

## Appendix 2: Amendments to provisions recommended by rebuttal evidence of Mika Zöllner

### 4. Inadequate infrastructure

There is insufficient supporting infrastructure to enable urban development, while providing for high-quality, The development of well-functioning urban areas, including providing for sufficient development capacity, is constrained in many locations within the Wellington Region by a lack of capacity in existing infrastructure. These constraints include the availability and affordability of funding required for delivery of new infrastructure, or upgrading of existing infrastructure.

#### **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

(a)(b) there is Provide for sufficient development capacity to meet the needs of current and future generations, affordable including adequate housing affordability, and housing choice, to meet the needs of current and future generations, with and access to 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 contributes to reducing greenhouse gas emissions and 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 effectively and efficiently; and~~
- ~~(h) new or upgraded infrastructure, including transport infrastructure, is integrated and sequenced with development; and~~
- ~~(i) development densities are sufficient to support the its provision and ongoing maintenance of infrastructure; and~~
- ~~(ij) 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~~
- ~~(k) the safe operation of regionally significant infrastructure is protected from potential reverse sensitivity effects.~~
- ~~(c) Improve the overall health, well-being and quality of life of the people of the region; and~~
- ~~(e) Achieve the objectives in this RPS relating to the management of air, land, freshwater, coast, and indigenous biodiversity; 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~~

**Policy 31: ~~Identifying and enabling a range of building heights and density promoting higher density and mixed-use development~~ Enabling intensification to contribute to well-functioning urban areas – district plans**

District plans shall include policies, rules and/or methods that ~~identify and~~ enable intensification within existing ~~urban zones~~ ~~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 range of different building heights and density within *urban areas* where it contributes to maintaining, establishing or improving the qualities and characteristics of well-functioning *urban environments*, including as a minimum:

- ~~(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 identify areas for high density development within: City centre zones metropolitan centre zones; and any other locations, within a walkable catchment of where there is with good access to:~~

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

District plans shall:

- ~~(a) identify key centres suitable for higher density and/or mixed use development;~~
- ~~(b) identify locations, with good access to the strategic public transport network, suitable for higher density and/or mixed use development; and~~
- ~~(c) include policies, rules and/or methods that encourage higher density and/or mixed use development in and around these centres and locations, so as to maintain and enhance a compact, well designed and sustainable regional form.~~

### Explanation

Policy 31 requires identification of areas suitable for intensification, and enables intensification in these areas, giving effect to Policy 3 of the National Policy Statement on *Urban development 2020*. Sufficient development capacity to meet expected housing demand in the short, medium, and long term must be achieved in any tier 1 urban environment, as required by Objective 22A. Rapid transit is as identified in the current Regional Land Transport Plan.

Policy 31 also enables greater building height and densities to be provided for in non-tier 1 territorial authorities, which includes Masterton being a tier 3 territorial authority, as well as Carterton and South Wairarapa. Providing for this development is consistent with Policy 5 of the National Policy Statement on Urban development 2020.

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

District and regional plans shall include objectives, policies, rules and/or other 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, and

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

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

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

(iii) (ii) sequenced and planned urban development beyond existing urban zones 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 or mixed use development in rural areas, consistent with Policy 56; and

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

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

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

(f) enabling Māori to express their culture and traditions, and

### **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 development in settlement zones.

**Policy 55: Managing greenfield development to contribute to well-functioning urban areas and rural areas** ~~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, notice of requirement, or a change, variation or review of a district plan for *urban development* beyond the region's existing urban

~~zones urban areas (as at March 2009)~~August 2022, 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) is adjacent to existing urban areas with access to employment and amenities, and either,
    - ii) along existing or planned multi-modal transport corridors that provide for multi-modal transport options, including public transport, or
    - iii) supports the efficient and effective delivery of new or upgraded transport infrastructure including for public 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 reductions in greenhouse gas emissions by use of travel using low and zero-carbon emission transport modes, including efficient provision of public transport services; and
  4. ~~(ii) the proposed development proposal shall~~ applies the specific management or protection for values or resources identified required by this Regional Policy Statement, including:
    - i) Avoiding inappropriate Managing subdivision, use and development in accordance with the areas at risk from natural hazards as required by Policy 29,
    - ii) Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values as identified by Policy 23,
    - iii) Protecting outstanding natural features and landscape values as identified by Policy 25,
    - iv) Protecting historic heritage values as identified by Policy 22,

- v) ~~Integrates~~ Giving effect to *Te Mana o Te Wai* consistent with Policy 42, and
  - vi) ~~Providing~~es 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.910, CC.14 and CC.14A7,~~
  - vii) ~~Recognises and p~~Providing~~s~~es 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 from incompatible or inappropriate adjacent land uses, 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) ~~it 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 ~~to a level of detail commensurate to the scale of the urban development 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) ~~for plan changes, it would add significantly to development capacity in accordance with Policy UD.3, even if it is out-of-sequence with planned land release or unanticipated by the district plan., if it is:~~
    1. ~~in the form of a plan change, and~~
    2. ~~in a city or district containing part or all of an urban environment, and~~
    3. ~~in accordance with Policy UD.3.~~

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

## Explanation

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

#### **Policy UD.2: Enable Māori to express their cultural and traditional norms – consideration**

When considering an application for a resource consent, notice of requirement, or a plan change of a district plan, for subdivision, use or development, particular regard shall be given the ability seek to enable Māori to express their culture and traditions in land use and development by, as a minimum:

(a) providing for mana whenua / tangata whenua to express and their relationship with their culture, land, water, sites, wāhi tapu, and other taonga; and

(b) recognising taonga and sites and areas of significance, awa and moana and important places where mana whenua / tangata whenua practice Mātauranga Māori, including marae and urupā.

#### **Explanation**

Policy UD.2 supports Māori to express their cultural traditions and norms in land use and development. This includes recognising taonga and sites and areas of significance, awa and moana and important places where to mana whenua / tangata whenua still practice in accordance with Mātauranga Māori, including marae and urupā.

#### **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 will be treated as additions 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 plan change 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 plan change 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 increasing housing affordability through a general increase in housing choice and supply or through providing non-market housing, and
- (c) ~~(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, for the short-medium term in that particular location ~~is likely to be taken up;~~ and ~~(iv) will facilitate a net increase in district-wide up-take in the short to medium term;~~
- (d) ~~(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 plan change proposal justifies the need for additional urban-zoned land in that particular location as the most appropriate option to meet housing and business demand, demonstrating ~~including consideration of existing~~ realisable development capacity ~~enabled within existing urban zones~~ the urban area, and
- (f) the plan change 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 reverse sensitivity effects ~~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, and by clustering housing to suit the site characteristics if necessary. Development infrastructure as referred to in clause (f) includes but is not limited to three waters infrastructure and transport infrastructure, including low or zero carbon, multi-modal and public transport infrastructure.

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

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

(a) providing for the characteristics of well-functioning urban environments, in a way that uses urban-zoned land efficiently; and,

(b) where providing housing, seeks to improve housing affordability, quality, and choice, and provide including providing for a diversity of housing typologies in close proximity; and

(b)-(c) providing for safe multi-modal 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)-(d) providing for and protecting mana whenua / tangata whenua values and sites of significance to mana whenua / tangata whenua; and

(e) 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 (de) 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*.

#### **Definitions:**

Environmentally responsive:

Designed to respond positively to the natural and cultural values, and the landscape and climatic features, of a place.

#### **Regional form:**

The spatial distribution, arrangement and design of the region's *urban areas* and *rural areas* and linkages between them, infrastructure networks, open space, and their relationship with natural environment values and features.

The physical layout or arrangement of our urban and rural communities and how they link together. For example, transport networks (e.g. roads, rail, ports), and the patterns of residential, industrial, commercial and other uses alongside or around these networks, and in relation to the topography and geography of the region (e.g. its ranges and valleys, rivers, lakes and coastline). It includes the physical appearance or urban design, housing choice and density, and the arrangement of open spaces.

Urban areas:

The region's urban areas ~~include residential zones, commercial, mixed-use zones, and industrial~~ consist of the following zones as identified in the Wellington city, Porirua city, City of Lower Hutt city, Upper Hutt city, Kāpiti coast and Wairarapa ~~e~~Combined *district plans*:

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

- [Urban zones](#)
- [Future urban zone](#)
- [Open space and recreation zones](#)
- [Relevant special purpose zones in the urban area](#)

Urban zones:

Means the following zones as identified in the Wellington city, Porirua city, City of Lower Hutt, Upper Hutt city, Kāpiti coast and Wairarapa combined district plans:

- [Large Lot Residential](#)
- [Low Density Residential](#)
- [General Residential](#)
- [Medium Density Residential](#)
- [High Density Residential](#)
- [Commercial and mixed use zones](#)
- [Industrial zones](#)

Rural areas:

The region's ~~r~~Rural areas (as at March 2009) include all areas not identified in the region's ~~urban areas~~ (as at March 2009) rural zones [and settlement zones](#) identified in the Wellington city, Porirua city, Hutt city, 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:~~

- [General rural zone](#)
- [Rural production zone](#)
- [Rural lifestyle zone](#)
- [Settlement zone](#)
- [Other relevant zones within the rural environment](#)

High density development:

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

Medium density ~~residential~~ development:

Means areas used ~~predominately~~ for ~~commercial, residential and mixed-use urban~~ activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities, ~~with a minimum building height of 3 stories.~~

Walkable catchment:

A walkable catchment is an area that an average person could walk from a specific point to get to multiple destinations. A walkable catchment generally consists of a maximum 20 minute average walk, or as otherwise identified defined by territorial authorities in district plans.