

**BEFORE INDEPENDENT HEARING COMMISSIONERS AT
WELLINGTON**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER the hearing of submissions on Proposed
Change 1 to the Regional Policy
Statement for the Wellington Region

**STATEMENT OF EVIDENCE OF MACIEJ WIKTOR LEWANDOWSKI ON BEHALF
OF PEKA PEKA FARM LIMITED (SUBMITTER 118)**

HEARING STREAM 4 – URBAN DEVELOPMENT

OCTOBER 2023

PLANNING

1. INTRODUCTION

1.1 My name is Maciej (Mitch) Wiktor Lewandowski. I am a Resource Management Consultant and Director of Building Block Planning Ltd, a Wellington based planning and resource management consultancy which I established in April 2022.

Qualifications and Experience

1.2 I hold a Bachelor of Resource Studies from Lincoln University, a Master of Resource and Environmental Planning from Massey University, and a Post Graduate Diploma in Management from Massey University. I am a Full

Member of the New Zealand Planning Institute and accredited resource management commissioner.

1.3 I have 21 years' professional experience. In my current role I assist a range of private and public sector clients, including Peka Peka Farm Ltd (“PPFL”) across a range of resource management matters. My recent experience also includes assisting the Wellington City Council in the development of the Proposed Wellington City District Plan.

1.4 Prior to my current role I was employed by Urban Perspectives Limited as a Resource Management Consultant for a period of 3 years. Prior to that role, I was employed by the Wellington City Council for a period of 5 years, as Principal Advisor Planning within the Council's District Plan team. I was formerly also the District Plan Manager at Upper Hutt City Council.

Involvement in Peka Peka Farm Ltd's submission to Proposed Change 1

1.5 I reviewed Proposed Change 1 (“PC1”) following its notification in order to provide PPFL with advice as to its contents, and subsequently prepared both PPFL's submission and further submission to PC1.

1.6 I presented evidence on behalf of PPFL for Hearing Stream 3 – Climate Change.

Code of conduct

1.7 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2. SCOPE OF EVIDENCE

2.1 PPFL's submission in respect of PC1 was concerned with ensuring that PC1 did not have the effect of unduly restricting the competitive operation of land and development markets by prohibitively or unduly restricting appropriate greenfield development.

2.2 In respect of the this hearing stream, the following provisions were addressed by PPFL's submission:

- (a) Objective 22
- (b) Objective 22B
- (c) Policy 55
- (d) Policy 56
- (e) Policy 58
- (f) Policy UD.3

2.3 I address these submission points, and the response to them provided through the Council Section 42A (“**s42A**”) report. I also address the following new provisions introduced through the s42A report that are of relevance to PPFL:

- (a) Policy UD.4
- (b) Policy UD.5

2.4 In preparing this evidence I have read:

- (a) The s42A report and associated appendices; and
- (b) The section 32 evaluation prepared for PC1.

3. SUMMARY OF EVIDENCE

3.1 My evidence focusses on ensuring that PC1 does not take an overly restrictive position in providing for appropriate greenfield development, in a manner that is consistent with the National Policy Statement on Urban Development (“**NPS-UD**”) in the round.

3.2 In my assessment, a number of the proposed provisions conflict with the direction of the NPS-UD, including by taking an overly restrictive approach to prospective greenfield development, overly prioritise development within existing urban areas, and do not appropriately provide for unanticipated or out of sequence development. I consider that they provisions as proposed will have a detrimental effect on the competitive operation of land and development markets and that these impacts have been inadequately addressed by the section 32 analysis for PC1, or not at all assessed through changes proposed by the s42A report.

4. CONTEXT

Peka Peka Farm Limited

- 4.1 PPFL owns a 138.7 hectare landholding at Peka Peka. The land is zoned for rural purposes but it's utility for productive use is limited. The land is adjacent to the existing Peka Peka urban area. The existing urban area at Peka Peka is situated slightly to the north of the main urban area of Waikanae and is presently relatively poorly serviced by infrastructure, transport and community services.



Figure 1. The Peka Peka Farm Ltd landholding.

- 4.2 PPFL is investigating future development opportunities for the site, including urban development. The site presents a range of development opportunities, as well as significant opportunities for ecological restoration including of large wetland areas and stream enhancement. There are also opportunities to

enhance mana whenua values on the site, and PPFL has been actively engaging with Ātiawa ki Whakarongotai and Ngāti Raukawa about its future plans and how these plans could also assist to achieve some of the cultural aspirations of these entities.

- 4.3 Notwithstanding that it is a greenfields site, development of the PPFL land would assist to consolidate the urban area at Peka Peka, provide critical mass to enable local services and transport links to establish in order to service both the existing urban area at Peka Peka as well as the proposed development area, and act as a catalyst for additional infrastructure that could also enable densification of the existing urban area. It enjoys immediate frontage to the active mode corridor running along the adjacent expressway corridor, to Waikanae and beyond. It would also provide an elevated and resilient area of urban zoned land that could be utilised to assist with managed retreat from natural hazards (such as inundation), should that be necessary in the future.
- 4.4 PPFL is concerned that PC1 should not impose inappropriate hurdles in the consideration of otherwise appropriate new greenfield areas across the region.
- 4.5 These comments are made in the broader context of the requirements of the NPS-UD. Of particular relevance to the submission of PPFL are the following NPS-UD provisions:
- (a) Objective 1 – achieving well-functioning urban environments.
 - (b) Objective 2 – housing affordability is improved by supporting competitive land and development markets.
 - (c) Objective 6 – local authority decisions on urban development, integrated infrastructure planning and funding decisions, are strategic over the medium to long-term, and are responsive to proposals that would supply significant development capacity.
 - (d) Objective 8 – urban environments support reductions in greenhouse gas emissions and are resilient to the current and future effects of climate change.
 - (e) Policy 1 – planning decisions contribute to well-functioning urban environments, which, as a minimum:
 - (i) have or enable a variety of homes with reference to type, price and location, along with enabling Māori to express cultural traditions and norms;

- (ii) have good accessibility between housing, jobs, community services and open spaces, including by way of active and public transport;
 - (iii) support, and as much as possible limit adverse impacts on, the competitive operation of land and development markets; and
 - (iv) support reductions in greenhouse gas emissions, and are resilient to the current and future effects of climate change.
- (f) Policy 2 – providing at least sufficient development capacity over the short, medium and long term.
- (g) Policy 6 – decision-makers have particular regard to the planned urban built form anticipated by RMA planning documents that have given effect to the NPS-UD, the urban form planned by those documents may involve significant changes to an area, the benefits of urban development that is consistent with well-functioning urban environments (as described by Policy 1), the contribution that will be made to providing or realising development capacity, and the likely and current effects of climate change.
- (h) Policy 8 – local authority decisions are responsive to plan changes that would add significant development capacity and contribute to well-functioning urban environments, even if that development capacity is unanticipated by RMA planning documents or is out of sequence with planned land release.

4.6 Notwithstanding the greater focus of the NPS-UD on density and intensification, and the benefits to be derived from that, the NPS-UD does not seek to restrict greenfield development. Indeed the NPS-UD seeks to ensure the competitive operation of land and development markets through Objective 2 and as a component of enabling or providing for well-functioning urban environments as indicatively defined by Policy 1.

4.7 At paragraph 65 of the section 32 evaluation for PC1, it notes that “there are three issues that the NPS-UD requires the RPS to cover:

- Providing for well-functioning and liveable urban environment[s]
- Enabling and managing urban intensification
- Providing for responsive planning through introducing criteria for “adding significantly to development capacity”.

- 4.8 I noted as part of my evidence for Hearing Stream 3 that there was an absence of consideration in the section 32 evaluation of how PC1 would impact on the competitive operation of land and development markets or make provision for appropriate 'out of sequence' development. I remain of that view, and note that the urban development provisions, including those recommended through the s42A report, have also not been assessed with reference to Objective 2 of the NPS-UD.
- 4.9 From this context, the following section addresses the urban development provisions of PC1 relevant to PPFL.

5. URBAN DEVELOPMENT PROVISIONS

Objective 22

- 5.1 Objective 22, as recommended by the s42A report, is proposed to read:

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

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

(a) Are compact and well-designed; and

(a) there is Provide for sufficient development capacity, affordable housing and housing choice to meet the needs of current and future generations, with a diversity of housing typologies within neighbourhoods; and

(b) Enable Māori are able to express their cultural and traditional norms, and by providing for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga is provided for; and

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

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

(e) built environments meet the health and wellbeing needs of all people, Are well-connected through with

~~high-quality housing and multi-modal access (private vehicles, public transport, walking, micromobility and cycling) transport networks that provide for good accessibility for all people between housing, jobs, community services, local and regional centres, green space, natural spaces, and open space; and~~

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

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

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

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

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

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

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

5.2 Objective 22 has been significantly re-drafted from its notified version. Originally, Objective 22 listed a range of matters, linked with an 'and', that were identified as being the qualities and characteristics of a well-functioning urban environment.

5.3 The PPFL submission sought to delete superfluous matters otherwise addressed by the NPS-UD and to remove the 'and' linkages between each matter.

5.4 Considering the objective as now proposed, I am comfortable with the chapeau for the the objective.

- 5.5 In respect of matter (a), I suggest that the words ‘at least’ are added to precede ‘sufficient development capacity’. Such an approach would be consistent with the wording of Policy 2 of the NPS-UD and would recognise that planning for development capacity needs to ensure an oversupply of development capacity is available.
- 5.6 In my view reference to affordable housing in matter (a) should be deleted. Affordable housing is a very vexed issue and immediately requires definition, along with the question of how much affordable housing is sufficient for the purposes of the objective and how that objective is to be met in the context of a particular proposal. In my view, the reference to ‘housing choice’ also speaks to affordability by referencing a spectrum of housing requirements. Housing affordability, as a resource management matter, is in my view best addressed through enabling sufficient supply to provide competition.
- 5.7 Further on matter (a), the words ‘with a diversity of housing typologies within neighbourhoods’ are also superfluous as the issue is addressed by the existing reference to ‘housing choice’. The MDRS has already provided for significant upzoning across residential zones, and the requirements of the NPS-UD have resulted in significant upzoning, of various scales, within the areas prescribed by the NPS-UD.
- 5.8 I consider that the reference to Te Mana o te Wai in matter (c) could be deleted. Te Mana o te Wai is already addressed through bespoke provisions in the RPS, and is required to given effect to through those provisions. This matter, as proposed, only serves to duplicate other provisions of the RPS.
- 5.9 In my opinion, matter (d) should be amended by removing reference to ‘is low emission’ and substituting ‘contributes to reducing greenhouse gas emissions’. Such a change would better reflect the ability of an RPS to influence greenhouse gas emissions and is consistent with wording used elsewhere in the RPS – for instance Objective CC.3 and Policy CC.8, along with wording in the NPS-UD – see Objective 8 and Policy 1.
- 5.10 I am comfortable with matters (e), (f) and (g). In respect of matter (h), I am comfortable with the proposed wording, however I note my evidence in respect of Policy 58 below regarding the ability of all infrastructure (particularly public transport infrastructure) to be provided or even planned for immediately.
- 5.11 Therefore, I recommend the following wording for Objective 22. In my view the amendments maintain the fundamental purpose of the objective, while better reflecting the requirements and direction of the NPS-UD:

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

- (a) there is at least sufficient development capacity, ~~affordable housing~~ and housing choice to meet the needs of current and future generations, ~~with a diversity of housing typologies within neighbourhoods~~; and
- (b) Māori are able to express their culture~~al~~ and traditions, and mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga is provided for; and
- ~~(c) To Mana of to Wai is given effect to; and~~
- (d) subdivision, use and development is located, designed, and constructed in a way that contributes to reducing greenhouse gas emissions ~~is low-emission~~ and is climate-resilient; and
- (e) built environments meet the health and wellbeing needs of all people, with high-quality housing and multi-modal access between housing, jobs, community services, local and regional centres, green space, and open space; and
- (f) the biophysical characteristics, location, values, capability and limitations of land inform its use and development; and
- (g) existing urban-zoned land, and infrastructure capacity including transport infrastructure, is used efficiently; and
- (h) new or upgraded infrastructure, including transport infrastructure, is integrated and sequenced with development, and development densities are sufficient to support its provision and ongoing maintenance; and
- (i) a variety of residential, commercial, mixed use and industrial development in appropriate locations contributes to viable and vibrant centres at a range of scales, and industrial-based employment locations.

Objective 22B

5.12 Objective 22B related to development in rural areas being 'strategically planned' and sought to manage impacts on significant values and features identified in the RPS.

- 5.13 The PPFL submission sought clarification on what was meant by strategically planned, or otherwise sought the deletion of Objective 22B.
- 5.14 The s42A author has recommended the deletion of Objective 22B, with rural matters now being incorporated into Objective 22. Subject to the changes sought to Objective 22, I support the proposed deletion of Objective 22B.

Policy 55

- 5.15 As now proposed by the s42A report, Policy 55 would state:

Policy 55: Contributing to a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form ~~Providing for appropriate urban expansion~~ – consideration

When considering an application for a resource consent, or a change, variation or review of a district plan for urban development beyond the region's urban areas (as at August 2022), its contribution to achieving a compact, well-designed, climate resilient, accessible and environmentally responsive regional form shall be determined by whether:

(a) the location, design and layout of the urban development ~~contributes to establishing or maintaining the qualities of a well-functioning urban environment, including:~~

1. contributes to well-functioning urban areas, as articulated in Policy UD.5; and

2. ~~the urban development will be~~ is well-connected to the existing ~~or planned~~ urban area, ~~particularly if it is located which means:~~

(i) adjacent to existing urban areas with access to employment and amenities,
and

(ii) along existing or planned multi-modal transport corridors, or

(iii) supports the efficient and effective delivery of new or upgraded transport services; and

3. concentrates building heights and densities to:

(i) maximise access to, and efficient use of, existing development infrastructure,
and

(ii) use urban-zoned land efficiently, and

(iii) support viable and vibrant neighbourhood, local, town, metropolitan and city centres, and

(iv) support travel using low and zero-carbon emission transport modes, including efficient provision of public transport services, and

4. ~~the proposed development proposal shall apply~~ the specific management or protection for values or resources ~~identified~~ required by this Regional Policy Statement, including:

i) ~~Avoiding inappropriate~~ Managing subdivision, use and development in accordance with the ~~areas~~ at risk from natural hazards as required by Policy 29,

ii) Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values as identified by Policy 23,

iii) Protecting outstanding natural features and landscape values as identified by Policy 25,

iv) Protecting historic heritage values as identified by Policy 22,

v) ~~Integrates~~ Giving effect to Te Mana o Te Wai consistent with Policy 42, and

vi) ~~Providing~~ Supporting for climate-resilience and a low and or zero-carbon multi-modal transport network consistent with Policies CC.1, CC.4, CC.4A, ~~CC.9A~~, CC.14 and CC.14A7.

vii) ~~Recognises and provides~~ for mana whenua / tangata whenua values, including their relationship with their culture, ancestral lands, water, sites, wāhi tapu and other taonga for values, of significance to mana whenua / tangata whenua, and

viii) Protecting Regionally significant infrastructure consistent with ~~as identified~~ by Policy 8,

ix) Protecting significant mineral resources from incompatible or

inappropriate adjacent land uses, consistent with Policy 60,

x) Managing effects on natural character in the coastal environment, consistent with Policy 36; and

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

(c) a structure plan has been prepared and approved by the relevant city or district council, or prepared by the relevant city or district council in partnership with mana whenua / tangata whenua and in consultation with the regional council; and~~or~~

(d) it would add significantly to development capacity, even if it is out-of-sequence with planned land release or unanticipated by the district plan, if it is:

1. in the form of a plan change; and

2. in a city or district containing part or all of an urban environment; and

3. in accordance with Policy UD.3.

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

Explanation

Policy 55 gives direction to the matters that must be considered in any proposal that will result in urban development occurring beyond the region's existing urban areas, which is any greenfield development. This includes involves ensuring that Objective 22 is achieved. the qualities and characteristics of a well-functioning urban environment are provided for through eClause (a), ~~which includes~~ managing values or resources as required identified elsewhere in the RPS.

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

zero-carbon travel, to support compact, connected, climate-resilient, diverse and low-emission neighbourhoods.

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

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

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

- 5.16 As a consideration policy, Policy 55 will require consideration of the contribution of a resource consent or plan change for urban development beyond the existing urban area to achieving a compact, well-designed, climate resilient, accessible and environmentally responsive regional form i.e. achieving Objective 22.
- 5.17 Considering matter (d) first, this matter addresses out of sequence or unanticipated development. Subject to my comments regarding Policy UD.3 below, I am comfortable with the proposed contents of this matter. However, this matter is linked to the preceding matter (c) with an 'and'.
- 5.18 Matter (c) requires that a structure plan "has been prepared and approved by the relevant city or district council, or prepared by the relevant city or district council in partnership with mana whenua / tangata whenua and in consultation with the regional council".
- 5.19 A private plan change application cannot meet this aspect of the policy as, by definition, a private plan change cannot have a structure plan prepared and approved by a city or district council. Immediately, any private plan change

application becomes inconsistent with Policy 55. I suggest that the additional wording now proposed for matter (c) is deleted. A plan change prepared by a council will, where necessary, include a structure plan.

- 5.20 A further linkage is created for both matters (d) and (c) to matter (b). Matter (b) requires consideration of whether the urban development is consistent with a Future Development Strategy, or local strategy if a Future Development Strategy has not been notified. A private plan change that is unanticipated is by definition not going to be consistent with a Future Development Strategy, further creating inconsistency with Policy 55.
- 5.21 Considering a hypothetical private plan change that is unanticipated or out of sequence, it would result in inconsistency with matter (b), it is also required to be accompanied by a Council approved structure plan by matter (c) that cannot be achieved and would therefore also create further inconsistency with Policy 55.
- 5.22 Therefore, while the PC1 provisions are on their face providing the required pathway for unanticipated or out of sequence development, the associated requirements that are being specified create a situation where practically they either cannot be achieved, or create a glaring inconsistency with the policy framework proposed. I suggest amendments to the policy below to overcome these issues.
- 5.23 As a further minor comment regarding matter (b), I suggest that the word 'will' be reverted to 'should' as originally proposed. In my experience, it would be unusual for development to occur in 100% accordance with a growth strategy or similar document and that appropriate flexibility should be anticipated.
- 5.24 Turning to matter (a), and subject to my comments about Policy UD.5 below, I am comfortable with matter (a)(1) as proposed.
- 5.25 Matter (a)(2) requires the urban development to be well-connected to existing urban areas. It then provides context on how that is to be achieved. Noting the distinction between 'adjacent' and 'adjoining', I am broadly comfortable with matter (a)(2)(i) but have reservations around how the word adjacent may be interpreted, and whether the absence of an immediate connection to an existing urban area would cause inconsistency with this additional matter now proposed. I suggest removing 'adjacent' and substituting 'well-connected'.
- 5.26 Matter (a)(2)(ii) is proposed to be amended through the addition of 'multi-modal'. Based on the wording of Clause 3.8(2)(b) of the NPS-UD, my

preference is to remove reference to multi-modal. I am comfortable with the wording of matter (a)(2)(iii).

5.27 Matter (a)(3) specifies requirements relating to building heights and densities. This matter addresses issues already addressed by policies 3 and 5 of the NPS-UD. I do not think this matter is necessary.

5.28 Matter (a)(4) then seeks that the specific management or protection of values or resources required by the RPS is applied, and then lists ten separate matters referencing other RPS policies. This matter is simply duplication of other RPS requirements and should be deleted. These requirements are already specified in the RPS, already require assessment, and do not add anything to the content and application of this policy.

5.29 I therefore suggest the following amendments to Policy 55:

Policy 55: Contributing to a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form – consideration

When considering an application for a resource consent, or a change, variation or review of a district plan for urban development beyond the region's urban areas (as at August 2022), its contribution to achieving a compact, well-designed, climate resilient, accessible and environmentally responsive regional form shall be determined by whether:

(a) the location, design and layout of the urban development:

1. contributes to well-functioning urban areas, as articulated in Policy UD.5; and

2. is well-connected to the existing urban area, which means:

(i) ~~adjacent~~ well-connected to existing urban areas with access to employment and amenities, and

(ii) along existing or planned ~~multi-modal~~ transport corridors, or

(iii) supports the efficient and effective delivery of new or upgraded transport services; and

~~3. concentrates building heights and densities to:~~

~~(i) maximise access to, and efficient use of, existing development infrastructure, and~~

~~(ii) use urban-zoned land efficiently, and~~

~~(iii) support viable and vibrant neighbourhood, local, town, metropolitan and city centres, and~~

~~(iv) support travel using low and zero-carbon emission transport modes, including efficient provision of public transport services, and~~

~~4. applies the specific management or protection for values or resources required by this Regional Policy Statement, including:~~

~~i) Managing subdivision, use and development in accordance with the risk from natural hazards as required by Policy 29,~~

~~ii) Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values as identified by Policy 23,~~

~~iii) Protecting outstanding natural features and landscape values as identified by Policy 25,~~

~~iv) Protecting historic heritage values as identified by Policy 22,~~

~~v) Giving effect to Te Mana o Te Wai consistent with Policy 42, and~~

~~vi) Providing for climate resilience and supporting a low and zero-carbon multi-modal transport network consistent with Policies CC.1, CC.4, CC.4A, CC.9, CC.14 and CC.14,~~

~~vii) Providing for mana whenua / tangata whenua values, including their relationship with their culture, ancestral lands, water, sites, wāhi tapu and other taonga, and~~

~~viii) Protecting Regionally significant infrastructure consistent with Policy 8,~~

~~ix) Protecting significant mineral resources from incompatible or inappropriate adjacent land uses, consistent with Policy 60,~~

~~x) Managing effects on natural character in the coastal environment, consistent with Policy 36; and~~

(b) the urban development is consistent with the Wellington Region Future Development Strategy or, if the Future Development Strategy has not been notified, the regional or local strategic growth or development framework or strategy that describes where and how future urban development should ~~will~~ occur in that district or region; and

(c) a structure plan has been prepared ~~and approved by the relevant city or district council, or prepared by the relevant city or district council in partnership with mana whenua / tangata whenua and in consultation with the regional council;~~ and or

(d) it would add significantly to development capacity, even if it is out-of-sequence with planned land release or unanticipated by the district plan, if it is:

1. is in the form of a plan change; and
2. where necessary incorporates a structure plan;
and
3. is consistent with matters (a)(1) and (a)(2) of this policy; and
4. is in a city or district containing part or all of an urban environment; and
5. is in accordance with Policy UD.3.

Explanation

Policy 55 gives direction to the matters that must be considered in any proposal that will result in urban development occurring beyond the region's existing urban areas, which is any greenfield development. This involves ensuring that Objective 22 is achieved. ~~Clause (a) includes managing values or resources as required elsewhere in the RPS.~~

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

connected, climate-resilient, diverse and low-emission neighbourhoods.

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

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

Clause (d) requires consideration of a plan change that would add significantly to development capacity, which gives effect to Policy 8 of the National Policy Statement on Urban development 2020.

Policy 56

- 5.30 The PPFL submission sought the removal of matter (a) of Policy 56 given the advent of the National Policy Statement on Highly Productive Land (“**NPS-HPL**”). It also sought to address areas of duplication and perceived conflict with Policy 55 as it was then drafted.
- 5.31 As now recommended, Policy 56 states:

Policy 56 – Managing development in rural areas – consideration

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

(a) ~~the proposal will result in a loss of~~ retains the productive capability of the rural area, including cumulative impacts that would reduce the potential for food and other primary production ~~and reverse sensitivity issues for existing production activities, including extraction and distribution of aggregate minerals;~~ and

(b) results in reverse sensitivity issues, including on existing production activities, and extraction and distribution of aggregate minerals operations; and

(c) ~~the proposal will reduce~~ retains or enhances the amenity aesthetic, cultural and open space values in rural areas between and around settlements; and

(d) provides for mana whenua / tangata whenua values, including the relationship with their traditions, ancestral lands, water, sites, wāhi tapu and other taonga; and

(e) ~~the proposal's location, design or density will~~ minimises demand for non-renewable energy resources ~~through appropriate location, design and density of development; and~~

(f) is climate-resilient; and

(g) gives effect to Te Mana o Te Wai; and

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

(i) in the absence of such a framework or strategy, ~~the proposal~~ will increase pressure for public services and infrastructure beyond existing infrastructure capacity; and

(j) for urban development, is consistent with Policy 55.

Explanation

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

The policy also seeks to ensure that reverse sensitivity issues are appropriately considered, and that the amenity, open space, and mana whenua values of the rural area are maintained.

Where development in the rural area occurs, it should be consistent with the relevant growth strategy or framework to ensure that rural residential development achieves well-functioning rural areas and aligns with the desired regional

form. Development should also be climate-resilient to ensure that rural communities and future urban communities are able to respond to the effects of climate change.

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

- 5.32 In my opinion, matter (a) should be deleted as it has been overtaken by the higher order NPS-HPL. The NPS-HPL provisions have immediate effect and provide an interim framework until the RPS maps highly productive land.
- 5.33 I suggest an amendment to matter (e) to again use language consistent with the NPS-UD noting that this policy would also apply to urban development. And consistent with my evidence in respect of Objective 22, I consider that matter (g) is otherwise given effect to by the RPS and does not require repetition. I therefore suggest the following amendments to Policy 56 from that recommended by the s42A report:

Policy 56 – Managing development in rural areas – consideration

When considering an application for a resource consent or a change, variation or review of a district plan for subdivision, use, and development in rural areas (as at August 2022), seek to manage impacts on rural areas by considering whether the proposal:

~~(a) retains the productive capability of the rural area, including cumulative impacts that would reduce the potential for food and other primary production; and~~

(b) results in reverse sensitivity issues, including on existing production activities, and extraction and distribution of aggregate minerals operations; and

(c) retains or enhances the amenity, cultural and open space values in rural areas between and around settlements; and

(d) provides for mana whenua / tangata whenua values, including the relationship with their traditions, ancestral lands, water, sites, wāhi tapu and other taonga; and

(e) supports reductions in greenhouse gas emissions; and minimises demand for non-renewable energy resources through appropriate location, design and density of development; and

(f) is climate-resilient; and

~~(g) gives effect to Te Mana o Te Wai; and~~

(h) for rural residential development, is consistent with the Wellington Region Future Development Strategy or, if the Future Development Strategy has not been notified, the regional or local strategic growth or development framework or strategy that describes where and how future urban development will occur in that district or region; or

(i) in the absence of such a framework or strategy, will increase pressure for public services and infrastructure beyond existing infrastructure capacity; and

(j) for urban development, is consistent with Policy 55.

Explanation

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

The policy also seeks to ensure that reverse sensitivity issues are appropriately considered, and that the amenity, open space, and mana whenua values of the rural area are maintained.

Where development in the rural area occurs, it should be consistent with the relevant growth strategy or framework to ensure that rural residential development achieves well-functioning rural areas and aligns with the desired regional form. Development should also be climate-resilient to ensure that rural communities and future urban communities are able to respond to the effects of climate change.

Policy 58

5.34 As recommended by the s42A report, Policy 58 would read as follows:

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

When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan, ~~for subdivision, use or development, require, seek to co-ordinate urban development and infrastructure integration including form, layout, location, and timing is sequenced~~ in a way that:

(a) makes efficient and safe use of existing infrastructure capacity; and

(b) provides for the development, funding, implementation and operation of infrastructure serving the area in question ~~is provided for~~; and

(c) all infrastructure required to serve new development, ~~including low or zero carbon, multi-modal and public transport infrastructure~~, is available, or is consented, designated or programmed to be delivered through a long-term plan, transport plan or Infrastructure Strategy and in a timeframe commensurate to the scale and type of infrastructure. ~~available prior to development occurring.~~

Explanation

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

- 5.35 The PPFL submission was concerned that the policy, as notified, was inconsistent with Objective 6(c) and Policy 8 of the NPS-UD by not being responsive to out of sequence or unanticipated proposals. The submission noted that it was not always possible to achieve all of the listed matters.
- 5.36 The submission also highlighted that the policy was inconsistent with Policy 57(e) of the RPS as it was notified (now Policy 57(d)) which recognised that timing and sequencing of land use and public transport availability may result in a period where the provision of public transport may not be practical. This correctly acknowledged that a larger greenfield development may not have sufficient occupancy to sustain public transport for a number of years as a development is progressed.
- 5.37 The s42A report has responded to this issue by deleting the words ‘available prior to development occurring’ however the policy still requires that all infrastructure “is available, or is consented, designated or programmed to be delivered through a long-term plan, transport plan or Infrastructure Strategy and in a timeframe commensurate to the scale and type of infrastructure”.
- 5.38 For a development that is unanticipated or out of sequence, achieving consistency with matter (c) would still prove challenging. For unanticipated development in particular, in my view it would be impossible to achieve consistency with the policy.

5.39 My view is reinforced by the explanation to the policy, where it states:

The policy seeks that urban development is sequenced to ensure existing infrastructure capacity is efficiently and effectively used and that infrastructure that is necessary to service the development will be provided. This includes all infrastructure, such as three waters infrastructure and transport infrastructure, including low or zero carbon, multi modal and public transport infrastructure, that would be necessary to support the development.

5.40 In my view the proposed approach creates an inconsistency with Objective 6(c) and Policy 8 of the NPS-UD which seek to provide for unanticipated or out of sequence development.

5.41 I also note that the explanation to Policy 58 uses the word 'avoid'. While it is contained within the explanation, and not the policy itself, I nevertheless note the well understood meaning of the word in resource management practice as meaning to not allow. I suggest an amendment to remove reference to avoid and to reframe the explanation as ensuring that development is appropriately serviced by infrastructure.

5.42 My suggested changes to Policy 58 are as follows:

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

When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan, seek to co-ordinate urban development and infrastructure sequencing in a way that:

(a) makes efficient and safe use of existing infrastructure capacity; and

(b) provides for the development, funding, implementation and operation of infrastructure serving the area in question; and

(c) wherever possible, all infrastructure required to serve new development is available, or is consented, designated or programmed to be delivered through a long-term plan, transport plan or Infrastructure Strategy and in a timeframe commensurate to the scale and type of infrastructure.

Explanation

Policy 58 seeks to ensure ~~avoid isolated~~ urban development ~~which is not serviced by~~ is appropriately serviced by infrastructure. The policy seeks that urban development is sequenced to ensure existing infrastructure capacity is efficiently and effectively used and that infrastructure that is

necessary to service the development will be provided. This includes all infrastructure, such as three waters infrastructure and transport infrastructure, including low or zero carbon, multi modal and public transport infrastructure, that would be necessary to support the development. The policy also recognises that the provision of some infrastructure, such as public transport infrastructure, may lag development.

Policy UD.3

- 5.43 Policy UD.3 is a consideration policy and responds to the requirements of Clause 3.8 of the NPS-UD. It needs to be read in conjunction with Policy 55.
- 5.44 Clause 3.8 of the NPS-UD applies to plan changes that provide for significant development capacity that is not otherwise enabled or is not in sequence with planned land release.
- 5.45 It further states that local authorities must have particular regard to the development capacity provided by the plan change if that development capacity:
- (a) Would contribute to a well-functioning urban environment; and
 - (b) Is well-connected along transport corridors; and
 - (c) Meets the criteria set under subclause (3).
- 5.46 Subclause (3) then requires regional councils to include criteria in an RPS for determining what plan changes will be treated, for the purposes of implementing Policy 8, as adding significantly to development capacity.
- 5.47 Policy UD.3 responds to this requirement, and has been significantly amended from the notified version. As recommended by the s42A report, Policy UD.3 states:

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

For local authorities with jurisdiction over part, or all, of an urban environment, ~~When considering whether~~ a change of a district plan for ~~a urban development~~ in accordance with clause (d) of Policy 55, ~~particular regard shall be given to whether~~ adds significantly to development capacity, the following criteria ~~is~~ must be met:

~~(i) contributes to establishing or maintaining the characteristics and qualities of a well-functioning urban environment identified in Policy 55(a)(ii) and Objective 22,~~

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

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

(i) a variety of housing that meets the regional, district, or local shortages of housing in relation to the particular type, size, or format, or

(ii) business space or land of a particular size or locational type, or

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

(b) where it provides for housing, the proposal will:

~~(i) will apply a relevant residential zone or other urban zone that~~ provides for high density development or medium density residential development, and

~~(ii) the proposal~~ contributes to housing affordability through a general increase in housing choice and supply or through providing non-market housing; and

(c) when considering the significance of the proposal's contribution to a matter in (ba), this means that the proposal's contribution:

(i) is of high yield relative to either the forecast demand or the identified shortfall,

(ii) will be realised in a timely (i.e. rapid) manner and earlier than any urban development anticipated by the district plan, and

(iii) responds to demonstrated demand for the short-medium term in that particular location is likely to be taken up; and

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

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

(e) the proposal justifies the need for additional urban-zoned land as the most appropriate option to meet housing and business demand, including consideration of existing development capacity enabled within the urban area, and

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

Explanation

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

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

- 5.48 Given that the requirement of the NPS-UD is to have particular regard to unanticipated or out of sequence development, that language could have been mirrored in the RPS. Instead, Policy UD.3 sets considerations that 'must be met' and thereby appears to set bottom lines.
- 5.49 In my reading of Policy 8 of the NPS-UD, and in turn Clause 3.8, the issue that the NPS-UD seeks to address is primarily one of scale. The Ministry for the Environment fact sheet¹ on responsive planning states:

¹ <https://environment.govt.nz/publications/national-policy-statement-on-urban-development-2020-responsive-planning-fact-sheet/>

The requirement for regional councils to include criteria in their regional policy statements for determining what plan changes will be treated as adding significantly to development capacity should ensure that local authorities can focus resources and attention on opportunities that will support well-functioning urban environments. For example, focusing on large-scale opportunities instead of dedicating resources to requests for plan changes for small parcels of land that would not yield a large increase in dwellings or business land.

5.50 In my view the proposed PC1 provisions address matters that go beyond what is required by Clause 3.8.

5.51 In respect of matter (a), and noting that Policy 2 of the NPS-UD requires that 'at least sufficient development capacity is provided for', I suggest that this matter be amended to also recognise demand more broadly, as well as the specific needs and shortages that may be identified through monitoring.

5.52 Through matter (b), and recalling that as now proposed the policy requires that all criteria must be met, the policy requires zoning for housing to provide for high density or medium density housing. What is unclear is whether, for instance, a proposal that provides for medium density housing (by way of the MDRS standards) and also an area of lower density housing, would meet the policy requirement. Moreover, this aspect of the policy in my view oversteps what Clause 3.8 of the NPS-UD requires the RPS to achieve.

5.53 Again as noted in the Ministry for the Environment fact sheet (my emphasis):

The criteria will need to align with the higher-level objectives of the NPS-UD. Criteria could include an assessment of the development capacity proposed against demand identified in a housing and business development capacity assessment, the scale of development appropriate to support a well- functioning urban environment in that city or town, and the ability to service the development with infrastructure.

5.54 There is no support in the NPS-UD, in my view, for a singular focus on medium density and high density housing. The NPS-UD requires significant upzoning for medium and high density development, but it does not express a preference for it, nor state it is an 'across the board' requirement. I therefore consider that the inclusion of this criterion is inappropriate in this policy.

5.55 Turning to matter (c), I do not have any concerns with sub-clause (i). However, the addition proposed to sub-clause (ii) renders that matter unworkable as currently proposed. The suggested addition of 'and earlier than any urban

development anticipated by the district plan' would appear to suggest that development from a plan change to rezone an area for residential development would need to occur earlier than any other development otherwise already zoned by a district plan. Such a situation is impossible, and the suggestion is fundamentally at odds with the requirements of the NPS-UD. The proposed addition should be deleted.

- 5.56 In respect of matter (iii), given the timeframes involved in development, I consider that reference to the long term should be added. A significant development proposal going through a plan change process may not be able to always respond to short term demand, but if significant, would certainly respond to medium and long term demand. Such an approach is consistent with Policy 2 of the NPS-UD. I also suggest a change to remove the words 'in that particular location' which could be interpreted very specifically, to instead reference the urban area.
- 5.57 I am comfortable with the suggested wording of matter (d).
- 5.58 Conversely, I am opposed to matter (e). The need for additional urban-zoned land must of course be justified through any section 32 evaluation, and matter (a) of the policy already addresses the factual basis of demand and development capacity. What this matter seeks to consider is whether enabled development capacity elsewhere should trump any additional zoning.
- 5.59 There are two problems with this wording. Firstly, plan enabled development capacity is not the appropriate measure. Plan enabled capacity will be significantly higher than feasible capacity, and higher again than what will ultimately be realisable capacity. Therefore, the policy wording is flawed as currently proposed. But more importantly, the NPS-UD seeks to provide for at least sufficient development capacity and does not seek to favour existing zoned land over an additional area of zoned land. Nor does Clause 3.8 of the NPS-UD seek to provide this form of criteria. I consider that matter (e) should be deleted. It is inconsistent with the higher order policy direction it should be giving effect to.
- 5.60 In a similar way, the addition of matter (f) goes beyond what Clause 3.8 of the NPS-UD requires. Considerations relating to land-use conflict are inherent in any plan change process, and are otherwise guided by the RPS. They do not need to become specific criteria for considering what plan changes will be treated as adding significantly to development capacity.

- 5.61 The latter half of matter (f) then seeks to consider how a plan change for urban development would impact on the feasibility and affordability of already anticipated urban development. Again, this matter oversteps what is required by Clause 3.8 of the NPS-UD, and the objectives and policies of the NPS-UD, by exhibiting an inherent preference for non-greenfield development. Such a position is not supported, in my view, by the NPS-UD.
- 5.62 Based on the above, I suggested the following amendments to Policy UD.3:

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

For local authorities with jurisdiction over part, or all, of an urban environment, when considering whether a change of a district plan for urban development adds significantly to development capacity, particular regard should be given to the following criteria ~~must be met~~:

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

(i) a variety of housing that meets the regional, district, or local shortages of housing in relation to the particular type, size, or format, or

(ii) business space or land of a particular size or locational type, or

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

(b) where it provides for housing, the proposal will:

~~(i) provides for high density development or medium density development, and~~

~~(ii) contributes to housing affordability through a general increase in housing choice and supply or through providing non-market housing; and~~

(c) when considering the significance of the proposal's contribution to a matter in (a), this means that the proposal's contribution:

(i) is of high yield relative to either the forecast demand or the identified shortfall,

(ii) will be realised in a timely (i.e. rapid) manner ~~and earlier than any urban development anticipated by the district plan, and~~

(iii) responds to demonstrated demand for the short,-
medium or long term in the urban area ~~that particular~~
~~location~~; and

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

~~(e) the proposal justifies the need for additional urban-zoned
land as the most appropriate option to meet housing and
business demand, including consideration of existing
development capacity enabled within the urban area, and~~

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

Explanation

Policy UD.3 outlines the criteria that need to be given particular
regard ~~met~~ for a development to be considered to provide
'significant development capacity' as required by clause 3.8 (3)
of the National Policy Statement on Urban development 2020.
Responsive planning applies to both greenfield and brownfield
(infill/intensification) developments. All of Policy 55 will also
need to be considered for any out-of-sequence or unanticipated
plan change for greenfield development.

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

Policy UD.4

5.63 Policy UD.4 is a new policy introduced through the s42A report. It reads:

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

District and regional plans shall include objectives, policies,
rules and/or methods requiring that subdivision, use and
development occurs in a way that contributes to a compact,
well-designed, climate-resilient, accessible and

environmentally responsive regional form with well-functioning urban areas and rural areas. This includes:

(a) preventing dispersed growth patterns by prioritising:

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

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

(iii) sequenced and planned urban development beyond urban areas, consistent with Policies 55 and 56, then

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

(v) residential development in rural areas, consistent with Policy 56; and

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

(c) requiring all infrastructure necessary to support development to be provided in an integrated and efficient way; and

(d) providing for a range of housing typologies and land uses, including mixed use development; and

(e) enabling Māori to express their culture and traditions.

Explanation

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

5.64 As proposed, Policy UD.4 (with particular reference to clauses (a) and (b)) is fundamentally flawed. It seeks to direct district and regional plans to prioritise

urban development based on a proposed hierarchy, with urban development within existing urban areas being the most preferred option, including over urban expansion that is otherwise sequenced and planned, and urban expansion that is unanticipated or out of sequence. Such an approach fails to properly acknowledge, let alone give effect to, the NPS-UD which in my reading seeks to achieve an 'all of the above' approach to providing for development capacity.

- 5.65 How Policy UD.4 is to be achieved and structured within planning documents is unclear, though could be achieved through some form of trigger mechanism. But the effect on the competitive operation of land and development markets will likely be significant, and has not been considered by way of a section 32AA assessment through the section 42A report, beyond the following at paragraph 587:

There may be costs for landowners who have purchased land with the intention of developing it in absentia of clear direction for intensification to be prioritised in the Wellington Region, particularly if their land is not well-connected and identified for future urban development through the district plan. There may also be minor implementation costs due to it being a new policy.

However, in my view the economic, environmental and social benefits of well-designed, strategic intensification and compact, well-planned greenfield development, which I have discussed in my analysis, significantly outweigh these costs. I also note that national direction such as the NPS-HPL is already restricting which land can be developed via greenfield and rural development, and that Policy UD.4 is consistent with such national direction so may not alone cause significant costs compared to the benefits of clear, unambiguous regional direction.

- 5.66 Landowner intentions are central to land becoming available and have a direct bearing on the operation of land markets. A multitude of other factors influence development feasibility and realisation, and would impact on the operability of the proposed hierarchy.
- 5.67 As part of Hearing Stream 3, I noted the absence of specific consideration of the costs of the PC1 provisions against Objective 2 of the NPS-UD. The proposed addition of Policy UD.4 continues this trend and is a significant change that does not appear to have been subject of any economic assessment.
- 5.68 The policy also in my view creates internal conflicts, and further conflicts with the NPS-UD. If the hierarchy is to be implemented by district plans as

proposed, then how are district plans then meant to be responsive to unanticipated or out of sequence development when such development is fourth on the proposed hierarchy, but as proposed by Policy UD.3 is meant to be realised in a timely manner? This issue is captured by the following comment at paragraph 571 of the s42A report:

The process of prioritising intensification over greenfield development should ideally occur prior to a resource consent or private plan change application, during development of a district plan.

- 5.69 I am ultimately unclear on the overall contribution of Policy UD.4, but am seriously concerned by it. As a minimum, I consider that clauses (a) and (b) should be deleted. But I also note that matter (c) is addressed by Policy 57, matter (d) by Policy 55 and matter (e) is already provided for by Policy UD.2.
- 5.70 The effect will be to constrain and direct the implementation of the NPS-UD in an unbalanced way, and the suggested approach is fundamentally inconsistent with the provisions of the NPS-UD. I therefore consider that this ill considered policy (which is being promulgated 'on the fly') should be deleted in its entirety.

Policy UD.5

- 5.71 Policy UD.5 is also a new policy introduced through the s42A report. It is linked to Policy 55(a)(1) as follows:

Policy 55: Contributing to a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form – consideration

When considering an application for a resource consent, or a change, variation of review of a district plan for urban development beyond the region's urban areas (as at August 2022), its contribution to achieving a compact, well-designed, climate resilient, accessible and environmentally responsive regional form shall be determined by whether:

(a) the location, design and layout of the urban development:

1. contributes to well-functioning urban areas, as articulated in Policy UD.5; and

...

- 5.72 As proposed, Policy UD.5 states:

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

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

(a) providing for the characteristics of well-functioning urban environments, in a way that uses urban-zoned land efficiently and, where providing housing, improves housing affordability, quality and choice, including providing for a diversity of housing typologies in close proximity, and

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

(c) providing for and protecting mana whenua / tangata whenua values and sites of significance to mana whenua / tangata whenua, and

(d) avoiding or mitigating potential adverse effects, including cumulative effects, of urban development on the natural environment and the ability to manage, use, and operate existing infrastructure, and

(e) protecting and enhancing the quality and quantity of freshwater, and

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

Explanation

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

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

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

- 5.73 Consistent with my earlier evidence, I consider that matter (a) should be amended by removing reference to housing affordability. Housing affordability is multi-faceted, subjective and relative and, all things being equal, additional supply will have the impact of improving affordability. However it is also impacted by a range of other factors outside of the sphere of a resource management document.
- 5.74 I also note the addition of the words “including providing for a diversity of housing typologies in close proximity”. As presently drafted, the statement can be interpreted as unfinished. Is the diversity of housing typologies to be provided in close proximity to each other, or to something beyond the site? In my view, the reference to well-functioning urban environments already references the need to enable a variety of homes that meet the needs of a range of households in terms of type, price and location. Therefore I do not consider this additional wording is required.
- 5.75 I suggest the deletion of ‘preferably within walking catchments’ as achieving access between all of the listed matters within walking catchments may not be possible. Instead I suggest wording that mirrors Policy 1 of the NPS-UD.
- 5.76 In my view, matters (c) and (e) are otherwise addressed by the RPS and do not require duplication here. I therefore suggest they are deleted.
- 5.77 Taken together, I suggest the following amendment to Policy UD.5:

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

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

(a) providing for the characteristics of well-functioning urban environments, in a way that uses urban-zoned land efficiently and, where providing housing, provides for a variety of homes that meet the needs of different households, ~~improves housing~~

~~affordability, quality and choice, including providing for a diversity of housing typologies in close proximity, and~~

(b) providing for safe access between housing, employment, services, amenities, green space, and local centres, including by way of public or active transport ~~preferably within walkable catchments and using low and zero-carbon emission transport modes, and~~

~~(c) providing for and protecting mana whenua / tangata whenua values and sites of significance to mana whenua / tangata whenua, and~~

(d) avoiding or mitigating potential adverse effects, including cumulative effects, of urban development on the natural environment and the ability to manage, use, and operate existing infrastructure, and

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

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

Explanation

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

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

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

6. CONCLUSION

6.1 In my opinion the amendments recommended in my evidence will more appropriately give effect to the requirements of the NPS-UD, in particular the need to be responsive to out of sequence or unanticipated developments, and will more appropriately maintain the competitive operation of land and development markets. As a result, the amendments proposed will better achieve the purpose of the Resource Management Act 1991 than the provisions as notified or proposed to be amended by the Reporting Officer.

A handwritten signature in blue ink, appearing to read 'ML', is positioned above the printed name.

Mitch Lewandowski

18 September 2023