

**Before the Hearings Panel
At Greater Wellington Regional Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Hearing topic Urban Development

**Statement of evidence of Joe Jeffries on behalf of Wellington City Council
(Planning)**

Date: 15 September 2023

INTRODUCTION:

- 1 My full name is Joseph Francis Jeffries. I am employed as a Principal Planner by Wellington City Council (WCC).
- 2 I have prepared this statement of evidence on behalf of WCC to provide planning evidence on matters relevant to WCC's submission to Greater Wellington Regional Council's (GWRC) Proposed Change 1 (PC1) to the Regional Policy Statement for the Wellington Region (RPS).
- 3 Specifically, this statement of evidence relates to the Urban Development topic.

QUALIFICATIONS AND EXPERIENCE

- 4 I hold the qualifications of Master of Planning Practice (Hons) from the University of Auckland, and a Bachelor of Arts from the University of Otago.
- 5 I have over 11 years of experience in planning policy and have provided evidence as an expert planning witness on behalf of councils, central government, and private sector clients throughout New Zealand.
- 6 I joined WCC as a Principal Planner in 2023. Prior to my current position I was employed as a planning consultant with Barker and Associates between 2021 and 2023. In that role:
 - 6.1 I provided expert evidence on behalf of Kāinga Ora on the Proposed Selwyn District Plan on the natural hazards, commercial and mixed use, residential zones, and rezoning topics.
 - 6.2 I provided expert evidence on behalf of Stride Investment Management Limited, Oyster Management Limited, Argosy

Property No 1 Limited, and Precinct Properties New Zealand Limited on the Wellington City Proposed District Plan (PDP), and on Hutt City Council's intensification plan change PC56.

6.3 I was involved in the preparation of plan change applications for major greenfield developments in Auckland, and in appeals on the Taraika Plan Change in Horowhenua.

6.4 I was the project manager for the preparation of the Napier Hastings Future Development Strategy.

7 I was employed as a Senior Policy Planner at Hutt City Council (HCC) between 2017 and 2021. I was HCC's lead planner on Plan Change 43 – a full review of the Residential Chapter of the District Plan. This included preparing the s42a report, acting as the reporting planner through the hearings, and leading Environment Court mediation for Council. I also worked on the early stages of the development of the Hutt City District Plan Review including the response to the National Policy Statement on Urban Development 2020 (NPS-UD).

8 I worked as a Policy Planner for Auckland Council between 2012 and 2017. In this position, I gave evidence as an expert witness on the Auckland Unitary Plan on the Precincts and Rural Urban Boundary topics.

Code of conduct

9 While this is a local authority hearing, I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing my evidence and will continue to comply with it while giving oral evidence before the Hearings Panel. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are

within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

SCOPE OF EVIDENCE

- 10 My statement of evidence addresses the following matters:
 - 10.1 The Introduction of Section 3.9
 - 10.2 Policy 30
 - 10.3 Policy 31
 - 10.4 Policy 55
 - 10.5 Policy 56
 - 10.6 Policy 57
 - 10.7 Policy 58
 - 10.8 Policy UD.3
 - 10.9 Definitions of Medium Density Development, High Density Development, and Urban Areas.
- 11 In preparing my evidence, I have reviewed the s42A report and s32 evaluation. I note that no other evidence has been provided by the Council other than the s42A reports.
- 12 I was not involved in preparing the WCC submission on PC1, though I can confirm I have reviewed it.

13 I have also reviewed the following submissions on PC1 and in some cases rely on these submissions for scope in my recommended amendments:

13.1 Hutt City Council (HCC)

13.2 Porirua City Council (PCC)

13.3 Kapiti Coast District Council (KCDC)

13.4 Upper Hutt City Council (UHCC)

13.5 Kāinga Ora – Homes and Communities (Kāinga Ora)

14 Where I have recommended specific amendments to provisions of the RPS I have also provided evaluations in accordance with Section 32AA of the RMA. The section 32AA evaluations are provided in Appendix 2.

OVERVIEW

- 15 While I generally support the intent of RPS PC1 in giving effect to the NPS-UD, I have a number of concerns in relation to the urban development topic, including:
- 15.1 That the provisions are overly long, lack sufficient clarity, and inappropriately cross reference to other RPS policies.
 - 15.2 That the policies duplicate and create potential misalignment with the NPS-UD.
 - 15.3 It is unnecessary and inappropriate for regional policy to be explicitly directed at the level of resource consent decision making when it should be seeking to provide regional direction which is then implemented through District Plans.
 - 15.4 Requiring plan changes for urban development to be “consistent” with the Wellington Future Development Strategy (FDS) is overly directive and constraining given that the NPS-UD only requires District Plans to “have regard” to an FDS, and the Wellington FDS is still being developed so there is insufficient certainty over its eventual content.
 - 15.5 The policies are insufficiently enabling of greenfield development, particularly in the way that the provision of infrastructure is required to be integrated with plan changes, and restricting out of sequence greenfield development to medium and high density development.
- 16 In my opinion the RPS should only seek to insert regional policy direction between the directive policies of the NPS-UD and District Plans where there is a clear need to articulate regionally specific direction. This should be both distinct from and subordinate to the higher-level policy,

and should not duplicate or create potential conflict with the higher order policy.

- 17 I address these matters in more detail below and make recommendations in relation to specific provisions of the RPS including the introduction of section 3.9, Policy 31, Policy 55, Policy 56, policy 57, Policy 58, and Policy UD.3.

SECTION 3.9 INTRODUCTION

- 18 The WCC submission sought amendment to the introduction of Section 3.9 to provide greater clarity and refinement. The WCC submission states that the introduction as notified is confusing and does not provide clear direction. It does not however provide specific wording for the relief sought.

- 19 I concur with the WCC submission that the introduction is confusing and does not provide clear direction.

- 20 The reporting officer states that they agree with the Kāinga Ora, PCC, HCC and WCC submissions that a “shorter and clearer chapter introduction would assist the plan user with interpretation and implementation of the objectives, policies and methods”. They also state that they have recommended amendments to “remove duplicating text and provide more deliberate strategic direction.” However, despite agreeing that a “shorter and clearer chapter introduction would assist the plan user”, the s42A version of the introduction remains overly long and detailed, and provides conflicting direction to that provided in the chapter objectives and policies.

- 21 In my opinion the introduction for section 3.9 should only provide a short, high-level statement on the content of the section, a description of how the chapter works, and a statement of the issues. It is important

that the introduction avoids duplicating the content of the objectives and policies as this sets up the potential for conflicting policy direction.

- 22 While I have not provided specific recommended wording for the Section 3.9 Introduction, I recommend that substantial amendments are needed to the text to address the issues identified above.

POLICY 30

- 23 The WCC submission seeks amendment of the notified version of Policy 30 to recognise Johnsonville and Kilbirnie as ‘regionally significant centres’.

- 24 In the s42A report the reporting officer accepts the WCC submission in part and recommends amending Policy 30 to include Kilbirnie and Johnsonville as ‘regionally significant centres’.

- 25 I support the s42a version of Policy 30, and in particular the recognition of Johnsonville and Kilbirnie as regionally significant centres. In my view this gives appropriate regional recognition to these metropolitan centres given the role they play in terms of driving economic growth and providing access to transport and a range of other services.

POLICY 31 ENABLING INTENSIFICATION TO CONTRIBUTE TO WELL-FUNCTIONING URBAN AREAS

- 26 The WCC submission states that Policy 31 combined with the notified version of the definitions is too prescriptive and does not meet the intent of the NPS-UD. The WCC submission accordingly seeks that Policy 31 is retained as notified on the condition that WCC’s requested amendments to the definitions of “High Density Development” and “Medium Density Development” are accepted. According to the WCC submission these definitions, which are referred to in Policy 31, set height limits which go further than the NPS-UD and impose unnecessary rigidity.

- 27 The HCC submission seeks deletion of Policy 31 for the following reason:
- [the] policy simply repeats the direction of the National Policy Statement on Urban Development, without providing any additional direction or regional context.
- 28 Similarly, the KCDC submission states that Policy 31 is inconsistent with the NPS-UD, and the Kāinga Ora submission states that the policy as notified does not add any additional value over and above what is stated within the NPS-UD.
- 29 In the s42A report the reporting officer has not accepted WCC's requested amendment to the "High Density Development" definition but accepts the WCC request to amend the "Medium Density Development" definition. The s42A version of Policy 31 therefore remains inconsistent with the WCC submission.
- 30 The s42A report recommends a number of amendments to Policy 31 in response to submitters. I do not consider that these amendments sufficiently address the issues raised in the HCC, KCDC, and Kāinga Ora submissions.
- 31 In my view the RPS should only seek to insert regional policy direction between the directive policies of the NPS-UD (such as that set out in NPS-UD Policy 3) and District Plans where there is a clear need to articulate regionally specific direction. This should be both distinct from and subordinate to the higher-level policy.
- 32 I agree with the above submitters that Policy 31 is inconsistent with the NPS-UD and adds little additional value in providing regional level policy guidance to aid implementation of the directive policies in the NPS-UD. I do not consider that the amendments recommended in the s42A report adequately resolve this issue.

- 33 In my view the notified and s42A versions of policy 31 are superfluous in the best case and set up potential conflict with the NPS-UD in the worst.
- 34 While I agree with the reporting officer that the operative version of Policy 31 is in conflict with the NPS-UD and that it is therefore necessary to amend this, I do not agree that it is necessary to replace the operative version with anything. Policy 3 of the NPS-UD is sufficiently directive for District Plans to give effect to directly without intervening regional policy. In this case the Regional Council can discharge its duties in giving effect to the NPS-UD by “doing nothing” so long as the RPS is not contradicting the intent of NPS-UD Policy 3. This can be achieved by deleting the operative version of Policy 31 without replacing it.
- 35 I therefore recommend deleting Policy 31 entirely as requested by HCC and as set out in appendix 1.

POLICY 55 GREENFIELD DEVELOPMENT

Reference to consideration of resource consent applications

- 36 Both the notified and s42A report versions of Policy 55 include wording to explicitly state that the policy applies to the consideration of resource consent applications.
- 37 The WCC submission has a general submission point that the regulatory policies should not seek to direct decision making at the resource consent level. The WCC submission states:

The ordering and wording of the regulatory policies as set out in chapter 4.3 [of the RPS] ignores case law and best practise for a what is considered a well written plan. If a plan already gives effect to a higher-level document or policy, then it

should not be necessary to refer back to the high-level document in the decision-making process (resource consent level).

38 I agree with the WCC submission that it is inappropriate for the RPS policies, including Policy 55, to explicitly seek to direct decision making at the resource consent level. In my opinion it is unnecessary and inappropriate for this policy to be explicitly directed at the level of resource consent decision making when it should be seeking to provide regional direction which is then implemented through District Plans.

39 Once a District Plan has adequately given effect to the RPS it is unnecessary for consideration of a resource consent application to refer back to the higher order policy directly, and requiring this may impose an unnecessary administrative burden. However, omission of direct reference to consideration of resource consents still enables consideration of the RPS policies in consent applications where the relevant District Plan has either not given effect to the RPS, or does not provide sufficient certainty over the matter.

40 I therefore recommend deleting the words “an application for a resource consent” from the opening text of Policy 55 consistent with the general submission point on this issue in the WCC submission.

Cross referencing RPS policies

41 According to the PCC submission Policy 55 “lacks the necessary precision to enable its meaningful implementation, contains unnecessary duplication, and does not align with objectives.”

42 In particular, the PCC submission notes that clause (a)(ii) of the notified version of Policy 55 repeats RPS policies, when:

an RPS and all its objectives and policies should be read as a whole, unless a specific objective or policy has primacy. There is also a risk in this approach of listing policies that certain policies are omitted.

43 Accordingly, the PCC submission requests deletion of the listed RPS policies under clause (a)(ii). In the s42A report the reporting officer rejects this PCC submission point stating:

I do not consider that duplicating other parts of the RPS is an inherent issue in this instance. The policy intent is to identify the matters that are relevant to proposals for greenfield development, to ensure that plan users are applying the RPS in the integrated way it is intended to be implemented and increase the likelihood of the desired outcomes being achieved.

44 I disagree with the reporting officer that it is necessary to specifically identify other relevant RPS policies within Policy 55. I agree with the PCC submission that the RPS policies should be read as a whole, and as these apply without specific cross reference their inclusion is superfluous. In addition to these cross references being unnecessary, they also risk creating an implication that omitted policies of the RPS do not apply.

45 I therefore recommend deleting the list referencing other RPS policies under clause (a)(ii) of the notified version of Policy 55, and under clause (a)(4) of the s42A report version of Policy 55, consistent with the PCC submission.

References to the FDS

- 46 Clause (b) the notified version of Policy 56 requires urban development to be “consistent with” the Wellington Future Development Strategy (FDS).
- 47 The UHCC submission seeks deletion of the reference to the FDS contained in clause (b) of policy 55.
- 48 In the s42A report the reporting officer rejects this submission point for the following reason:
- I do not agree with UHCC that clause (b) should be deleted; seeking consistency with a FDS is a key part of giving effect to the NPS-UD. Removing this clause would undermine the strategic spatial planning process and promote unplanned greenfield development, as well as be inconsistent with the FDS and thereby the NPS-UD.
- 49 Under clause 3.17 of the NPS-UD local authorities must “have regard” to the relevant FDS when preparing or changing RMA documents. The requirement in Policy 55 for District Plan reviews or changes for urban development to be “consistent with” the FDS applies a more directive and constraining standard than the “have regard” wording of the NPS-UD. There is also insufficient certainty over the eventual content of the FDS for this reference to be appropriate as this document is still being developed and has yet to be consulted on at the time of writing.
- 50 In addition, the FDS is intended to provide long term regional direction, and to prioritise growth at a high level. My understanding of the Wellington FDS is that it will not necessarily be pitched at a level to provide sufficient certainty around whether specific urban development is consistent with the FDS or not.

51 I am therefore opposed to providing such a reference to the FDS in Policy 55 and recommend that the relevant clause is deleted from Policy 55 consistent with the UHCC submission.

52 I therefore recommend amending Policy 55 as set out in appendix 1.

POLICY 56 MANAGING DEVELOPMENT IN RURAL AREAS

Amendments for clarity

53 The WCC submission seeks amendments to Policy 56 to improve clarity as the notified wording does not make a clear distinction between outcomes that the RPS seeks to provide for, and the outcomes that the RPS is seeking to manage or to restrict. The WCC submission seeks that the policy should be worded to consistently refer to the outcomes the RPS seeks to provide for. I agree with this submission point and recommend amending the policy accordingly to improve clarity.

54 The reporting officer has recommended amendments to Policy 56 consistent with this WCC submission point in order to consistently refer to the outcomes sought by the policy. However, the s42a report also recommends an amendment to introduce reference to reverse sensitivity which is not framed in terms of the outcome sought. I recommend that this reference to reverse sensitivity is re-worded to clearly state the outcome that is sought.

Reference to consideration of resource consent applications

55 As discussed under Policy 55 above the WCC submission has a general submission point stating that the regulatory policies should not seek to direct decision making at the resource consent level.

56 This general submission point is relevant to Policy 56 as it includes wording to explicitly state that the policy applies to the consideration of

resource consent applications. I agree with the WCC submission that it is inappropriate for the RPS policies, including Policy 56, to explicitly seek to direct decision making at the resource consent level.

57 For the reasons set out in the discussion on this issue in relation to Policy 55 in this statement of evidence, I recommend deleting the words “an application for a resource consent” from the opening text of Policy 56 consistent with the general submission point on this issue in the WCC submission.

References to the FDS

58 Both the notified and the s42a versions of Policy 56 require resource consent applications, and district plan reviews, changes, and variations to be “consistent with” the Wellington FDS for a “proposal” or rural residential development respectively.

59 Under clause 3.17 of the NPS-UD local authorities must “have regard” to the relevant FDS when preparing or changing RMA documents. The requirement in the notified and s42A version of Policy 56 for District Plans to be “consistent with” the FDS applies a more directive and constraining standard than the “have regard” wording of the NPS-UD. There is also insufficient certainty over the eventual content of the FDS for this reference to be appropriate as this document is still being developed and had yet to be consulted on at the time of writing.

60 In addition, the FDS is intended to provide long term regional direction and will not necessarily be pitched at a level to provide sufficient certainty around whether a single proposal or rural residential development is consistent with the FDS or not. I am therefore opposed to providing such a reference to the FDS in Policy 56 and recommend that the relevant clause is deleted from Policy 56.

61 I note the KCDC submission seeks deletion of the reference to the FDS from policy 56. I agree with and support this submission point.

62 I therefore recommend amending Policy 56 as discussed above and requested by the WCC and KCDC submissions, and as set out in appendix 1.

POLICY 57 INTEGRATING LAND USE AND TRANSPORTATION

63 The WCC submission seeks amendment to Policy 57 to remove reference to applying the requirement to resource consents. According to the WCC submission:

Applying this requirement to resource consents will result in unnecessary bureaucracy. This policy is about integrated land use and transport planning, which is best done through a plan change, or where a new notice of requirement is applied overtop. Integration is best achieved through plan provisions, not RPS consideration at individual consent level.

64 Accordingly, WCC seek the following amendment to policy 57:

When considering ~~an application for a resource consent,~~ notice of requirement, or a change, variation or review of a district plan, ~~for subdivision, use or development,~~ require land use and transport planning within the Wellington Region is to be integrated in a way which: ...

65 In the s42a report the reporting officer rejects the request to remove reference to resource consents but recommends amending the word “require” to “seek to achieve integration between”.

66 I agree with the WCC submission and do not consider that the recommended s42A changes sufficiently address the issue raised by the

WCC submission. In my opinion it is unnecessary and inappropriate for this policy to be directed at the level of resource consent decision making when it should be seeking to provide regional direction which is then implemented through District Plans. As stated in the WCC submission “if a plan already gives effect to a higher order document then it should not be necessary to refer back to the high-level document in the decision-making process (resource consent level)”.

67 I therefore recommend amending Policy 57 as requested by the WCC submission and as set out in appendix 1.

POLICY 58 CO-ORDINATING LAND USE WITH DEVELOPMENT AND OPERATION OF INFRASTRUCTURE

68 The WCC submission seeks amendment to Policy 58 for the following reason:

It is unrealistic to stop all urban development until all public transport and multi-modal transport are available to serve it. Public transport, cycleways and other transport infrastructure in existing urban areas will usually be the responsibility of councils.

Development should not be stopped while this is being built. For example, some high-density developments along the Let's Get Wellington Moving Mass Rapid Transit corridor should be allowed while the MRT is being designed, consented and constructed. Also the policy confuses all "subdivision, use or development" and "new urban development", and the list of transport infrastructure options "low or zero carbon", "multi modal", and "public transport" overlap.

69 The reporting officer accepts the WCC submission in part. The reporting officer states that:

I agree with WCC that development should be allowed to proceed where infrastructure is programmed to be provided, rather than requiring infrastructure to be delivered before development occurs. In my opinion, this is consistent with the direction of the NPS-UD, which includes enabling intensification around future rapid transport routes, indicating that where infrastructure is known to be provided, development should be enabled. On this basis I recommend removing the wording 'prior to development occurring' from clause (b).

70 However, the reporting officer recommends retaining the direction of clause (c) to require that "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".

71 In my view the amendment recommended in the s42A report does not address the issue raised in the WCC submission and does not enable development to proceed concurrently with the provision of associated infrastructure.

72 In my experience this approach is inconsistent with how development occurs in practice and does not allow for development to be enabled and for infrastructure to be put in place once there is a sufficient level of certainty over the development. For example, there may be a viable means of servicing a potential development with transport or three waters infrastructure, but it will not be possible to secure delivery of the necessary infrastructure without some level of certainty over the development proceeding. The amendments recommended in the s42A

report in response to the WCC submission are insufficient to address this issue. The s42A report wording also does not provide for development infrastructure to be funded and delivered by a developer rather than public entities.

73 The proposed RPS approach is inconsistent with how territorial authorities programme infrastructure for inclusion in Long Term Plans (LTP). Typically, infrastructure programmes will not be included in an LTP, until there is sufficient certainty that a rezoning process will be successful.

74 The WCC submission also has a general submission point that the regulatory policies should not seek to direct decision making at the resource consent level which is relevant to Policy 58. I support this submission point and recommend that Policy 58 is amended to delete the words “an application for a resource consent” for the reasons set out in the discussion on this issue in relation to Policy 55 in this statement of evidence.

75 I therefore recommend amending Policy 58 consistent with the WCC submission and as set out in appendix 1. I note that the specific wording I have recommended for clause (d) differs from the wording set out in the WCC submission but is consistent with the intent of that submission point.

POLICY UD.3 RESPONSIVE PLANNING TO PLAN CHANGES THAT PROVIDE FOR SIGNIFICANT DEVELOPMENT CAPACITY

Limitations to Housing and Business Development Capacity Assessments (HBAs) and monitoring

76 The WCC submission supports the direction of Policy UD.3 but seeks amendments to recognise that there may be limitations to monitoring

and HBAs, and to avoid unnecessary assessment which is not necessary to determine if a proposal provides for significant development capacity.

77 The reporting officer accepts this submission point and recommends amending clause (b) of the notified version of Policy UD.3 as follows:

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:

78 I support the WCC submission on this issue and support the recommended s42A amendment above to address this. I consider that an HBA or monitoring may not provide sufficient information to identify a housing shortage and it is important to provide for other means of identifying this.

Reference to Medium and High Density Residential

79 The PCC submission states that it is inappropriate to limit zoning options to high or medium density residential, as the most appropriate zoning for an area will be determined by a range of factors relevant to a specific location.

80 The reporting officer rejects this PCC submission point on the basis that “if a proposal provides for housing, this should be sufficiently dense to add significantly to development capacity and achieve a compact regional form.”

81 I support the PCC submission point and recommend deleting reference to “high density development and medium density development” from clause (b)(i) of the s42A version of Policy UD.3.

- 82 I disagree with the reporting officer that adding significantly to development capacity and achieving a compact regional form requires achieving a certain specified density in all cases. Due to specific localised constraints, a lower density zoning may be appropriate to provide for an identified need for housing in some cases.
- 83 In my opinion restricting out of sequence residential development to medium and high-density development is inconsistent with Policy 8 of the NPSUD which sets broad direction for local authorities to be responsive to plan changes that add significantly to development capacity without qualification on the specific type of housing enabled. Substantial housing capacity can be added through greenfield residential development at densities lower than medium density while still achieving well-functioning urban environments.
- 84 I therefore recommend amending Policy UD.3 as requested by the PCC submission and as set out in appendix 1.

DEFINITIONS

High Density Development Definition

- 85 The WCC submission seeks amendment of the definition of “High Density Development” to delete reference to a “minimum building height of 6 storeys”. According to the WCC submission this reference to a specific height goes further than the NPS-UD and imposes unnecessary rigidity.
- 86 The reporting officer does not accept the WCC request to delete reference to 6 storey building heights, but recommends amendment to refer to an “anticipated” building height rather than a “minimum”.
- 87 I concur with the WCC submission and consider that referring to building heights of six storeys within the High Density Development definition is unnecessary and imposes inappropriate rigidity. It is also inconsistent

with the High Density Residential zone in the Wellington City PDP which applies a lower building height standard than six storeys for non multi-unit development. In my view, “High Density Development” relates to the density achieved over an area wider than an individual site and may include development of less than 6 storeys on some sites. I do not consider that the amendment recommended in the s42A report to refer to an “anticipated” building height of six storeys adequately addresses this issue.

- 88 I therefore recommend amending the definition of “High Density Development” to remove reference to six storey building heights as requested in the WCC submission and as set out in appendix 1.

Medium Density Development Definition

- 89 The WCC submission seeks amendment of the definition of “Medium Density Development” to delete the words “with a minimum building height of six storeys”.
- 90 In the s42A report the reporting officer accepts this submission point and recommends amending the definition accordingly.
- 91 I agree with the WCC submission and support the s42A recommended wording of “Medium Density Development”.

Urban Areas Definition

- 92 The WCC submission seeks amendment of the definition of “urban areas” for consistency with the wording and intent of the NPS-UD. Specifically, the WCC submission seeks that reference to “Future Development Areas” is inserted into the definition.

93 In the s42A report the reporting officer rejects the WCC submission but recommends amendments to the definition in response to other submitters.

94 I support the WCC submission on the “Urban Areas” definition and recommend inserting reference to “future urban areas” and the “Future Urban Zone” for consistency with the NPS-UD. While the NPSUD does not include a specific definition of “Urban Areas”, the NPS-UD definition of urban environment clearly includes areas that are *intended* to be predominantly urban in character. This would include Future Urban zoned areas such as those identified in the Wellington City PDP. The RPS definition of Urban Areas is therefore inconsistent with the NPS-UD.

95 I therefore recommend amending the definition of “Urban Areas” to include reference to “future urban areas” and the “Future Urban Zone” as requested in the WCC submission and as set on in Appendix 1.

CONCLUSION

96 In my view, the amendments to RPS PC1 set out in this statement of evidence will give effect to the objectives and policies of the NPS-UD, will contribute to well-functioning urban environments, and are consistent with the purpose and principles of the Resource Management Act 1991.

Date: 15/09/2023

Joe Jeffries

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Appendix 1 – Recommended amendments to provisions.

Black Text – Section 42A report recommended provisions.

Blue Text - Amendments recommended in this statement of evidence.

Policy 31: Enabling intensification to contribute to well-functioning *urban areas*

~~District plans shall include policies, rules and/or methods that enable intensification within *urban areas* where it contributes to a compact, well-designed, *climate-resilient*, accessible and environmentally responsive *regional form* with well-functioning *urban areas* (as articulated in Policy UD.5) by:~~

- ~~(a) for any *tier 1 territorial authority*, identifying a range of building heights and urban form densities to:
 - ~~(i) realise as much development capacity as possible in *city centre zones*; and~~
 - ~~(ii) enable *high density development* within *metropolitan centre zones*; and any other locations, within a walkable catchment of:
 - ~~1. existing and planned rapid transit; or~~
 - ~~2. edge of *city centre zones* and *metropolitan centre zones*; or~~
 - ~~3. areas with a range of commercial activities and community services.; and~~~~
 - ~~(iii) enable *medium density development*; and~~
 - ~~(iv) otherwise reflect the purpose of, and level of commercial activities and community services within, *town*, local and neighbourhood centres; and~~~~
- ~~(b) for any other territorial authority not identified as a *tier 1 territorial authority*, identifying areas for greater building height and urban form densities:
 - ~~(i) within, and adjacent to *town centre zones* where appropriate; and~~
 - ~~(ii) where there is good access to existing and planned active and public transport and a range of commercial activities and community services; or~~
 - ~~(iii) to meet relative demand for housing and business use in that location.~~~~

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

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. well-connected to the existing *urban area*, 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. ~~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 multimodal transport network consistent with Policies CC.1, CC.4, CC.4A, CC.9, CC.14 and CC.14A,~~
 - 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 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
- (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.

Policy 56 – Managing development in rural areas

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) ~~does not~~ 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) 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.

Policy 57 – Integrating land use and transportation – consideration

When considering an ~~application for a resource consent~~, notice of requirement, or a change, variation or review of a district plan, ~~for subdivision, use or development~~, seek to achieve integration between land use and transport planning within the Wellington Region in a way which:

- (a) supports a safe, reliable, equitable, inclusive and efficient transport network; and
- (a) supports connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity; and
- (b) minimises private vehicle travel and trip length while supporting mode shift to public transport or active modes and support the move towards low and zero-carbon modes; and
- (d) provides for well-connected, safe and accessible multi modal transport networks while recognising that the timing and sequencing of land use and public transport may result in a period where the provision of public transport may not be efficient or practical; and
- (e) supports and enables the growth corridors in the Wellington Region as illustrated in Figure 3, including:
 - i. Western Growth Corridor – Tawa to Levin;
 - ii. Eastern Growth Corridor – Hutt to Masterton;
 - iii. Let’s Get Wellington Moving Growth Corridor; and
- (f) minimises the potential for *reverse sensitivity* effects on the safe and efficient operation of transport corridors.

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 coordinate *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) ensures all *infrastructure* required to serve new development, is able to be delivered 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 required.

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, the following criteria must be met:

- (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 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 format; or
 - (iii) community, cultural, health, or educational facilities; and
- (b) where it provides for housing, the proposal will:
 - (i) ~~provide for high density development or medium density development, and~~
 - (ii) contribute 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 term in 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.

Definitions

High density development:

Means areas used predominately for commercial, residential and mixed use activities with high concentration and bulk of buildings, such as apartments, and other compatible activities, ~~with an anticipated building height of at least 6 stories.~~

Urban areas:

The region's urban areas include residential, commercial, mixed use, ~~and~~ industrial zones and [future urban areas](#) identified in the Wellington city, Porirua city, City of Lower Hutt, Upper Hutt city, Kāpiti coast and Wairarapa combined district plans.

Note: For the avoidance of doubt, this includes the following zones under the National Planning Standards:

- Large Lot Residential
- Low Density Residential
- General Residential
- Medium Density Residential
- High Density Residential
- Centre and mixed use zones
- Industrial zones
- [Future urban Zones](#)

Appendix 2 - Section 32AA Evaluation:

Policy 31

The recommended deletion of Policy 31 is the most appropriate way to achieve objective 22 of the RPS PC1 because it would provide the benefits summarised below.

These requested amendments are efficient and effective in achieving the objectives as the benefits outweigh the potential costs.

The benefits of the recommended deletion include:

- Achieves greater consistency with the NPS-UD and reduces potential conflict between the RPS and the NPS-UD.
- Reduces unnecessary duplication of national policy which provides economic benefits in terms of easier interpretation and implementation of the RPS compared to the notified proposal.

There are no potential costs associated with the deletion of Policy 31 as it removes a policy that unnecessarily duplicates national policy direction without articulating any regionally specific direction. The benefits of the deletion of Policy 31 therefore outweigh the costs.

The 'other reasonably practicable option' for achieving objective 22 is retaining Policy 31 as notified. However, for the reasons set out above this option would be less efficient and effective in achieving objective 22 than the recommended deletion.

Policy 55

The recommended amendments to Policy 55 are the most appropriate way to achieve objective 22 of the RPS PC1 because it would provide the benefits summarised below.

These requested amendments are efficient and effective in achieving the objectives as the benefits outweigh the potential costs.

The benefits of the recommended amendments include:

Reference to consideration of resource consents

- Reduced unnecessary duplication when processing a resource consent application. District Plans are required to be consistent with higher order direction meaning that once they have given effect to the RPS any resource consent application will consider Policy 55, without needing to go back to Policy 55 and provide duplicate assessments.

Cross referencing RPS

- The cross referencing in Policy 55 is unnecessary as the RPS should be read as a whole. Deletion of the cross referencing removes duplication and reduces the risk of giving the impression that omitted policies of the RPS do not apply.

References to the FDS

- Removal of references to the FDS achieves greater consistency with the NPS-UD, given the proposed wording in Policy 55 is stronger than that in the NPS-UD.
- Given the uncertainty around the content of the final FDS, inclusion of the FDS is not appropriate at this stage.

The potential costs of the recommended amendment include reduced clarity in the implementation of the FDS through the RPS. These costs are outweighed by the benefits of the amendment because it is not appropriate to include reference to a document in which the content is not yet finalised. In addition, Policy 3.17 of the NPS-UD requires RMA planning documents to have regard to the FDS, meaning the FDS will always be a consideration without needing to be incorporated into the RPS. This is a more flexible and responsive method for territorial authorities to have regard to the content of the FDS.

The 'other reasonably practicable option' for achieving objective 22 is retaining Policy 55 as notified. However, for the reasons set out above this option would be less efficient and effective in achieving objective 22 than the recommended amendments.

Policy 56

The recommended amendments to Policy 56 are the most appropriate way to achieve objective 22 of the RPS PC1 because they would provide the benefits summarised below.

These requested amendments are efficient and effective in achieving the objectives as the benefits, outweigh the potential costs.

The benefits and potential costs of the recommended amendments are the same as those specified under *reference to consideration of resource consents and references to the FDS* under the analysis in Policy 55.

The 'other reasonably practicable option' for achieving objective 22 is retaining Policy 56 as notified. However, for the reasons set out above this option would be less efficient and effective in achieving objective 22 than the recommended amendments.

Policy 57

The recommended amendments to Policy 57 are the most appropriate way to achieve objective 22 of the RPS PC1 because they would provide the benefits summarised below.

These requested amendments are efficient and effective in achieving the objectives as the benefits outweigh the potential costs.

The benefits of the recommended amendments include:

- Reduced unnecessary duplication when processing a resource consent application. District Plans are required to be consistent with higher order direction meaning that once they have given effect to the RPS any resource consent application will consider Policy 57, without needing to go back to Policy 57 and provide duplicate assessments.

There are no potential costs associated with proposed amendment to Policy 57 as it removes the need for resource consents to provide a duplicate assessment of Policy 57 which will be required by the relevant District Plan. The benefits of the amendment of Policy 57 therefore outweigh the costs.

The 'other reasonably practicable option' for achieving objective 22 is retaining Policy 57 as notified. However, for the reasons set out above this option would be less efficient and effective in achieving objective 22 than the recommended amendments.

Policy 58

The recommended amendments to Policy 58 are the most appropriate way to achieve objective 22 of the RPS PC1 because they would provide the benefits summarised below.

These requested amendments are efficient and effective in achieving the objectives as the benefits outweigh the potential costs.

The benefits of the recommended amendments include:

- Provides economic and social benefits by enabling urban development to proceed concurrently with infrastructure provision, without unduly constraining that development through impractical infrastructure requirements.
- Provides greater consistency with the NPS-UD by reducing a barrier to appropriate development and therefore supporting competitive land and development markets.
- Reduced administrative costs in reducing unnecessary duplication when processing resource consent applications.

The potential costs of the recommended amendment include increased ability to develop in areas outside of areas with available, planned or funded infrastructure. This cost is outweighed by the benefits of the amendment because development in these areas will still be required to be integrated with infrastructure provision under the amended wording, and developments will still be required to contribute to well-functioning urban environments.

The 'other reasonably practicable option' for achieving objective 22 is retaining Policy 58 as notified. However, for the reasons set out above this option would be less efficient and effective in achieving objective 22 than the recommended amendments.

Policy UD.3

The recommended amendments to Policy UD.3 are the most appropriate way to achieve objective 22 of the RPS PC1 because they would provide the benefits summarised below.

These requested amendments are efficient and effective in achieving the objectives as the benefits outweigh the potential costs.

The benefits of the recommended amendments include:

- Provides greater consistency with Policy 8 of the NPS-UD which sets broad direction for local authorities to be responsive to plan changes that add significantly to development capacity without qualification on the specific type of housing enabled.
- Provides for greenfield development at lower densities where localised constraints make medium or high density development inappropriate. This can make a substantial contribution to housing capacity while still achieving well-functioning urban environments.

A potential cost of the recommended amendment is that it may enable greenfield development at lower densities than medium density which may reduce the efficiency of land use. These costs are outweighed by the benefits of the amendment because localised constraints may mean that lower densities are appropriate and these developments will be required to contribute to well-functioning urban environments under Policy 8 of the NPS-UD.

The 'other reasonably practicable option' for achieving objective 22 is retaining Policy UD.3 as notified. However, for the reasons set out above this option would be less efficient and effective in achieving objective 22 than the recommended amendments.