

Wellington RPS PC1 - Hearing Stream 4

Speaking Notes – Joe Jeffries, Wellington City Council. 3 October 2023

1. My name is Joe Jeffries. I am a Principal Planner at Wellington City Council. I have provided planning evidence on behalf of Wellington City.
2. My evidence recommends amendments to policies 55, 56, 57, 58, and UD.3. I have provided a s32aa evaluation for each of these amendments.
3. I also recommend amending the introduction of section 3.9 to provide greater clarity, concision, and to avoid duplicating the content of policies.
4. There are six key issues addressed in my evidence:
 - a. Duplication of the NPSUD.
 - b. References to resource consents in policies.
 - c. Cross references to other RPS policies.
 - d. References to the Wellington Future Development Strategy.
 - e. Restricting out of sequence development to medium or high-density development.
 - f. And infrastructure provision in policy 58.
5. The council rebuttal accepts two of my recommendations - one change to policy 56 for clarity and another change in relation to infrastructure provision in policy 58. I will focus here on the remaining points in contention.

Duplication of NPSUD - Policy 31

6. I recommend deletion of Policy 31 as this duplicates the NPSUD without adding any additional value.
 - a. In my view the RPS should only seek to insert policy 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.
 - b. In my view Policy 31 as proposed is superfluous in the best case, and conflicts with the NPS-UD in the worst.
 - c. It is necessary to amend the operative version of Policy 31 to avoid conflict with the NPS-UD, but 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 without intervening regional policy.
 - d. The Regional Council can give effect to the NPS-UD by “doing nothing” so long as the RPS is not contradicting the intent of the NPS-UD. This can be achieved by deleting the operative version of Policy 31 without replacing it.

- e. In rebuttal Ms Zollner notes that Policy 31 also provides direction to the Wairarapa councils around intensification in clause (b). I agree with this and therefore support retaining clause b of Policy 31 but deleting clause (a) as an updated recommendation to that provided in my evidence.

References to resource consents - Policies 55, 56, 57 and 58

- 7. I recommend deletion of direct references to resource consents in policies 55, 56, 57 and 58.
 - a. In my opinion it is inappropriate for the RPS policies to direct decision making at the resource consent level.
 - b. Instead, the policies should seek to provide regional direction which is then implemented through District Plans.
 - c. Once a District Plan has adequately given effect to the RPS it is unnecessary for resource consent assessments to refer back to the higher order policy directly, and requiring this imposes an unnecessary administrative burden.
 - d. There is no need to refer back to higher order policies that have been given effect to by lower order documents to achieve consistency with section 104 as stated in council rebuttal.

Cross references to RPS policies - Policy 55

- 9. I recommend deletion of the cross references to other RPS policies in Policy 55.
 - a. I consider that the RPS policies should be read as a whole, and as these policies apply without specific cross reference their inclusion is superfluous.
 - b. In addition to being superfluous these cross references create an implication that omitted RPS policies do not apply.

References to FDS – Policy 55 and 56

- 10. I recommend deletion of references to the Future Development Strategy in policies 55 and 56.
 - a. Under the NPS-UD district plans are required to “have regard” to an FDS. The requirement in the RPS for District Plans to be “consistent with” the FDS applies a more directive and constraining standard than the “have regard” wording of the NPSUD.
 - b. There is also insufficient certainty over the content of the FDS as this document has yet to be consulted on, and the FDS is not pitched at a level of detail to provide sufficient certainty around whether specific urban development is consistent with the FDS or not.

- c. In rebuttal MS Zollner states that consistency with the FDS would only be a matter for *consideration* to be given effect, and that it is not a binary nor absolute test.
- d. In my view this interpretation conflicts with the proposed wording of policy 55 which states that consents or district plans *shall be determined* by whether they are consistent with the FDS.
- e. This wording is set out in the table on screen. This comparison of policies shows that the requirement to be consistent with the FDS, combined with the wording of the draft FDS, sets up conflict with Policy 8 of the NPSUD.
- f. Ms Zollner has stated that the strategic direction of the FDS could support a development even if it is not spatially identified. But this conflicts with the words of the draft FDS and by the comments of the FDS project lead Ms Rotherham yesterday.
- g. Ms Zollner also states that removing reference to the FDS “could promote unplanned and unanticipated developments which is not the intent of the NPS-UD or RPS.” I disagree. Policy 8 of the NPSUD clearly directs local authorities to be responsive to unanticipated development.

Requiring medium or high density development - Policy UD.3

12. I recommend deletion of reference to medium and high-density development in Policy UD.3.

- a. Restricting out of sequence development to medium or high-density is inconsistent with Policy 8 of the NPSUD which requires local authorities to be responsive to plan changes that add significantly to development capacity without qualification on the type of housing or level of density enabled.
- b. In my view substantial housing capacity can be added at densities lower than medium density while still achieving well-functioning urban environments.
- c. It is important not to conflate enabling medium density development and requiring it. Providing a zoning that allows for medium density development is not the same as preventing development because it results in lower densities than ‘medium’.
- d. In rebuttal the reporting officer also states that if local constraints mean medium density is not achievable then no development at all is appropriate. I disagree. There may be constraints that make medium or higher density unachievable but that do not make development inappropriate altogether. For example, a development of detached houses on 200 or 300m² sections may achieve significant development capacity and well-functioning urban environments in areas where constraints prevent greater densities.