would be, first of all it's a non-
 1456 reg policy. I take on-board that it's got a reference to well-functioning rural areas,
 1457 as indeed Objective 22 has. But, there's no discussion about well-functioning
 1458 rural areas. There's nothing in the introduction. There's nothing in the issues.
 1459 There's nothing about well-functioning rural areas, because all of the focus is
 1460 about well-functioning urban areas that have got their wings tucked in, so that
 1461 they don't encroach.
 1462
- 1463 Apologies again I haven't got 67 in front of me. If it just makes reference again
 1464 to urban tucking its wings in, so that rural production potential doesn't get
 1465 encroached on, again that's already dealt to in the operative.
 1466
- 1467 Wratt: Thank you for that Ms McGruddy. Certainly understand and I like your
 1468 expression of "tucking the elbow in" but I do notice, and I have now got the
 1469 operative plan open that the operative plan in fact the chapter title is still
 1470 "Regional Form Design and Function."
 1471

- 1472 McGruddy: Yes, take that on-board.
1473
- 1474 Wratt: I hear what you're saying but that urban, with the focus on the 'urban' which is
1475 urban development is the NPS-UD, but it does impact that whole regional form.
1476 So, I guess for me, the concept in my head is that while the focus is on managing
1477 urban development, it is in the context of regional form. I'm not quite sure what
1478 the implication of that is in terms of what you were saying; and the current policy
1479 in fact, in the operative, is still Policy 56. A lot of the wording in the operative
1480 one, Objective 22 still talks about a compact, well-designed and sustainable
1481 regional form.
1482
- 1483 I guess my question is, you're suggesting that the title needs to change, but it
1484 still relies on some of the operative, in particular Policy 56, which is included
1485 against that chapter I think.
1486
- 1487 McGruddy: Yeah. Absolutely I too notice the title of the operative "Regional Form" too. I
1488 think probably the key thing is that if we might perhaps accept that certainly the
1489 [02.00.00] predominance and the focus is urban, that most of all these provisions are
1490 directed to achieving (and I will use the words of one of the Council officers
1491 yesterday) "density done well" and by virtue of striving to keep that compact
1492 urban form and therefore to contribute to the wider regional form. I think it's
1493 more that this chapter isn't actually really directed to the regional form per se,
1494 it's directed to the urban form so that it contributes to that broader regional form,
1495 and it doesn't become that spilling over and encroaching and haphazard
1496 development, as is indicated in one of those issues upfront.
1497
- 1498 Wratt: Moving to associated questions, how is rural residential best managed? In the
1499 Nelson region where I'm from, Tasman region in particular, I see expansion of
1500 rural residential – extreme expansion of rural residential. It's questionable
1501 whether it's into highly productive land in some of the [02.01.41] Hills areas,
1502 but how should that be managed in the context of this? Is that part of this process
1503 or is that dealt with separately? We heard earlier from Upper Hutt concerns
1504 about how the settlement zones were dealt with. How do you prevent that rural
1505 residential just continually expanding into farm land?
1506
- 1507 McGruddy: Commissioner, I think the answer is RPS Change 1 is not the primary vehicle
1508 for answering that question probably. What we know at the national level is that
1509 we've got two NPS's on the table at the national level – one is the NPS-UD and
1510 the other one is the NPS-HPL.
1511
- 1512 In RPS Change 1 it's focusing on NPS-UD and quite deliberately it's not
1513 systematically addressing NPS-HPL this time around. I understand the reasons
1514 why Council have taken that position.
1515
- 1516 What I also know is that at the district level the Wairarapa combined councils,
1517 the MDC, CDC, South Wairarapa DC, are reviewing the combined District Plan
1518 as we speak. It's been on the table for a year or more. It's due to be notified
1519 actually this month I think. One of the key issues is exactly the one that you're
1520 raising here Commissioner.
1521

1522 So, is there a framework in place to do a better job of managing rural residential
1523 development, in particular around the outskirts of the townships? I would say
1524 yes. Is that in train? Yes it is.

1525
1526 Wratt: Thank you for that.

1527
1528 Chair: Thank you very much Ms McGruddy, I think we're at time now. I'm sure we'll
1529 be seeing you in future hearing streams again. Thank you very much for your
1530 presentation and for joining us today.

1531
1532 McGruddy: Thank you Commissioners.

1533
1534 Chair: Thank you. Have a nice afternoon.

1535
1536 **Wellington Water**

1537
1538 Chair: Kia ora. We welcome Wellington Water.

1539
1540 Kia ora koroua. You've been here before. You've got guests? Great. Should we
1541 run through very brief intros and maybe some key health and safety messages?
1542 We'll just cover them very quickly.

1543
1544 Ko Dhilum Nightingale tōku ingoa. I am the Chair of the Freshwater Hearing
1545 Panel and the Part 1 Schedule 1 Panel.

1546
1547 Wratt: Ko Gillian Wratt tōku ingoa. Originally appointed as an Independent Freshwater
1548 Commissioner on to the Freshwater Panel but now covering both Panels.

1549 [02.05.00]

1550 Paine: Kia ora koutou. Glenice Paine. I'm an Environmental Court Commissioner on
1551 both panels. Kia ora.

1552
1553 Kara-France: Kia ora koutou. Ko Ina Kumeroa Kara-France tōku ingoa. Ko Waikato Tainui,
1554 ko Ngāti Kahungunu, ko Ngāti Tūwharetoa, ko Te Atihaunui-a-Pāpārangi, ko
1555 Ngā Rauru ōku iwi. I am an Independent Hearing on both panels. I have a
1556 background with WSP Tāmaki Makaurau, Transport and Planning, Māori
1557 Business Services as Senior Advisor, Kaitohutohu Māori Matua within the mana
1558 whenua advocacy and te taiao space. Kia ora.

1559
1560 In conclusion I do sit on the New Zealand Conservation Authority, nominated
1561 by Te Puni Kōkiri and appointed by the Minister of Conservation. Kia ora.

1562
1563 Chair: Briefly, I think it's important we cover this for you, if the fire alarm sounds we'll
1564 exit via the stair and then assemble outside Vic Uni. Drop, cover and hold in an
1565 earthquake. If there's a tsunami we'll all head for higher ground at the top of the
1566 hotel. I think you would have probably come up the stairs or the lift, so you
1567 probably know where those are. Those are probably the key things.

1568
1569 There will be a bell that sounds when you have two minutes left of your
1570 presentation time and then five minutes at the end panel questions; unless you're
1571 happy to have questions as we go. Or, would you prefer to present and have
1572 questions at the end?

1573

- 1574 Slyfield: Probably going to be a case of questions at the end.
1575
- 1576 Chair: Thank you Mr Slyfield.
1577
- 1578 Slyfield: Just some quick introductions. [Inaudible – nil speaker use 02.06.50]
1579
- 1580 You have seen Ms Horrox before who is giving planning evidence for
1581 Wellington Water and Ms Penfold who is seated behind us. Ms Buchanan is on
1582 my left who you haven't met before. She is with Wellington Water and will also
1583 be assisting us if need be today with some factual matters.
1584
- 1585 I do have a short handout which I would seek leave to provide to you. I think
1586 that's going to be the most efficient way to actually take you through Wellington
1587 Water's current position.
1588
- 1589 Chair: Thank you that's useful. I think there are elements of your relief that are now
1590 supported by the Council officers, so if we can target the areas still in contention
1591 that would helpful.
1592
- 1593 Slyfield: That's exactly the intention.
1594
- 1595 Really I think what I'm going to ask you to do is put to one side the legal
1596 submission that you've already had from me and the planning evidence and
1597 today we're just going to focus on this table. This table summarises the matters
1598 that have been resolved through the rebuttal and the only one or two matters that
1599 are still outstanding.
1600
- 1601 Perhaps it easiest if I go to the resolved matters first. If I can just orient you in
1602 relation to the table. We've got a column that has a provision number in the left-
1603 hand column. We've got matters that are supported in the second column, and
1604 then matters that there's an outstanding issue in respect of in the right-hand
1605 column. If you go to the second page you can see in relation to Objective 22 for
1606 example there are agreed matters now and there is nothing for us to address
1607 today. Likewise, Policy 55, all matters agreed as per the changes recommended
1608 in the rebuttal. Policy 58 is the same. Policy UD.5 is the same, subject to a
1609 proviso that's expressed in the right-hand column.
1610
- 1611 So, really today, we're only focused on the two where there is significant text in
1612 the right-hand column, and those relate to the introduction and Policy UD.4,
1613 both of which are relevant to a hierarchy for the RPS's approach to urban
1614 development.
1615
- 1616 I will take you back to the first page and go through these points. I should say
1617 because matters have moved on since the filing of the evidence, it will be
1618 primarily me, I think, that you hear from expressing a position for Wellington
1619 Water because these largely are matters of an evidential nature. But, of course
1620 Ms Horrox can speak to these as a planner also and chip in when needed.
1621
- 1622 Chair: Thank you. I know I've got some questions around the workability of the
1623 infrastructure servicing provisions in particular which I would really value your
1624 input on. We can come to those at the end.
1625 [02.10.05]

1626 Slyfield: Taking you to that right-hand column on the first page, the first point and it's an
 1627 important one, is that Wellington Water has supported a hierarchy in the
 1628 provisions. There was a hierarchy in the introductory provisions previously and
 1629 that has now been added to with UD.4. Wellington Water is supportive of the
 1630 hierarchy for probably somewhat obvious reasons. It considers that a hierarchy
 1631 is an important mechanism for ensuring that development happens first and
 1632 foremost where it is going to be best served by infrastructure – that's the matter
 1633 that it of course is interested in – and that there is an avoidance of unplanned and
 1634 ad hoc infrastructure requirements elsewhere.

1635
 1636 However, as I have expressed there are some issues with the current drafting and
 1637 this is focusing mostly on the introductory drafting.

1638
 1639 First point is, there is in fact not any reference to the term “hierarchy” anywhere
 1640 in the relevant provision. I've taken it and put it on the final sheet of this handout,
 1641 so that you have readily available the relevant text from Chapter 3.9. That's in
 1642 the left-hand column on that final page. You can see at the top row there's some
 1643 introductory wording, and this is the actual text in the introduction of this chapter
 1644 and associated provisions include policies providing direction to development
 1645 to seek a strategic approach to meeting housing and business demand, and then
 1646 you have what we are calling the hierarchy because it's expressed in these terms
 1647 – firstly this, then that, then the other, and it has those five elements within it,
 1648 and it cross-references, as you can see Policies 31, 55, UD.3 and 56, which are
 1649 all components within the so-called hierarchy.

1650
 1651 The point I'm really making here, and that's the first point in the bullet point on
 1652 page-1 is, this is not expressly called a hierarchy within the provisions. That
 1653 would seem to be a relatively simple matter to achieve and would make it much
 1654 clearer that that is how it's intended to operate.

1655
 1656 Second point, is that the hierarchy in the introduction refers to those policies I've
 1657 just referenced, but it doesn't refer to all of the relevant policies. For instance,
 1658 the new policy, Policy UD.4 isn't cross-referenced and that seems odd given that
 1659 Policy UD.4 is really where the meat is on the bone, so to speak. That is the
 1660 provision that in a Policy sense gives life to the hierarchy.

1661
 1662 The third point I've made, still on page-1, is that although they seem to cover
 1663 broadly the same matters, the introductory hierarchy and the UD.4 hierarchy,
 1664 there are some differences in language. I invite you to go to that last page. You
 1665 will see for example, when you look at the left-hand column and the first element
 1666 in the hierarchy, you've got firstly urban development within existing urban
 1667 areas through intensification and so on, and the comparative wording from UD.4
 1668 is firstly prioritising urban development including unanticipated or out of
 1669 sequence Brownfield Development and straight away we're encountering some
 1670 wording differences.

1671
 1672 Chair: Mr Slyfield, sorry to interrupt, but this point was picked up with the officers on
 1673 the first day, yesterday, and I think they acknowledge that there are some
 1674 incorrect references to urban areas there that should be zones.

1675
 1676 Slyfield: I think the key matter that I would like to get across is that there really seems to
 1677 be a need for consistency between the two. I am not suggesting which one is the

- 1678 tail and which one is the dog at this point in time, but they need to be saying the
1679 same thing in order to be clear.
- 1680 Chair: Hopefully the policy is the one that's wagging the tail.
- 1681
- 1682 Slyfield: You would think that, although I do find the introduction easier to follow.
1683
- 1684 The fourth point then is that the hierarchy that's in UD.4 is itself a secondary
1685 element within UD.4. In other words, it's preceded by those words of the
1686 chapeaux – district and regional plans shall include objectives, policies, rules
1687 and so on. There is nothing in that phraseology that is suggestive of the
1688 hierarchy. The words that have been added beneath that, that set out the
1689 hierarchy are there because it's not clear from the chapeaux that a hierarchy is
1690 included.
- 1691 [02.15.10]
- 1692 From Wellington Water's perspective, given the centrality of the role that this
1693 hierarchy is intended to perform, that is an undesirable way to have it sitting
1694 within the policies. I won't elaborate further on that because I'm going to come
1695 onto a suggestion that all of these matters could be the subject and should be the
1696 subject of further planning conferencing. I will get to that at the bottom of this
1697 list.
1698
- 1699 The next point, and I'm up to the fifth bullet point now on page-1, is that the
1700 provisions that are within the hierarchy, namely those such as Policy 31, 55, 56
1701 and UD.3, and those that are listed in that left-hand column on the last page, they
1702 don't either refer to the existence of the hierarchy.
1703
- 1704 There are effectively two sorts of provisions in play here. There are the micro-
1705 provisions which are within the hierarchy and then there's the macro-provisions
1706 that establish the hierarchy itself. There is no signal within the micro-provisions
1707 that that's the context that they're sitting in.
1708
- 1709 Chair: Can I ask you a question about this hierarchy point? I appreciate this might not
1710 be directly related to an issue that Wellington Water is particularly concerned
1711 with, but the NPS-UD, we heard yesterday from a submitter that the NPS-UD,
1712 while it directs intensification in urban areas it doesn't actually then say that has
1713 to be prioritised above out of sequence and unanticipated development. Have
1714 you got any views on that?
1715
- 1716 Slyfield: I think broadly I agree with that. There is no explicit hierarchy established by
1717 the NPS-UD; yet it's possible that one could perhaps be inferred, given the way
1718 that those matters are expressed within the individual policies, within the NSP-
1719 UD. I don't put it any stronger than that. But it's not explicit.
1720
- 1721 Chair: Sorry to interrupt.
1722
- 1723 Slyfield: Not at all. I had made the fifth bullet point, that there aren't references within
1724 the provisions themselves, to their role within this hierarchy, and that really
1725 flows into the sixth point which is that because of that and some of these other
1726 factors, it is unclear how one might resolve tensions if they arise between
1727 different elements in the hierarchy. For example, to what degree do the higher
1728 order components within the hierarchy take precedence over elements that are

1729 lower down in that sequence. There is simply not a clear guide for how that
1730 would actually play out.

1731
1732 The final point I have made there is a somewhat technical one, which is that the
1733 provisions and I am referring there really to this blend of 31. 55, 56 and UD.3,
1734 those ones in the hierarchy, they blend management through plan making and
1735 management through consenting somewhat interchangeably. It is my
1736 submission that it is not clear how consenting decision would be as appropriate
1737 a forum for addressing these hierarchical elements. In other words, I think for
1738 this hierarchy to be successful the tramlines have to be established by the RPS
1739 and flow into district planning; and that's where the rubber hits the road – not
1740 leaving things later to be addressed on an ad hoc consenting basis. I say that
1741 particularly because of course by the time a developer is appearing in front of
1742 say Wellington City Council with a proposal for some new residential
1743 development, the RMA doesn't establish a framework by which one can
1744 realistically say to that developer, "What about that alternative over there inside
1745 the existing urban area? Has that been utilised to its capacity?"

[02.20.00]

1746 Really, the heavy lifting has to be done at the planning level and not at the
1747 consenting level.

1748
1749
1750 I think the most important point out of all of this is the point I'm coming onto at
1751 the bottom of that row, which is that these are complex provisions and they
1752 should be complex provisions. That's not a criticism. There are many ways that
1753 the shortcoming I've been outlining could be addressed and that includes
1754 changes could be made to the policies within the hierarchy, changes could be
1755 made to Policy UD.4. A reference could be introduced to Objective 22.

1756
1757 Wellington Water is concerned that those aren't solutions that should be
1758 developed by it in isolation, or any other individual submitter. Wellington Water
1759 submits that a more appropriate course would be for there to be further planning
1760 conferencing between the relevant stakeholders to consider and address those
1761 matters, and a really useful thing to happen ahead of that would be for the
1762 Council officers to have a wiring diagram to show how they see those
1763 relationships; because I imagine they have in their minds a very clear picture,
1764 but that's just not coming through in the way that perhaps they are intending
1765 from Wellington Water's perspective.

1766
1767 I would finally add, and this is just to reserve the position, that if the Panel is not
1768 of a mind to direct conferencing of that sort, Wellington Water seeks leave to
1769 provide some specific wording to address the issues it's raised; but as I have said,
1770 it's reluctant to go there at this stage, because it seems a team effort is more likely
1771 to result in a robust and sensible outcome.

1772
1773 If can take you from there, I don't need to address anything on page-2. On page-
1774 3, in relation to Policy U.D.5, I will just draw your attention to the proviso that's
1775 sitting in the right-hand column there, which is Wellington Water is agreeing to
1776 the outcomes and agreeing not to pursue any issue over Policy UD.5, subject to
1777 the change that sits two boxes below that in the table, which is the change at
1778 UD.4 under the infrastructure hierarchy heading on that page. That's really
1779 because Ms Zollner in her rebuttal evidence has offered that alternative, that

- 1780 change, but hasn't said that it's a necessary change; has said if the Panel is of a
 1781 mind to make that change then that could be one way of addressing it.
 1782
- 1783 Wellington Water is saying, its agreement to Policy UD.5 on these terms is
 1784 contingent on that change being carried through.
 1785
- 1786 Chair: Mr Slyfield, would that wording you've suggested there pick up the optimising
 1787 infrastructure? It might have actually been in Ms Horrox's planning evidence.
 1788 That would accommodate that relief?
 1789
- 1790 Slyfield: Yes. That's right isn't it?
 1791
- 1792 Horrox: Yes it would, because we also had some extra. I think we had "efficient" and
 1793 "effective" added. That basically resolved that issue.
 1794
- 1795 Slyfield: The final part really to draw your attention to is under that heading
 1796 "Development Hierarchy" in relation to Policy UD.4. Really this is reiteration
 1797 of what I have already said, that Wellington Water is supportive of the hierarchy
 1798 for the reasons I have already taken you through. Wellington Water thinks that
 1799 changes are needed and that might include changes to UD.4, and Wellington
 1800 Water is suggesting that planning conferencing is the best way to go about that.
 1801
 1802 That's probably a good place for me to leave it and to see where your questions
 1803 might lie. I do wonder is there anything Ms Horrox that you want to add to that
 1804 before we are asked further questions?
 1805
- 1806 Horrox: No. Probably just one thing in relation to the infrastructure hierarchy that Ms
 1807 Zollner had actually indicated she thought that Policies 55 and 58 provided that
 1808 hierarchy, but having had a look at those again I don't think it's explicit. It's
 1809 perhaps again implicit. I do think that the additional words on that basis are
 1810 required to give it that extra clarity.
 1811
- 1812 Chair: We do have questions. I could start with Objective 22.
 1813 [02.25.00]
 1814 We heard from some of the Territorial Authorities today in particular that it is
 1815 enough for Objective 22 to basically just say it's important to have a well-
 1816 functioning urban environment and there's no need to cross-reference these
 1817 other provisions either here or in Policy 55.
 1818
 1819 Te Mana o te Wai in particular, your views on what would potentially be lost if
 1820 Te Mana o te Wai was to be removed from Objective 22 and Policy 55, which
 1821 is what other submitters are seeking – purely on the basis that it has to be
 1822 provided for in the RPS and it's done so elsewhere. There's no need to reference
 1823 it in these provisions.
 1824
- 1825 Horrox: Commissioner, which sub-clause is it in 55? It's quite hard to follow everything
 1826 with all the track changes.
 1827
- 1828 Chair: In 22 it's... you've found it?
 1829
- 1830 Horrox: I guess from my perspective, for example if you take Policy 55, if it's not there,
 1831 it's like our other argument about being implicit or explicit. It's the whole web is

1832 so complex. It's helping to make things easier to follow in providing that clarity
 1833 on key issues; and also obviously it's a core part of what you're trying to achieve,
 1834 then I think it's appropriate it sits at the objective level as well, explicitly.

1835
 1836 Wratt: Can I just explore that a little bit further. We heard this morning some pushback
 1837 in terms of particularly Objective 22, around the fact that it was too directive
 1838 duplicating what's in other provisions. We're getting conflicting views on the
 1839 value of having those sort of overarching provisions which give that bigger
 1840 picture and that's too complex and it creates potential confusion if you're not
 1841 careful that the wording is exactly the same, but also just that it's unnecessary.

1842
 1843 Chair: Additional consenting burden as well we heard.

1844
 1845 Wratt: What's your views on that? I don't know if you heard any of that, or listened
 1846 into any of that this morning?

1847
 1848 Slyfield: No, I didn't hear any of it.

1849
 1850 Horrox: I would query how it could provide an additional consenting burden when if it's
 1851 there already then how is that increasing the burden. It's just making it clearer
 1852 what has to be considered.

1853
 1854 Wratt: If you're putting in a consent application, are you going to repeat and respond
 1855 to it multiple times if it's there in the RPS?

1856
 1857 Horrox: No, I still think it could be dealt with once. No, I don't think that would be
 1858 necessary.

1859
 1860 Wratt: Another suggestion was that people are more and more relying on digital
 1861 versions of these documents. So rather than putting reference to another policy
 1862 in cross-referencing within a document, you just put a hyperlink in. I suppose
 1863 there are people out there who still use the paper copy – I don't know; but, is it
 1864 still helpful to have it specifically outlined there in black and white, or is a
 1865 hyperlink fine?

1866 [02.30.00]

1867 Slyfield: We're all endeavouring to become paperless to a degree, with varying rates of
 1868 success. From a legal standpoint, I think there is something to be said for the
 1869 provisions being explicit in terms of cross-referencing, rather than relying on a
 1870 tool like hyperlinking. Because, to my mind it is more than creating the
 1871 connection; it is conveying the intention that was in the minds of the authors as
 1872 to what that connection was going to be.

1873
 1874 You're always going to have some wording around that cross-referencing in
 1875 some form, and not just a random list of other provisions that sits at the bottom
 1876 of the provision you're looking at. That's going to give you some idea about
 1877 why is it that I ought to be thinking about or looking at those.

1878
 1879 I'm not wedded to that implacably. I think you could achieve the same thing
 1880 with hyperlinking. It's probably a question of how you do it, and that you ensure
 1881 that you put that word in to guide what the relevance of the cross-reference is.

1882

- 1883 Chair: In Policy UD.5 and this might have been another infrastructure provider’s relief
 1884 I think, but in UD.5 para (f) a suggestion was made that should change to
 1885 “protecting the operation and safety of RSI- including from potential reverse
 1886 sensitivity effects. I don’t think that’s Wellington Water’s relief, but if we
 1887 recommend that change presumably you would have no issues with that.
 1888
- 1889 Horrox: Commissioner, is that (f) you’re talking about?
 1890
- 1891 Chair: Yes. It would be safety of RSI including from potential reverse sensitivity
 1892 effects. No issues with that?
 1893
- 1894 Horrox: No issues.
 1895
- 1896 Chair: In Policy 55, I think in your evidence Ms Horrox you raise concerns about Three
 1897 Waters infrastructure serving development outside established urban areas. This
 1898 comes to this workability question I had. This suite of provisions, the intentions
 1899 are very clear, allowing development in places where it can be appropriately
 1900 serviced by infrastructure. I would really value your comments on the
 1901 workability of the provisions in Policy 58 which require co-ordination of urban
 1902 development and infrastructure; so in (e) provision is made for the development
 1903 funding implementation and operation of infrastructure serving the area in
 1904 question; and then in (f) the infrastructure is either available or able to be
 1905 delivered in a timeframe appropriate to service the development.
 1906
 1907 If I’m a housing developer and I’m thinking about development, and this applies
 1908 anywhere I think in the region, this policy, what assurances could I get from
 1909 Wellington Water that I could include with my consent application to satisfy
 1910 these Policy 58 requirements.
 1911 [02.35.00]
- 1912 Horrox: I might have to direct that question to Wellington Water, Ms Penfold.
 1913
- 1914 Slyfield: While she’s mulling on that potentially Commissioner Nightingale, I’m very
 1915 alive to the differences of standard in the opening wording of the policy, that for
 1916 resource consent it's have regard to notice of requirement, particular regard, and
 1917 then for a plan change it's require. I think there’s some very clear signals there
 1918 about what level of onerousness there will be for a developer – say they’re doing
 1919 some small infill development and it's not going to be at a high level, it's going
 1920 to be one of a multiplicity of considerations that are to be had regard to. If it's in
 1921 an existing urban area, it's unlikely that they’re going to even confront any sort
 1922 of issue here.
 1923
- 1924 Chair: I guess maybe if we put the scenario in a Greenfield.
 1925
- 1926 Penfold: Ko Angela Penfold, tōku ingoa. There’s a variety of ways that Wellington Water
 1927 works with developers. We have a growth team that specifically works with
 1928 developers to make sure, or to do our best to make sure that’s there alignment
 1929 between development and our infrastructure provision. In terms of a developer
 1930 turning up to a resource consent hearing, if it's all resolved, they might simply
 1931 turn up with an email from us confirming that we’re satisfied with it, and in other
 1932 cases we will be acting as a technical expert for Council reporting officers, and
 1933 therefore our comments will go into their report and we would attend the hearing
 1934 if necessary. In other cases, we might be providing effective party approval. A

- 1935 lot of it tends to change depending on what the individual Council roles want.
 1936 GW is often quite keen on us being an effective party and we have put a lot of
 1937 work into making that run smoothly. Other councils like us to turn up to the
 1938 hearings; others are happy with an email. We just tend to take it on a case by
 1939 case basis, depending I think to some extent on the risk for the developer and
 1940 how much certainty they want to have.
 1941
- 1942 Chair: Through that process, if there was a situation where you felt Three Waters
 1943 infrastructure couldn't be delivered in a timeframe appropriate to service the
 1944 development, those concerns would be expressed through the process, either in
 1945 your technical reports to Council or...
- 1946
- 1947 Penfold: Yes, we would do that. Where this is useful though is giving us a Policy
 1948 backdrop that we can fall back on if we're running into real problems, if a
 1949 developer is being quite bullish and is determined to progress, regardless of how
 1950 that impacts. This gives us a policy backdrop that we can fall back on and
 1951 encourage the Council to take a firm stance.
 1952
- 1953 Chair: I think that answers the question. Thanks.
 1954
 1955 We are at time aren't we? I will just see if there's anything critical.
 1956
 1957 Can I just get your thoughts on the provision about development densities?
 1958
- 1959 Zollner: Are you referring to Policy UD.3 medium and high density with regard to
 1960 responsive planning?
 1961
- 1962 Slyfield: There's the reference to building heights and densities within Policy 55.
 1963 [02.40.00]
- 1964 Chair: Sorry, no, it wasn't that reference. The link to potentially development
 1965 contributions. I've lost that provision.
 1966
- 1967 Zollner: Objective 22 possibly.
 1968
- 1969 Slyfield: Policy 58 also talks about development expressions.
 1970
- 1971 Horrox: Does somebody have e-version and they can do a word search.
 1972 Zollner: I think I know what you're referring to. I think it's clause (i) of Objective 22,
 1973 which says "development densities are sufficient."
- 1974 Chair: Thank you Ms Zollner, it is that one. We found it. Objective 22(i) your relief,
 1975 your evidence Ms Horrox, you suggested I think that that wording is deleted and
 1976 replaced with the provision of new or upgraded infrastructure is integrated and
 1977 sequenced with development, which is in (h). Do you have any issues with the
 1978 wording in (i)? Again I think I'm just trying to get to that workability point. I
 1979 know you've said you're generally happy with Objective 22 now, but I just want
 1980 to check that the wording in there doesn't cause any issues for your
 1981 infrastructure.
 1982
- 1983 Horrox: No. I think it's a tidy way of dealing with the issues that Wellington Water had.
 1984 No problems.
 1985

- 1986 Chair: I think that covers everything. You had picked up some missing notices of
 1987 requirement references and those have all been, I think, picked up now.
 1988
- 1989 One final one: the reference in UD.5(e) to managing adverse effects of urban
 1990 development on the natural environment, and the ability to manage, use and
 1991 operate existing infrastructure, my interpretation of that is that in a consent
 1992 application, again say for a new residential development, and applicant would
 1993 need to show how their proposal manages adverse effects on freshwater as part
 1994 of the natural environment, and the potential impacts on Wellington Water's
 1995 infrastructure.
 1996
- 1997 What sort of things would they be needing to address by that provision?
- 1998 [02.45.00]
 1999 Horrox: We do growth planning and responding to land development requests in a
 2000 variety of stages. Growth planning tends to be the big city wide, or new structure
 2001 plan things, and land development tends to be what we call the site-by-site
 2002 responses, so it depends on what level you're working at. But, we will certainly
 2003 be looking at stormwater capacity and the impacts on flooding, and increases in
 2004 permeable surfacing in that space. We are looking more and more at the impacts
 2005 on wet-weather overflows and the capacity of our wastewater network – both in
 2006 dry weather and wet weather, but a bigger focus on wet weather because that
 2007 tends to be when we get the problems occurring. The capacity of our wastewater
 2008 treatment plants is another big one and that's been played out in the media in
 2009 some locations recently. Then in terms of water supply firefighting water supply
 2010 drinking water supply. We will also look at things like the timing of development
 2011 and whether or not we need to be upgrading pipes, or we can simply get away
 2012 with renewing them because there might be problems with existing
 2013 infrastructure. There's a wide variety of things we look at in developing our
 2014 responses once we've identified an issue.
 2015
- 2016 Chair: Then there will also be the matters that we looked at when you were last here,
 2017 in Hearing Stream Three, the climate resilience and nature-based solutions
 2018 which contain more specific assessment matters. Again, from a practical
 2019 perspective there's no issue with a consent application having to look at these
 2020 matters here as part of UD.5 as well as under the CC.14, I think, suite. I know
 2021 you don't have those in front of you, but we're just hearing a bit that there's too
 2022 much. These provisions are asking for the same thing in different places. Is there
 2023 an opportunity or is it useful to try and reconcile what they're asking? But, from
 2024 your perspective it's workable?
 2025
- 2026 Slyfield: Can I just say to that, I don't think Wellington Water would be opposed to
 2027 provisions that are more elegant and don't repeat themselves and that type of
 2028 thing, but the reality is that these are complex situations. There are a lot of
 2029 matters that need to be ensured that they are taken into account.
 2030
- 2031 It's easy for a developer to say, "That's adding a whole layer of difficulty for
 2032 me," when the reality is probably not, because I think consistent with the answer
 2033 you had from Ms Horrox's earlier, if you can get a tick against this matter under
 2034 this policy and the same matter is raised in another policy setting, you'll simply
 2035 say, "Look over there. I've got a tick already in that box."
 2036

- 2037 Here we've got a policy that has "avoid" or "mitigate" so straight away the
2038 lawyer in me wants to say, "That's not very strong is it."
2039
- 2040 I think being pragmatic about that, that just speaks to assessments of effects
2041 being commensurate with the scale and significance of those effects. You're not
2042 going to see, I think, as a result of a policy like this, somebody who is doing a
2043 modest infill development having to significantly raise the bar in terms of things
2044 they need to get over the line.
2045
- 2046 Chair: Thanks very much. Thank you. We will look forward to seeing you in the
2047 Freshwater topic no doubt. We have also noted the point you made Mr Slyfield
2048 about perhaps some additional time. We are thinking about that now and seeing
2049 if that can be accommodated in the schedule.
2050
- 2051 Slyfield: Thank you.
2052
- 2053 Chair: We will be back at 1.15pm.
2054
- 2055 [Break taken 02.49.47]
2056
- 2057 **Ngā Hapū o Ōtaki**
2058
- 2059 Chair: Kia ora. Ko Dhilum Nightingale tōku ingoa. I am a Barrister and Independent
2060 Hearings Commissioner and am chairing the Freshwater and Non-Freshwater
2061 Hearing Panels.
2062 [02.50.00]
- 2063 Kara-France: Kia ora kōrua. Ko Ina Kumeroa Kara-France tōku ingoa. Ko Waikato Tainui, ko
2064 Ngāti Kahungunu, ko Ngāti Tūwharetoa, ko Te Atihaunui-a-Pāpārangī, ko Ngā
2065 Rauru ōku iwi. Tēnā kōrua. The Independent Hearing Commissioner. I do come
2066 from WSP Tāmaki-makaurau, Transport & Planning, and Māori Business
2067 Services. I work within the mana whenua te taiao space looking after the
2068 interests on sites and advising our engineers and architects accordingly. To
2069 conclude I am a member of the board the New Zealand Conservation Authority
2070 nominated to Te Puni Kōkiri and appointed by the Minister of Conservation.
2071 Absolute pleasure to meet you both. Kia ora.
2072
- 2073 Wratt: Kia ora koroua. Ko Gillian Wratt tōku ingoa. I am an Independent Freshwater
2074 Commissioner based in Nelson, Whakatū. Was originally appointed onto the
2075 Freshwater Panel and now on both panels. My background is predominantly in
2076 the science sector involved with environmental and conservation science.
2077 Welcome.
2078
- 2079 Paine: Tēnā koe koroua. Ko Glenice Paine tōku ingoa. Ko Te Ātiawa, ko Ngāi Tahu
2080 ōku iwi. Ko Waikawa te marae, nō Picton ahau. Kia ora anō. I am an
2081 Environment Court Commissioner and I am on both panels.
2082
- 2083 Chair: Feel free if you would like to introduce yourselves and then take us to the key
2084 points that are of interest to you in this topic. Thank you.
2085
- 2086 Hapeta: Tēnā tātou. Nei rā te mihi ki a koutou e te rōpū motuhake nei. He mahi nui tā
2087 koutou. Tēnā rā koutou. He mihi anō ki ngā kaimahi o Te Pane Matua Taiao,
2088 koutou e tiaki ana i te wai me te taiao. Tēnā koutou. Ki ērā atu e whakarongo

2089 ana i tēnei wā tēnā koutou, tēnā tātou katoa. My name is Kirsten Hapeta and I
 2090 am here representing Ngā Hapū o Ōtaki today with Aroha who will present
 2091 herself and then carry on with our presentation.

2092
 2093 Spinks: Kia ora anō te Panel. Ko wai au? Ko Ngāti Raukawa te iwi, ko Ngāti Kapu te
 2094 hapū, kei Ōtaki e noho ana. Ko Tākuta Aroha Spinks tōku ingoa. Nō reira, tēnā
 2095 koutou, tēnā koutou, tēnā tātou katoa. Kia ora. It's wonderful to be here again
 2096 presenting on behalf of our members of Ngā Hapū o Ōtaki in this Hearing Stream
 2097 Four for Urban Development.

2098
 2099 We accepted this occasion to present to the Panel and reinforce our earlier
 2100 perspectives. We really appreciate the opportunity to voice recommendations
 2101 that have been made to us by our hapū members. In principle Ngā Hapū o Ōtaki
 2102 supports the overall intent of the Regional Policy Statement Change 1, however
 2103 there is potential for massive urban growth in our region that could have major
 2104 consequences and several concerns.

2105
 2106 We would love to just share with you our presentation today and go through that.

2107
 2108 Urban development within our rohe needs to be planned and delivered in a way
 2109 that recognises the rangatiratanga of Ngā Hapū o Ōtaki, and Raukawa ki te
 2110 Tonga, the five hapū of Ōtaki (Ngāti Mai Ōtaki, Ngāti Pare, Ngāti
 2111 Kapumanawawhiti, Ngāti Koroki, and Ngāti Huia ki Katihiku).

2112 [02.55.00]

2113 We endeavour to ensure that the Regional Council as Te Tiriti partners works
 2114 closely with mana whenua to collaboratively protect the health of our lands,
 2115 waterways, forests, native species and communities within our rohe as urban
 2116 development occurs. In addition, we request that wherever possible the Regional
 2117 Council restores native indigenous ecosystems, natural landscapes and
 2118 waterways.

2119
 2120 This policy will have consequences for our waterways and therefore must be
 2121 consistent with Te Mana o te Wai, and the hierarchies that we are working in the
 2122 Whaitua Kapiti process together in a Tiriti Model approach.

2123
 2124 Ngā Hapū o Ōtaki advocates for the sustainable development and better use of
 2125 resources during all new proposed urban development and a philosophy should
 2126 be encouraged by the Regional Council within these plans and policies.

2127
 2128 Earlier this year Ngā Hapū o Ōtaki made submissions independently along with
 2129 ART1 (that's Ātiawa, Raukawa, Ngāti Toa Rangatira) and ART Confederation
 2130 submission to the Kāpiti Coast District Council District Plan Change and that
 2131 included the topics of urban development, intensification and papakāinga, that
 2132 we would like to reiterate today.

2133
 2134 On that district level process, like we mentioned in Climate change Hearing
 2135 Stream 3, we would really like to see consistency between the Regional Council
 2136 and District Council policies, as we are further stretched and complicated by
 2137 interrelated, overlapping, out of sync policy developments within the two
 2138 councils – that's our experience.

2139

2140 As a mandated iwi entity we would like to just reveal that we have major
 2141 obligations to our members and they would really like to have effective input
 2142 into the development and revision of policies. It is a common complaint that
 2143 during the drafting phase that there are tight turnarounds, which makes it really
 2144 hard if not impossible sometimes to get our member's contribution.

2145
 2146 As mana whenua we hold a great deal of intergenerational knowledge within our
 2147 rohe, especially around our taiao, passed down to us by our elders – 'kōrero tuku
 2148 iho' and our members would like that opportunity to input into policy and
 2149 planning development in a Tiriti partnership right from the outset.

2150
 2151 It is our responsibility as well for the next generation.

2152
 2153 Our world view prioritises the environment in its entirety as our relations; so that
 2154 means our discussion and recommendations are based on what is good for the
 2155 wellbeing of our environment, the wider community and future generations.

2156
 2157 Ngā Hapū o Ōtaki supports intensification to have a high regard for
 2158 neighbouring properties and community values. We re-emphasise the strong
 2159 desire to maintain and enhance the cultural character of Ōtaki, Te Horo and our
 2160 rural areas within our rohe and we request that urban development does not
 2161 occur at the expense of environmental, cultural and social values.

2162
 2163 Hapeta: Ngā Hapū o Ōtaki have spent the last couple of years putting a good amount of
 2164 energy into developing our housing strategy and plans. A glimpse into elements
 2165 that are applicable and able to be shared with the public are included in this
 2166 presentation.

2167
 2168 We recommend that the Greater Wellington Regional Council works
 2169 collaboratively with Ngā Hapū o Ōtaki in future urban development in the region
 2170 and aligns the design with the Ngā Hapū o Ōtaki Housing Strategy aspirations.
 2171 It is important to us that mana whenua see our cultural design within intended
 2172 urban development.

2173
 2174 The strategy, moemoeā, is kia rangatira te noho a ngā hapū o Ōtaki ki Ōtaki.
 2175 That Ngā Hapū o Ōtaki lead our people towards kāinga self-sufficiency and
 2176 create a legacy for our mokopuna to thrive in a vibrant and resilient hāpori or
 2177 community. This achieved by providing a range of suitable and affordable
 2178 homes that enable our whānau to live in Ōtaki closely connected to whānau and
 2179 marae. We are dedicated to restoring the mauri and mana of both te taiao and
 2180 ngā tangata, honouring the interconnectedness of our natural environment and
 2181 our people.

2182 [03.00.00]

2183 Through this holistic approach we ensure the sustainable wellbeing of our
 2184 community for generations to come. Ūkaipōtanga is central to our housing
 2185 strategy. Our people have a strong identity and connection to their
 2186 tūrangawaewae, to their marae, hapū and iwi.

2187
 2188 We have a significant Māori population in Ōtaki and a longing among many
 2189 whānau who live elsewhere to return home to their whenua. Ōtaki holds a special
 2190 place in the hearts of those people. The unaffordability of our housing system
 2191 presents a formidable challenge on people's ability to stay here and also to return

2192 here to Ōtaki. The repercussions on the wellbeing of our people when they are
2193 unable to access secure and healthy housing is evident and concerning.
2194 Addressing this is matter of priority.

2195
2196 Ngā Hapū o Ōtaki actively contributed to the KCDC Housing Strategy,
2197 particularly in shaping the Māori housing objectives and measure, building on
2198 this and informed by the Ngā Hapū o Ōtaki Housing Needs Assessment and the
2199 KCDC Kāpiti Housing Needs Assessment. This Ōtaki specific strategy is firmly
2200 rooted in hapū leadership. It has a strong vision for housing in our rohe. Ngā
2201 Hapū o Ōtaki embraces innovative and comprehensive approaches to achieve
2202 our goals. It seeks to in the long term provide housing across the full housing
2203 spectrum to our people in a range of situations that they're in today.

2204
2205 As kaitiaki of te taiao we are acutely aware of the need to support only what the
2206 environment can sustain, ensuring a balanced and harmonious relationship
2207 between people land and wai.

2208
2209 We are aware that there hasn't been a comprehensive study done of what urban
2210 development and our environment can sustain at the moment, so that's one of
2211 the main concerns with the level of intensification that has been enabled. No-
2212 one knows the effects of what will come from that, and we regard that as
2213 irresponsible.

2214
2215 Ensuring a balanced and harmonious relationship between people, land and wai
2216 is important to us. This housing strategy takes a holistic view on how to address
2217 housing need in Ōtaki, encompassing both short and long term solutions. It is
2218 underpinned by a structured organisation that prioritises the restoration of mauri
2219 and mana of both te taiao and ngā tangata. This restorative process is a crucial
2220 step towards repairing some of the damage over the past two centuries.

2221
2222 Guided by our inherent connection to te taiao we strive to provide sufficient and
2223 affordable homes while caring for te taiao, ultimately fostering hauora and
2224 rangatiratanga for our hapū.

2225
2226 This strategy represents our commitment to providing pathways to kāinga, to
2227 wellness and self-sufficiency for our mokopuna. By working together and
2228 embracing a shared vision we imagine a future where housing is a foundation
2229 for restoration of rangatiratanga.

2230
2231 It is our desire to live in synchronicity with our environment, our people and our
2232 community. We want our homes to enhance our mauri and our mana. People
2233 should feel empowered by and in control of their housing destinies, and we
2234 would like developers to consider these things that are important to us in our
2235 future aspirations when planning new houses for Ōtaki.

2236
2237 This means utilising low impact waste amenity systems, incorporating māra kai,
2238 spaces for whānau as they age, as well as the ability to age in place, and design
2239 that encourages our whānau to gather together, learn from each other and feel
2240 connected to their te taiao.

2241

2242 The development process should be engaging and prioritise social procurement
2243 strategies that make the most of our local skills. We envisage being self-
2244 sufficient, close to our marae as part of a thriving connected hapori.

2245
2246 [03.05.00] The next major of work alongside our housing strategy is our own Ōtaki spatial
2247 plan. This will enable our people to share their dreams and desires for how Ōtaki
2248 grows. We know that Councils strive to do this and unfortunately it doesn't
2249 happen in a way where our people, or many of our people get the opportunity to
2250 interact or feel comfortable about interacting and having that involvement. We
2251 know from doing our own Housing Needs Assessment that we are the right
2252 forum for our people to have that input, and we believe that it's better for us to
2253 do our spatial plan for Ōtaki.

2254
2255 The plan is that it will identify the areas most appropriate for future housing and
2256 all the other things that are required to be considered during urban growth.
2257 Currently our members feel they have little influence in this space and that's just
2258 not right. It's an essential piece of work for us that will provide helpful
2259 information to the councils, developers and others.

2260
2261 Papakāinga are taonga that enable mana whenua to live on and be sustained by
2262 that ancestral land, in accordance with tikanga Māori; to live as Māori and
2263 support mana whenua to thrive as a community. This includes the social, cultural
2264 and economic wellbeing of iwi, hapū and whānau. We advise that policies
2265 related to this hearing provides for ensuring that papakāinga is developed for
2266 those who whakapapa to or have ancestral connection to this land.

2267
2268 It is appropriate that Greater Wellington Regional Council seeks advice from
2269 Ngā Hapū o Ōtaki within our rohe.

2270
2271 Spinks: Ōtaki township was built on a significant historic wetlands and flood plain.
2272 There is a natural flow-over area for the mighty Ōtaki River. Numerous small
2273 streams and waterways all thrived with life. Natural springs for underground
2274 water from the Tararua maunga; ponds, lakes and numerous interconnected
2275 wetlands all existed along the Kāpiti Coast. We are experiencing increased
2276 rainfalls, increased flooding and inundation due to global climate change. Our
2277 water table is high and felt by many in this community.

2278
2279 The accumulative effects that occur with urban growth with increased
2280 stormwater systems has the potential to have more communities cut off with
2281 flooded roadways. The stormwater system in Ōtaki is built on a maximum of
2282 2cm of water per hour, so anything above that causes our system to overflow.
2283 We're not even talking an extreme weather event: those are medium levels
2284 causing overflows right now, cutting off community as well.

2285
2286 Plans for urban growth in our region if accompanied with poor planning and lack
2287 of infrastructure prior to those building developments, could cause serious
2288 flooding events, our drinking water to be compromised and the sewerage system
2289 that is affected by the soaked in ground water that seeps into the sewer pipes
2290 causing blockages. Our whānau talk about that now. Right now their basins and
2291 toilets don't flow at times of extreme rain.

2292

2293 Our country is involved in a global climate crisis, with effects around Nelson
 2294 and the East Coast. It's not too dissimilar to Ōtaki.
 2295

2296 So here is a Whaitua Kāpiti map showing the Ōtaki River in blue. Most of that
 2297 catchment area is all up in the mountains, that come down Ōtaki. Crystal's Bend,
 2298 which had numerous floods in the 1920s and 1930's caused major consequences
 2299 for our township. It's something to be really aware of when planning for the
 2300 future.
 2301

2302 Hapeta: Ōtaki is not ready for the major planned urban growth in our district. With
 2303 instruction from central government to enable urban growth without appropriate
 2304 infrastructure place first is a terrible way to work. To increase housing and bank
 2305 on the revenue of rates to put infrastructure in place later, or to catch-up with
 2306 infrastructure is too late in our opinion. We cannot be assured that measures will
 2307 happen in time. It is neglectful to entire communities. Our schools are at
 2308 maximum numbers, let alone parks where children play etc.

2309 [03.10.15]

2310 We are requesting that urban development is prohibited where adequate
 2311 infrastructure is not in place.
 2312

2313 It feels like developers and councils lead the direction of planning, which we
 2314 would like to see change. We urge the Regional Policy Statement and
 2315 subsequent plans ensures the wellbeing of the community, taiao, wai are in place
 2316 first to cope with anticipated numbers. We ask you to support our request to do
 2317 things in the right sequence and care for our taiao first. That is the responsible
 2318 thing to do.
 2319

2320 Future planning and designs for our rohe need to include our input, our historic
 2321 knowledge of place, and be critical in robust planning that protects our
 2322 communities. Supporting mana whenua supports the wider community as well.
 2323

2324 Te Wānanga o Raukawa recent development is one of our Māori led examples
 2325 where our whānau worked in collaboration to build a gymnasium, lecture
 2326 theatre, library, four new buildings, a carpark and courtyard. All built to living
 2327 building standards. The campus is pedestrianised with a student central
 2328 courtyard that encourages walking, cycling and other such modes of movement.
 2329 The new part of the campus has been designed 105 percent of daily energy needs
 2330 via solar power, capture of rainwater for all potable and non-potable needs, treats
 2331 sewerage on site and have extensive planting of rongoā medicinal native flora
 2332 and hua rākau, fruit trees.
 2333

2334 The result is a purpose built carbon positive site with green resilient and healthy
 2335 buildings. The expectations are that the monetary cost to maintain the grounds
 2336 and buildings will reduce significantly and people will find the buildings and
 2337 grounds beautiful and conducive to their creativity and wellbeing. That the
 2338 whole design is an expression of kaitiakitanga.
 2339

2340 Ngā Hapū o Ōtaki are concerned with the big picture. The whole region could
 2341 follow in similar sustainable and climate resilient directions. Work with us. Mā
 2342 pango, mā whero ka oti ai te mahi.
 2343

2344 Kia ora. Tēnā tātou.

- 2345
2346 Chair: Kia ora. Thanks very much Ms Hapeta and Dr Spinks for your presentation.
2347 Again, really appreciated the care that you have taken in putting the slides and
2348 presentation together. It really does bring the issues that you're talking about
2349 very much to life for us. Thank you very much.
2350
- 2351 Kara-France: So, that we can assist you, and in particular myself more attentively, may we
2352 have a copy of your presentation please.
2353
- 2354 Spinks: Yes, certainly.
2355
- 2356 Kara-France: Rest assured that your original submission is certainly taken into consideration
2357 and in detail. I have been personally going through that in line with the
2358 comments made. You raised a number of specific issues within your current
2359 presentation today which are really important for us to take into consideration.
2360 The wording that you used within your presentation in align and in comparison
2361 to your original submission. Again, thank you very much for your presentation.
2362 Kia ora.
2363
- 2364 Paine: Tēnā kōrua. Ms Hapeta, I recall in our last hearing stream you did talk about
2365 your development aspirations. I see you have elaborated on that this week. For
2366 me, a more generalised question is, for the things that you have told us today, is
2367 there anything specific in these provisions, the Urban Development Provisions,
2368 that would stop you doing the things that you are planning or aspire to do.
2369 [03.15.00]
2370 Is there anything here in these provisions for Urban Development that you feel
2371 would be an insurmountable barrier to you, stopping you doing what you want
2372 to do?
2373
2374 That's a really big question to put on you just like that.
2375
- 2376 Spinks: I think it's just looking for that additional type of wording. We were prepared to
2377 send through our presentation brief as well, just to see if any of that wording can
2378 help go into these policy changes, to see that mātauranga Māori and mana
2379 whenua input into urban design is occurring within the region.
2380
- 2381 Paine: I do note that there are provisions for papakāinga in these provisions and I think
2382 the intention is for the iwi, you yourself included, to actually contribute to the
2383 definition of papakāinga and what that actually means. You would be able to
2384 feed in how you in Ōtaki see your papakāinga being developed, which might be
2385 different from other areas.
2386
- 2387 Hapeta: It might be helpful if I just let you know that at the last presentation that was
2388 Denise Hapeta who presented. We have the same surname. She was married to
2389 my cousin. But, we work together in Ngā Hapū o Ōtaki.
2390
2391 If I could just add to what Aroha said, I think a lot of what I spoke about was,
2392 yes, would like for our input to be prioritised, but also it's about adding in layers
2393 of protections. I think you would have got the gist of that from what we talked
2394 about. It's about what others are able to do, which has an impact on our area and
2395 our waterways and lands.
2396

- 2397 Spinks: I also think our first submission we would have asked for adequate or substantial
2398 equal resourcing. That's something that even in the Tiriti Model for Whaitua
2399 Kāpiti that we are still working on with the Regional Council. There was some
2400 wording that we recommended in the first submission to assist with that; because
2401 as you can see, we've got great aspirations and dreams and certainly have a good
2402 relationship with the Regional Council as well as District Council. Resourcing
2403 and gaining further capacity within our iwi, input into urban growth and other
2404 areas proposed within the policy statement changes, is probably what's holding
2405 us back the most.
2406
- 2407 Paine: Capacity and capabilities are a problem for us all. Thank you Ms Hapeta for
2408 explaining that relationship. I thought I was having a Spec Saver moment there.
2409
2410 I just have a question about the Whaitua for Kapiti. How far along is that at the
2411 moment? How long do you think that will take to complete.
2412
- 2413 Spinks: Mana whenua, like Ātiawa, Raukawa and Toa, are still asking that we do meet
2414 the working plans that we've got in place to be completed by Christmas time.
2415 We just worked on our Freshwater management units, like you saw in that slide.
2416 We are going to wānanga next week for a two day noho, to look at the values
2417 for each of the Freshwater management units. We are also presenting for the
2418 mana whenua on the attributes that we would like to see. So, we're still pushing
2419 to have it completed, the draft recommendations, by Christmas time.
2420
- 2421 Paine: That's fantastic.
2422 [03.20.00]
2423 As the Panel we do take on-board the concern about the consistency of what's
2424 in the RPS and the District Plans. There's been a lot of submitters actually
2425 expressing that same concern. We are aware of that.
2426
2427 That's all my questions. I think everything else was quite clear. Thank you for
2428 your presentation. Kia ora.
2429
- 2430 Wratt: Thank you, as the others have said, for your presentation. It was great to see your
2431 concern in presentation for your region and your input into the processes.
2432
2433 A specific question. One of the points you made was that you would like to see
2434 urban growth development prohibited where infrastructure is not in place. There
2435 is one specific policy we are considering in this hearing – Policy 58, which talks
2436 about coordinating land use with development and operation of infrastructure. It
2437 has had some changes in the rebuttal report, but I am just wondering if you have
2438 had an opportunity to look at that in the context of your comment. It is asking
2439 for provision – all infrastructure required to serve new development is available
2440 or is able to be delivered in a timeframe appropriate to service the development.
2441 It's has those sorts of requirements in it. It doesn't present that overall regional
2442 picture I guess, but it is quite specific in that considering resource consents,
2443 notices of requirements and District Plans, that those aspects need to be taken
2444 into consideration.
2445
- 2446 Spinks: We would be really supportive of that type of wording. We are currently going
2447 through our Treaty of Waitangi kōrero tuku iho. We've got that happening at
2448 Raukawa Marae right now. Some of the whānau are concerned about some of

- 2449 that development that will occur, so that there's no land left for those settlement
2450 processes as well. So, we would just be supportive of anything that also ensures
2451 that the development within our region has that infrastructure in place first.
2452
- 2453 Wratt: If you wanted, that is in the rebuttal evidence of Mr Jeffreys – if you wanted to
2454 check that wording. Thank you for that.
2455
- 2456 Hapeta: It would be good to check that it's broad enough. It could be a bit piecemeal if
2457 it's done by development, like the broader infrastructure in the whole township,
2458 the broader systems, that they're able to cope with things. So, you can have a
2459 development and that immediate infrastructure can be sufficient, but not the
2460 whole, let's say for instance, the stormwater infrastructure for the whole town.
2461
- 2462 Wratt: It does refer to District Plans. It's not just associated with a specific plan change
2463 or resource consent. It does have a broader context. But, yes, have a look at it
2464 and see what you think.
2465
- 2466 Hapeta: I will have a look. Thank you.
2467
- 2468 Kara-France: Kia ora Dr Spinks. Just in regards to your comment made regarding urban
2469 development and appropriation of urban development and [03.23.55]
2470 infrastructure, as we've been speaking, I'm just really moving within the
2471 conversation already spoken about infrastructure. I saw the mapping that you
2472 provided in your presentation in regards to the water bodies coming through
2473 your takiwā and that concern that the takiwā is quite high in the water table, for
2474 example. Flooding is a major concern for iwi and hapū.
2475
- 2476 Could you just more elaborate on how you would remedy and avoid flooding in
2477 your kaupapa Māori mātauranga Māori viewpoint (a); and also in regards to your
2478 spatial plan, was that part of your mitigation and avoidance of the issues that
2479 you saw; and was your spatial plan in development with the Whaitua, with
2480 everyone else involved, or did you just specifically as the Ngā Hapū develop
2481 that spatial plan. A lot of questions I'm sorry.
2482 [03.25.08]
- 2483 So, (a) were you involved? What solution would you give for the infrastructure,
2484 in the terms of the impacts that you see regarding flooding? (b) regarding the
2485 spatial plan are your solutions based as a rōpū of tangata whenua mana whenua
2486 with the wider community in the Whaitua or is it separate?
2487
- 2488 Spinks: Ka pai. I believe firstly some of the solutions will be around the historic
2489 understanding of where those historic wetlands are, where the streams used to
2490 flood, where those waterways will want to go again. So, with higher
2491 precipitation coming with climate impacts, those systems will want to return
2492 naturally to where they used to go. So, having a historic understanding, which
2493 we have within our members of where those occurrences used to happen would
2494 help to influence urban growth; so looking at as well the high areas of where to
2495 develop and where not to develop.
2496
- 2497 In many of our kaupapa Māori approaches we love to lead but also include
2498 community. There is so much rich information without communities that help
2499 to develop anything. Our process of going back to our people and having a
2500 kōrero and then adjusting plans, predictions or scientific evidence according to

- 2501 verbal feedback is really, really helpful. We've done that for Ngāti Raukawa and
 2502 other areas in Ōtaki. We find that a really successful way of having the wider
 2503 community also buying into and having that responsibility, but also tapping into
 2504 their knowledge as well to help guide going forward.
 2505
- 2506 The spatial planning, my cousin can talk to a little bit more, but my
 2507 understanding is that Ngā Hapū o Ōtaki.
 2508 Hapeta: It hasn't been done yet. That's the next major piece of work to happen alongside
 2509 our housing strategy.
 2510
- 2511 Kara-France: Thank you. Kia ora.
 2512
- 2513 Spinks: I guess one of the big fast tracking developments with a thousand houses,
 2514 [03.27.32] racecourse, is right at that Crystals Bend and that is a major concern
 2515 that we have raised in a few areas as well – just to mention.
 2516
- 2517 Kara-France: Thank you for your response. Looking forward to receiving your presentation
 2518 so we can assist you further. Kia ora.
 2519
- 2520 Chair: I think unfortunately we have reached our time. Maybe if I can sneak in just one
 2521 question. Do you have the proposed Change 1 Provisions handy there, or would
 2522 they be a bit hard to pull up?
 2523
- 2524 Spinks: Sorry, I have the folder in another room.
 2525
- 2526 Chair: There's a provision that I'm interested in getting your views on. If it's not too
 2527 hard to pull it up, it's Policy UD.2.
 2528
- 2529 Ideally the version that's in the officer's rebuttal evidence would be useful.
 2530
- 2531 Maybe if you have a chance to look at that and if there are any comments you
 2532 would like to make on it. Perhaps if you would like to email those through to the
 2533 Hearing's Advisor.
 2534
- 2535 What I was just wondering about is whether this policy, as the officers are
 2536 suggesting it be amended, and it's about enabling Māori to express culture and
 2537 [03.30.00] traditions, and whether there are aspects of this that don't perhaps accurately
 2538 give effect to s.6 in the RMA; and why I suggest that is because compared to
 2539 some other provisions in this chapter, the wording here, I wondered if it's a bit
 2540 weaker. So, when considering a consent application or change of a district plan,
 2541 seek to enable Māori to express culture and traditions," by providing for mana
 2542 whenua/tangata whenua to express your relationship and recognising taonga and
 2543 sites and areas of significance."
 2544
- 2545 I haven't read out the whole provision. There are other provisions that are
 2546 perhaps a bit more directive. So, UD.1 talks about enabling mana
 2547 whenua/tangata whenua to exercise tino rangatiratanga. I appreciate it's a bit
 2548 hard to...
 2549
- 2550 Spinks: We are definitely supportive of making it stronger wording, and giving effect to
 2551 "enabling" rather than "seeking" or "consulting with mana whenua." Absolutely
 2552 supportive of making it stronger wording like elsewhere in the policy.

- 2553
2554 What was the provision that you were referring to, that we could look at that
2555 up...
2556
- 2557 Chair: Policy UD.2. Feel free if you would like to come back. We want these provisions
2558 to obviously read together and be implemented in a consistent and holistic way,
2559 rather than having provisions saying things and expressing things in a different
2560 and inconsistent way.
2561
- 2562 I think we might have to unfortunately leave it there. We thank you very much
2563 again for coming and making time, and speaking with us. Really very good to
2564 see you again. Thank you.
2565
- 2566 Hapeta: Kia ora.
2567
- 2568 Spinks: Thanks so much. Ka kite.
2569
- 2570 **Horticulture New Zealand**
2571
- 2572 Chair: Kia ora Ms Levenson. Welcome.
2573
- 2574 Unless you would like us to, we won't run through introductions. I think you're
2575 aware of who we all are. Welcome to Hearing Stream Four. As with the other
2576 Hearing Streams we have pre-read your evidence statement and Horticulture
2577 New Zealand's submission. If you are able to take us in particular to the areas
2578 where you disagree with the revised wording in the officer's rebuttal statements
2579 that would be great. Thank you.
2580
- 2581 Levenson: Sure. Hello and thank you for the opportunity to speak with you again today.
2582 My name is Emily Levenson and I am an Environmental Policy Advisor at
2583 Horticulture New Zealand.
2584
- 2585 Today I will address our main concerns regarding consideration of the National
2586 Policy Statement for highly productive land within the regional form chapter
2587 and then address the Council's response and leave time for questions.
2588
- 2589 As discussed in previous Hearing Streams, Horticulture New Zealand seeks
2590 simultaneous consideration of the National Policy Statement for Urban
2591 Development and the National Policy Statement for highly productive land.
2592 These documents are designed to be complementary and provide balance within
2593 the Regional Policy Statement.
2594
- 2595 References to highly productive land, even without full implementation of the
2596 NPS-HPL and mapping are in scope and relevant to this chapter. Several
2597 submitters including Horticulture New Zealand and Greater Wellington
2598 Regional Council sought recognition for highly productive land in their original
2599 and further submissions.
2600
- 2601 The original S32 Report for Plan Change 1 sought to incorporate the NPS-UD,
2602 the NPS-FM and related national direction. The NPS-HPL falls within the same
2603 category since it links to both the NPS-UD and the NPS-FM and the exposure
2604 draft was widely available at the time this plan change was notified, similar to

2605 the draft NPS Indigenous Biodiversity which was considered under this plan
2606 change.

2607 [03.35.00]

2608 Keeping in mind our position that highly productive land is in scope for Plan
2609 Change 1, I will now outline our interests in specific policies and respond to the
2610 reporting officer's S42A report, rebuttal evidence and their presentation on
2611 Monday.

2612
2613 I would like to thank the Commissioners for your continued interest in how the
2614 NPS-HPL may fit into Plan Change 1.

2615
2616 During this presentation I will discuss definitions, Objective 22 and Policy 55 in
2617 particular.

2618
2619 First of all, Horticulture New Zealand continues to seek either a definition of
2620 highly productive land or an amendment to the definition of highly productive
2621 agricultural land to include LUC3 soils. Should reference be given to highly
2622 productive land in the integrated management positions, as was discussed
2623 previously, a definition is necessary to ensure consistency throughout the plan?
2624

2625 The current proposed amendments to the plan include references to productive
2626 capability of land, loss of productive land, productive rural land and productive
2627 capability of the rural area. These are just a few of the work arounds for directly
2628 mentioning highly productive land currently in the plan.

2629
2630 We are concerned that this will cause confusion and inconsistent application of
2631 the NPS-HPL.

2632
2633 With regard to Objective 22, we continue to seek recognition of HPL to support
2634 both well-functioning urban and rural areas. During Monday's hearing
2635 presentation of the reporting officers, we heard that it might be worth
2636 considering whether references to highly productive land could be included in
2637 Objective 22, which was encouraging to hear.

2638
2639 In Mr Wyeth's right of reply to Hearing Stream Two – Integrated Management,
2640 he accepted the importance of explicitly referring to highly productive lands to
2641 achieve the aims of the chapter. In Monday's presentation the reporting officers
2642 agreed that this was appropriate for high level direction and objectives – that
2643 was my understanding; and we believe that Objective 22 falls within that
2644 category of high level direction, so it should be appropriate to include highly
2645 productive land explicitly in this objective.

2646
2647 With regard to Policy 55, as I understand it, this is meant to manage Greenfield
2648 Development, so development outside of urban zones, for well-functioning
2649 urban, and once again this is and rural areas.

2650
2651 This policy provides direction when there is a rezoning from rural to urban. As
2652 written, it seems wholly focused on urban expansion with little protection for
2653 rural areas.

2654 Horticulture and highly productive land in general is often located on the urban
2655 rural fringe. This means that it is adjacent to existing urban areas and along

2656 transport corridors, making it vulnerable to urban expansion based on the criteria
 2657 in Policy 55.
 2658 For instance, there are market gardens just outside of Martinborough, Greytown
 2659 and Masterton, which all might fall under this criteria.

2660
 2661 Protection for primary production on highly productive land from reverse
 2662 sensitivity effects and protection for existing activities in general is necessary in
 2663 Policy 55 to prevent land use conflicts from new housing or development
 2664 planned adjacent to horticultural activities.

2665
 2666 Horticulture, like other primary production activities produces noise, odour and
 2667 light that is appropriate for rural land used but could create tension with new
 2668 neighbours if development is not well-managed.

2669
 2670 With regard to our request for recognition of highly productive land in Policy
 2671 55, the S42A Report states that Policy 56 already covers loss of the productive
 2672 capability of rural land for primary production, which in the author's view is
 2673 adequate; and similar language should not be duplicated in Policy 55. We
 2674 disagree.

2675
 2676 Policy 55 relates to urban development beyond the region's existing urban areas,
 2677 including rezoning of rural land to urban.

2678
 2679 Policy 56 refers to decisions in rural areas which remain rural. It is even more
 2680 important that protections from reverse sensitivity are included in Policy 55,
 2681 because that is the policy driving urban expansion in the first place, which could
 2682 create the land use conflicts.

2683
 2684 While the reporting officers did recommend including a point about reverse
 2685 sensitivity for regionally significant infrastructure in this policy, that does not
 2686 protect existing primary production.

2687
 2688 In some we continue to seek recognition of both highly productive land and
 2689 reverse sensitivity for lawfully established activities within Policy 55.

2690
 2691 Explicit recognition of the need to protect highly productive land aligns with the
 2692 recommendations from Hearing Stream Three – Climate Change, to recognise
 2693 the importance of food security, since protection for highly productive land is
 2694 needed to bolster our local supply of fresh fruit and vegetables.

2695
 2696 To be clear we are not asking you to give full effect to the National Policy
 2697 Statement for highly productive land through this plan change. We look forward
 2698 to the dedicated plan change for the complete implementation.

2699
 2700 Instead we ask that you give you direct reference to highly productive land
 2701 where appropriate, to ensure adequate interim protection and consistency
 2702 throughout the plan.

2703
 2704 Thank you for your time. I'm happy to answer any questions you may have.

2705 [03.40.00]

2706 Chair: Thanks very much. We do have questions.

- 2707 Wratt: Just to clarify, essentially what you're asking for is highly productive land to be
2708 referenced in Objective 22 and Policy 55?
2709
- 2710 Levenson: Yes, that's correct. Also reverse sensitivity within Policy 55 and a definition
2711 either for highly productive land, or revising the definition of highly productive
2712 agricultural land to include LUC3.
2713
- 2714 Chair: We have heard, and I can't remember if it was the council officers or another
2715 submitter, who said that the transitional protections in the NPS-HPL are
2716 adequate to prevent continuing loss of highly productive land from urban
2717 development and subdivision.
2718
- 2719 I was thinking about this and you will no doubt be a lot more familiar with the
2720 NPS than I am, but a lot of the directions in the NPS, about avoiding subdivision
2721 of highly productive land, for example, these are directions for Territorial
2722 Authorities.
2723
- 2724 I guess I'm interested in your views on first of all whether you agree with the
2725 view that the protections in the NPS are enough, and is there an issue that really
2726 the key provisions that I think are relevant to this issue provide direction for
2727 TA's and not direction set through the RPS.
2728
- 2729 Levenson: I will preface by saying that I am not an expert planner in the instance of this,
2730 but I will do my best to answer that context. I will just give that context.
2731
- 2732 My understanding is that we are looking for consistency throughout the RPS as
2733 well, because there could be room currently with the freezing that doesn't
2734 actually line up with highly productive land, where there could be confusion
2735 about whether it's referenced to the NPS itself; and also whether there is
2736 inconsistency between the policies.
2737
- 2738 Also since this plan change is implementing the NPS Urban Development, there
2739 is concern that this will skew the priorities of the RPS too far in the direction of
2740 urban development without the adequate balance toward highly productive land.
2741 That was the intention of releasing the two National Policy Statements at similar
2742 times.
2743
- 2744 That was the first part of your question and then the second one about Territorial
2745 Authorities versus the Regional Policy Statement.
2746
- 2747 Chair: Sorry Ms Levenson, do you mind just repeating that bit about skewing. I just
2748 want to make sure I have got that.
2749
- 2750 Levenson: There is just concern that since this plan change is implementing the NPS Urban
2751 Development that it may skew the priorities too far in the direction of urban
2752 development, without adequate balance towards highly productive land, which
2753 we believe was the intention of really seeing and NPS for Urban Development
2754 and highly productive land around the same time – was to have that balancing
2755 effect.
2756
- 2756 Chair: I think you have already covered the point about the directions being for
2757 Territorial Authorities. You've said it is important that the high level direction
2758 does occur in the RPS.

- 2759
2760 Levenson: Yes.
2761
- 2762 Chair: Is there a risk with leaving it to the Territorial Authorities to implement? That
2763 might be too late. We'll have continued loss of HPL?
2764
- 2765 Levenson: As soon as urban development expands onto highly productive land that soil
2766 resource is lost. It's very, very rare for buildings to be removed from highly
2767 productive land once they've been established. So, if the direction is there for
2768 urban expansion, without that strong protection as well, then we could end up
2769 jumping the gun in the interim, because the NPS-HPL is fully implemented.
2770 [03.45.05]
- 2771 Chair: Are you aware if Territorial Authorities in the region have initiated plan changes
2772 to give effect to the NPS-HPL?
2773
- 2774 Levenson: I believe that the combined Wairarapa District Plan has elements of that, but
2775 otherwise I'm not familiar.
2776
- 2777 Chair: Are there any risks that you can see in partially implementing the NPS-HPL in
2778 these Change 1 Provisions? I don't know if there is scope for instance to include
2779 a definition of highly productive land. I think this was a point we talked about
2780 at a previous hearing stream. So, if there's no scope to do that, even if there is
2781 scope for some of this other relief, so recognising the importance of protecting
2782 HPL from urban development in rural residential areas for instance, are there
2783 any risk that you can see in not having the other aspects of the NPS also
2784 implemented in the provision, so just partially implementing it?
2785
- 2786 Levenson: I don't see risks personally at this time because there are those interim provisions
2787 in the NPS-HLP that would sit alongside the recognition; so no, I don't see risks
2788 at this point.
2789
- 2790 Chair: And, they work even if you're basing it on that transitional definition of highly
2791 productive land; so where the mapping hasn't been done and accepted.
2792
- 2793 Levenson: I think that would still offer stronger protection because the current definition of
2794 highly productive agricultural land in the plan is only LUC1 and 2, and even that
2795 interim definition of highly productive land includes LUC3 which adds another
2796 class and so covers more land.
2797
- 2798 Chair: I think you have talked to us before about how much LUC3 is in the region.
2799
- 2800 Levenson: Yes, I believe so.
2801 Chair: If you've got Policy 55 there, the version in the officer's rebuttal evidence,
2802 where it says "protecting regionally significant infrastructure from incompatible
2803 and inappropriate land uses... sorry, your evidence might have actually
2804 suggested some wording. Do you think it would work if highly productive land
2805 was included before regionally significant infrastructure?
2806
- 2807 Levenson: Sorry, could you direct me to sub-clause?
2808
- 2809 Chair: Policy 55, 4.8.
2810

- 2811 Levenson: Are you implying that it would be protecting say highly productive land and
2812 regionally significant infrastructure from incompatible or inappropriate?
2813
- 2814 Chair: I think that would work well.
2815
- 2816 Wratt: Just to clarify that: would that cover your desire to see highly productive land in
2817 Policy 55, or does there need to be any other mention?
2818
- 2819 Levenson: I think that would cover it. The other piece that we were looking for was
2820 recognition of reverse sensitivity effects on existing land uses. So, that would
2821 probably need to broaden that clause beyond regionally significant
2822 infrastructure, or add an additional clause just seeking protection for over-
2823 sensitivity effects on existing land uses.
2824
- 2825 Wratt: Is the reverse sensitivity in that policy as well?
2826
- 2827 Levenson: Currently it just says protecting regionally significant infrastructure from
2828 incompatible or inappropriate adjacent land uses consistent with Policy 8.
2829
- 2830 Zollner: Sorry, just to jump in. Police UD.5 has the reverse sensitivity direction, which
2831 also applies to Greenfield Development.
2832 [03.50.00]
2833 It's has a clause (f). That is also in regionally significant infrastructure. That
2834 could potentially be expanded. You've also got Policy UD.3 on responsive
2835 planning which specifically looks at out of sequence changes. That has general
2836 reverse sensitivity.
2837
- 2838 Just while I have got the mic, I wanted to ask whether you've had a look at the
2839 hierarchy that I think I referred to in the rebuttal, which sets out a preference for
2840 intensification over urban expansion.
2841
- 2842 Levenson: Is that Policy UD.4?
2843
- 2844 Zollner: Yes.
2845
- 2846 Levenson: Yes, I did get a chance to have a look. We definitely support that approach and
2847 that hierarchy. I think that doing density better and density where possible
2848 approach indirectly reaches the goals of the NPS-HPL, but I don't think that
2849 precludes us from also directly referencing the NPS-HPL.
- 2850 Chair: Hort New Zealand's submission sought changes in Objective 22, Policy 55, 56
2851 and UD.3. No-one had relief on UD.4 because it's brand new.
2852
- 2853 Levenson: I think for 56 we accepted the recommendations from the S43A Report, although
2854 that was one that had one of those phrases, something like protecting the rural
2855 capacity of land along those lines; where the language still might be inconsistent
2856 if the phrase "highly productive land" came through in other provisions.
2857
- 2858 But, otherwise we felt the goal is covered.
2859
- 2860 Chair: The relief you seek in Policy 56, to add a new sub-clause, "the use of highly
2861 productive land for food production is enabled" it might depend where I guess,
2862 but isn't that reasonably well-enabled anyway in planning provisions?

- 2863
2864 Levenson: I think that in our evidence for this hearing we accepted the recommendation of
2865 the reporting officer on 56. So, we're comfortable with the language as written.
2866
- 2867 Chair: Sorry, that's 56(a) is it? I am just wondering if that submission point that you're
2868 seeking in relation to 56, which is adding the sub-clause, "the use of highly
2869 productive land for food production is enabled," if that still is an outstanding
2870 point, or if that not part of what you're seeking?
2871
- 2872 Levenson: No, not part of what we are seeking at this point.
2873
- 2874 Chair: I'm not sure Ms Levenson if you've had a chance to look at or be involved yet
2875 with the draft Future Development Strategy.
2876
- 2877 Levenson: No I have not.
2878
- 2879 Chair: The Council have advised that it is being notified very soon – I think even next
2880 week. We had a bit of a presentation on that yesterday. There are areas there –
2881 we didn't go through all of them - but I noticed that Ōtaki for instance is a
2882 priority development area. There may be others as well that are other areas where
2883 Hort New Zealand members have land, orchards and things.
2884
- 2885 I guess if these provisions are saying future growth needs to be consistent with
2886 the Future Development Strategy, I hear what you're saying about how these
2887 provisions are sort of moving forward at a different timeframe and quite quickly.
2888 There could be a point at which growth is enabled in these areas and the land
2889 use conflicts that you talk about occur and then it's too late to unwind them.
2890 [03.55.10]
- 2891 Levenson: Right. In Ōtaki in particular we have vegetable growers currently. It was a place
2892 that used to have a lot more vegetable growing. That's already had some
2893 encroachment, so that definitely would be a concern for us. Thank you for
2894 bringing that to my attention.
2895
- 2896 Chair: The notification and consultation process is coming up shortly.
2897
- 2898 Thanks very much for a very clear submission and presentation again Ms
2899 Levenson. I'm sure we will see you maybe in Freshwater.
2900
- 2901 Levenson: Thanks so much. Thank you for having me.
2902
- 2903 **Waka Kotahi – New Zealand Transport Agency**
2904
- 2905 Chair: Kia ora. Welcome. You're coming to us from Tāmaki Makaurau is it?
2906
- 2907 Keating: Yes, that's correct.
2908
- 2909 Chair: Welcome. Hope the sun has come out for you there. It's a sunny day here on
2910 Poneke.
2911
- 2912 You've obviously presented to us before. Would you like us to go through
2913 introductions again, or you're comfortable you know who we are?
2914

- 2915 Keating: I'm happy with who you are.
2916
- 2917 Chair: I think you can see the Council team who are in the room. We've got the S42A
2918 officers – waving in the wrong direction, Ms Zollner and Mr Jeffreys. Otherwise
2919 a reasonably empty room. We are all here and all ears, if you would like to take
2920 us to the key points in particular where there is still disagreement between you
2921 and the officers in their rebuttal. That would be great.
2922
- 2923 Hepplethwaite: Kia ora koutou. Cath Hepplethwaite for those of you that I haven't met before.
2924 Evan is with me today from Waka Kotahi. I am a Planning Consultant. I am
2925 happy to say that thanks to Ms Zollner and Mr Owen's rebuttal evidence there
2926 aren't hardly any points of disagreement left. The majority of the fairly limited
2927 range of items I presented in my evidence for change have actually been adopted,
2928 or words of a similar effect picked up. I am largely happy.
2929
- 2930 I would just like thank Ms Zollner, I think I can see her there on the edge, for
2931 pointing out UD.4. I had missed that in my primary evidence, so that was very
2932 helpful to see. I am pleased to say that I was quite happy to find it there.
2933
- 2934 My only question on UD.4 really was it's placement within that particular policy
2935 structure, and I have been considering the last couple of days whether it may be
2936 better placed inside of Objective 22 under point (a) with regards to specifying
2937 (and for those of you who are not familiar – UD.4(a) has got the hierarchy which
2938 prioritises development in particular locations, starting with a preference for city
2939 centres, as well as existing urban environments and then moving out through the
2940 areas described into Greenfield and then finally into rural environments.
2941
- 2942 I have been giving it some thought and I also considered at the time of my
2943 primary evidence whether that suite of hierarchy, which is pretty close to what I
2944 recommended or requested in my primary evidence, should be placed at the
2945 Objective level. For me that's a very primary director within the NSP-UD,
2946 particularly around prioritising centres, transport hubs and the high density
2947 associated with that.
2948
- 2949 It would be my preference to see it at an Objective level, but I will acknowledge
2950 though I am very happy to see it in UD.4, versus where I thought it was going
2951 to land, which was in the how the plan works section.
2952 That's really all I wanted to cover today. Otherwise I am happy to take any
2953 questions that there may be. I should also say that I would be happy to provide
2954 a written statement if that assisted the Panel. As I didn't have much to add I
2955 haven't proposed to do that at this point.
2956
- 2957 Chair: We heard earlier today from Ms McGruddy presenting for Wairarapa Federated
2958 Farmers.
2959 [04.00.00]
- 2960 One of the points she made is that Objective 24 should stick to its lane of
2961 supporting compact well-designed urban areas and it shouldn't stray into trying
2962 to manage regional form in rural areas. Obviously Objective 22 sits within the
2963 regional form chapter of the RPS. From your perspectives, is it important that
2964 Objective 22 and the policies that stem from it do try to support well-functioning
2965 urban areas and rural areas? One of the points Ms McGruddy made is that it

- 2966 doesn't really make sense for there to be a compact rural area. What are your
2967 thoughts on that from a transport planning perspective?
2968
- 2969 Hepplethwaite: Policies 55 and 56 which are in UD.4, or referenced in UD.4, they already talk
2970 to rural development areas and Greenfield and rural development. I see
2971 providing direction for rural growth or expansion; do we want to talk about it in
2972 rural environments as a matter which is complementary to compact urban form.
2973 It's not that you can't have one without the other, but certainly not outright
2974 enabling lots of growth in rural environments will help focus growth in other
2975 areas. I'm not suggesting that the plan does enable lots of growth in rural
2976 environments, [04.02.20] about the Policy Statement in that hoc way; it's just
2977 that I see them as complementary items. Some growth in rural areas might be
2978 quite suitable and quite feasible. There may be existing future urban zonings
2979 attached to them, and existing infrastructure available, which is quite capable of
2980 supporting sufficient community facilities and employment opportunities in the
2981 vicinity.
2982
- 2983 So, I'm not looking to say no growth or it's the bottom of the list, it's just there
2984 is an order in which they should be considered when looking for growth areas.
2985
- 2986 Does that answer your question?
2987
- 2988 Chair: I think it does. If rural areas were to be taken out of these provisions, do you see
2989 that having negative impacts on regional form? What are the risks that you see
2990 with doing that?
2991
- 2992 Hepplethwaite: Are you referring to Policies 55 and 56, which talk about the growth rural areas?
2993
- 2994 Chair: Yes. The relief they sought was basically to just keep Policy 56 as it is in the
2995 operative version.
2996
- 2997 Hepplethwaite: I am just locating 55 and 56, so I can be sure that I am talking to the right
2998 documents.
2999
- 3000 So, 55, I'm looking at the rebuttal version, so that may not be the same one that
3001 Ms McGruddy referred to this morning.
3002
- 3003 Chair: I think it was the rebuttal version I think.
3004
- 3005 Hepplethwaite: Excellent. Thank you. That 55 covers managing Greenfield development and
3006 rural areas. So, I'm assuming she's just looking at removing the "and rural areas"
3007 part of that.
3008
- 3009 I thought 56 was just for environments on their own, but I will just confirm that.
3010 Yes, 56 refers to rural areas on their own. So, she's proposing to remove rural
3011 environments from 55, so then that would only apply for Greenfields and leaving
3012 56 or deleting 56?
- 3013 [04.05.05]
- 3014 Chair: Leaving the operative version of 56 as it is, so basically not trying to bring these
3015 provisions regarding what she sees as about urban development; trying to sort
3016 of bring these concepts into rural areas.
3017

3018 Hepplethwaite: From my perspective it's more about a flow of preferred development areas from
 3019 focusing on key activity centres in urban areas. It's not about imposing a high
 3020 density [04.05.48] and lots of employment and high density living in rural
 3021 communities. It's about managing actual growth in the rural areas, whether that
 3022 be single houses on 600 square metres or alternatively there might be some scope
 3023 for mixed use developments in some locations.

3024
 3025 I didn't read the policies as they're structured as to require an NPS-UD policy
 3026 response in regards to a Policy 3 response, which gives you the hierarchy from
 3027 city centres out to neighbourhood centres in terms of built form response. I didn't
 3028 read the policies as requiring that in rural areas. My interpretation of them was
 3029 that locations of growth were to be encouraged in areas which would meet Policy
 3030 3 and considered a lot more thoroughly in rural environments.

3031
 3032 Chair: The prioritisation that you talked about – so having that concentrating growth in
 3033 existing urban and moving out, I guess we've heard from others about how the
 3034 NPS-UD doesn't say that has to be prioritised ahead of Greenfield Development,
 3035 but certainly that's the direction that the RPS Change 1 is taking. From a
 3036 transport planning perspective, do you consider that appropriate from a transport
 3037 planning perspective?
 3038

3039 Hepplethwaite: Yes. I am a strong supporter of intensification particularly, not surprisingly,
 3040 around rapid transport stops; but also around areas that are well serviced with
 3041 transport more generally. So, things like PT, active modes and the like. It
 3042 provides choice for people and that choice isn't available in less well-serviced
 3043 areas. That's why my comments earlier about saying I still think rural areas
 3044 shouldn't be excluded from development but you just need to think very
 3045 carefully about the choices which are available for future residents or businesses
 3046 in those areas and what options they will have – particularly from a transport
 3047 perspective, because we all know that if your only choice is to drive you will
 3048 drive; but if you were given other choices, and they're not always going to be
 3049 taken up, but at least it's an opportunity available for residents or business
 3050 owners, employees or even visitors.

3051
 3052 Wratt: A couple of questions in relation to the introduction and the UD.4. We have
 3053 heard various suggestions from other submitters that the introduction needs to
 3054 be pruned back significantly to varying degrees.

3055
 3056 A specific question on how the plan works. With Policy UD.4, is it still useful
 3057 to have clause (c) and that hierarchy in how the plan works?

3058 [04.10.00]
 3059 Then an associated question I guess is, Wellington Water this morning were
 3060 suggesting that it would be helpful that the hierarchy was actually more
 3061 explicitly identified and that it doesn't actually say, "This is the hierarchy." The
 3062 wording indicates it is firstly, then, then, then.

3063
 3064 Have you any views on either of those?
 3065

3066 Hepplethwaite: In my primary evidence, I suggested striking out the wording from how the plan
 3067 works and moving that to a new policy, because I felt it's location in how the
 3068 plan works left it in uncertain territory, because it is an introductory text, and it
 3069 isn't an objective or a policy.

- 3070
3071 Ms Zollner correctly pointed out that the basics of that hierarchy were in the new
3072 UD.4, so that effectively resolved my concern, or mostly resolved my concern.
3073
- 3074 I didn't check whether it's recommended to be struck out of how the plan works,
3075 item (c), but I would support it's striking out, because I just don't think it needs
3076 to be replicated. My experience is, every time you replicate something there is a
3077 risk there will be an inconsistency somewhere.
3078
- 3079 Wratt: On that one, how the plan works, does have (a), (b), (d) and (e). Not just those
3080 directions that are now reflected in UD.4.
3081
- 3082 Hepplethwaite: Thank you. I've just brought that up. I'm just looking at the rebuttal version.
3083
- 3084 Wratt: Perhaps you could have just the heading for (c) and then not the one to five.
3085
- 3086 Hepplethwaite: It is the one to five which I propose to strike out of my primary evidence. You're
3087 right – leaving the text for (c) in, is what I proposed.
3088
- 3089 The second question, I did have a discussion with Ms [04.12.18] for Wellington
3090 Water last night about this and one other issue, to clarify some of the submission
3091 points that she had made on that. I do agree with her that some better
3092 identification of the UD.4(a) hierarchy could be warranted and that was the basis
3093 of my suggestion, that it could be considered to go under Objective 22 as a sub-
3094 part of (a). That's where I had landed with that after much deliberation about
3095 whether it was an objective or a policy. I've come down largely on the side of
3096 being an objective because of its importance.
3097
- 3098 Also, it directs application of other policies. If it sits at a policy itself then we
3099 need to be very careful about balancing those out. There may be a situation
3100 where an applicant may try and balance or rebalance in a way that wasn't
3101 anticipated if all of the UD.4 and the policies it refers to all sit at policy levels.
3102
- 3103 Wratt: Thank you. We have also had submitters who have suggested that Objective 22
3104 needs to be all the sub-clauses in that should be taken out. I am hearing that you
3105 don't think that's the case.
3106
- 3107 Hepplethwaite: No. There are many options for this particular issue. Good luck with picking the
3108 correct one.
3109
- 3110 Wratt: Thank you. I think we might need it. That clarifies your thought on how the plan
3111 works and what is now UD.4. Thank you.
3112
- 3113 Chair: Just to check, because I think you might be one of the only submitters we've had
3114 so far who have raised that point, that you think that this hierarchy is better to
3115 sit at an objective level rather than policy, in case it might come up against other
3116 policies and be interpreted and weakened on that way. So, you think it should
3117 sit as an objective?
3118
- 3119 Hepplethwaite: Yes. I changed my approach in my primary evidence. When I was writing it I
3120 actually had a discussion with Mr Keating on this. I was very finely balanced
3121 between whether I recommended what was my Policy CDA [04.14.50] which is

3122 now effectively UD.4, and whether it should sit at an objective level. In the end
3123 I came down on policy, but it was very finely balanced for me.

3124 [04.15.00]

3125 Having re-read the Council staff's rebuttal and the updates, although not
3126 substantive but updates to the provisions, particularly UD.4 which I hadn't seen
3127 previously, it did make me reconsider that. Whilst initially I thought that suite
3128 of hierarchy could sit at a policy level, the more I thought about it the more I
3129 thought it may actually be better at the objective level, just so that it's clear that
3130 it gives effect to the policies which are named within the structure.

3131
3132 Chair: Could someone say though that that approach doesn't give proper effect to the
3133 NPS-UD, because the NPS-UD while it promotes intensification in existing
3134 urban areas, it doesn't say that has to be prioritised above Greenfield, and in fact
3135 you need to provide full responsive planning. If you have this hierarchy, we've
3136 heard from developers that they don't support UD.4 for that reason, but if it's set
3137 at the objective level do you think that there's a greater risk that it wouldn't be
3138 giving proper effect to the NPS-UD?

3139
3140 Hepplethwaite: That's a good question. I think regardless of if it was an objective, or even if it
3141 stays as a policy, there is a responsibility of councils to deliver the housing
3142 requirements and business land requirements under the NPS. That would mean
3143 that it's a priority, and if one perhaps couldn't provide the forward looking
3144 capacity in the first section, which is at the moment adjacent to centres, then you
3145 would just keep having to move out until the capacity was able to be fulfilled. I
3146 don't see it as a preclusion, I see it as a preferential directive to say, "Let's put it
3147 here, and if it's not available here then we need to look elsewhere to go to fulfil
3148 the requirements." So, instead of sitting alongside and providing guidance to the
3149 various council's ability to actually deliver on the capacity of requirements.

3150
3151 Chair: Thank you. That's really helpful. Of course the NPS-UD in 3.8 allows the
3152 Regional Council to specify the criteria for when development capacity is
3153 significant and could be provided for in and out of sequence unanticipated way.

3154
3155 Hepplethwaite: Yes it does.

3156
3157 Chair: Did anyone else have anything on Objective 22 or Policy 55, otherwise I have
3158 some questions on some other policies?

3159
3160 Ms Hepplethwaite, as someone who obviously works with the transport
3161 provisions probably quite closely throughout the country for Waka Kotahi, this
3162 issue that keeps coming up about the regulatory policies requiring district plans
3163 to include objectives, policies etc. and very happy to think about this in the
3164 specific context of integrating land use and transport, if you have somewhere
3165 handy the policies from the climate change transport provisions, there is just one
3166 in particular. It's CC.1. Take your time if you want to have a look at that.
3167 Probably the best place might be Ms Alwood's rebuttal evidence, her Appendix
3168 B.

3169
3170 Hepplethwaite: One moment and I will just locate that. Rebuttal Evidence, Transport Appendix
3171 B, Louise Alwood. Yes, I have that open. CC.1.

3172

3173 Chair: This is setting direction for plan making to optimise transport demand requiring
 3174 transport infrastructure to be designed and constructed in a way that contributes
 3175 to reducing greenhouse gas emissions and supporting development to occur in
 3176 places where basically again support emissions reductions, connecting to public
 3177 transport roots etc.

3178
 3179 So, say a Territorial Authority gives effect to this policy in its District Plan, I
 3180 just wanted to get your views on what would happen when we come to Policy
 3181 57 when there is a consent application and the applicant is required by this Policy
 3182 to have regard to integrating land use transport planning to achieve the things
 3183 listed in this policy, minimising private vehicle travel, supporting connectivity,
 3184 supporting move to lower emissions.

3185 [04.20.00]

3186 Do you see any issues/risks with this consideration policy applying at that
 3187 consenting stage when you've already got the District Plan that's given effect to
 3188 Policy CC.1?

3189 Hepplethwaite: My experience in consenting, because I do deal with a lot of resource consents
 3190 outside of work that I may be assisting Waka Kotahi with, is for a land use
 3191 consent, for example for a ten lot subdivision or a new house, new factory or
 3192 new church, at that district planning level of day-to-day consenting, it's very
 3193 unusual for the RPS to come into play. The expectation is and generally I have
 3194 found it to be true, that the District Plan provisions pick up the RPS
 3195 requirements, such as CC.1 and transfer them through to their own usually
 3196 strategic objectives first and then follow into the detail of for example the
 3197 transport chapter or the subdivision chapter.

3198
 3199 In my non-transport practice and transport practice, it wouldn't be very often I
 3200 would go to an RPS for resource consent for an average type development. A
 3201 large subdivision I did in the Otorohonga region last year, 130 lots, I did look at
 3202 the RPS to some degree, but the particular land development in that example
 3203 was foreseen. It already had a future urban zone. So it was more of a cursory
 3204 look to check for anything untoward, rather than a detailed assessment of RPS
 3205 objectives and policies.

3206
 3207 In my experience, I can't think of an instance where for a resource consent I
 3208 have been asked for RPS assessment. But, turning more towards things like
 3209 notices of requirement, then that would be, I guess, almost certainly.

3210
 3211 Moving to plan change, again RPS's is a definite for consideration. But,
 3212 certainly on a day-to-day consenting, unusual for most scales and activities.

3213
 3214 Probably the exception would be if something is extremely inconsistent with a
 3215 zone – maybe there's a significant urban activity occurring in a remote rural area
 3216 or something like that, or perhaps a significant natural area issue, or something
 3217 like that, then the Council planner I imagine might look to the RPS for support.
 3218 I can't think of any realistic examples at the moment.

3219
 3220 Wratt: Can I just explore that a little bit more? We heard this morning from one of the
 3221 submitters that if a requirement is included in the RPS and in the District Plan,
 3222 then in your application for consent you only have to address it twice.

3223 [04.25.05]

3224 What I'm hearing from you is more that you would just check back against the
 3225 RPS and make sure that there was nothing – or was there something that needed
 3226 considering that wasn't already considered, in terms of putting an application in
 3227 and looking at the District Plan. Am I correct? What's your comment on that?
 3228

3229 Hepplethwaite: I completely agree. That's my experience. It's unusual to look at the RPS in most
 3230 resource consent applications. The reason for that is I expect the District Plan to
 3231 implement the RPS like it should. I shouldn't have to look back up the chain
 3232 unless there is something or quirky with the situation.
 3233

3234 Wratt: Do you see any risk or added work requirement, significant added work
 3235 requirement in a consenting process in the application if you do have coverage
 3236 in both the RPS and then in the District Plan?

3237 Hepplethwaite: They should be consistent, so no the same matter should arise. I think the trick
 3238 particularly for CC.1, the example given, will be how that policy is applied to a
 3239 development which might not be able to demonstrate some of the things there. I
 3240 think that particular example is not an additional workload risk for an applicant
 3241 because the two documents should be similar or achieving the same outcome.
 3242 It's more a case of how am I going to prove consistency with that or otherwise.
 3243 I think that's a different sort of risk. That's an application risk versus a workload
 3244 or doubling up risk.
 3245

3246 Wratt: And, that's not a risk that has increased or changed, whether it is or isn't covered
 3247 in both the RPS and the District Plans?
 3248

3249 Hepplethwaite: One needs to implement the other and that should happen.
 3250

3251 Chair: But there could be a risk if the consideration policy isn't aligned with the
 3252 regulatory policy. Hopefully that won't happen. But, if that did happen, then you
 3253 could see how someone who was say either particularly I favour of, or
 3254 particularly against the proposal might be able to use either of those provisions
 3255 to support the points they were making.
 3256

3257 Hepplethwaite: Yes that could be a risk for the way this plan is structured, yes.
 3258

3259 Chair: In Hearing Stream Seven next year, which is the wrap-up and integration
 3260 hearing, though I think other things might be being added to it, it would be really,
 3261 really useful at that point, at that point, we will have all of the officers final
 3262 recommendations on the provisions, and we would really value Waka Kotahi,
 3263 and I think we will be asking this everybody, to just check that vertical and
 3264 horizontal alignment and let us know if they see inconsistency issues between
 3265 these regulatory policies and consideration policies, if we recommend that they
 3266 remain.
 3267

3268 Thank you. It's really useful hearing from you as a practitioner with provisions
 3269 like these. Thanks for that explanation. Sorry it took a while to get to it.
 3270

3271 Policy 58, which is about coordinating the land use, your relief was that
 3272 development that should be enabled to a level commensurate with availability
 3273 of infrastructure.
 3274

- 3275 [04.30.00] The officers are now supporting that the policy allow for, and this is in Policy
 3276 58(f), that the infrastructure required to serve the development is available or
 3277 able to be delivered in a timeframe appropriate to service the development.
 3278
- 3279 I guess in terms of state highway infrastructure you would probably be looking
 3280 at a big new Greenfield. Perhaps you can talk to how this would apply in terms
 3281 of Waka Kotahi.
 3282
- 3283 Hepplethwaite: In terms of how an application would be assessed from Waka Kotahi's
 3284 perspective under (f)?
 3285
- 3286 Chair: Yes.
 3287
- 3288 Hepplethwaite: Evan, do you want to talk to that or do you want me to?
 3289
- 3290 Keating: I'll briefly talk to it, possible at a more higher level. Yes that is a fairly common
 3291 occurrence. Got quite a few examples in the Auckland region where a developer
 3292 wants to go ahead either at a resource consent or through a plan change with
 3293 their ITA identified upgrades required for it. That's unlikely to be a whole new
 3294 corridor [04.31.18] highway. It's more likely to be intersection upgrades or
 3295 localised sections of widening. Then, through the resource consenting it's a
 3296 consent condition saying 'no development [04.31.29] being built,' or at a plan
 3297 change as a rule that says, 'no more than x units can go ahead until this is
 3298 developed.' That generally works well, as long as there is enough information.
 3299
- 3300 From my point in Waka Kotahi, obviously you need to know it's physically
 3301 feasible but also desirable and it doesn't preclude future projects; particularly if
 3302 a developer wants to say add a roundabout to one intersection and we might have
 3303 identified one further down the line that's actually meant to be the [04.31.55]
 3304 upgrade and potentially the two might not fit in the same corridor. That type of
 3305 thing. But, by and large I would say the existing system works pretty well.
 3306
- 3307 Chair: So, if a development did require an intersection upgrade, widening or improved
 3308 access onto a state highway or something like, and Waka Kotahi needed to be
 3309 involved as part of that work, normally would the developer have approached
 3310 you in advance of lodging the consent application, and would they be able to get
 3311 something that said Waka Kotahi was satisfied that this work could be delivered
 3312 in a timeframe appropriate to service the development.
 3313
- 3314 Keating: Yeah, generally. If it's clear that it's something that's needed, usually for the
 3315 developer it's a fatal flaw if we don't agree with it. Occasionally some will argue
 3316 that an existing intersection is fine up till half the development, or three other
 3317 developers might accumulatively [04.33.12] that they want on their own. Those
 3318 ones are harder to deal with, but by and large we would be involved pretty early
 3319 on and often end up with a separate legal agreement to resolve these.
 3320
- 3321 The other options where we have something programmed or identified in a
 3322 longer term plan, and it's unclear if we get funding to deliver it. Those sorts of
 3323 ones it gets more difficult, but if it's the applicant who wants to deliver it then
 3324 yes, they would normally come to us first to make sure we are agreeable, and it's
 3325 just a question of working out the how, the when and who pays – usually backed

- 3326 up by some sort of planning provision to make sure they can't go ahead without
3327 it.
3328
- 3329 Chair: As part of that, would you now be considering, or through these provisions do
3330 you think you would be considering multi-modal other options and active ways
3331 of moving around – cycling infrastructure and that sort of thing?
3332
- 3333 Keating: Yes definitely. That tends to tie in with safety issues. Even if for some reason
3334 we decided not to be multi-modal, if someone wants to develop something that's
3335 close in urban area but sort of slightly disconnected from it, people end up
3336 walking and cycling between the development and the urban area. So, from a
3337 safety point of view we have to consider that. We have to say you can have a
3338 footpath in your development, but what do they connect to and how do they get
3339 to what people are likely to try to travel to.
3340
- 3341 Chair: The reference in there to infrastructure, required to serve the development,
3342 would you expect that that would really cover... so, for example, if a developer's
3343 application just provided for the intersection upgrade works, could Waka Kotahi
3344 possibly submit on that and say, "Actually, all infrastructure that's required
3345 needs to be provided for and so you need to show how you're going to be
3346 providing funding multi-modal options, active transport."
3347 [04.35.30]
- 3348 Keating: Yes. This type of wording is quite useful to us, because we would submit these
3349 things on particularly something like 'all infrastructure'. It's quite broad. As I
3350 read it there's no qualifiers in that.
3351
- 3352 Chair: I don't know if mandate is the right word, but your interest in providing for those
3353 things, would that come from purely these RPS provisions, or is that also from
3354 the RLTP or your own legislation? What would be driving that?
3355
- 3356 Keating: I would say it's primarily from a funding point of view – and under the LMTA,
3357 I've forgot the exact wording, but a general obligation to provide for an efficient
3358 and effective land transport system in the public interest. So, that includes with
3359 state highways we have an interest in everything because we fund everything,
3360 but then on the ground there's a delineation between what the council covers in
3361 terms of local roads and what we do in terms of state highways. So, we would
3362 say in terms of any planning process we always have a right to be involved, and
3363 have standing; and these RPS type policies back it up and give us a structure to
3364 work with.
3365
- 3366 Chair: Thank you. I guess I'm trying to explore whether the aspirations or the policy
3367 intent of the whole suite of these transport provisions, a lot of them are from the
3368 previous hearing stream and just how they would actually work and be realised
3369 on the ground. I know that a lot of these are consideration policies, so developers
3370 would need to show that they've had sufficient regard to them in their consent
3371 application, but I was interested in getting the perspective of an infrastructure
3372 provider, but it sounds like you would be looking out in particular for safety
3373 efficiency, you would be able to submit on proposals, you'd be able to obviously
3374 get involved in district plan making processes. Okay. Thank you. Interesting.
3375
- 3376 You will be obviously aware – I think you have been very involved in the draft
3377 future development strategy that is coming up for the Wellington Region, or

- 3378 maybe you haven't been; anyway, that is coming up very soon for consultation.
 3379 The growth corridors that are in that draft document which I think also would
 3380 include Waka Kotahi's network, my understanding is that it flows down from
 3381 the RLTP into that FDS and then through into here, and influences urban
 3382 development of regional form through these provisions. I guess we're all hoping
 3383 that they'll be aligned and worked together well.
- 3384 Keating: That's certainly our intention. As I understand, that's one of the reasons why the
 3385 FDS is to try and tie those things together; it's one plan to show how it's all meant
 3386 to be or how's it all meant to happen.
 3387
- 3388 Chair: I can't remember. We had a presentation yesterday from the Wellington
 3389 Regional Leadership Committee. Is Waka Kotahi a partner in that process?
 3390 [04.40.00]
- 3391 The officers are nodding. I think the answer is yes.
 3392
- 3393 Keating: Take it as a yes.
 3394
- 3395 Chair: Might be a Wellington based team who are involved with that.
 3396
- 3397 Keating: Yeah, it will be.
 3398
- 3399 Chair: I think we're probably all done.
 3400
- 3401 Sorry, I've missed one question I had written here. Sorry to come back to it.
 3402
- 3403 Ms Hepplethwaite, it's in your evidence, that point about the hierarchy again, in
 3404 para 7.4 and para 7.7, you refer in your evidence to that hierarchy intensification
 3405 being preferred above development in rural areas. You say that's critical for
 3406 delivering on the NPS-UD and other planning outcomes and also in 7.7 this is
 3407 an outcome which is consistent with implementing the NPS-UD.
 3408
- 3409 We briefly discussed this earlier but I just wanted to check in case I'm missing
 3410 something. There's nothing specific in the NPS-UD that says you intensify in
 3411 existing before you go to Greenfield, is there?
 3412
- 3413 Hepplethwaite: Not that I'm aware of, no.
 3414
- 3415 Chair: Certainly that's the direction in this proposed Change 1.
 3416
- 3417 Hepplethwaite: I think that's also the general thrust of the NPS-UD and the MDRS, which we're
 3418 not specifically dealing with here is, growth in urban areas. That's where the
 3419 national focus is. Growth in urban areas, dare I say it, are ahead of Greenfield's
 3420 scrawl, or unplanned probably more precisely, unplanned Greenfield expansion.
 3421 The general thrust of central government policy is intensify and there is a
 3422 varying degrees of intensification within that broader ambit.
 3423
- 3424 Chair: Just lastly, the direction in these provisions to the Regional Land Transport Plan
 3425 – which haven't had a lot of attention so far in the hearing, but I thought if
 3426 anyone has any comments on them it might be Waka Kotahi.
 3427
- 3428 Zollner: Policy 33.
 3429

- 3430 Chair: At 33. We haven't heard too much about 33. Thank you Ms Zollner.
 3431 [04.45.00]
 3432 So 33 if you have it there.
 3433 Hepplethwaite: Yes, got that one.
 3434
 3435 Chair: You'll be familiar with the changes Ms Zollner is recommending. In some places
 3436 the provisions talk about well-functioning urban areas and rural areas. This
 3437 Policy 33 requires the Regional Land Transport Plan for Wellington to contain
 3438 objectives and policies that support well-functioning urban environments, which
 3439 of course has that specific definition from the operative RPS.
 3440
 3441 Then the addition in the S42A Report is the addition of those words in red to
 3442 contribute to a compact well-designed responsive regional form.
 3443
 3444 Does that all align? Does that all fit together? I guess it's just a question about
 3445 the different definitions and whether Policy 33 works in light of the changes to
 3446 the definitions.
 3447
 3448 Hepplethwaite: I don't have an answer for that off the top of my head. It's something I would be
 3449 happy to consider further. I hadn't given a great deal of thought to that.
 3450
 3451 Chair: Given that we haven't had a lot of submissions on the policy, I think it would
 3452 actually be really useful if you could give it some thought. The definition of
 3453 well-functioning urban environments, as I say meaning as in Policy 1 of the
 3454 NPS-UD, but there are definitions I think for both regional form – that's
 3455 probably the main one.
 3456
 3457 Hepplethwaite: Could I provide you with some written thoughts on that perhaps, if that would
 3458 assist?
 3459
 3460 Chair: Please. That would be great thank you.
 3461
 3462 Hepplethwaite: Just to be clear: your question is whether the red additions to the policy sit
 3463 comfortably with the defined terms, or how they sit relative to the defined terms
 3464 in the RPS?
 3465
 3466 Chair: Yes.
 3467
 3468 Hepplethwaite: I guess you're looking for double-ups or conflicts or things like that?
 3469
 3470 Chair: I think that's right. And, in terms of what the Wellington Land Transport Plan is
 3471 wanting to achieve or intend to achieve. Other policies talk about well-
 3472 functioning urban areas and rural areas. If you could think about whether that
 3473 terminology is better here, or if what's written is workable and appropriate.
 3474
 3475 Thank you. I think that was all.
 3476
 3477 Thank you very much for joining us today. We might see you again in a future
 3478 hearing stream.
 3479
 3480 Hepplethwaite: Certainly. Thank you all for your time and your questions.
 3481

3482 Chair: Thank you. Bye.
3483
3484 Keating: Thank you. Bye.
3485
3486 Chair: We have finished hearing submitters for the day. Back tomorrow at 9.30 and we
3487 have our final two submitters for this hearing stream. Thank you very much.
3488
3489 You can all get out and enjoy the sunshine a bit.
3490
3491 We'll end with a karakia. Thank you.
3492
3493 Zollner: *Kia whakairia te tapu*
3494 *Kia wātea ai te ara*
3495 *Kia tūruki whakataha ai*
3496 *Kia tūruki whakataha ai*
3497 *Haumi e, hui e, tāiki e*
3498
3499
3500 [End of recording 04.50.22]
3501

Greater Wellington Regional Council

Transcription
Hearing Stream Four – Urban Development
Day Three

SUBMISSIONS

Proposed Change 1 to Regional Policy Statement for Wellington Region

Date: Wednesday 4th October 2023

Location: Venue: Naumi Hotel, 213 Cuba Street, Te Aro, Wellington 6011

Hearing Panel: Commissioner Dhilum Nightingale (Chair)
 Commissioner Glenice Paine
 Commissioner Gillian Wratt
 Commissioner Ina Kumeroa Kara-France

Hearing Advisors: Jo Nixon
 Whitney Middendorf

1 Chair: Mōrena. We will start with karakia. Thank you.
 2
 3 Zollner: Kia hora te marino
 4 Kia whakapapa pounamu te moana
 5 Hei huarahi mā tātou i te rangi nei
 6 Aroha atu, aroha mai
 7 Tātou i a tātou katoa
 8
 9 Chair: Kia ora Ms Zollner. Tēnā koutou katoa. Nau mai, haere mai ki te kaupapa o te
 10 rā.
 11
 12 Welcome to the third and final day of the hearing submitters for Hearing Stream
 13 Four for the proposed Change 1 to the Wellington Region RPS.
 14
 15 We welcome Porirua City Council. I think you've presented before so you are
 16 aware who we are.
 17
 18 Would the Council staff be happy to introduce themselves?
 19
 20 Zollner: Kia ora. Ko Mika Zollner tōku ingoa. I am one of the S42A officers.
 21

- 22 Hickman: Kia ora. Ko Matt Hickman tōku ingoa. I am the Environmental Policy Manager
23 at Greater Wellington.
24
25 In case there are people tuning in on the web, maybe we should just do some
26 very quick introductions.
27
28 Ko Dhilum Nightingale tōku ingoa. I am the Chair of the Freshwater Hearing
29 Panel and the Part 1 Schedule 1 Panel. I will just invite the other commissioners
30 to introduce themselves.
31
- 32 Kara-France: Kia ora. Ko Ina Kumeroa Kara-France tōku ingoa. Independent Hearing
33 Commissioner on both panels. Ko Waikato Tainui, ko Ngāti Kahungunu, ko
34 Ngāti Tūwharetoa, ko Te Atihaunui-a-Pāpārangī, ko Ngā Rauru ōku iwi. Nō
35 reira, tēnā tātou katoa.
36
37 Furthermore, I do come from WSP NZ, Transport & Planning, Māori Business
38 Services, Tāmaki-makaurau. I have a strong background in mana whenua in te
39 taiao space and those rights of mana whenua on sites. I am also a board member
40 of the New Zealand Conservation Authority. Kia ora.
41
- 42 Wratt: Kia ora, mōrena. Ko Gillian Wratt tōku ingoa. I am Gillian Wratt. I am an
43 Independent Freshwater Commissioner and Environmental Commissioner and
44 Environment Commissioner, but initially appointed just onto the Freshwater
45 Panel and now on both panels. I am from Nelson and my background is
46 predominantly in the science sector. Welcome.
47
- 48 Paine: Mōrena koutou. Ko wai au? Ko Glenice Paine tōku ingoa. Ko Piripiri te maunga,
49 ko Waitaha te awa, ko Waikawa te marae. Ko Te Ātiawa, ko Ngāi Taku ōku iwi.
50 Nō Picton ahau.
51
52 Good morning, my name is Glenice Paine and I am an Environment Court
53 Commissioner. I am on both panels. Thank you.
54
- 55 Chair: Just very briefly Mr Smeaton, although I am sure you are aware the microphone
56 to push the button to speak and say your name because that's helpful for the
57 transcript. If you are happy to have questions during your presentation, or if you
58 would prefer to keep them to the end?
59
- 60 Smeaton: I'm happy either way really.
61
- 62 Chair: We'll see how it goes. We have until 10 o'clock with you, so plenty of time to
63 go through your submission. Thank you very much. The floor is yours.
64
- 65 **Porirua City Council:**
66
- 67 Smeaton: Kia ora. Ko Rory Smeaton tōku ingoa. Kei Johnsonville ahau e noho ana. Kei
68 Te Kaunihera o Porirua e mahi ana. He kaihangā mahere kaupapa here matua
69 ahau.
70
71 Thank you chair and members of the two hearing panels. I have got some
72 speaking notes which were circulated around. My intention was primarily just to
73 read through those. If you have got any questions, as you were saying before as

74 we go, I'm very happy to take those, or happy to read through it and can take
75 questions at the end. I will leave that up to you.

76
77 My name is Rory Smeaton. I am a Principal Policy Planner employed by Porirua
78 City Council. I produced a statement of planning evidence in support of PCC
79 submission points being considered in Hearing Stream Four – Urban
80 Development.

81
82 I note that I have reviewed the S42A Report as well the rebuttal evidence of Ms
83 Mika Zollner and Mr Owen Jeffreys. Like other submitters, while not always in
84 agreement with their conclusions I do acknowledge the comprehensive work that
85 has been undertaken by the Council officers.

86 [00.05.00]

87 I would like to firstly address a very small matter I noted while reviewing Ms
88 Zollner's rebuttal evidence. Ms Zollner often refers to PCC when addressing the
89 matters raised in my evidence. While this is likely, just simply for ease of
90 reference, I would like to reiterate that is noted in para 4 of my evidence, while
91 I'm an employee of PCC I am giving evidence as a planning expert and the views
92 I express are my own.

93
94 The PCC submission raises a number of concerns with the Urban Development
95 provisions proposed by Change 1. As addressed in my evidence high level
96 concerns raised relate to the implementation of the NPS-UD undefined and
97 unclear terms, climate resilience, duplication of other provisions and
98 explanations. While I consider that the recommended amendments in the S42A
99 Report have somewhat improved the provisions, there remain a range of other
100 matters where further amendments are required. In particular, I do not consider
101 that the rebuttal versions of the Urban Development provision sufficiently
102 address these cross-cutting issues.

103
104 As noted in my evidence, I have not had the benefit of time to address redrafting
105 of the Chapter introduction, however I consider that the rebuttal version does
106 remain overly long and complex.

107
108 PCC submission provided comprehensive redrafted provisions for Objective 22,
109 Policy 30 and Policy 31, to ensure the outcomes sought and appropriate direction
110 is clearly stated within these provisions. I support the wording of those
111 provisions as put forward by PCC as I consider them to be more appropriate than
112 the wording as notified in Change 1, or recommended to be amended by the
113 S42A Report authors.

114
115 Specifically in relation to the regionally significant centres listed in Policy 30, I
116 would like to draw the panel's attention to the Proposed Regional Policy
117 Statement for the Wellington Region in 2009. Policy 29 of that 2009 document
118 included Petone, Kilbirnie and Johnsonville in the list of centres of regional
119 significance. The decisions version of that document and subsequently the
120 operative RPS split the listed centres into sub-regional centres and suburban
121 centres. Petone, Kilbirnie and Johnsonville are listed as the suburban centres.

122
123 The S32Report for the Wellington City proposed District Plan identifies that the
124 metropolitan centre zoning was applied to the areas of sub-regional centre
125 zoning in the operative District Plan, which relates to Johnsonville and Kilbirnie.

126 However, Policy 6.2.1.1 of the operative Wellington City District Plan notes that
127 these two centres are recognised as regionally significant centres in the proposed
128 Regional Policy Statement.

129
130 As such, it appears to me that the S42A Report author is basing his
131 recommendation on zoning in the Wellington City PDP, which was based on the
132 operative Wellington City District Plan zoning, which itself was based on the
133 policy direction in the proposed RPS and which was subsequently changed in
134 the operative RPS.

135
136 The S42A Report author is now recommending the same list of regionally
137 significant centres included in the 2009 proposed RPS and which was amended
138 through the hearing process for that document.

139
140 That's probably quite hard to follow, as I'm just reading out, but I'm happy to
141 take questions on that later. But I see no reason why the decision made on the
142 proposed RPS at that time would be different now. As discussed from paragraph
143 39 of my evidence I consider that the identification of Johnsonville and Kilbirnie
144 as regionally significant centres has the potential to undermine the overall
145 centres' hierarchy and specifically the importance of the regionally significant
146 centres such as Porirua.

147
148 I have recommended a range of amendments to other policies included in
149 Hearing Stream 4. Some of those amendments have been incorporated into the
150 recommendations of the S42A Report authors which I appreciate. However,
151 many of the issues I raised in my evidence remain, such as the use of undefined
152 and unclear terms and duplication of provisions. I recommended amendments
153 through my evidence in chief which I still support, including Policies UD.1, 32,
154 56 and 67 are requiring relatively minor amendments to make them clearer and
155 remove duplication by deleting superfluous clauses.

156
157 I appreciate that some amendments have been recommended by the S42A Report
158 author to Policy 55 to incorporate some of my recommended amendments,
159 however I remain of the opinion that further amendments are required including
160 deletion of Clause 4 of the Policy.

161
162 I consider that the amendments to Policies 57 and 58 proposed through Change
163 1 have significant issues and have not been resolved through the amendments
164 recommended by the S42A Report authors and should be deleted.

165 [00.10.00]

166 I consider that Policy UD.3 should be significantly amended to better give
167 effects to the NPS-UD and be more concise and directive. I have suggested
168 wording to achieve that.

169 Lastly, I consider that Policy UD.5, as recommended to be included by the S42A
170 Report author, should be deleted as it lacks clarity and appears to set the bar
171 inappropriately high.

172
173 I note that Ms Zollner's rebuttal evidence includes incorporation of some of my
174 recommended amendments to UD.2, which I agree with.

175 Overall, I consider that further amendments are required to the provisions in
176 Change 1 relating to the Urban Development topic to ensure that PCC can
177 continue to meet its statutory obligations.

- 178
179 Thank you.
180
- 181 Chair: Mr Smeaton, I just want to check I understand the concern with including
182 Johnsonville and Kilbirnie as regionally significant centres in Policy 30.
183
- 184 There are other submitters, including Kāinga Ora who are coming after you, who
185 say that is appropriate and they have provided economic analysis to support their
186 view on that.
187
- 188 I think the officers have taken care in their report to say that this identification
189 in Policy 30 is not be zoning by proxy and that it's for each Territorial Authority
190 to apply Policy 3 and the others in the NPS-UD.
191
- 192 Your concern about the potential impacts on Porirua also being in that list of
193 regionally significant centres, are you able to explain a bit more about what you
194 see are the potential consequences for Porirua.
195
- 196 Smeaton: I think it was probably not just Porirua but the other regionally significant centres
197 as well. I think my main concern really is just if everything is important then
198 nothing is important. In my mind, the purpose of the hierarchy, particularly for
199 Wellington, is seeing Wellington City as that primary central business district or
200 whatever you want to call it. Some submitters I think had issues with that term
201 – is that primary centre. But, dropping down from that, I think we need to be
202 careful of just trying to include too many areas or centres or within that
203 regionally significant band. I think it becomes an issue, and I haven't had the
204 benefit sorry, of reading through Kāinga Ora's economic analysis of this, but
205 when trying to focus on the centres through the economic benefits of companies
206 locating together and having the accumulative benefits of that; so spreading
207 those out in too many centres would potentially have issues there. I was sort of
208 reflecting somewhat on my experience in Christchurch which had a much more
209 polycentric form itself prior to the earthquakes, and that really significantly
210 impacted on the central business district in that city.
211
- 212 So, that is my primary concern. I think focusing on the list that's in the operative
213 RPS is more appropriate.
214
- 215 Wratt: Your comparison with Christchurch, they are quite different urban city forms,
216 the two cities. Is it really relevant to make that comparison? Just off the top of
217 my head, do you think going out to you've got a train line at Johnsonville and
218 Porirua – sorry, the train line goes to Johnsonville and there's a separate one
219 going to Porirua isn't there?
220
- 221 Smeaton: Yes.
222
- 223 [00.15.00]
224 Wratt: You've got that train line focus in Wellington which you don't have in
225 Christchurch and a flat very flat centre and flat city in Christchurch.
226
- 227 Smeaton: Yes, I take your point on that. Certainly the typography of each city is very
228 different. I think it was more the comparison of the development that occurred I

229 think mostly during the '90s. But, focusing on those outer suburban centres, that
230 had an impact on the city.

231
232 Going back to my point, I'm not saying that those other centres aren't important,
233 but I think it's getting the hierarchy right, as to what is the relative importance
234 within the region, and are those centres actually regionally significant, or are
235 they more locally significant within the district? I think it's just getting that
236 hierarchy correct.

237
238 Chair: I've just been doing a search of when the term regional significant centres comes
239 up in the Change document. It's actually not that often. In a lot of cases the
240 references have been struck out actually in Proposed Change 1.

241
242 The hierarchy, and I know we will be hearing more from Kāinga Ora about this
243 shortly – I guess I'm still just trying to work out the implications, given the
244 obligations on Territorial Authorities to the NPS-UD in these provisions in
245 providing for zoning and where the intensification is appropriate under Policy 3
246 and others.

247
248 I just feel like I'm not quite getting the implications that you're suggesting by
249 having Johnsonville, Kilbirnie and Petone included as regionally significant
250 centres. I appreciate you said you haven't read the information from Kāinga Ora.
251 Kilbirnie has got the big Ākau Tangi Sports Centre. I think the point that they
252 make is that they're not town centres, and they're more than just significant in
253 those areas. They have a broader significance to the region.

254
255 Smeaton: As I say, I haven't been able to read that.

256
257 Chair: We'll hear what the officers respond to in their reply on that point. Maybe we'll
258 move onto another provision.

259
260 The Policy and track form that you talk about – actually it might not be you, it
261 might be in Porirua's submission I think – is that a concern that you have? I think
262 the officer also wasn't quite clear as to what exactly the problem was, because it
263 does imply that there is a hierarchy and you do get centres within centres. That's
264 probably not the right way to express it.

265
266 Smeaton: I didn't go over that point very much in my evidence. I think the concern was
267 kind of related to what I was saying before of having multiple centres which sort
268 of pull focus away from the main business area, if you want to call it that, of the
269 wider urban area, which can have adverse effects.

270 [00.20.05]
271 I think Mr Jeffreys did say if you wanted to clarify that point during the hearing,
272 and if there were other aspects on that point that you would like him to consider
273 in his reply.

274
275 I think the report says by referring to polycentric they're referring to an urban
276 form with many centres. But, he's saying he's satisfied that the provisions he's
277 recommending to provide for that clear sense of hierarchy between centres for
278 intensification levels.

279

- 280 Smeaton: Yes, I think there were some amendments through the S42A report to that policy
 281 which clarified some of the hierarchy, particularly I think with Wellington City
 282 is the primary one and then having the regionally significant centres under that.
 283 I wasn't as concerned having read the S42A Report.
 284
- 285 Chair: In Policy 57 – and sorry, I might be jumping around between Porirua submission
 286 and your evidence – is it your view that that policy should not apply to plan
 287 changes?
 288
- 289 Smeaton: Yes, that's what I have put in my evidence. I have recommended striking out the
 290 words that relate to a change variation or review of a District Plan and just had
 291 that focus on resource consents or notices of requirement.
 292
- 293 Chair: I know you participated in the transport caucusing recently. That's still your view
 294 that these consideration policies in general should not apply to plan changes once
 295 the regulatory policy has been given effect to at the district level.
 296
- 297 Smeaton: Yes. I think we discussed this at a little bit of length as well in Hearing Stream
 298 Two. I think it does depend somewhat on what the policy is relating to. I think
 299 part of it is the structure of the operative Regional Policy Statement which we're
 300 working with, with Change 1, where it's got the two, the regulatory and the
 301 consideration policies.
 302
- 303 I think PCC had legal evidence on that as well, of when the regulatory policy is
 304 implemented through a District Plan then how do you know whether you have
 305 to implement the consideration policy or not. I think the view of the reporting
 306 officers is that you just don't need to consider it because it's already considered
 307 through the plan, but I am not as sure about that as a consent processing officer,
 308 or someone applying for a consent, that that would be that clear.
 309
- 310 I think it does need to be very clearly worded in the policy itself as to where it
 311 applies or doesn't.
 312
- 313 Chair: Pretty much all of the Territorial Authorities I understand, except maybe one or
 314 two in the Wairarapa, have now got IPIs that are either going through the process
 315 or are perhaps even at the decision stage. Obviously the RPS is coming along
 316 after those processes, which some would say is not ideal at all.
 317 [00.25.00]
- 318 The next time Porirua goes through a plan change process of those provisions,
 319 isn't there a strong argument that this Policy 57 serves as a useful check to ensure
 320 regional consistency on these matters – in the event this Policy has not been
 321 incorporated into the IPI instrument?
 322
- 323 I know we're talking about it in the abstract.
 324
- 325 Smeaton: I think in my opinion, I don't have too many concerns I guess with the concepts
 326 that are contained in Policy 57, generally integration of land use and transport. I
 327 think if that is intended to be incorporated through a District Plan I think it should
 328 be through a regulatory policy which directs that.
 329
- 330 I think this goes back to PCC's original submission point on it as well around
 331 what's the purpose of the consideration policies if you're just duplicating the

332 same thing. I do recognise that in some cases, say for SNA's where there's a
 333 regulatory policy which directs that they have to be identified and provided for
 334 through plans and then considered, and then a separate one for consideration
 335 through resource consents, and that had criteria that would apply prior to the
 336 District Plan having the appropriate ones; which is then that situation which we
 337 were talking about before, which is does the consideration policy fall away if it's
 338 been incorporated.

339
 340 As I said before, I think it needs to be quite clearly spelled out in the policy itself
 341 as to how that works. Specifically for Policy 57, I consider that was appropriate
 342 for resource consents, but that there were other policies in the regulatory space
 343 which covered that off for District Plans.

344
 345 Wratt: We heard yesterday afternoon from a planner who has considerable experience
 346 in, I guess, consenting. That was more around the discussion of the application
 347 of these consideration policies to resource consents than to plan changes, but her
 348 comment was that she felt this was useful to keep these in the RPS because, as I
 349 interpreted what she said, that does provide that check. She said if it's a relatively
 350 small consent application you're not bothered with it, but if it's something more
 351 complex then it can be good to actually check back against. It's not a significant
 352 extra major work load for doing consents, but it is useful to check back against.
 353 I think that's a fair interpretation of what she said.

354
 355 Smeaton: Yes, I think some cases that probably is true. That's why I have only
 356 recommended striking it out in relation to the District Plan side of things for this
 357 particular policy. It would still have that check there for resource consents.

358
 359 I think you have spoken with other people providing presentations around if
 360 assessment against RPS policies unnecessarily lengthens the application or the
 361 time taken.

362
 363 I've had experience in both processing and applying for consents myself, and I
 364 think it can add some burden to that, depending on the application. Like you're
 365 saying, if it's relatively small then you probably don't worry too much about it.
 366 If it is a larger one, you're probably doing a comprehensive assessment anyway,
 367 so it's probably not going to add too much.

368
 369 But, I think we do also need to be careful to consider the cumulative impact of
 370 that as well across hundreds or many more consents of having to do that every
 371 time. We need to weigh up the costs and benefits of that.

372 [00.30.05]

373 Chair: Can I ask you a question about UD.5 and responsive planning? Sorry, that's not
 374 responsive planning. Policy UD.5 is the new policy that's recommended through
 375 the report.

376
 377 In your evidence, you say that this sets the bar for future urban development at
 378 an extremely high level, to the extent that most, if not all, development may
 379 struggle to meet the policy.

380
 381 Is that still your view based on the provisions in the rebuttal evidence of Ms
 382 Zollner? There's not actually that many changes to it, other than there's the

- 383 deletion of protecting and enhancing the quality and quantity of freshwater,
 384 which I think was part of your relief.
 385
- 386 Smeaton: I will just double-check the changes.
 387
- 388 Chair: Also if it helps, there's a ring bound folder of them on the table there, if that is
 389 useful.
 390
- 391 I just really want to test this point that you make, that it doesn't seem to provide
 392 additional direction beyond that, which is already provided in the RPS. But, then
 393 I think we've heard from other submitters that this policy (although actually I
 394 might be confusing with UD.4) is useful.
 395
- 396 Smeaton: I think the changes have improved it certainly. I think I have particular concern
 397 around clause (e) which has been deleted. I support that.
 398
- 399 Whether it still sets a bar inappropriately high? I think it's an improvement for
 400 seeking to improve housing affordability, quality and choice. I certainly support
 401 that as well. I think it's certainly stepped back from where it was, which I
 402 certainly support. I think it's definitely an improvement.
 403
- 404 Chair: I might then just ask you about responsive planning.
 405
- 406 The Regional Council obviously has the power and responsibility to set criteria
 407 for when unanticipated out of sequence makes significant contribution to
 408 development capacity.
 409
- 410 We have heard about how much capacity is, I guess, recognised in the draft FDS.
 411 Some developers have expressed that these criteria are too restrictive. They go
 412 further than what is required by the NPS.
 413 [00.35.00]
- 414 In particular, in your evidence I think you talk about how the policy could be
 415 more concise and directive. But, are you broadly comfortable that this does give
 416 appropriate effect to the NPS?
 417
- 418 Smeaton: Yes. I think in preparing my evidence I was very cognisant that the NPS is quite
 419 directive and that the Regional Council has to provide that criteria. I was mainly
 420 focused on just trying to word the policy in a way that was clear.
 421
- 422 I think one of my particular concerns, which I think hasn't been addressed, was
 423 that the wording (and I think it's still in there) "the following criteria must be
 424 met". I think there's potentially a different view of how you apply criteria. If it's
 425 an absolute bottom line each clause has to be met and if it doesn't then it will not
 426 be treated under that policy; or if the criteria are things that you would score
 427 against, and you take an overall judgement approach as to whether it is going to
 428 be treated as that or not, which I think the wording is at the moment, where it
 429 says "must be met" it's to me setting those bottom lines. I think that's potentially
 430 where that concern may lie.
 431
- 432 Chair: I guess its interpretation of 3.83 of the NPS which is possibly quite directive.
 433

- 434 I guess bottom line is, the NPS-UD does recognise that responsive planning is
 435 needed, even though the region has now got more than double we've heard – the
 436 capacity.
 437
- 438 Smeaton: Yes. I think we need to be a little bit careful around that as well. I think the HPA
 439 is obviously the source of truth of that capacity. Whether that capacity will be
 440 realised through intensification within existing urban areas is often a debateable
 441 thing, of whether will eventuate or not. In some cases it will and in some cases
 442 it won't.
 443
- 444 Chair: Is that your understanding of the term “realisable development capacity” in
 445 UD.4(c)? Where it says including consideration of existing realisable
 446 development capacity within existing urban zones? Is that pointing to what the
 447 MDRS and what the IPI's are enabling?
 448
- 449 Smeaton: Yes I think so. Under the HPA it says what the realisable capacity is. They're
 450 sort of different levels I suppose. There's theoretical capacity and then
 451 applying... it's sort of slightly outside my area, but from what I have read of the
 452 HPA, they apply different criteria.
 453
- 454 Chair: The term isn't defined here. I might actually also see if Kāinga Ora have any
 455 views on that. I'm just wondering – it's possibly subjective what that means. So,
 456 whether a definition may be useful. We might ask Ms Zollner to think about that.
 457
- 458 Smeaton: It's probably outside of my area of expertise. I would say you would probably
 459 need some economic expertise on that.
 460
- 461 Chair: I think we have an economist speaking to us next. We might leave that there.
 462
- 463 Urban areas, I think you said in your evidence that terms wasn't needed. The
 464 new definition proposed for that, is that still your view?
 465 [00.40.00]
- 466 Smeaton: Yes, I was looking at that last night. I think it certainly improves it with the
 467 clarification around where in the policy urban zones or urban areas, and then
 468 rural areas as well. I think it is an improvement. My main point in the
 469 amendments I had recommended it actually remove all the references to urban
 470 areas. I didn't see a need for it in what I was recommending.
 471
- 472 Chair: Just finally, the rapid transit stop issue.
 473
- 474 Smeaton: I was just going to clarify: I think in Ms Zollner's rebuttal evidence she said that
 475 the rapid transit service wasn't mentioned in the RPS, but I took those as a
 476 package because the definition of rapid transit stop refers to rapid transit service.
 477 Both of those are defined in the NPS. I took them as a packaging and thought
 478 that would be useful to have in the RPS.
 479
- 480 Chair: I think now the definition in respect to what's in the RLTP is where we're up to
 481 at the moment? No? Have I got that wrong?
 482
- 483 Zollner: There's not a definition, there's just a statement in the explanation that says
 484 they're as identified in the RLTP. I think it's the explanation of Policy 31.
 485

- 486 Chair: Actually, I was looking for that and I couldn't see that in the explanation. I did
487 notice that was written perhaps in the rebuttal or the S42A.
488
- 489 Zollner: It's in the first paragraph of the explanation. Just the last sentence.
490
- 491 Chair: Of 31?
492
- 493 Zollner: Of 31, yeah.
494
- 495 Chair: I think the point was also made that the Johnsonville line could possibly come
496 under Rapid Transport Service. Mr Jeffrey's has been commenting on these
497 provisions.
498
- 499 Zollner: I think that's still an open question because of the Wellington City District Plan
500 process. That hasn't been defined in the RPS anywhere as being in or out, with
501 being considered a rapid transit or not.
502
- 503 Smeaton: I admit I hadn't picked up on that inclusion in the explanation for the rapid transit
504 is identified as the current RLTP. I think, in my opinion, it would still be better
505 to have an actual definition, because of the explanations not being legally
506 binding.
- 507 Chair: I think we're at time Mr Smeaton. We've interrupted you along the way. Do you
508 feel you've covered the key points you wanted to make?
509
- 510 Smeaton: I think so, yes. Thank you very much for letting me present.
511
- 512 Chair: Thanks for your time again.
513
- 514 Now we have the team from Kāinga Ora. Welcome.
515
- 516 Nau mai, haere mai. Welcome. We've heard from Mr Whittington and Mr
517 Liggett before. We'll do some brief introductions so you know who we are.
518 [00.45.00]
- 519 Ko Dhilum Nightingale tōku ingoa. I am a Barrister with Kate Shepherd
520 Chambers and Independent Hearings Commissioner. I am chairing the
521 Freshwater and non-Freshwater Streams.
522
- 523 Kara-France: Tēnā koutou katoa. Ko Ina Kumeroa Kara-France tōku ingoa. Independent
524 Hearing Commissioner for both panels. Ko Waikato Tainui, ko Ngāti
525 Kahungunu, ko Ngāti Tūwharetoa, ko Te Atihaunui-a-Pāpārangī, ko Ngā Rauru
526 ōku iwi
527
- 528 I have a background coming from WSP Engineering, Tāmaki-makaurau,
529 Transport & Planning, Māori Business Services, as the Kaitohutohu Māori
530 Matua, Senior Advisor. Strong background within mana whenua and te taiao
531 space regarding their rights on sites. I am also a board member of the New
532 Zealand Conservation Authority. Nau mai, haere mai. Welcome. Kia ora.
533
- 534 Wratt: Kia ora, koutou katoa. Ko Gillian Wratt tōku ingoa. I am an Independent
535 Freshwater Commissioner and Environmental Commissioner. Was initially
536 appointed to the Freshwater Panel and now on both panels. I am resident in

- 537 Whakatū, Nelson and my background is predominantly in the science sector.
 538 Welcome to the hearing.
 539
- 540 Paine: Tēnā koutou katoa. Ngā mihi nui ki a koutou. Ko Glenice Paine tōku ingoa. I'm
 541 an Environment Court Commissioner on both panels. Kia ora.
 542
- 543 Whittington: Kia ora. Tēnā koutou. Ko Nick Whittington ahau. He rōia ahau mō Kāinga Ora
 544 Homes & Communities, and I will pass you onto Mr Liggett.[M
 545
- 546 Liggett: Kia ora. Brendon Liggett, Manager, Development Planning at Kāinga Ora.
 547
- 548 Heale: [Nil audio]
 549
- 550 Heath: Good morning everyone. Tim Heath from Property Economics assisting Kāinga
 551 Ora with economic matters.
 552
- 553 Whittington: Behind us, we have Girve Singh and Julie Cook who play a very significant roll
 554 obviously in getting us all here today.
 555
- 556 Chair: Welcome to the hearing. The Council staff are in the room. I will invite them to
 557 introduce their names.
 558
- 559 Zollner: Tēnā koutou katoa. Ko Mika Zollner tōku ingoa. I am a Senior Policy Advisor
 560 at Greater Wellington Regional Council, one of the co-authors of the S42A
 561 Report?
 562
- 563 Hickman: Kia ora koutou. I'm Matt Hickman. I am the Environmental Policy Manager at
 564 Greater Wellington.
 565
- 566 Chair: I believe we have the other S42A author remotely attending.
 567
- 568 Zollner: He's watching and he will join if he's needed.
 569
- 570 Chair: I think he's looking after the policies you're particularly concerned about. He is
 571 definitely with us.
 572
- 573 Thank you for the evidence and submissions you have lodged. We have read all
 574 of that. We do have very generous time with you this morning which is fantastic,
 575 because these are some very complex issues and it's important we understand
 576 them.
 577
- 578 We will pass over to you to run through the presentation. Are you happy to have
 579 any questions as we go, or would you prefer to...
 580
- 581 Whittington: I think questions as and when you're ready to ask them is the way to go. I've got
 582 a little bit to say upfront, otherwise I was planning to just run through the
 583 witnesses one by one. In our experience it's best for it to be almost like a
 584 workshop where different witnesses and chime in on a particular question from
 585 different perspective and that can be very helpful. By all means we're in your
 586 hands.
 587
- 588 Chair: Thank you Mr Whittington.

589
 590 Whittington: I have to start with an apology because Kāinga Ora, as you will have seen in the
 591 evidence, is generally supportive of the direction that the Council has taken in
 592 this RPS, and the evidence addressed particular matters that Kāinga Ora still
 593 considers have not been gotten right. But, my submissions were to attach a table
 594 which was mentioned at about paragraph 1.3, and I realised last night while
 595 preparing and looking on the website that it hadn't attached that table. So, I've
 596 got some copies here. What it is does is it identifies the submission points that
 597 are addressed in the S42A Report, where Kāinga Ora accepts the position of the
 598 S42A Report writer and just identifies the pieces that it doesn't.

599 [00.50.00]

600 I don't know the best way to hand that out. I've got eight copies.

601
 602 Chair: If there's any spare Mr Smeaton might appreciate a copy as well.

603
 604 Whittington: I am not planning to take you through it but it may be helpful in your process
 605 later to just have a record of what Kāinga Ora's position is, because I don't think
 606 the evidence otherwise identifies that a number of points are accepted, and
 607 Kāinga Ora agrees with the report writer's position.

608
 609 The one point that I wanted to address and stress upfront is the purpose of an
 610 RPs, because in a broad sense, where there remains some difference I think
 611 between Kāinga Ora and the Council, I think often that difference can be
 612 summed up by a lack of that purpose being infused into the rationale or the
 613 reasoning behind the decision-making and the S42A position. I wanted to stress
 614 that the purpose, as I'm sure you have heard a number of times already in these
 615 hearings, but S59 describes the purpose of an RPS as to achieve the purpose of
 616 the Act by providing an overview of the resource management issues of the
 617 region and policies and methods to achieve integrated management of the natural
 618 and physical resources of the whole region. It's that latter part in my submission
 619 that's really important. It's about integrated management with a regional focus.
 620 Where we are going to get to in my submission is that in a number of locations
 621 the S42A Reports adopt a position because, as the Chair said earlier today in
 622 Porirua's submission, the RPS is lagging behind the IPI's in terms of its timing.
 623 That's unfortunate, but in my submission that can't be allowed to mean that the
 624 RPS does not drive the policy and the integrated management across the region,
 625 because all of those District Councils and their IPI's have not had a regional
 626 focus; have not sought to integrate their district plans, because at the same time
 627 the other District Councils in the region have been going through the same
 628 process and nobody knows where everything is going to end up.

629
 630 So, we can't be in a situation where the IPI's reach their position and then the
 631 RPS simply comes over and tries to align with where those councils have
 632 discretely ended up. It is really important in my submission that the RPS drives
 633 the policy and that can be seen very significantly with the centre's hierarchy.
 634 Because if all the centres' hierarchy in the RPS does is align with where the
 635 District Councils have ended up, then it is not adopting a regional wide approach
 636 to that management.

637
 638 I will ask the witnesses to discuss the virtue of an integrated centres hierarchy
 639 that takes a region wide view, but in my submission it's really important for that
 640 reason.

641 I have a couple of examples that I thought I would just highlight. The first one
 642 comes from Ms Zollner's rebuttal evidence at paragraph 11. I don't know that
 643 you need to go there. It's a response in paragraph 11 to a submission from a
 644 submitter asking for qualifying matters to be listed in the RPS. The position that
 645 Ms Zollner reaches is in fact in my view correct. She says that's not supported.
 646 But, the reasoning in my submission is because it shows that incorrect mind-set.
 647 She says she doesn't disagree with qualifying matters in a RPS but it wouldn't
 648 achieve anything because the IPI's have effectively gone ahead and done that.

650 [00.55.00]

651 If qualifying matters could be put into an RPS, in my submission they should
 652 take a region wide approach to that and identify which ones are appropriate so
 653 that the District Councils have some guidance on that. Actually, in my
 654 submission you can't have qualifying matters in an RPS. They're an anathema
 655 to an RPS. The RMA provisions that relate to qualifying matters only apply to
 656 specified Territorial Authorities, which means the District Councils and not the
 657 Regional Councils. So actually, I think the whole reasoning is wrong. But, the
 658 point is that the mind-set suggests that there's this deferring to the existing IPI's,
 659 which as I say is not in my submission the appropriate position.

661 The second example relates to paragraphs 166 and 167 of the same document.
 662 You can bring it up, but I did print off just the relevant page if that would be
 663 helpful to go right to it.

665 Chair: Just while you're doing that, Mr Whittington on that last point: a Territorial
 666 Authority would get direction from what is in an RPS, as to if there are SNA's.

668 Whittington: Absolutely. When District Councils are identifying qualifying matters, justifying
 669 modification of the MDRS provisions or what otherwise Policy 3 would require,
 670 they should absolutely take into account the objectives and policies, the direction
 671 from the RPS. But, I don't think, which is what the submission was asking, was
 672 for a list of appropriate qualifying matters to be included in the RPS. I don't
 673 consider that to be appropriate.

675 I certainly wasn't meaning to suggest that the RPS could not inform a Council's
 676 assessment.

678 I've given you here paragraph 166 and 167. This is an important paragraph
 679 because it addresses the economic evidence of Kāinga Ora. It's suggested that
 680 the writer can't respond to Mr Heath's economic evidence, and I agree with that,
 681 but Mr Heath's evidence, as I understand, effectively the only economic
 682 evidence in front of you, which means it's unchallenged and it's obviously for
 683 you to determine whether you accept it or not, but the approach of the report
 684 writer should be to consider that evidence and determine whether it changes her
 685 position, or what position it requires her to take.

687 She moves on to empathise with the desire for regional consistency and agrees,
 688 and this is important, that the region has an inter-connected housing an
 689 employment market and an ongoing demand for housing.

691 We have a housing and employment market that is region wide. That's important
 692 for that. It's an important starting point for this consideration about whether the

693 centre's hierarchy can be left for individual District Councils to determine within
694 their rohe, or whether it should be driven from the Regional Council level. Since
695 it is a regional market, in my submission it should be from this higher level.

696
697 Irrespective of how Policy 30 is amended, I remain of the view that the RPS
698 should not at this point go further than the minimum intensification direction in
699 the NPS-UD. Territorial Authorities are better suited to determining which
700 centres are best suited for different levels of intensification in the context of that
701 city or district.

702 My short response to that is that is arse-about-face, or cart-before-the-horse. This
703 Regional Policy Statement should be identifying where intensification is best to
704 go. Armed with that policy direction the councils can identify how much
705 intensification in a particular centre is appropriate. If they disagree about a
706 particular centre, it may be that they can apply a qualifying matter for example,
707 if there is a district level reason why the Regional Policy Statement is not
708 necessarily right.

709 [01.00.00]

710 That's the way it should go. That's not a reason, with respect, to frankly ignore
711 Mr Health's evidence. And, that's all the more important because as 167 then
712 goes onto say, she's not opposed to the need for a strategic centre's hierarchy
713 and appreciates the regional benefits that it provides, but the RPS should not
714 prescribe levels of intensification to different centres. I don't think that it does
715 that. All that the RPS is trying to do is identify the different levels in a broad
716 sense. We're talking metropolitan centres, town centres large and small. That's
717 the degree to which or the extent to which this regional policy statement should
718 be differentiating and directing where intensification should go. It's really
719 important because for Kāinga Ora for example, as Mr Liggett is about to explain,
720 it has to address the significant disparity between the number of people who are
721 seeking housing and the number of spots in the public housing register that are
722 available to them. It needs to close that gap. And that means that when it's doing
723 that it needs to acquire land and construct housing in the most significant places;
724 in the places that have best scope for intensification, amenities for Kāinga Ora's
725 tenants, community services and jobs importantly. That's why this is important.
726 That's where the rubber will hit the road.

727
728 They're all the submissions I wanted to make. I will pass onto Mr Liggett, unless
729 you have specific questions for me, or I can come in later when we get to them.

730
731 Chair: I did have a question on the centre's hierarchy that Kāinga Ora is proposing. As
732 I see it, the biggest difference is that Kāinga Ora is supporting town centres be
733 included in Policy 30. The officers think that going to that level, someone made
734 the comment about zoning by proxy; and forgive me, I'm probably overly
735 simplifying it, but that's a level of detail that's best left for the Territorial
736 Authorities.

737
738 Whittington: That's my broad understanding as well. Maybe it's because we're both lawyers.
739 I thought about it that way too.

740
741 I don't agree that that level is best left to the District Authorities. I know that the
742 RPS plays a significant role in for example as a matter that Waka Kotahi
743 considers when trying to determine the appropriate locations for the funding that
744 it allocates regionally. If town centres are not addressed in the RPS, then it's

- 745 entirely possible that Waka Kotahi funding will not be allocated to arterial routes
 746 around those town centres according to need or priority. There's all sorts of
 747 downstream consequences if this is not addressed, that in my submission are
 748 important. It may well be that the planners are best speaking to that.
 749
- 750 Heale: Can I just clarify something. Town centres are included in that policy already –
 751 they're just called locally significant centres. Kāinga Ora is asking that
 752 additional town centres be included.
 753
- 754 Chair: Mirimar, Newtown and Tawa, they should be part of this list of locally
 755 significant?
 756
- 757 Heale: That's correct because they qualify in terms of the description in the National
 758 Policy Statement – Urban Development, based on the technical work that we've
 759 done.
 760
- 761 Wratt: You also have proposed they be separated into larger urban areas and smaller
 762 urban areas, which is different from what is in the rebuttal report.
 763
- 764 Heale: That's correct. The reasons I have outlined in my evidence are because there's
 765 an expectation that in the larger urban areas you're going to have more density
 766 than you will in the smaller urban areas.
 767
- 768 Wratt: Coming back to specifically Johnsonville and Kilbirnie and whether they should
 769 [01.05.00] be considered as regionally significant centres or locally significant centres. Mr
 770 Whittington, you mentioned the importance of jobs in terms of housing. What is
 771 the significance of that in terms of whether Johnsonville and Kilbirnie are
 772 considered to be regionally significant compared to locally significant?
 773
- 774 Whittington: I was going to say that might be a question for Mr Heath. What I would say (as
 775 I think that he might be going to the work that the witnesses have done about
 776 where you leave from to get to work to) those areas have a much more regional
 777 focus than the local centres, where people who work in those local centres tend
 778 to live locally as well. Whereas, people travel from the Hutt, from Mirimar to
 779 get to Johnsonville, to get to Kilbirnie for work.
 780
- 781 Wratt: What you're saying is that the locally significant centre criteria wouldn't provide
 782 the incentives or criteria for job creation, for businesses to establish in those
 783 centres? Surely that's what drives whether or not you've got employment
 784 opportunities in those centres.
 785
- 786 Whittington: Not necessarily, but I think I'm now getting well outside what I can properly talk
 787 about. I will pass onto Mr Heath.
 788
- 789 Chair: Sorry, we've sort of disrupted. If you would like to do your presentation. I have
 790 just been reminded if you can please say your name into the microphone before
 791 you speak, for the transcript, otherwise we might be attributing statements to
 792 incorrect people.
 793
- 794 Whittington: Fair enough. I will pass down to Mr Heath to address that.
 795

- 796 Heath: The importance of Johnsonville and Kilbirnie is their location. To deliver
 797 efficient delivery over the long term, taking the thirty year horizon of
 798 employment and intensive development, they are very strategically located from
 799 a geo-distribution point of view within the region. Close proximity to major
 800 facilities, CBD and significant employment hubs.
 801
 802 I would probably agree with you as in looking at them today; though may
 803 struggle to meet some of those key metrics for a metro centre. The RPS as I view
 804 it, isn't about looking at today and classifying them; it's about what should be in
 805 the future to help facilitate that intensification of employment and residential
 806 over the longer term, to send the right signals to the market, that where
 807 intensification can be more efficiently delivered, versus whether intensification
 808 goes elsewhere.
 809
 810 The hierarchy that's been put in place is taking a long term thirty year
 811 perspective, and where that growth should go over that timeframe from an
 812 economically efficient point of view.
 813
 814 Heale: Can I just add to that too: the data that is available today in terms of journey to
 815 work information shows that those centres have a sub-regional catchment. So,
 816 people are coming from a much wider area, for example, than say somewhere
 817 like Karori where it's a much more local centre-based catchment. You need to
 818 look at what's happening today as well as what could happen in the future.
 819
 820 Wratt: I guess when I look at the other regionally significant centres, Upper Hutt,
 821 Lower Hutt, Porirua, Paraparaumu, Masterton, they're all quite geographically
 822 separated. Even Petone. Whereas when you look at Johnsonville and Kilbirnie,
 823 to me they're much more part of the Wellington City Council area, Wellington
 824 City.
 825
 826 Heath: To me, that's exactly why it makes them an efficient location for intensification
 827 residential employment, is their strategic location for the region over the next
 828 thirty year period.
 829
 830 Wratt: And, that isn't enabled by being identified as locally significant centres.
 831
 832 Health: That's correct, that's my view yes. Relative to other centres.
 833
 834 Chair: We could continue with questions but I am just conscious if you did actually
 835 want to do a summary or take us to the key points in your evidence.
 836
 837 Whittington: I have a reflection on that answer before I have over to Mr Liggett perhaps, which
 838 [01.10.00] is that again that thirty year horizon, or it doesn't even need to be thirty years,
 839 but a future horizon is again a really important mind-set in my submission for
 840 you to be taking. I've said this in a number of the District Plan IPI process as
 841 well, is that if you try to reflect in the plan what exists on the ground today then
 842 you are reinforcing the status quo and the whole point of the NPS is not reinforce
 843 the status quo today.
 844
 845 Johnsonville and Kilbirnie are for a number of reasons where we want
 846 intensification to go as a region. For a number of regions, not the least of which
 847 is that both have good accessibility in terms of public transport. Those other

848 centres you mentioned – Upper Hutt, Lower Hutt, Porirua, Paraparaumu are all
849 accessed to a greater or lesser degree by rail, and that is important in my
850 submission.

851
852 I will hand over to Mr Liggett.

853
854 Liggett: Good morning, Brendon Liggett. Just in terms of high level summary of the
855 evidence.

856
857 From Kāinga Ora’s perspective we continue to have a waiting list issue, despite
858 recent attempts to deliver more than we have in the Wellington Region for quite
859 some time. Within the next eighteen months we will complete the 2024 build-
860 out programme, which in total will see us deliver 860 new additional homes into
861 the Wellington Region as a whole.

862
863 The challenge for us ongoing is what do we do next? That will represent about
864 one-third of the current wait list that has continued to grow. It represents about
865 eleven percent of the national waiting list. Actually when we look at the
866 Wellington Region as a whole, it is one geography where existing supply hovers
867 around eleven percent of our portfolio – eleven to twelve percent. Future demand
868 is about eleven to twelve percent of the national picture in terms of a region, and
869 then our supply, at least in the immediate term, is kind of matching that. But, we
870 are still unable to fully meet the demands that we see today, let alone what is
871 forecast to come in the future.

872
873 It’s from that perspective that the RPS becomes really important to us in terms
874 of identifying at least from a Council strategic perspective, where are the
875 locations in the region with investment should be targeted.

876
877 Very clearly articulating the centres’ hierarchy and what should be given
878 primacy is twofold for us: (1) in terms of being very clear strategically about the
879 primacy of the city centre, and I don’t think that’s disputed; but then what other
880 sub-regional locations that are important across the region, because in our view
881 that’s where a lot of investment and intensification should be targeted. You need
882 to (a) identify those regional locations; (2) you need to then promote a degree of
883 intensity around it that delivers that regional focus, but then also direct
884 investment from public and private sector into that geography. Clearly
885 articulating those at the RPS, providing that direction for Councils when they’re
886 dealing with their district plans is important.

887
888 We’ve said the same thing applies when we’re dealing with gown centres as the
889 next level in the hierarchy.

890
891 When you get into that at a District Council level some of those locations are
892 questioned; some of them are challenged and some of them agreed, depending
893 on local characteristics as to whether they are measured today or what is
894 intended the future to be. I know you’ve had a discussion about the preparation
895 of the Future Development Strategy and some of the themes that are coming out
896 of that, in terms of the draft work, noting that it’s still and exercise to continue
897 and to be published and engaged on; but we do need the region to clearly
898 articulate what is the hierarchy of centres, what then is the investment that should
899 flow into those – so that then we can make sure we get the intensification from

900 a residential context in the right place, otherwise we will end up putting things
 901 in the wrong place from a residential perspective, and we then don't have the
 902 centres and services that are necessary to make those well-functioning urban
 903 environments.

904 [01.15.00]

905 Fundamentally that is the primary reasons why we are bringing this commentary
 906 to you. We do see it as highly important for the RPS to set that direction as a top-
 907 down strategic view for the region. Yes there is a lot of IPI activity and we have
 908 been heavily involved in that. That from our perspective is a bottom-up
 909 conversation. We shouldn't be setting the RPS because of the conversations that
 910 have occurred – bearing in mind some of those are still to reach ultimate
 911 decisions, and what a Council may say, versus what other submitters have said,
 912 and what a hearing's panel may ultimately do is yet to be seen in some of the
 913 Council geographies.

914
 915 Our take on the current reporting is it's reflective of what the councils have
 916 promoted and not necessarily what the process will direct as an outcome.

917
 918 Unless there is any questions of me I will leave the summary there and we can
 919 move through.

920
 921 Paine: Tena koe Mr Liggett. The introduction to your submission was really helpful,
 922 about what Kāinga Ora is there for, and its two core roles. One of my questions
 923 is, we've had some submitters having the discussion that this urban development
 924 is about urban, it's not about rural. Reading through the statutory functions of
 925 Kāinga Ora and what you've got in your evidence, can you give me your
 926 thoughts on that – whether this process we're going through now is about urban,
 927 or is it about urban and rural?

928
 929 Liggett: I guess probably a question of clarity really from me before I start to answer that
 930 is, there's urban and then there's scales of urban. We have Auckland,
 931 Wellington, Christchurch, the primary urban hubs of the country. We then have
 932 I'll call them regional centres of New Zealand, and then we have rural townships
 933 of New Zealand. The rural townships are still urban in their fabric. They just
 934 happen to be of a different scale and operate very differently and survey different
 935 purpose; as opposed to the rural environment which is a productive environment
 936 to provide food and other services to urban communities as well as economic
 937 activity.

938
 939 So it's more for me are you talking about the rural settlements, or are you talking
 940 about the rural environment in its broader sense?

941
 942 Paine: In its broader sense I would say. Probably more targeted around agriculture,
 943 horticulture, farming and that sort of thing.

944
 945 Liggett: In terms of our statutory mandate, there's other government ministries and
 946 government entities that work in the agricultural environment space. That's
 947 outside of the making sure that the service needs of a rural township and that
 948 very urban context are met or able to be met. We wouldn't stray too far into the
 949 rural environment, apart from the intersect with the National Policy Statement
 950 on highly productive land, and making sure that where we are promoting or
 951 engaging in the process to see the Greenfield growth of locations that we're not

- 952 actually tripping over that productive utility of land. That's probably the
 953 interface between the pure rural environment and the urban environment that we
 954 would see is the space we operate in.
 955
- 956 Paine: That was helpful. What's confusing is the language people are using. I know Mr
 957 Heale has said something about this, and whether it's regionally significant
 958 centres or town centres, or what's in the National Planning Standards. From your
 959 point of view the language should be consistent with the National Planning
 960 Standards?
 961
- 962 Liggett: Yes, that is correct. We've got the National Planning Standards that direct the
 963 description of zones, and then also to be able to provide a framework for that
 964 hierarchy to occur. We say that while we are dealing with the RPS at this point
 965 in time, we should be taking the direction from the National Planning Standards
 966 as opposed to other forms of descriptors that aren't going to be used elsewhere
 967 as a result of those standards being implemented.
 968 [01.20.05]
 969 For us, that's the city centre, the metropolitan zones which is akin to what the
 970 RPS has described as regionally significant, and then we say the town centres is
 971 the next level of hierarch, and that's broadly been described as the largest
 972 suburban centres.
 973
 974 It is a language change, but it is to bring it back and make it consistent with the
 975 National Planning Standards and the inclusion of some of the centres where we
 976 have sought to shift Petone up in the hierarchy and also add additional ones, is
 977 as a direct consequence of our interpretation and understanding of how those
 978 centres are described in the National Planning Standards.
 979
- 980 Paine: Mr Whittington was talking about the RPS I think, describing the intensity of
 981 the development in each centre. Is that not best left to the local regions or local
 982 councils who arguably would know their areas better?
 983
- 984 Liggett: I don't know that we're saying different things. In terms of the actual fact and
 985 degree of the intensity enabled the District Plans will set that; in terms of the
 986 provisions that apply within the specific zones the RPS isn't setting that level of
 987 direction. What we see here is there is a hierarchy and we think the RPS should
 988 be very clear on that and be very strategic for the region, so that the Councils
 989 then have a road map to follow when making those decisions lower down into
 990 the system. But, in terms of the actual extent of heights and extent of bulk, scale
 991 and intensity, Councils will make that decision as part of their own District
 992 Plans, guided by the outcomes sought in the RPS.
 993
- 994 Paine: Last question: do you think that there should be some reference in some of these
 995 provisions to the NPS-HPL?
 996
- 997 Liggett: I think the highly productive land does become an issue for Greenfield. I think
 998 the predominance of the discussion and the changes that we've promoted are
 999 dealing largely with the existing urban footprint. I don't see that we have an
 1000 interest necessarily with that particular issue, but yes the RPS at its core should
 1001 be making that sure it's addressing the outcomes of the highly productive land
 1002 policy statement, in that we should be preserving the most productive land for
 1003 that purpose as to opposed to urbanising it.

- 1004
1005 Paine: That was really helpful. Thank you.
1006
- 1007 Whittington: Can I just add to that answer as well? To the extent that the question is about the
1008 language used in the RPS, the implementation standard of the National Planning
1009 Standards specifically applies the definitions standard to an RPS. If it's about
1010 adopting language of regionally significant versus metropolitan centre, town
1011 centre, and as follows, the RPS should be following the definition standard.
1012
- 1013 Paine: Thank you for that Mr Whittington. I think for me, when I look at a document
1014 like the RPS, it's okay for the planners and for the lawyers to actually read and
1015 understand the document, but for the ordinary person, it's good to have some
1016 clarity in the wording of the document. I was just looking for consistency. Thank
1017 you for that.
1018
- 1019 Whittington: I agree. That's actually another reason to adopt that language. It means that
1020 someone who is having to engage potentially for the first time with both the RPS
1021 and a District Plan in the region can see that they're using the same language as
1022 opposed to one describing something as a regionally significant centre and then
1023 the other one describing something as a metropolitan centre or a town centre.
1024 They'll be able to see that the same language is being used across all of the plans.
1025
- 1026 Heale: I will pick this up in my comments. Regionally significant centre and locally
1027 significant centre as far as I can tell aren't defined, but town centre, metro-centre
1028 and local centre, etc. are defined in the RPS.
1029 [01.25.00]
- 1030 Using terms that are defined will help provide that clarity to the reader.
1031
- 1032 Kara-France: Just a question for Mr Liggett in regards to a collaborative approach with Treaty
1033 partners in terms of intensification and non-intensification Kāinga Ora homes,
1034 in partnership with Treaty partners, is that conversation happening at this
1035 particular time? Are you having that conversation?
1036
- 1037 Liggett: What I can say in response to that is it happens at multiple levels within multiple
1038 processes. To be transparent, in terms of direct engagement in terms of what we
1039 are submitting in the RPS, we would use the standard Resource Management
1040 Act process in terms of further submission to trigger that level of engagement.
1041 But, most definitely in terms of the housing supply and what we build, where
1042 and how, there are a number of levels of engagement that we have with iwi mana
1043 whenua, both in terms of their outcome sought for their people, but also in terms
1044 of the commercial arrangements that we have in our delivery mechanisms.
1045
- 1046 It's very multi-faceted, but in terms of the Regional Policy Statement and the
1047 process we're an equal participant like all other submitters in it and we engage
1048 through that RMA track.
1049
- 1050 Kara-France: Thank you for your response.
1051
- 1052 So, if we're talking long term conversation and strategic planning regarding
1053 mitigating the recurring cycle of past state home communities for example, and
1054 fairly evident high statistical participation, where Māori are very much a part of
1055 that, breaking those cycles for long term strategic planning and mitigating again

1056 those recurring cycles which history has shown; so in regards to your long term
 1057 planning with treaty partners at the table with you to look at urban development,
 1058 appropriate in coordination with pāpā kāinga, again is that conversation
 1059 happening?

1060
 1061 Liggett: Most definitely it is happening. We have specific arrangements with Ngāti Toa
 1062 in Porirua. They've got management responsibilities over part of our portfolio;
 1063 and then when we are dealing with Eastern Porirua we have direct outcomes that
 1064 we are seeking to supply through the delivery pathway, to make sure that we
 1065 have housing opportunities available for them to have discussions from a
 1066 commercial perspective. We might be delivering something and are those
 1067 outcomes consistent with them in terms of commercial arrangements for them to
 1068 enter into as well; in addition to the wider conversation about the environmental
 1069 outcomes that they're seeking, in terms of the infrastructure build that we're
 1070 doing.

1071
 1072 Like I said, it's very multi-faceted and it's not a one-size fits all because the
 1073 issues faced by iwi in different locations are different. The needs are different,
 1074 so we need that specific conversation with people in place about what their
 1075 aspirations are for the housing that they need – both social and public housing,
 1076 but also what the intention is in terms of housing their people.

1077
 1078 We have the Hawkes Bay example (and this is a wider Crown conversation)
 1079 where we have been involved with the Ministry of Housing Urban Development,
 1080 Te Puni Kōkiri and others. My last recollection of that, there's about 480 pāpā
 1081 kāinga houses delivered in that geography, where we've been partner to some
 1082 but not all. The Crown as a whole has been partner to. Where we can add value
 1083 to that conversation or support then we'll step in and assist.

1084
 1085 Kara-France: Thank you. Kia ora.

1086
 1087 Heale: I have just got some speaking notes that I'm happy to hand out. Just as they're
 1088 coming around, I'm largely going to take my principle evidence as read, but I
 1089 just want to highlight a few key points, which picks up on some of the discussion
 1090 earlier. Then the focus will largely be responding to the Council rebuttal
 1091 evidence.

1092 Just in terms of my notes, I believe my recommended changes here at 1(a) seek
 1093 [01.30.00] to provide greater regional direction and advance the Regional Policy Statement
 1094 beyond general direction in the NPS-UD. My changes reinforce the statutory
 1095 planning hierarchy within the RMA and that is spelled out in paragraph (e) there.

1096
 1097 I believe they achieve the National Policy Statement Urban Development
 1098 direction in paragraph (c).

1099
 1100 I believe they help achieve integrated management, and as we have heard this
 1101 morning, in a single regional market effectively.

1102
 1103 I believe the changes provide for a more efficient and effective approach than
 1104 the Councils because they provide a clearer guidance to subordinate District
 1105 Plans in that hierarchy.

1106

1107 I don't think our changes are inconsistent with the direction already taken by
1108 city and district councils. I will talk a bit more about that in the rebuttal response.

1109
1110 Our changes are supported by economic evidence.

1111
1112 Our changes set some limits but allow zoning flexibility. This is around what
1113 the changes to Policy 30 and 31 do. If you read 30 and 31 together, 31 is talking
1114 about the level of intensification and 30 is about where. Because we are
1115 introducing or elevating some of the centres to be town centres, I believe it's
1116 setting a relatively high level standard, but it still allows the council some
1117 flexibility to do things like determine the spatial extent of a centre. We're talking
1118 about areas generally. The councils can determine where that applies.

1119
1120 We are not getting into parameters around lower order centres like local centres
1121 or neighbourhood centres. The focus is on town, metro and city centre.

1122
1123 The extent of walkable catchments can be determined at the district level, if you
1124 like and height; and height and density can be determined beyond the parameters
1125 that are set within both the National Policy Statement and what we are seeking
1126 in the Regional Policy Statement.

1127
1128 I do want to just highlight a couple of errors and amendments.

1129
1130 We are now down at paragraph 2 at the bottom of the page. In the wording for
1131 some unknown technical reason, I was meant to strike out 'of suburban centres
1132 in' and I think I might have underlined it instead of striking it out. That's just
1133 one correction.

1134
1135 One I haven't got written down anywhere, but I just wanted to pick up on was,
1136 I think the Chair mentioned that you have done a word search for "regional
1137 centres".

1138
1139 Chairs: Regions of significance.

1140
1141 Heale: Yes, that's right. If you look at Objective 22 in the track change version from
1142 the Council – Objective 22 paragraph (e) it starts: "Built environments meet the
1143 health and wellbeing needs."

1144
1145 If you read on, that talks about local and regional centres near the end of that
1146 paragraph.

1147
1148 Local centres are actually defined. They use the National Policy Statement
1149 Urban Development definition. Potentially what this is meant to say is "locally
1150 and regionally significant centres" but I would argue that is the panel accepts
1151 my proposition then that should read "town centres and metropolitan centres,"
1152 because those terms are defined and they reflect what I think the Council is
1153 trying to achieve in terms of locally and regionally significant centres.

1154
1155 That's just an additional amendment that I haven't handed out anywhere. It's
1156 something for you to have a think about.

1157

1158 Just turning over, I'll start going through the rebuttal evidence. I will take you
1159 through this pretty quickly because we've started getting into this discussion
1160 already.

1161 [01.35.00]

1162 Just at paragraph 3, I agree that Johnsonville and Kilbirnie should be
1163 metropolitan centre zoning, given the level of intensification there now and
1164 anticipated in the future.

1165
1166 Paragraph 4, Mr Jeffreys talks about the commuter data and what I'm saying
1167 here is commuter data is not the sole indicator of alignment with metropolitan
1168 or regionally significant classification, or indeed even a town or local
1169 significantly classification. It's not the number of people necessarily that are in
1170 those centres, but it's also broadened that in terms of what they come from to go
1171 to those centres.

1172
1173 At paragraph 5, I've got the definition of metropolitan centre zone and you will
1174 see I've highlighted in the definition it talks about a sub-regional urban
1175 catchment. If you compare that to the town centre zone definition in paragraph
1176 6, their functions to service the needs of immediate and neighbouring suburbs.
1177 They've got a different function.

1178
1179 The journey to work information that I've provided in my information helps give
1180 you a picture of whether they're serving a sub-regional area or more of a local
1181 catchment.

1182
1183 Just moving down to paragraph 7, in terms of that journey to work data, you will
1184 see in attachment 1 to these speaking notes I have included some maps which I
1185 unfortunately hadn't included in my principle evidence. These relate to the
1186 journey to work data associated with Kilbirnie and Johnsonville. You can see
1187 from these maps that people are travelling from quite some distance to work in
1188 those centres. I contend that this is a sub-regional catchment at least, which is
1189 the part of the reason why we are recommending that they be a metropolitan
1190 centre zone; and we're agreeing with the Regional Council on that basis.

1191
1192 There is also a number of other factors. Just turning over to top of page-3, we've
1193 got factors such as employment type, level and types of commercial and
1194 community facilities, and current and plan size of centre zones. In my principle
1195 evidence you will see on page-39 there's a table which comes from our
1196 Wellington City evidence, which goes through and identifies some of the criteria
1197 that we have used to indicate whether a centre should be a metro or a town, etc.
1198 Mr Heath goes into this in more detail in his evidence. He goes through each
1199 centre in quite a bit of detail articulating their functions and other matters.

1200
1201 Just moving to paragraph 8, I disagree with Mr Jeffrey's comment that there's
1202 an absence of any other supporting evidence, and that each Territorial Authority
1203 will have determined their own centres hierarchy.

1204
1205 Moving on, that there be much stronger direction to intensify the centres I have
1206 identified as town centres when you combine Policy 30 and 31.

1207
1208 As I mentioned before, there's a whole lot of other thing that the Council can
1209 still determine in relation to those centres.

1210
1211 Paragraph 9, the Council and certainly Kāinga Ora have provided a significant
1212 amount of evidence both in this hearing and through those local council
1213 hearings; particularly around the need to provide clear direction in the RPS, to
1214 achieve regionally integrated management, and we have outlined the benefits of
1215 this in terms of streamlining decisions.

1216 [01.40.00]

1217 So, if you're clear what the outcome is in the RPS then future plan changes or
1218 plan changes potentially going through the process at the moment, won't have
1219 to re-litigate all that, because they have to give effect to the RPS, which should
1220 streamline decision-making in the future.

1221
1222 I've just been made aware this morning that Kāinga Ora has been sent a copy of
1223 the draft, or they have been advised that Hutt City are doing a full plan review
1224 and the draft is coming out shortly. So, what goes in the RPS now is going to
1225 influence future plan changes.

1226
1227 I heard you talking this morning about Policy 57, and whether that should be
1228 influencing District Plan changes. There are plan changes that will go through in
1229 the future, and I think it's important that this RPS guides those, as well as IPI
1230 decisions that might not have been made yet.

1231
1232 Moving down to 9(c) I think including town centres better fulfils the
1233 requirements of the National Policy Statement – Urban Development and I
1234 explain why there.

1235
1236 In terms of (d), if we look at Mr Heath's evidence, I think it's on page-18 and he
1237 will talk to this in more detail, but if you look at the fourth column, the one that's
1238 headed up 'Centre Height Enabled under IPI' – and this is based on some
1239 decisions, so the green ones are based on decisions that have been released
1240 already, and the blue ones are ones that are yet to be released, but these reflect
1241 the recommendations of the S42A reporting officer. We haven't got the
1242 decisions yet so I can't tell you what they are. You will see that they all, apart
1243 from the ones at the bottom of the table, which are those smaller urban area town
1244 centres, the larger urban area town centres effectively all provide for at least six
1245 storey development.

1246
1247 By including those town centres in the RPS, not being inconsistent with the like
1248 outcome of those District Plans. That's what 9(d) is all about.

1249
1250 Moving on, I've talked about (e). There is no definition of regionally or locally
1251 significant centre. I think using the terminology from the NPS-UD is very
1252 helpful.

1253
1254 With (f) I've already talked about. We're not effectively zoning. There's still a
1255 significant amount that the local councils can do in that space.

1256
1257 (g) I think when you look at the...

1258
1259 Chair: Sorry, just before you move onto (g). I was thinking, and we've got these
1260 massive tables of submissions and further submissions, but without pulling those
1261 up, I'm interesting in knowing: so, obviously this relief to include town centre

- 1262 zones and large urban areas, and is it small urban areas? Is that the wording?
 1263 That was part of your submission. So, anyone could have further submitted on
 1264 that, is that right?
 1265
- 1266 Heale: Yes that's correct. Certainly the submission sought inclusion of other town
 1267 centres to come in. What applies to small and large urban areas was a response
 1268 to the S42A Report which said we shouldn't be providing for six storey
 1269 development in those smaller centres.
 1270
- 1271 I looked at the S32 Report that differentiated between and small and large urban
 1272 areas, and I have used that mapping information to make that distinction.
 1273
- 1274 Chair: You can probably see where I'm going. I am just wanting some comfort that no-
 1275 one could say if we were to recommend this wording, that the Council proceeds
 1276 with this wording, that no party could say that they didn't have the appropriate
 1277 chance to comment on that and they've been affected by.
 1278 [01.45.10]
- 1279 Heale: I don't think that's an issue because we supported the inclusion of those centres
 1280 that were already there and we sought to include others. We were also seeking
 1281 changes to Policy 31 about increasing the reference in terms of six storey
 1282 developments; so I don't think there's a scope issue there.
 1283
- 1284 Kara-France: Can you just confirm in regards to a small township or town centre such as
 1285 Featherston for example that you feel it's appropriate not to build six storey
 1286 buildings, or is it up to the District Council?
 1287 Heale: It's up to the District. If you look at our changes to Policy 31.
 1288
- 1289 Chair: What gives us the latest version of your relief? Is it your evidence?
 1290
- 1291 Heale: That's my principle evidence. Apart from those minor tweaks I talked about at
 1292 the start – which we're correcting the things I should have struck out and that
 1293 changed Objective 22.
 1294
- 1295 If we look on page-30 of my principle evidence for example.
 1296
- 1297 Chair: [Inaudible 01.46.40]
 1298
- 1299 Heale: Yes, it is Appendix 1. This is Appendix 1, page-30.
 1300
- 1301 Element 2 says: "Enable high density development within metropolitan centre
 1302 zones and town centre zones in larger urban areas." So, it's not talking about
 1303 those smaller urban areas.
 1304
- 1305 If you go to (iv), "otherwise reflect the purpose of and level of commercial
 1306 activities and community services within town, local and neighbourhood
 1307 centres."
 1308
- 1309 So, because (ii) doesn't talk about small urban area town centres, small urban
 1310 area town centres is captured by (iv).
 1311

- 1312 We're not saying you can't do six storey development there if the Council
1313 decides that's appropriate. We're just saying that you should be doing six storey
1314 development in those more urban town centres. We made that distinction.
1315
- 1316 Chair: The table that you have provided, where you go through the IPI's, are you saying
1317 that is consistent with the IPI's that we have so far?
1318
- 1319 Heale: That's correct. As far as I am aware those smaller urban centres don't have a six
1320 storey minimum but the larger urban ones do in terms of where the decision-
1321 making is at, at this time.
1322
- 1323 Whittington: I think just to elaborate a little on that, by reference to the specific wording in
1324 element (ii), if you take Johnsonville for example, (ii) says: "Enable high density
1325 development within metropolitan centre zones," and then goes on to talk about
1326 with walkable catchments and that sort of thing, how big that zone is, is entirely
1327 a matter for the District Council or for the City Council in this case. So, this does
1328 not direct zoning by proxy or insist on a certain level of development, it just
1329 establishes say Johnsonville as a metropolitan centre zone with a presumptive
1330 high density enablement, and then what the Council does with that is entirely a
1331 matter for the Council.
1332
- 1333 Chair: I've lost your definition of town centre zones and large urban areas.
1334
- 1335 Whittington: It's on the previous page – starts on page-27.
1336 [01.50.00]
- 1337 Chair: Just so I'm really clear, that list there, the intensification outcomes that could be
1338 enabled by that identification; you're saying that's already provided for through
1339 the relevant District Plans, either through the IPI's or otherwise.
1340
- 1341 Heale: That's correct. Yes, if you distinguish between large and small that's correct.
1342 You need to read Policy 30 together with 31 because 30 identifies the centres
1343 and we are seeking more inclusions at the town centre level for the large urban
1344 areas. Policy 31 talks about the level of intensification that we're seeking in
1345 those areas. We are seeking to include large urban town centres in that list.
1346
- 1347 Chair: Then the smaller town centres and smaller urban areas, which currently the
1348 officers support just recognises locally significant centres, but not that additional
1349 level of...
1350
- 1351 Heale: Intensification. So, just to be really clear, the smaller urban areas in Policy 30
1352 listed on page-28, they don't need to achieve the six storey minimum or the high
1353 density development outcome, because they're covered by (iv) on page-30 under
1354 Policy 31. Small urban area town centres aren't reference in that Policy 31. If
1355 you wanted to, you could make a distinction and have a specific reference in
1356 Policy 31 that talks about small urban town centres, but I don't think you need
1357 to because I think it's covered by (iv).
1358
- 1359 Chair: That would be covered by your wording there within an adjacent to town centre
1360 zones?
1361
- 1362 Heale: Sorry, which wording are you referring to?
1363

- 1364 Chair: 31 I think (a)(3)(i). Within adjacent to town centre zones where appropriate. This
 1365 is if you're not a Tier One.
 1366
 1367 It's complex isn't it.
 1368
- 1369 Heale: There's a mix because Otaki and Otaki township are Tier One; whereas
 1370 Featherston, Greytown, Carterton and Martinborough are Tier Two, so they
 1371 would be covered by – if you read further down on 31, yes that's within and
 1372 adjacent to town centres where appropriate. Yes. There is a hierarchy within the
 1373 hierarchy.
 1374
- 1375 Whittington: There should actually be a (b) at the start of that un-numbered paragraph for any
 1376 other Territorial Authority, halfway down page-30. If you go back to Policy 31,
 1377 it's got an introductory paragraph and then says, by (a) for any Tier One
 1378 Territorial Authority and that continues on down to (iv) and then that should say
 1379 (b) for any other Territorial Authority, with (i), (ii) and (iii) following it.
 1380
- 1381 Heale: I just wanted to draw your attention to (g). This is going back to my speaking
 1382 notes. It's on page-4, in the middle, (g) and Mr Heath will probably reiterate this.
 1383 I am basically saying, “It seems very surprising that there are no locally
 1384 [01.55.00] significant centres or town centres in the most populous and intensive city in the
 1385 Wellington region,” and that's Wellington City.
 1386
 1387 If you look at my speaking notes, Appendix 2, there's a map where we have
 1388 identified the centres that Kāinga Ora are seeking you. You get an idea of the
 1389 regional spread. You can see there's a number of town centres say in Kāpiti and
 1390 if we didn't include Newtown, Mirimar and Tawa in Wellington, there would be
 1391 no town centres in Wellington City, which just seems very unusual.
 1392
- 1393 Wratt: You haven't proposed any in your revisions to Policy 30?
 1394
- 1395 Heale: Yes we have. We are, yes.
 1396
- 1397 Wratt: Right, Mirimar and Newtown.
 1398
- 1399 Heale: That's basically because when you look at the description of town centre in
 1400 National Planning Standards, it talks about having a residential and surrounding
 1401 suburb catchment. Based on our work those centres do.
 1402
- 1403 Kara-France: Just in relation to your statutory guidelines, in regards to the support whānau and
 1404 families into safe, healthy affordable homes, and also it's mentioned here ‘houses
 1405 meet needs’. And, it's great that you've looked at the planning of building homes
 1406 appropriate to all amenities, etc.
 1407
 1408 The current evidence shows in society that the lack of carparking and lack of
 1409 space to grow food has been a contributing factor that restrains families for
 1410 appropriate housing needs – appropriate to them by parking their cars; there has
 1411 been evidence as you're aware of community fighting amongst each other
 1412 because of those reasons, and also the lack of available space to grow food, i.e.
 1413 vegetables. I haven't seen anything in your submission as yet that specifically
 1414 addresses the issue of appropriate safe homes. What's your comment on my
 1415 question, and also highlighted comment please?

- 1416
1417 Heale: I guess probably one of the key things to note is that the reason we are looking
1418 to intensify particularly around existing centres and key transport routes and
1419 roads is because people can either live, work and play within the centre, or get
1420 easy access to other places around if they live in a centre that has a good transport
1421 network for example.
1422
- 1423 A lack of parking for example isn't as significant in those areas as it might be in
1424 areas outside walkable catchments around centres.
1425
- 1426 I haven't really turned my mind to the ability to grow food, but just reflecting
1427 on the discussion you had earlier about highly productive land, I think there's a
1428 close relationship between the level of urban intensification and what we do in
1429 our rural areas. If we don't provide enough intensification in our urban areas,
1430 then that's going to bleed out into the rural area which will affect I guess
1431 everyone's ability to have access to food.
1432
- 1433 Kara-France: What I meant is the lack of space to actually grow a garden in the back yard, in
1434 the homes that you provide. Again, in regards to a high user of your homes many
1435 are shift-workers who require two vehicles in the family home for those reasons.
1436 But, when you provide a lack of that convenience to supply for a home owner,
1437 or home participant and tenants, such as your tenants are, which are low income
1438 and high shift-workers within factory work and other working circumstances
1439 which require 24 hour access to vehicles, I just hope that you take that into
1440 consideration in your design.
1441 [02.00.30]
- 1442 Six storey level home availability is not meeting the market for your tenants on
1443 a lot of levels. I hope that you take that into consideration please.
1444
- 1445 Liggett: I might pick that one up, in terms of design and delivery with respect to parking
1446 and how we've commented it into these processes.
1447
- 1448 At the outset I guess I would draw on the National Policy Statement – Urban
1449 Development directs that councils cannot regulate the supply of carparking in
1450 terms of minimum provision for residential, aside from accessible parking
1451 supply. That doesn't necessarily mean that the market won't do it, either in terms
1452 of what the market is doing generally, or what we're doing in terms of the public
1453 housing provision. We do have quite a bit of evidence and research into the
1454 parking requirements with particular reference to public housing and what that
1455 evidence tells us is that it is differential to each housing type. So, if we're dealing
1456 with a traditional four bedroom one or two storey dwelling in the suburb, we
1457 know we're going to need two carparks on that site. We're going to supply that.
1458
- 1459 When we're dealing with urban terraced housing, two or three bedrooms, we
1460 know that there are some geographies in New Zealand where one car park will
1461 be sufficient and in other geographies because it is also place specific, one
1462 carpark per dwelling is actually excessive.
1463
- 1464 When we come into the apartment typologies, once we start getting into five
1465 stories and above, we're typically putting those right in the heart of or
1466 immediately walkable to centres and we have a different type of (a) housing
1467 supply, but also a different cohort. We are not going to put a family of six into a

- 1468 two bedroom apartment on the fifth floor of a building; (1) the dwelling doesn't
 1469 suit their need, but also when we're dealing with apartment supply we will be
 1470 producing less carparking, in some cases down to three units per carpark. But,
 1471 we are going to have a particular cohort that we are matching that building to –
 1472 one that doesn't need the carparking supply to the level that a more traditional
 1473 family home requirement would be.
 1474
- 1475 Chair: Just conscious that we haven't heard from Mr Heath very much yet. Please
 1476 would you like to give a summary or take us to the key points in your evidence?
 1477
- 1478 Heath: Sure. I will keep it brief.
 1479
- 1480 Just in response to that last question from the Commissioner, there is obviously
 1481 a merging trend now in some of the apartment buildings in Auckland that you've
 1482 got rooftop gardens to help grow the food for some of those people in the
 1483 apartment market.
 1484
- 1485 We need to contextualise what we are talking about. When we are talking about
 1486 density, we're talking about higher density. Not everything is going to be high
 1487 density.
 1488
- 1489 The actual apartment proportion of the total growth of new dwellings required
 1490 to be accommodated is actually relatively small. There is still going to be stand-
 1491 alone homes, terrace homes, that will provide some backyard space, opportunity
 1492 for carparking etc. The apartment market is where those challenges come in, but
 1493 that's a small part of the market.
 1494
- 1495 I think it's useful to contextualise when we're talking about density what we
 1496 mean. Probably the largest portion will be standalone homes and they'll be on
 1497 smaller sites; but the apartment proportion of that is quite small.
 1498
- 1499 Does that cover you question Commissioner on that aspect?
 1500
- 1501 Kara-France: Absolutely.
 1502
- 1503 Heath? I will just skip through mine. It's sort of in two components my evidence. The
 1504 first component is about highlighting the economic efficiency of density and
 1505 where it should be located. The most efficient location for that density is in and
 1506 around centres from an economic perspective.
 1507
- 1508 Some of the benefits that you can get from intensification in and around centres
 1509 [02.05.00] include increased amenity of centres, conglomeration of productivity gains,
 1510 infrastructure efficiencies, transport efficiencies and land use efficiencies.
 1511
- 1512 So, going around the country doing a lot of these IPI hearings there wouldn't be
 1513 an economist, I don't think, in the country that would be against that. Providing
 1514 for more intensive development – not only residential but employment
 1515 development in and around areas of high amenity, high levels of infrastructure,
 1516 high levels of accessibility etc. is an economically efficient outcome to achieve.
 1517 That's been a fundamental principle being applied in the centre hierarchy we put
 1518 forward.
 1519

1520 The second aspect is to look at the centres now and given the clarification both
1521 on their current fit and their role and function, and what their role and function
1522 will be moving forward. As Mr Heale put forward, some of those heights in
1523 some of the centres, and some of the decisions through the IPI hearings, have
1524 indicated they're centres where they want intensification to occur. I'm talking
1525 about the Waikanae, Naenae, and Waterloos etc. that have height limits of 21 to
1526 22 metres and they can deliver a six storey development.

1527
1528 We'll be trying to recognise that that's the future direction that those councils
1529 have identified and agree that they would be efficient locations for some of that
1530 density moving forward.

1531 The metrics I have put forward are certainly not an exhaustive list of metrics to
1532 determine what a [02.06.38] but some of the key metrics to guide some of our
1533 thinking.

1534
1535 There has been some comment that there should be just city centres and metro
1536 centres in the RPS. Based on our classification that's a total of nine centres out
1537 of hundreds of centres in the region. I'm not too sure if that gives the level of
1538 direction or steer that the RPS could achieve. I think that would be a missed
1539 opportunity for the RPS, particularly if Johnsonville and Kilbirnie were taken
1540 out of the mix. If they were taken out of the mix, there would be no other
1541 metropolitan centres in Wellington and all eggs in one basket, being the CBD.

1542
1543 Johnsonville and Kilbirnie to me are two significant economic assets in
1544 Wellington that are highly under-performing. They're underutilised. Got
1545 significant levels of infrastructure investment, public transport accessibility and
1546 accessibility to the CBD; so they can support the Wellington City Centre role
1547 and function really well.

1548
1549 The economic benefits that can be gained from intensification of employment in
1550 residential in those two centres over the next thirty years could be significant for
1551 Wellington and for the region.

1552
1553 So, that's two reasons why I think Johnsonville and Kilbirnie are a really
1554 important part of the centre jigsaw of the region. They're strategically located to
1555 provide and deliver intensification.

1556
1557 Remember we are just providing a bit of a framework here, a policy framework.
1558 The market is going to have to deliver that. We want to provide I suppose
1559 competitive advantages to locations that will provide the most economic
1560 efficiency. That's what we are trying to do with the signals we're sending in the
1561 hierarchy.

1562
1563 The status of each of those centres gives a strong signal to the level of
1564 infrastructure investment in those centres moving forward, to help deliver some
1565 of those intensification targets and the economic efficiencies that can be
1566 generated as a result of that.

1567
1568 That's the sort of fundamental basis of what has driven me to the centre
1569 hierarchy. I don't need to go through too much detail I don't think the rationale
1570 because it's in my evidence, but I'm happy to take questions on that from the
1571 panel.

- 1572
1573 Chair: I am not sure who would be best placed to answer this, but Policy 3 of the NPS-
1574 UD which requires an RPS to enable building heights and densities of urban
1575 form within and adjacent to neighbourhood centre zones, local centre zones and
1576 town centre zones or equivalent, I guess I'm just wondering do you think that
1577 [02.10.00] Policies 30 and 31, as currently supported by the officers, that they achieve that?
1578 I know the word "enable" someone has given us legal submissions on those. I
1579 am not sure if it was you Mr Whittington but I think someone has.
- 1580 Whittington: No it wasn't but we have had the recent Port Otago decision which confirms that
1581 "enable" has directive intent in the same way that "avoid" at the other end of the
1582 spectrum does. It is a strongly directive word.
1583
1584 I think the answer to the question is no. Policy 3 identifies city centre zones in
1585 (a), metropolitan centre zones in (b) and then brings together neighbourhood,
1586 local and town centre zones in (d). But, if the RPS takes precisely the same
1587 approach then it adds no regional focus to that differentiation. What we're saying
1588 is that economically in Wellington and of course it may be different in different
1589 regions, it might be different in the Waikato and it might be different in
1590 Christchurch, but in Wellington the economic evidence is that the town centre
1591 zones that Kāinga Ora is suggesting be listed as town centre zones, the large
1592 ones, should enable high density because that is commensurate with the level of
1593 commercial activity and community services, and it's reflective of the IPI's and
1594 where they are ending up at. But, even if it wasn't I think we would still be
1595 saying that because over the next thirty years that what they should provide for.
1596 If we don't do that then we miss the opportunity that Mr Heath has just
1597 discussed.
1598
- 1599 Chair: To me, as I understand it, currently the key fundamental difference is that
1600 Regional Council officers are saying, "We'll leave that identification to the
1601 territorials." You're saying the Regional Policy Statement has a very valid role
1602 in doing some identification in this RPS.
1603
- 1604 Whittington: That's right and perhaps the sequence of ideas, the rationale for that, is that we
1605 live in a region that has a regional market. This market operates as one market.
1606 It's not a set of individual markets that happen to sit reasonably close together.
1607 That being the case, and thinking about integrated management of natural and
1608 physical resources for the region, it is at this level, the RPS level, that that
1609 decision should be made.
1610
1611 The other part of this is that the RMA splits regional planning and district
1612 planning into different councils that works with the Local Government Act
1613 which provides for regional and district councils for this very reason; that we
1614 need an authority to have a regional approach. Otherwise we might as well just
1615 have district councils and no regional councils. If you're going to defer that
1616 decision-making down to the District Councils what's the point of the Regional
1617 Council existing.
1618
- 1619 Chair: I was just looking at s.30(b)(a) actually. That's discussed I think in your
1620 evidence isn't it Mr Heale?
1621

- 1622 The other point related to that, which come back to Mr Heath what you were
1623 saying, supporting competitive land and development markets, Objective 2 of
1624 the NPS.
1625
- 1626 Heath: That's correct.
1627
- 1628 Chair: Obviously I'm not an economist. Just draw that connection between Objective
1629 2 to the relief that Kāinga Ora is requesting for larger town centres and larger
1630 urban areas.
1631 [02.15.05]
1632
- 1633 Heath: It provides more choice and opportunity for developers through supply, which
1634 creates increased competition and more competitive land markets as a result of
1635 that. I think the hierarchy that Kāinga Ora proposing places more emphasis on
1636 providing more competitive market than what the RPS proposes at the moment.
1637
- 1638 Chair: Thank you. That's not to detract from everything you have said in your evidence.
1639 I just wanted to bring up some of the key things I've been thinking about in
1640 terms of the NPS-UD and your relief.
1641
- 1642 Heath: I don't know if you have any other questions. I know we're out of time, but Mr
1643 Heale would just like to have two minutes to talk about walkable catchments.
1644 You may have questions about that topic as well, but that's one that hasn't come
1645 up.
1646
- 1647 Heale: If you just turn to page-6 of my speaking notes, you will see I've suggested a
1648 change to Policy 31. It's in the green text near the top of page-6. It says within
1649 at least a walkable catchment of etc. etc. That's wording from the National
1650 Policy Statement – Urban Development. That also allows local councils the
1651 ability to be a bit more flexible around that. Then that ties into the changeover
1652 on the next page, page-7, in the red text, where I am suggesting a walkable
1653 catchment generally consists of at least a five minute and a maximum twenty
1654 minute average walk. I know there was concerns in the S42A Report that if
1655 someone was three minutes then a minimum of five, so I've got with that
1656 wording "at least". I make the point too that you're talking about the walkable
1657 catchment. So even if you used the minimum of five minutes, it's the walkable
1658 catchment that needs a minimum of five minutes. The level of intensification is
1659 something that gets applied to that walkable catchment.
1660
1661 I just wanted to finish and make sure those two points were covered.
1662
- 1663 Chair: I still don't understand why we would need a minimum.
1664
- 1665 Heale: I think it's to direct for local councils, to make sure that they don't just provide
1666 a walkable catchment of say three minutes. When you look at what all the
1667 councils are doing and what's best practice around the country, no-one goes
1668 below five minutes; so let's set the bar so that doesn't happen at a district level
1669 or through a private plan change. That might come at the district level.
1670
- 1671 Wratt: I don't quite get that. Maybe I'm being a bit slow. My brain is at the end of two
1672 and a half days of this so excuse me. If there was something that was a three
1673 minute walk it wouldn't be a walkable catchment?

1674
1675 Heale: Yes, it would. I will just show you this picture. It might help. Say that's your
1676 twenty minute walk. That's your maximum. Nothing that I have said "At least a
1677 walkable catchment." So, it could be more. The Council could do more if they
1678 wanted to. But, if you were three minutes, you would still be within at least a
1679 walkable catchment of five minutes.
1680
1681 Does that make sense?
1682
1683 Wratt: Not sure.
1684
1685 Heale: Say the Council was doing a plan change in the future, and they said, "We want
1686 to do high density housing around a particular town centre and they were going
1687 three minutes out, that's not achieving at least five minutes. But, if you'd doing
1688 high density development within that area, it is within at least a five minute
1689 walkable catchment.
1690
1691 Does that make sense? I haven't lost everyone?
1692
1693 Chair: The density could occur technically at one minute walk away?
1694
1695 Heale: That's correct.
1696 [02.20.00]
1697 Paine: Mr Heath, when you were talking about competitive edge, what were you
1698 actually talking about – land, houses, buyers or sellers?
1699
1700 Heath: Competitive edge, sorry?
1701
1702 Paine: Just before Mr Heale was talking.
1703
1704 Heath: Competitive advantage. That's giving centres a competitive advantage – I
1705 suppose a greater propensity for intensification to occur through development
1706 over other locations.
1707
1708 Paine: So, it's for the centre? It's not for the developer?
1709
1710 Heath: It's for the developer to encourage development within and around the centre
1711 over more distant locations, so that results in a high level of economic efficiency.
1712
1713 What we are trying to do with the jigsaw of 30, 40 or whatever the growth
1714 projection of homes is going to be in a particular area, is how do we deliver that
1715 increase, or accommodate that growth, particularly intensive growth in a more
1716 efficient location and more efficient manner.
1717
1718 What we are trying to do is provide encouragement to develop that intensity and
1719 growth in more efficient locations. Those more efficient locations are in and
1720 around centres. So, what's going to give those locations a competitive advantage
1721 for that development over other locations, to ensure or to facilitate that
1722 development in efficient locations.
1723

- 1724 Paine: I wouldn't say economics is my strong point, so excuse this question, but when
1725 you're looking at economics, do you look at the impact on other people in the
1726 area where you're going to do your building or you're intensifying?
1727
- 1728 Heath: Yes and no. Yeah/nah type of thing. From a pure economic perspective, from a
1729 feasibility point of view, no. But, there may be other non-economic elements
1730 that come into consideration of whether it's appropriate to develop to a certain
1731 height.
1732
- 1733 From an economic perspective the higher the better – period. That's the most
1734 efficient location or the most efficient type of development. But, there could be
1735 a lot of other non-economic reasons why it's inappropriate. Could be shading.
1736 Could be congestion and things like that. They can come into a factor of a
1737 decision but not in terms of feasibility. We're pretty much just looking at the
1738 feasibility and what the market requirements are in terms of typologies for a
1739 particular area.
1740
- 1741 Paine: You did give some percentages before. I took from that that the drive from
1742 Kāinga Ora wasn't to go up and not out.
1743
- 1744 Heath: No. To deliver it's going to be both. Are you talking about housing typology
1745 there? Yeah. The majority is still going to be up, but not up to twenty metres.
1746 You're going to get most of the product delivered within under twelve metres
1747 still. That's the reality of it. Terraced homes and standalone homes.
1748
- 1749 The apartment product I likely to be delivered in very few developments across
1750 the region. We want to make sure that we encourage those are delivered in the
1751 most efficient locations.
1752
- 1753 Paine: I suppose the thrust of my question was the concern that you often see in the
1754 news and nationally about where we are actually building homes and the impact
1755 that's having on the existing area we are placing those homes into. My question
1756 was just directed at how low was that level of economic assessment. How low
1757 did it go? But, it's still at a relatively high level at a centre level?
1758
- 1759 Heath: Yes that's correct.
1760
- 1761 Heale: I might just add to that. I think we need to get the point that while a plan might
1762 enable say six stories, it doesn't require it. As Mr Heath said, the market is going
1763 to deliver what the market is going to deliver. But, if we fail to enable enough
1764 density in the right place we won't get it.
1765
- 1766 Paine: I think I was exploring that. We had a submitter yesterday actually Otaki, really
1767 concerned that their township had a spatial plan and they were concerned that
1768 all of a sudden they might have a six storey in the middle of their town.
1769 [02.25.15]
1770 It's good to ask those questions anyway.
1771
- 1772 Heale: In our proposition is one of those smaller centres, not a larger urban centre. It
1773 wouldn't require a six storey.
1774
- 1775 Paine: I noted that. Thank you Mr Heale.

- 1776
1777 Heath: Just quickly, just to provide some context, I was up in Tauranga yesterday
1778 discussing the IPI intensification. In Tauranga they can deliver their vertical
1779 apartment requirement in only 2.5 percent of sites across the city. It just provides
1780 some context. We're not going to see tall buildings everywhere across the
1781 region. There is going to be few and far between. We don't want to try and
1782 encourage them.
1783
- 1784 Paine: I wasn't making a preference. I wasn't saying that I prefer standalone. I just
1785 wanted to see what was the overall direction or strategic direction from Kāinga
1786 Ora and whether it was up, out or a mixture of both. I think I have the answer to
1787 that.
1788
- 1789 Whittington: If you don't differentiate in the way that Kāinga Ora is proposing to go back to
1790 this competitive advantage point, you could have the Kāpiti Coast District
1791 Council making some kind of zoning decisions for Otaki main road, or Otaki
1792 township, without thinking about what Wellington City Council does for
1793 Newtown or Mirimar, and vice-versa Wellington City Council won't think about
1794 what's happening up in Otaki. But, if you provide the differentiation in the RPS
1795 then when Wellington comes to consider zoning for those regions, it knows that
1796 it needs to provide for higher density than is going to happen in Otaki, which
1797 means that when the market comes to deliver it will prefer intensification in
1798 Newtown or Mirimar over Otaki, which means that what the Council wants to
1799 provide for Otaki will be more likely to be delivered rather than there being no
1800 direction and you could end up with a couple more intensive developments in
1801 Otaki.
1802
- 1803 Paine: Thank you for that.
1804
- 1805 Chair: We probably have to leave it there. Certainly there's a lot here that I think we
1806 need to go away and just reflect on some more. I am sure the officers will as
1807 well. Thank you.
1808
- 1809 We might discuss it as a panel about whether perhaps some caucusing might be
1810 helpful on Policies 30 and 31 with yourselves. I think it would be open to all the
1811 planning experts, but in particular I would be very keen to make sure that the
1812 Territorial Authorities are feeling involved enough with any changes we might
1813 recommend on these provisions.
1814
- 1815 We'll talk about that and we'll issue a Minute shortly if we think that would be
1816 helpful.
1817
- 1818 Whittington: Yes, thank you. Kāinga Ora would like to be involved in that if it goes ahead.
1819
- 1820 Chair: Thanks very much.
1821 That's the end of the hearing of submitters for this Hearing Stream. Thank you
1822 very much to everyone who has provided submissions. If you haven't presented
1823 we have read your submission and we will take it into account in our
1824 consideration of this topic.
1825
- 1826 Thank you in particular to all the submitters who have prepared evidence and
1827 presented to us. Our understanding of this topic has certainly deepened and I

1828 think also made our job harder in the long term. Hopefully we'll be able to get
1829 some really good robust workable provisions. Thanks very much for your input
1830 into that.
1831
1832 I think we'll end with karakia.
1833
1834 Zollner Kia tau te rangimārie
1835 Ki runga, ki raro
1836 Ki roto, ki waho
1837 Āio ki te ao rangi
1838 Hui e, tāiki e
1839
1840 Chair: Kia ora.
1841
1842
1843 [End of recording 02.29.47]