

Form 5

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

To: Greater Wellington Regional Council
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By email: regionalplan@gw.govt.nz

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This is a submission on the **Proposed Change 1** (PC1) to the Regional Policy Statement for the Wellington Region.

Peka Peka Farm Ltd (PPFL) could not gain an advantage in trade competition as a result of this submission.

The specific provisions of the proposal that the submission relates to, the submission points, reasons and decisions sought are set out in the attached table. PPFL seeks that the decisions sought in the attached table are adopted, or any other such relief and/or consequential amendments are made that achieve an equivalent outcome.

PPFL wishes to be heard in support of its submission. PPFL does not wish to present a joint case.

Signed: 
On behalf of Peka Peka Farm Limited

Date: 14 October 2022

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Submission introduction and summary

PPFL owns land at Peka Peka that is presently zoned for rural purposes. PPFL is considering future development options for this site, including for urban development. The Wellington Regional Growth Framework identifies Peka Peka as a 'Future Study Area'.

PPFL supports the overall intent of PC1 to appropriately address matters relating to climate change, facilitating mode shift and active transport modes, sustainable urban development, and freshwater management. PPFL's submission raises some concerns about the scope and effect of PC1, issues relating to clarity of drafting, along with ensuring that PC1 appropriately gives effect to the requirements of the NPS-UD.

PPFL is concerned that PC1 should be the best and most appropriate resource management response to the issues being addressed, that PC1 appropriately gives effect to national direction, does not unduly duplicate national direction and does not confuse jurisdictional boundaries. The direction of the RPS needs to be clear so that it is not subject to interpretation. PPFL considers that a number of objectives and policies do not achieve these aims.

PPFL also notes the leadership role of Greater Wellington in facilitating some of the outcomes sought by PC1, including in its investment in and operation of existing and new public transport infrastructure and services. Both the planning framework and these investments need to be designed and implemented in a manner that supports and does not preclude otherwise appropriate development opportunities.

Support for submission in NPS-UD

The National Policy Statement on Urban Development (NPS-UD) is one of the drivers for Proposed Change 1 (PC1).

Objective 1 of the NPS-UD states:

New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural well-being, and for their health and safety, now and into the future.

The NPS-UD defines 'well-functioning urban environments' through Policy 1. PPFL is concerned that PC1 variously seeks to add to the definition in a way that overly complicates the definition and detracts from the intent of the NPS-UD.

Objective 2 requires that planning decisions improve housing affordability by supporting competitive land and development markets. PPFL is concerned to ensure that the RPS, through PC1, does not unduly restrict the competitive operation of land and development markets and that it adequately provides for a range of development typologies.

Objective 7 requires that local authorities are responsive to proposals that would supply significant development capacity. That objective is then supported by Policy 8 which requires local authority decisions to be responsive to plan changes that would add significant development capacity and contribute to well-functioning urban environments.

PPFL seeks to ensure that PC1 gives effect to this national direction, including that an assessment of what constitutes a 'well-functioning urban environment' is not inappropriately constrained.

Provision	Support/Oppose/Amend	Submission	Relief Sought
Objective CC.2	Oppose	<p>Objective CC.2 requires that the costs and benefits of transition to a low-emission and climate resilient are shared fairly to achieve social, cultural and economic well-being across communities.</p> <p>It is unclear what resource management purpose the objective addresses or how it can be achieved in the planning context. Accordingly, PPFL considers that the objective should be removed.</p>	Delete Objective CC.2.
Objective CC.3	Oppose	<p>Objective CC.3 requires reductions in greenhouse gas emissions to various levels over time. While PPFL supports the broader intent of the objective, it is unclear how the objective can be achieved through resource management plans. In addition, PPFL does not consider that the resource management planning framework is the best or most appropriate means to achieve these outcomes.</p>	Delete Objective CC.3.
Objective CC.7	Amend	<p>Objective CC.7 does not appear to serve any additional resource management purpose that isn't already addressed by Objective CC.6 and can be deleted or combined with Objective CC.6.</p>	Delete Objective CC.7 or combine the objective with Objective CC.6.
Objective CC.8	Amend	<p>Objective CC.8 further addresses climate resilience but is specific to iwi and hapu. The objective can be appropriately combined with Objective CC.6.</p>	Combine Objective CC.8 with Objective CC.6.
Policy CC.2	Oppose	<p>Policy CC.2 proposes that District Plans are to include objectives, policies and rules that require subdivision, use and development consent applications to provide travel demand management plans that would reduce reliance on private vehicle trips and maximise use of public transport and active modes for all new development over a specified threshold where there is potential for a more than minor increase in private vehicle movements.</p> <p>PPFL is concerned that the policy creates uncertainty by shifting this requirement to district plan level, leaving the potential for individual district plans to set potentially varying thresholds. The use of 'more than minor' is open to interpretation and therefore creates additional uncertainty of application.</p> <p>PPFL is also concerned at the difficulty in ongoing monitoring and enforcement that this policy will create.</p>	Delete Policy CC.2.
Policy CC.4	Amend	<p>Policy CC.4 requires district plans to include policies, rules and/or methods to provide for climate resilient urban areas that support delivering the</p>	Amend Policy CC.4 as follows:

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		<p>characteristics and qualities of well-functioning urban environments (as specified in Policy CC.14).</p> <p>Policy CC.14 in turn, lists a range of actions that will contribute to climate resilient urban areas. While PPFL supports the matters listed in Policy CC.14, linking those to a well-functioning urban environment broadens that existing definition as set out in Policy 1 of the NPS-UD.</p> <p>PPFL seeks that this linkage be removed from the policy.</p>	<p><i>Policy CC.4 Climate resilient urban areas – district and regional plans (FPP)</i></p> <p><i>District and regional plans shall include policies, rules and/or methods to provide for climate-resilient urban areas by providing for actions and initiatives described in Policy CC.14 which support delivering the characteristics and qualities of well-functioning urban environments.</i></p>
Policy CC.8	Oppose	The policy oversteps the role of the resource management planning framework and addresses matters that are best suited to national policy direction.	Delete the policy.
Policy CC.9	Oppose	The policy lacks clarity to enable its meaningful implementation.	Delete the policy.
Policy CC.11	Oppose	The policy encourages a whole of life carbon emissions assessment for all new or altered transport infrastructure. The policy is unclear as to the level of infrastructure that would trigger its requirement, as given the policy wording ‘encourages’ the provision of the information, it will be open to dispute.	Delete the policy.
Policy 14	Amend	Policy 14 is directive to regional plans. Sub-sections (f) and (g) and (h) relate to requirements on urban development which, without appropriate qualification, may be outside of the scope of a regional plan. Some of these matters are also replicated in Policy FW.3 and Policy 15.	<p>Delete or appropriately qualify sub-sections (f), (g) and (h) of Policy 14.</p> <p>Remove duplication from the policy.</p>
Policy FW.3	Amend	<p>Policy FW.3 is directive to district plans, requiring them to give effect to Te Mana o te Wai and section 3.5(4) of the NPS-FM. In doing so, the policy specifies 17 requirements, many of which lack clarity and are uncertain.</p> <p>This range of matters makes the policy cumbersome and difficult to interpret. PPFL does not object to the intent of the policy but seeks that the drafting of the policy be improved, including by removing any unnecessary duplication of the NPS-FM or other RPS policies.</p>	Reconsider and improve the drafting of Policy FW.3.
Policy 42	Amend	Policy 42 is a consideration policy relevant to effects on freshwater and the coastal marine area. The policy specifies 18 matters that must be considered.	Reconsider and improve the drafting of Policy 42.

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		As for Policy FW.3 above, the number of matters specified makes the policy cumbersome and difficult to interpret. PPFL does not object to the intent of the policy but seeks that the drafting of the policy be improved, including by removing any unnecessary duplication of the NPS-FM or other RPS policies.	
Objective 22	Amend	<p>Objective 22 seeks to enable urban development where it “demonstrates the characteristics and qualities of well-functioning urban environments, which” and then lists a range of matters.</p> <p>Each matter is linked with an ‘and’ thereby creating a requirement that urban development achieves each of the listed matters before the objective would consider the urban development to be enabled.</p> <p>Policy 1 of the NPS-UD defines a ‘well-functioning urban environment’. If the objective is seeking to define a well-functioning urban environment then the definition of the NPS-UD should be the starting point. The policy has the effect of adding 11 additional aspects that would need to be addressed and satisfied to consider a proposal to be a well-functioning urban environment. This is inconsistent with the intent of Policy 1 of the NPS-UD.</p>	<p>Amend Objective 22 by:</p> <ul style="list-style-type: none"> ▪ Removing the ‘and’ following each listed matter; ▪ Relying on the definition of ‘well-functioning urban environment’ in Policy 1 of the NPS-UD; and ▪ Removing superfluous matters that are otherwise addressed by the RPS or NPS-UD.
Objective 22B	Oppose	The objective lacks clarity as to what is meant by ‘strategically planned’.	Delete the objective or amend the definition to provide an appropriate level of clarity.
Policy 55	Amend	<p>Policy 55 provides a range of matters to which particular regard must be had when considering urban expansion.</p> <p>The policy extensively adds to the definition of a ‘well-functioning urban environment’, particularly through matter (ii). Matter (ii) cross-references to other topic areas of the RPS that are otherwise relevant considerations and do not need to be included here.</p>	<p>Amend the policy by making the following changes:</p> <p><i>“When considering an application for a resource consent, or a change, variation or review of a district plan for urban development beyond the region’s urban areas (as at August 2022), particular regard shall be given to whether:</i></p> <p><i>(a) The urban development contributes to establishing or maintaining the qualities of a well-functioning urban environment; including:</i></p> <p><i>(i) the urban development will be well connected to the existing or planned urban area, particularly if it is located</i></p>

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			<p><i>along existing or planned transport corridors;</i></p> <p><i>(ii) the location, design and layout of the proposed development shall apply the specific management or protection for values or resources identified by this RPS, including:</i></p> <ol style="list-style-type: none"> <i>1. Avoiding inappropriate subdivision, use and development in areas at risk from natural hazards as required by Policy 29;</i> <i>2. Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values as identified by Policy 23;</i> <i>3. Protecting outstanding natural features and landscape values as identified by Policy 25;</i> <i>4. Protecting historic heritage values as identified by Policy 22;</i> <i>5. Integrates Te Mana o Te Wai consistent with Policy 42;</i> <i>6. Provides for climate resilience and supports a low or zero carbon transport network consistent with Policies CC.1, CC.4, CC.10 and CC17.</i>

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			<p><i>7. Recognises and provides for values of significance to mana whenua / tangata whenua;</i></p> <p><i>8. Protecting Regionally Significant Infrastructure as identified by Policy 8; and</i></p> <p>...</p>
Policy 56	Amend	<p>Policy 56 lists a range of considerations for the management of development in rural areas.</p> <p>Matter (a) relates to impacts on productive land. This matter may well have been overtaken by the introduction of the NPS on Highly Productive Soils and could be removed pending GWRC giving effect to the NPS.</p> <p>Matter (d) requires consideration of the consistency of a development with a Future Development Strategy or other growth strategy and is reflective of Policy 55 above. Matter (e) notes that in the absence of such a strategy consideration is required of the pressure development may put on existing services and infrastructure.</p> <p>While the policy mirrors Policy 55 in terms of reflecting consideration of growth strategies, it does not similarly reflect Policy 55 in considering ‘out of sequence’ development. Either the policy is intending to duplicate the matters in Policy 55 with respect to growth management in which case it should mirror all relevant aspects, or matters (d) and (e) should be removed and Policy 55 and UD.3 should be relied upon.</p>	<p>Amend the policy by:</p> <ul style="list-style-type: none"> ▪ Re-considering whether matter (a) remains necessary as currently worded given the introduction of the NPS on Highly Productive Soils; <p>Remove duplication, or ensure consistency, between policies 55, 56 and UD.3.</p>
Policy 58	Oppose	<p>The policy requires that when considering proposals for new development, the “form, layout, location and timing of” all new development is sequenced in a way that:</p> <p><i>(a) the development, funding, implementation and operation of infrastructure serving the area in question is provided for; and</i></p> <p><i>(b) all infrastructure required to serve new development, including low or zero carbon, multi modal and public transport</i></p>	<p>Delete the policy, or amend the policy to achieve consistency with Objective 6(c) and Policy 8 of the NPS-UD.</p>

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		<p><i>infrastructure, is available, or is consented, designated or programmed to be available prior to development occurring.</i></p> <p>The policy is not consistent with Objective 6(c) and Policy 8 of the NPS-UD relating to being responsive to proposals that would bring about significant development capacity. It is not always possible to achieve all of the matters listed in Policy 58.</p> <p>The policy is internally inconsistent with proposed Policy 57(e) of the RPS which recognises that the timing and sequencing of land use and public transport may result in a period where public transport may not be practical.</p>	
Policy UD.3	Amend	<p>Policy UD.3 lists a range of criteria which must be given particular regard when considering developments that provide for significant development capacity.</p> <p>Matter (a)(i) references the “characteristics and qualities of a well-functioning urban environment” as identified in Policy 55(a)(ii) and Objective 22. These matters have been addressed above.</p> <p>It is unclear what is meant by matter (c)(iv) of the policy and this matter should be clarified or deleted.</p>	<p>Amend the policy by:</p> <ul style="list-style-type: none"> ▪ Making consequential amendments that reflect the relief sought in respect of Objective 22 and Policy 55 outlined above; or ▪ Deleting the words “identified in Policy 55(a)(ii) and Objective 22” from Policy UD.3(a)(i); ▪ Remove reference to ‘high density’ and ‘medium density’ zoning; and ▪ Delete or clarify matter (c)(iv).