

Appendix A Recommended Amendments

The proposed amendments below are notated as follows:

Black strike through and underlining – Provision as notified, black text without underlining is operative text

Red strike through and underlining – Provision as recommended by the S42A officer

Blue strike through and underlining – Provision as recommended in the statement of evidence.

Note: (strikethrough indicates deletions and underlining indicates additions)

Where I do not agree with the Section 42A authors recommended amendments, or propose additional amendments, the tracking below is from the notified version.

1. Amend Objective 22 as set out below:

Objective 22

~~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~~

~~(b) Provide for sufficient development capacity to meet the needs of current and future generations; and~~

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

~~(d) Prioritise the protection and enhancement of the quality and quantity of freshwater; and~~

~~(e) Achieve the objectives in this RPS relating to the management of air, land, freshwater, coast, and indigenous biodiversity; and~~

~~(f) Support the transition to a low-emission and climate-resilient region; and~~

- ~~(g) Provide for a variety of homes that meet the needs, in terms of type, price, and location, of different households; and~~
- ~~(h) Enable Māori to express their cultural and traditional norms by providing for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga; and~~
- ~~(i) Support the competitive operation of land and development markets in ways that improve housing affordability, including enabling intensification; and~~
- ~~(j) Provide for commercial and industrial development in appropriate locations, including employment close to where people live; and~~
- ~~(k) Are well connected through multi-modal (private vehicles, public transport, walking, micromobility and cycling) transport networks that provide for good accessibility for all people between housing, jobs, community services, natural spaces, and open space.~~

~~A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:~~

- ~~(a) a viable and vibrant regional central business district in Wellington city; (b) an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality;~~
- ~~(c) sufficient industrial based employment locations or capacity to meet the region's needs;~~
- ~~(d) development and/or management of the Regional Focus Areas identified in the Wellington Regional Strategy~~
- ~~(e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;~~
- ~~(f) strategically planned rural development;~~
- ~~(g) a range of housing (including affordable housing);~~
- ~~(h) integrated public open spaces;~~
- ~~(i) integrated land use and transportation;~~
- ~~(j) improved eastwest transport linkages;~~
- ~~(k) efficiently use existing infrastructure (including transport network infrastructure); and~~
- ~~(l) essential social services to meet the region's needs.~~

2. Alternatively, should the Panel be of a mind to retain the subclauses of Objective 22 amend as set out below:

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)(b) 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)(h) 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)(d) Te Mana o Te Wai is given effect to Prioritise the protection and enhancement of the quality and quantity of freshwater; and~~

~~(d)(f) 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)(k) 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~~

- ~~(j) 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~~

3. Amend new Policy UD.5 as set out below:

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 existing and proposed urban-zoned land efficiently and, where providing housing, improves housing affordability, quality and choice, including by providing for a diversity of housing typologies in close proximity, and
- (b) providing for safe multimodal 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.

4. Amend Policy UD.3 as set out below:

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) ~~(b)~~ 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) ~~(iii)~~ where it provides for housing, the proposal will:
- (i) ~~will apply a relevant residential zone or other urban zone that~~ as part of a mix of housing typologies provides for high density development or medium density residential development, and
 - (ii) ~~(iv) 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 housing or business types proposed, the short-medium term in that particular location is likely to be taken up; and~~ will facilitate a net increase in district wide up take in the short to medium term;
- (d) ~~(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, in that particular location, 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. Amend Policy 55 as set out below:

Policy 55: ~~Contributing to a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form~~~~Providing for appropriate urban expansion~~ ~~Maintaining a compact, well-designed and sustainable 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 ~~March 2009~~ August 2022 date of decision), ~~its contribution to achieving a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form shall be determined by~~ particular regard shall be given to whether:

- (a) ~~the location, design and layout of the urban proposed development is the most appropriate option to achieve Objective 22~~ 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. ~~(i) the urban development will be~~ 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 land to be zoned 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. (ii)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) Provides for climate-resilience and supportings a low and-or zero-carbon multi-modal transport network consistent with Policies CC.1, CC.4, CC.4A, CC.9-10, CC.14 and CC.14A7,
 - vii) Recognises and providinges 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 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; and/or
- (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 includesinvolves ensuring that Objective 22 is achieved. the qualities and characteristics of a well-functioning urban environment are provided for through cClause (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.~~

Urban development beyond the region's urban areas has the potential to reinforce or undermine a compact and well designed regional form. The region's urban areas (as at March 2009) include urban, residential, suburban, town centre, commercial, community, business and industrial zones identified in the Wellington city, Porirua city, Lower Hutt city, Upper Hutt city, Kāpiti coast and Wairarapa combined district plans.

Urban development is subdivision, use and development that is characterised by its planned reliance on reticulated services (such as water supply and drainage) by its generation of traffic, and would include activities (such as manufacturing), which are usually provided for in urban areas. It also typically has lot sizes of less than 3000 square metres.

Examples of growth and/or development frameworks or strategies in the region are:

- The Upper Hutt City Council Urban Growth Strategy
- Wellington City Northern Growth Management Framework
- Porirua City Development Framework
- Kapiti Coast: Choosing Futures Development Management Strategy and local outcome statements contained in the Kapiti Coast Long Term Council Community Plan

Policies 54 and 56 also need to be considered in conjunction with policy 55. In addition, there are also a range of 'related policies' in the Regional Policy Statement that set out matters to be considered in order to manage effects on natural and physical resources. Structure planning integrates land use with infrastructure – such as transport networks, community services and the physical resources. Structure planning should also deliver high quality urban design. The content and detail of structure plans will vary depending on the scale of development. Notwithstanding this, structure plans, as a minimum, should address:

- Provision of an appropriate mix of land uses and land use densities
- How environmental constraints (for example, areas at high risk from natural hazards) and areas of value (for example, indigenous ecosystems, rivers, streams and ephemeral streams, wetlands, areas or places with historic heritage, outstanding landscapes, or special amenity landscapes) are to be managed
- Integration with existing and proposed infrastructure services, such as, connections to existing and proposed transportation systems and provision of public and active transport linkages by undertaking an integrated transport assessment
- The integration of the development with adjoining land use activities including measures to avoid, remedy or mitigate reverse sensitivity effects
- Integration of social infrastructure and essential social services as necessary
- Development staging or sequencing
- How the region's urban design principles will be implemented

6. Amend new Policy UD.4 as set out below:

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) enabling Māori to express their culture and traditions;

(a)(b) preventing dispersed growth patterns by prioritising:

(i) firstly, urban development (including unanticipated or out-of-sequence brownfield development) should occur within urban areas, with a

preference for more intensive development to occur in and adjacent to centres with a range of commercial activities and along existing or planned public transport multi-modal corridors firstly, then

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

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

~~(iv)~~ (iii) 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)~~ (iv) residential development in rural areas, consistent with Policy 56; and

~~(b)~~ (c) 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

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

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

~~(c)~~ 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)(iv) relates to residential rural lifestyle development as well as mixed use development in settlement zones.

7. Amend Policy 56 as set out below:

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 ~~March 2009~~ 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) ~~(b) 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) ~~(c) 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) (d) 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

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

~~Policy 56 addresses development in the region's *rural areas*. This policy relates to *urban development* and rural residential development. *Rural areas* (as at March 2009) include all areas not defined as the region's *urban areas* (as at March 2009).~~

~~The region's *urban areas* (as at March 2009) include urban, residential, suburban, town-centre, commercial, community, business and industrial zones identified in the Wellington city, Porirua city, Lower Hutt city, Upper Hutt city, Kāpiti coast and Wairarapa combined district plans.~~