

WELLINGTON REGIONAL COUNCIL

PROPOSED CHANGE 1 TO THE WELLINGTON REGIONAL POLICY STATEMENT

MINUTE 14

HEARING STREAM 4 - COUNCIL'S REPLY, REQUEST FOR INFORMATION FROM TERRITORIAL AUTHORITIES AND VARIOUS PROCEDURAL MATTERS ARISING

1. Numerous submitters acknowledged the significant work of the Council Officers in preparing the s 42A reports and rebuttal evidence for Hearing Stream 4 – Urban Development (HS4). The panels echo this. The reports are very comprehensive, and we thank the Council Officers and others involved. We also thank all submitters involved in HS4, in particular those who provided evidence and legal submissions. This has given us a clearer understanding of the issues.
2. This Minute:
 - a. responds to a request for leave sought by Wellington Water Limited (S113, WWL)
 - b. requests further information from territorial authorities
 - c. provides timetabling directions for the Council's reply for HS4
 - d. responds to late information provided by Winstone Aggregates (S162) and Stride Investment Management Limited and Investore Property Limited (S155) outside the evidence and legal submission filing deadlines, and
 - e. acknowledges comments received by DAST on the HS3 – Transport Joint Witness Statement.

WWL – Request to file further submissions and evidence

3. At the hearing, WWL proposed caucusing of planning experts on the HS4 provisions, or in the alternative, it sought leave to file further submissions and evidence addressing its concerns with the development hierarchy in Objective 22, Policy UD.4 and related provisions. We do not propose caucusing at this stage, and consider that if we grant WWL's request to file further submissions and evidence on the provisions, this could raise issues of natural justice for other parties who may then, understandably, want the opportunity to comment further and file additional evidence and submissions. We have the supplementary document WWL provided during their presentation at the hearing and consider that the summary of its concerns are set out clearly and comprehensively on page 1. The Council officers will consider this information when providing their reply.

Kāinga Ora – Centres hierarchy - Request for information from territorial authorities

4. Kāinga Ora has proposed changes to Policy 30(3) to include 'Larger urban area' and 'Smaller urban area' Town Centres. Appendix 1 to the [Statement of Evidence of Mr Matthew Heale dated 15 September 2023](#) sets out the changes proposed.
5. We are aware many territorial authorities have amended their plans to give effect to national intensification directions and the MDRS. Although we received some advice on this from

Kāinga Ora, we would like to understand from territorial authorities, what impacts they think Kāinga Ora's relief would have on their planning instruments and processes.

6. We therefore invite all territorial authorities to provide comments in writing to us on the 'centres hierarchy' changes Kāinga Ora seeks to Policy 30. Comments are to be provided by 5pm on 25 October 2023.

Council's reply

7. We direct the Regional Council to provide its reply by 5pm on 24 November 2023. We note that we had originally proposed the Council's reply be filed by 10 November, however due to unforeseen leave, Officers requested a longer timeframe. We consider it appropriate and fair to grant this request and direct that the Council's reply is filed by **5pm on 24 November 2023**.
8. In addition to responding to any information provided by territorial authorities (as requested in paragraph 6 above), and also responding to any matters the Council wishes to address after hearing submitters, we direct Council to respond to the following:

General / across the suite of HS4 provisions

- a. Can Council please provide an update on the status of the draft FDS e.g. was it notified and what is the process for public consultation and adopting the FDS?
- b. We request that Council Officers please review submitters' relief regarding highly productive land, and in particular whether there is scope to incorporate this relief into Objective 22 or other provisions (also noting the amendments proposed by Officers to the IM provisions in HS2).
- c. Can Officers please review the provisions in light of s 6(e), RMA i.e. do the provisions incorporate s 6(e) matters in a consistent way?
- d. Can Officers please review the provisions in light of the references to 'climate resilience' in the HS3 provisions. Please consider whether a reference to 'climate responsive development' is appropriate.
- e. Can Officers please undertake a consistency check across all provisions and the introductory and explanation text of the words "urban zones" and "urban areas".
- f. Some submitters queried whether hyper-links to cross-referenced provisions would help readability. Does Council have any intentions to include hyper-links in the e-version of the RPS?
- g. Please consider whether the chapeau of all policies should follow the format of that in Policies 57 and 58. Given Mr Wyeth's evidence on the chapeau text in HS2, we would appreciate it if Council Officers could liaise with Mr Wyeth on this issue and

consider whether a whole scale change across the PC1 provisions is appropriate and if so, whether this could be proposed in HS7 – Wrap Up and Integration.

- h. Please advise whether Officers think any ‘re-categorisation’ of provisions between P1S1 and the FPI is appropriate after hearing submitters.
- i. Please consider and respond to the concerns / comments about the ‘development hierarchy’ raised by Wellington Water Limited in its speaking notes (available on the hearings website).

Introduction

- j. Can Council Officers please review the Introductory text to Chapter 3.9 and:
 - i. respond to submitters’ requests to shorten the text
 - ii. include a reference to Policy UD.4 (in the list of matters a) to e) if Ms Zöllner supports retaining this list)
 - iii. consider whether references should be to “urban zones” rather than ‘urban areas’ in items 1 and 2 in the list
 - iv. consider whether the words “in places connected to existing urban areas” should be amended in item 4
 - v. consider whether, above the subheading “1. Lack of housing supply and choice” it is appropriate to include “and territorial authorities” as sought by Kāinga Ora and others and whether the text should be reordered so it does not read that iwi authorities are “owned” by the Region eg whether wording along these lines would be more appropriate: *‘The regionally significant issues of significance to the Territorial Authorities and iwi authorities of the Wellington region’*

Objective 22

- k. Can Ms Zöllner consider whether the hierarchy in Policy UD.4 would sit better in Objective 22?
- l. Does the reference to ‘local and regional centres’ in Objective 22(e) need to be amended in light of any changes recommended to other provisions eg Policy 30.
- m. Can Ms Zöllner please consider adding a reference to ‘efficiency’ in Objective 22(k) eg “the safe and efficient operation..”
- n. Can Ms Zöllner consider whether ‘housing quality’ should be incorporated into Objective 22(a).

Policy 30

- o. Please consider whether the words “land use activities” in the chapeau should be replaced with the broader phrase “appropriate subdivision, use and development”

as supported by HCC's planner Mr McDonnell.

- p. Please consider an alternative term to "central business district" in Policy 30(1).

Policy 31

- q. Please consider whether Policy 31 should refer to Objective 22 in the chapeau rather than Policy UD.5
- r. Please consider whether the reference to "Rapid Transit" in the explanatory text to Policy 31 is clear.
- s. Please consider alignment between Policies 30 and 31 and advise whether further changes are required.

Policies 55 and 56

- t. Does a requirement in Policies 55(b) and 56(h)(i) for greenfield development and subdivision, use and development in rural areas to be 'consistent with' the FDS (as a consideration requirement in consent assessments, plan changes etc) give proper and lawful effect to the NPS-UD? Can Council please consider clause 3.17 of the NPS-UD when responding to this issue.
- u. Should Policy 56 also refer to NoRs? Is there scope to make this amendment through the relief on the IM provisions in HS2.
- v. Please consider whether Policy 56(j) could be worded differently as it seems slightly disjointed from the chapeau.

Policy 57

- w. Please liaise with s 42A author Ms Allwood (HS3 – Transport) to understand the amendments (if any) she is proposing to Policy CC.9 in her reply evidence. Please consider whether Policy 57 would need to be amended to achieve consistency with Policy CC.9. It may be that this issue of integration between these and related provisions, needs to occur during HS7.
- x. Please consider whether the words "in a way which" in the chapeau could be replaced with "to" or whether any policy intent is lost through this re-wording.
- y. Please consider the numbering in Policy 57. The present numbering (d) to (i) address different considerations from those in (a) to (c) so it may be that alternate numbering is appropriate.

Policy 58

- z. Please provide your views on whether "infrastructure" in (f) includes public transport and 'mode shift' infrastructure eg cycle path infrastructure.

- aa. Please consider the numbering in Policy 58. The present numbering (d) to (i) address different considerations from those in (a) to (c) so it may be that alternate numbering is appropriate.

Policy UD.1 and UD.2

- bb. Please consider whether it is appropriate to use the term “ancestral land” from s 6(e), RMA in Policy UD.1 and/or UD.2
- cc. Policy UD.2 uses the phrase “seek to enable Māori to express their culture..”. An iwi submitter supported strengthening this wording during the hearing. Please consider.
- dd. Please consider rephrasing the explanatory text of Policy UD.2 so it is consistent with the policy heading ie ‘express their culture and traditions’.

Policy UD.3

- ee. We have read the legal submissions of Council regarding Policy UD.4 and the planning evidence for Summerset Group Holdings Limited. Does Counsel consider that changes are required to Policy UD.3 in light of the concerns raised by submitters (in particular Mr Lewandowski on behalf of Summerset and Peka Peka Farm Limited) that the responsive planning provisions in HS4 do not give proper effect to the NPS-UD?
- ff. Can Ms Zöllner please consider whether Policy UD.3(c) could be simplified by using wording along these lines: “a plan change will make a significant contribution under (a) if it...”. There seems to also be a problem with the ‘flow’ from the chapeau to Policy UD.3(c).
- gg. Is Policy UD.3(c)(iii) intended to capture community facilities? If so, are the words “housing or business types” too narrow? And do the words “in that particular location” in that subclause accurately capture the policy intent or are they too narrow?
- hh. Please consider the revised wording to Policy UD.3 providing by Hutt City Council.

Policy UD.4

- ii. In accordance with WWL’s request, please provide a wire diagram showing how the provisions in HS4 relate to each other.
- jj. We query whether the term ‘realisable development capacity’ (eg in Policy UD.4) is clear enough. Please reconsider this term or consider whether a definition would be useful.

Policy UD.5

- kk. Having heard submitters, can Ms Zöllner please provide her comments on the appropriateness of this amendment to Policy UD.5(f): “protecting the operation and safety of *regionally significant infrastructure* including from potential *reverse sensitivity effects*”. Please check consistency of references to reverse sensitivity vs direct effects on infrastructure across the provisions.

Definitions

- ll. Please consider whether an amendment to the definition of “regional form” would be appropriate to refer to linkages through, as well as between, the region’s urban areas and rural areas.

Requests to file information outside the evidence and submission timetable

- 9. Counsel for Winstone Aggregates provided a Memorandum dated 29 September 2023 concerning the allocation of provisions and planning evidence filed by Ms Catherine Clarke on 19 September 2023 on behalf of Winstone Aggregates.
- 10. Submitter evidence and legal submissions for HS4 were due to be filed by 5pm on 15 September. We granted Winstone Aggregates the 2-day extension they sought and they filed their planning evidence on 19 September. We consider it would now be unfair to other parties to accept the information contained in Counsel’s Memorandum dated 29 September 2023. The Memorandum was received at 4.00pm on Friday 29 September 2023, 10 working days after the deadline for filing legal submissions. HS4 hearings commenced the following Monday on 2 October. Neither the parties presenting at the hearing, nor the Council Officers or members of the panels were provided with sufficient time to read, consider and respond (if needed) to the issues set out in Counsel’s Memorandum. We have accepted and will take into account the planning evidence of Ms Clarke for Winstone Aggregates regarding the allocation of provisions, but in the interests of fairness to all parties, the Council Officers and members of the panels, we are unable to accept Counsel’s Memorandum.
- 11. At 9.00am on 2 October 2023, Counsel for Stride Investment Management Limited and Investore Property Limited provided a ‘Letter of feedback’ on the Council Officers’ recommendations in the HS4 s42A report. This information was received on the morning that HS4 hearings commenced, and neither the members of the panels, the Council Officers or other submitters had the opportunity to consider the information and respond to it. The information was provided more than 10 working days after the deadline for the filing of legal submissions/evidence. Therefore, in the interests of fairness, we are unable to accept Counsel’s feedback on the s 42A report.
- 12. We would like to reiterate to all parties that the timetabling directions are set to ensure Council Officers, members of the panels, and all submitters have enough time to read, consider and respond (if needed) to the information provided. At times, we are able to grant extensions to the filing timetable where natural justice allows. However, where we consider that a person or persons may be prejudiced by the late filing of evidence or submissions, we will be unable to accept the information.

HS3 – Transport caucusing

13. We acknowledge the comments provided by Doctors for Active, Safe Transport on the planning JWS for the HS3 transport subtopic. These comments were provided in accordance with our directions in Minute 13. We ask the respective Council Officer to please consider and respond to these comments in the Officer's reply (due by 5pm on 19 October 2023).

Dated: 12 October 2023



D Nightingale
Chair
Part 1, Schedule 1 Panel
Freshwater Hearings Panel