

**BEFORE INDEPENDENT HEARING COMMISSIONERS AT  
WELLINGTON**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** the hearing of submissions on Proposed  
Change 1 to the Regional Policy  
Statement for the Wellington Region

**STATEMENT OF EVIDENCE OF MACIEJ WIKTOR LEWANDOWSKI ON BEHALF  
OF SUMMERSET GROUP HOLDINGS LTD (SUBMITTER 119)**

**HEARING STREAM 4 – URBAN DEVELOPMENT**

**OCTOBER 2023**

**PLANNING**

**1. INTRODUCTION**

1.1 My name is Maciej (Mitch) Wiktor Lewandowski. I am a Resource Management Consultant and Director of Building Block Planning Ltd, a Wellington based planning and resource management consultancy which I established in April 2022.

**Qualifications and Experience**

1.2 I hold a Bachelor of Resource Studies from Lincoln University, a Master of Resource and Environmental Planning from Massey University, and a Post Graduate Diploma in Management from Massey University. I am a Full

Member of the New Zealand Planning Institute and accredited resource management commissioner.

1.3 I have 21 years' professional experience. In my current role I assist a range of private and public sector clients, including Summerset Group Holdings Ltd ("**Summerset**") across a range of resource management matters. My recent experience also includes assisting the Wellington City Council in the development of the Proposed Wellington City District Plan.

1.4 Prior to my current role I was employed by Urban Perspectives Limited as a Resource Management Consultant for a period of 3 years. Prior to that role, I was employed by the Wellington City Council for a period of 5 years, as Principal Advisor Planning within the Council's District Plan team. I was formerly also the District Plan Manager at Upper Hutt City Council.

#### **Involvement in Summerset's submission to Proposed Change 1**

1.5 I reviewed Proposed Change 1 ("**PC1**") following its notification in order to provide Summerset with advice as to its contents, and subsequently prepared Summerset's submission to PC1.

#### **Code of conduct**

1.6 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

## **2. SCOPE OF EVIDENCE**

2.1 Summerset's submission in respect of PC1 was concerned with ensuring Summerset has certainty in planning its forward operations, and that the provisions of PC1 do not unduly restrict its operations. In particular, Summerset held concerns that the provisions of PC1 could have the effect of unduly restricting the competitive operation of land and development markets.

2.2 In respect of the this hearing stream, the following provisions were addressed by Summerset's submission:

(a) Objective 22

(b) Policy 55

- (c) Policy 56
- (d) Policy 58
- (e) Policy UD.3

2.3 My evidence addresses these provisions along with two new policies introduced through the s42A report:

- (a) Policy UD.4
- (b) Policy UD.5

2.4 In preparing this evidence I have read:

- (a) The s42A report and associated appendices; and
- (b) The section 32 evaluation prepared for PC1.

### **3. SUMMARY OF EVIDENCE**

3.1 My evidence focuses on ensuring that there is sufficient flexibility provided for by the PC1 provisions that allows for Summerset to confidently plan for its ongoing development activities. This can be achieved by ensuring that PC1 appropriately gives effect to the requirements of the National Policy Statement on Urban Development (“**NPS-UD**”).

3.2 I consider that the urban development provisions proposed by PC1 could have the effect of unduly impacting on the competitive operation of land and development markets, in a way that would impact on the ability of Summerset to suitably provide for retirement village development.

3.3 The focus taken by the PC1 provisions on prioritising development within existing urban areas does not recognise the particular site requirements of an operator such as Summerset. PC1 also does not appropriately provide for unanticipated or out of sequence development. I consider that the provisions as proposed will have a detrimental effect on the competitive operation of land and development markets and that these impacts have been inadequately addressed by the section 32 analysis for PC1, or not at all assessed through changes proposed by the s42A report.

## **4. CONTEXT**

### **Summerset Group Holdings Ltd**

- 4.1 Summerset is a leading provider of retirement living and has been operating in New Zealand for over 25 years. Summerset owns and operates 37 retirement villages throughout New Zealand and has 10 proposed villages in design at various stages. During this time Summerset has established an excellent reputation for its specialist service in retirement living and aged healthcare. Through this experience the company has grown its knowledge and expertise in the construction and operation of purpose-built comprehensive care retirement villages that meet the needs of the community.
- 4.2 Comprehensive care retirement villages provide for a variety of living options, and provide for a continuum of care from independent living units, assisted living suites, resthome and hospital level care and memory care (providing a secure environment for those living with dementia).
- 4.3 A comprehensive care retirement village provides for a comprehensive range of services and amenities on site. Residents entering a new comprehensive care retirement village would typically be aged in their late 70's, and once a village is fully occupied, the average age across the village is close to mid 80's. Residents are therefore less independently mobile, and villages provide for services such as shared transport options.
- 4.4 Retirement villages have very particular requirements that inform site selection. Firstly, retirement villages require suitable site size. Sites would typically be 7-10 hectares in size in order to feasibly provide the care and amenities on-site. While in some urban areas there has been some movement towards higher density retirement villages, the design of retirement villages also responds to the nature of the given market and the accompanying economics of developing a village.
- 4.5 Retirement villages need to be appropriately located with reference to surrounding amenity, access, outlook, proximity to services and amenities such as town centres, parks and open spaces.
- 4.6 Retirement villages need to achieve appropriate topography i.e. retirement villages are developed to achieve a relatively flat topography given the needs of its elderly residents.

- 4.7 These requirements are not always readily met, and are of course dependent on the availability of land. The availability of suitable land is therefore a key requirement in the development of a new retirement village.
- 4.8 Summerset has recently successfully completed a private plan change process to rezone a 14.7ha area of land at Masterton from a rural zoning to a residential zoning, of which an area of 10ha will be developed for a retirement village.
- 4.9 That site, located immediately at the edge of the Masterton urban area, was the culmination of an extensive search for a suitable site that responded to an identified need for retirement housing both in Masterton district, as well as the wider Wairarapa region. The plan change was opposed by Greater Wellington Regional Council in part due to concerns, not ultimately borne out, over the provision of multi-modal connections. This context informs some of the concerns highlighted below.
- 4.10 That plan change process also highlighted that suitable sites are not always readily available in terms of the criteria that Summerset requires, but also simply due to market forces that determine site availability. To achieve a suitable site in the Masterton example resulted in a costly and protracted process, which is still ongoing.
- 4.11 Summerset has also recently consented, and is currently constructing, a new retirement village in Waikanae. This site is also large at some 14ha, albeit the village footprint itself is closer to 10ha. Again, it serves to demonstrate the type of site that an operator such as Summerset requires to provide for an important and valued service to an ever increasing population cohort.
- 4.12 The relevance of PC1 to Summerset is therefore across both the resource consenting framework, and in those instances such as the Masterton example highlighted above, where Summerset must go through a private plan change process in order to provide for a suitable site in an area where market demand is identified.
- 4.13 These comments are made in the broader context of the requirements of the NPS-UD. Of particular relevance to the the submission of Summerset are the following:
- (a) Objective 1 – achieving well-functioning urban environments.
  - (b) Objective 2 – housing affordability is improved by supporting competitive land and development markets.

- (c) Objective 4 - New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.
- (d) Objective 6 – local authority decisions on urban development integrated infrastructure planning and funding decisions, are strategic over the medium to long-term, and are responsive to proposals that would supply significant development capacity.
- (e) Objective 8 – urban environments support reductions in greenhouse gas emissions and are resilient to the current and future effects of climate change.
- (f) Policy 1 – planning decisions contribute to well-functioning urban environments, which, as a minimum:
  - (i) have or enable a variety of homes with reference to type, price and location, along with enabling Māori to express cultural traditions and norms;
  - (ii) have good accessibility between housing, jobs, community services and open spaces, including by way of active and public transport;
  - (iii) support, and as much as possible limit adverse impacts on, the competitive operation of land and development markets; and
  - (iv) support reductions in greenhouse gas emissions, and are resilient to the current and future effects of climate change.
- (g) Policy 2 – providing at least sufficient development capacity over the short, medium and long term.
- (h) Policy 6 – decision-makers have particular regard to the planned urban built form anticipated by RMA planning documents that have given effect to the NPS-UD, the urban form planned by those documents may involve significant changes to an area, the benefits of urban development that is consistent with well-functioning urban environments (as described by Policy 1), the contribution that will be made to providing or realising development capacity, and the likely and current effects of climate change.
- (i) Policy 8 – local authority decisions are responsive to plan changes that would add significant development capacity and contribute to

well-functioning urban environments, even if that development capacity is unanticipated by RMA planning documents or is out of sequence with planned land release.

- 4.14 Policy 1 is of particular relevance as Summerset provides for a variety of homes that provide for the specific needs of elderly people, by providing for a continuum of care that enables people to remain in their communities. The policy in-part supports Objective 4 which directly provides for the diverse and changing needs of people and communities. Retirement villages provide for the needs of a growing population cohort. Retirement villages also support the competitive operation of land and development markets, and contribute to housing affordability through returning existing housing stock to market as residents occupy a village. Often such housing is larger family homes.
- 4.15 The competitive operation of land and development markets is also critical, demonstrated by the ability of Summerset to progress with development on land that is suitable to its needs, and not only land that may otherwise have been identified for future growth in a Council growth strategy.

## 5. URBAN DEVELOPMENT PROVISIONS

### Objective 22

- 5.1 Objective 22, as recommended by the s42A report, is proposed to read:

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) 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) ~~Enable Māori are able~~ to express their culture 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) Te Mana of te Wai is given effect to Prioritise the protection and enhancement of the quality and quantity of freshwater; and~~
- ~~(d) 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) 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~~
- ~~(i) 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~~

5.2 In respect of matter (a), I suggest that the words ‘at least’ are added to precede ‘sufficient development capacity’. Such an approach would be consistent with the wording of Policy 2 of the NPS-UD and would recognise that planning for



development capacity needs to ensure an oversupply of development capacity is available.

- 5.3 In my view reference to affordable housing in matter (a) should be deleted. Affordable housing is a very vexed issue and immediately requires definition, along with the question of how much affordable housing is sufficient for the purposes of the objective and how that objective is to be met in the context of a particular proposal. Retirement villages will contribute to housing affordability through the provision of additional housing stock, and the return of existing housing stock to the market. Housing affordability as a resource management matter is in my view best addressed through enabling sufficient supply to provide competition.
- 5.4 Further on matter (a), the words 'with a diversity of housing typologies within neighbourhoods' are also superfluous as the issue is addressed by the existing reference to 'housing choice'. A retirement village across a large site will also provide for a range of housing choice internally to the village. I do not consider this addition to be necessary.
- 5.5 I consider that the reference to Te Mana o te Wai in matter (c) could be deleted. Te Mana o te Wai is already addressed through bespoke provisions in the RPS, and is required to given effect to through those provisions. This matter, as proposed, only serves to duplicate other provisions of the RPS.
- 5.6 In my opinion, matter (d) should be amended by removing reference to 'is low emission' and substituting 'contributes to reducing greenhouse gas emissions'. Such a change would better reflect the ability of an RPS to influence greenhouse gas emissions and is consistent with wording used elsewhere in the RPS – for instance Objective CC.3 and Policy CC.8, along with wording in the NPS-UD – see Objective 8 and Policy 1.
- 5.7 I also suggest a further amendment to matter (d) that recognises that some forms of development, such as retirement villages, have particular locational requirements for their development.
- 5.8 I am comfortable with matters (e), (f) and (g). In respect of matter (h), I am comfortable with the proposed wording, however I note my evidence in respect of Policy 58 below regarding the ability of all infrastructure (particularly public transport infrastructure) to be provided or even planned for immediately. I also note that public transport within a retirement village is not practical given the typically secure nature and private ownership, but certainly can be

provided to a retirement village, noting many retirement villages provide their own private form of communal transport.

5.9 Therefore, I recommend the following wording for Objective 22. In my view the amendments maintain the fundamental purpose of the objective, while better reflecting the requirements and direction of the NPS-UD:

A compact, well-designed, climate-resilient, accessible, and environmentally responsive regional form with well-functioning urban areas and rural areas, where:

- (a) there is at least 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) Māori are able to express their culture~~al~~ and traditions, and mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga is provided for; and
- ~~(c) To Mana of te Wai is given effect to; and~~
- (d) subdivision, use and development is located, designed, and constructed in a way that contributes to reducing greenhouse gas emissions, is low-emission and, is climate-resilient and recognises any particular locational requirements of the proposed use and development; and
- (e) built environments meet the health and wellbeing needs of all people, with high-quality housing and multi-modal access between housing, jobs, community services, local and regional centres, green space, 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
- (i) 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.

## Policy 55

5.10 As now proposed by the s42A report, Policy 55 would state:

Policy 55: Contributing to a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form ~~Providing for appropriate urban expansion~~ – 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 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 ~~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. ~~the urban development will be~~ is 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 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. ~~the proposed development proposal shall apply~~ies 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 supporting a low and or zero-carbon multi-modal transport network consistent with Policies CC.1, CC.4, CC.4A, CC.9A, CC.14 and CC.14A7.,

vii) ~~Recognises and p~~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 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

(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 ~~includes~~ involves ensuring that Objective 22 is achieved. ~~the qualities and characteristics of a well-functioning urban environment are provided for through eClause (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.~~

- 5.11 The relevance of Policy 55 to Summerset will be to any development proposal beyond an existing urban area. Therefore it would be relevant where a suitable retirement village site was identified outside of an existing urban area that Summerset sought to progress through either a resource consent or a plan change.
- 5.12 Given that the policy seeks to apply to a resource consent process, as well as a plan change process, the policy structure appears to be unsuitable. While matters (a) and (b) are appropriate in their structure (subject to my comments below), because each matter is linked with an 'and', matters (c) and (d) are also live and become problematic.
- 5.13 It would be unusual for instance for a resource consent to be accompanied by a structure plan (as may typically be found within a district plan), and it would certainly not be practical for such a structure plan to be approved by a Council. Thereby, an immediate inconsistency is created with matter (c) for the resource consent pathway.
- 5.14 There is then a further linkage to matter (d) which applies in a plan change scenario so is not applicable notwithstanding the 'and' linkage.

- 5.15 In practice it may simply be that a resource consent application is only therefore assessed against matters (a) and (b). However, there is in my view potential for inconsistency with matters (c) and (d) to be created by the policy wording, despite the policy seeking to apply to a resource consent process. Given the role of Policy UD.5, discussed below, it may however be more appropriate to remove reference to resource consents from policy 55 and instead rely solely on Policy UD.5. I have not however recommended specific amendments in this regard.
- 5.16 For plan changes, and considering matter (d) first, this matter addresses out of sequence or unanticipated development. Subject to my comments regarding Policy UD.3 below, I am comfortable with the proposed contents of this matter. However, this matter is linked to the preceding matter (c) with an 'and'.
- 5.17 Matter (c) requires that 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".
- 5.18 A private plan change application cannot meet this aspect of the policy as, by definition, a private plan change cannot have a structure plan prepared and approved by a city or district council. Immediately, any private plan change application becomes inconsistent with Policy 55. I suggest that the additional wording now proposed for matter (c) is deleted. A plan change prepared by a council will, where necessary, include a structure plan.
- 5.19 As a practical example, the recent private plan change process undertaken by Summerset in Masterton did not include a structure plan as it was considered unnecessary for that specific site, in that particular context. A higher level Outline Development Plan was included, the effect of which was to identify the portion of the overall site that was identified for retirement village purposes, along with some other minor matters.
- 5.20 A further linkage is then created for both matters (d) and (c) to matter (b). Matter (b) requires consideration of whether the urban development is consistent with a Future Development Strategy, or local strategy if a Future Development Strategy has not been notified. A private plan change that is unanticipated is by definition not going to be consistent with a Future Development Strategy, further creating inconsistency with Policy 55.

- 5.21 Therefore, while the PC1 provisions are on their face providing the required pathway for unanticipated or out of sequence development, the associated requirements that are being specified create a situation where practically they either cannot be achieved, or create a glaring inconsistency with the policy framework proposed. I suggest amendments to the policy below to overcome these issues.
- 5.22 As a further minor comment regarding matter (b), I suggest that the word 'will' be reverted to 'should' as originally proposed. In my experience, it would be unusual for development to occur in 100% accordance with a growth strategy or similar document and that appropriate flexibility should be anticipated.
- 5.23 Turning to matter (a), and subject to my comments about Policy UD.5 below, I am comfortable with matter (a)(1) as proposed.
- 5.24 Matter (a)(2) requires the urban development to be well-connected to existing urban areas. It then provides context on how that is to be achieved. Noting the distinction between 'adjacent' and 'adjoining', I am broadly comfortable with matter (a)(2)(i) but have reservations around how the word adjacent may be interpreted, and whether the absence of an immediate connection to an existing urban area would cause inconsistency with this additional matter now proposed. I suggest removing 'adjacent' and substituting 'well-connected'.
- 5.25 Matter (a)(2)(ii) is proposed to be amended through the addition of 'multi-modal'. Based on the wording of Clause 3.8(2)(b) of the NPS-UD, my preference is to remove reference to multi-modal. I am comfortable with the wording of matter (a)(2)(iii).
- 5.26 Matter (a)(3) specifies requirements relating to building heights and densities. This matter addresses issues already addressed by policies 3 and 5 of the NPS-UD. I do not think this matter is necessary.
- 5.27 I propose a new matter (a)(3) that acknowledges that certain land uses, such as retirement villages, have particular locational requirements as discussed in this evidence.
- 5.28 Matter (a)(4) then seeks that the specific management or protection of values or resources required by the RPS is applied, and then lists ten separate matters referencing other RPS policies. This matter is simply duplication of other RPS requirements and should be deleted. These requirements are already specified in the RPS, already require assessment, and do not add anything to the content and application of this policy.



5.29 I therefore suggest the following amendments to Policy 55:

Policy 55: Contributing to a compact, well-designed, climate-resilient, accessible and environmentally responsive 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 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. is well-connected to the existing urban area, which means:

(i) ~~adjacent~~ well-connected 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. responds to any specific locational requirements of the proposed urban development; and

~~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 20,~~

~~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 multi-modal transport network consistent with Policies CC.1, CC.4, CC.4A, CC.9, CC.14 and CC.14,~~

~~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 should ~~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 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. is in the form of a plan change; and
2. where necessary incorporates a structure plan; and
3. is consistent with matters (a)(1) and (a)(2) of this policy; and
4. is in a city or district containing part or all of an urban environment; and
5. is in accordance with Policy UD.3.

#### 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 involves ensuring that Objective 22 is achieved. ~~Clause (a) includes managing values or resources as required 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 and 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. The policy also seeks to recognise that some land uses may have specific location requirements.

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 or development 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 a plan change that would add significantly to development capacity, which gives effect to Policy 8 of the National Policy Statement on Urban development 2020.

## Policy 56

5.30 The Summerset submission suggested further consideration of whether matter (a) of Policy 56 remained necessary given the introduction of the National Policy Statement on Highly Productive Land (“NPS-HPL”). It also sought to address areas of duplication and perceived conflict with Policy 55 as it was then drafted.

5.31 As now recommended, Policy 56 states:

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 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) ~~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) ~~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) 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

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

(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.~~

- 5.32 In my opinion, matter (a) should be deleted as it has been overtaken by the higher order NPS-HPL. The NPS-HPL provisions have immediate effect and provide an interim framework until the RPS maps highly productive land.
- 5.33 I suggest an amendment to matter (e) to again use language consistent with the NPS-UD noting that this policy would also apply to urban development.

And consistent with my evidence in respect of Objective 22, I consider that matter (g) is otherwise given effect to by RPS and does not require repetition. I therefore suggest the following amendments to Policy 56 from that recommended by the s42A report:

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 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) 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) supports reductions in greenhouse gas emissions; and 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.

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.

### Policy 58

5.34 As recommended by the s42A report, Policy 58 would read as follows:

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, ~~for subdivision, use or development, require, seek to co-ordinate~~ urban development and infrastructure integration ~~including form, layout, location, and timing is 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 ~~is provided for; and~~

(c) all infrastructure required to serve new development, ~~including low or zero carbon, multi-modal and public transport infrastructure,~~ is 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. ~~available prior to development occurring.~~

Explanation

Policy 58 seeks to avoid isolated urban development which is not serviced by infrastructure. The policy seeks that ~~requires~~

urban development ~~to be~~ is sequenced to ensure existing infrastructure capacity is efficiently and effectively used and ~~such~~ that infrastructure that is necessary to service the development will be provided ~~before the development occurs~~. This includes ~~both~~ all infrastructure, such as three waters infrastructure and transport infrastructure, including low or zero carbon, multi modal and public transport infrastructure, that would be necessary to support the development.

- 5.35 The Summerset submission was concerned that the policy, as notified, was inconsistent with Objective 6(c) and Policy 8 of the NPS-UD by not being responsive to out of sequence or unanticipated proposals. The submission noted that it was not always possible to achieve all of the listed matters.
- 5.36 The submission also highlighted that the policy was inconsistent with Policy 57(e) of the RPS as it was notified (now Policy 57(d)) which recognised that timing and sequencing of land use and public transport availability may result in a period where the provision of public transport may not be practical. This correctly acknowledged that a larger development such as a retirement village may not have sufficient occupancy to sustain public transport for a number of years as a development is progressed. A retirement village is typically constructed over a 5-7 year timeframe. For a retirement village, public transport within a village is not practical, and typically a retirement village provides its own on-demand shared transport service.
- 5.37 The s42A report has responded to this issue by deleting the words ‘available prior to development occurring’ however the policy still requires that all infrastructure “is 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”.
- 5.38 For a development that is unanticipated or out of sequence, or for a development type such as a retirement village, achieving consistency with matter (c) would still prove challenging, or may not be necessary. For unanticipated development in particular, in my view it would be impossible to achieve consistency with the policy.
- 5.39 My view is reinforced by the explanation to the policy, where it states:

The policy seeks that urban development is sequenced to ensure existing infrastructure capacity is efficiently and effectively used and that infrastructure that is necessary to service the development will be provided. This includes all infrastructure, such as three waters infrastructure and transport infrastructure, including low or zero carbon, multi modal and



public transport infrastructure, that would be necessary to support the development.

5.40 In my view the proposed approach creates an inconsistency with Objective 6(c) and Policy 8 of the NPS-UD which seek to provide for unanticipated or out of sequence development.

5.41 I also note that the explanation to Policy 58 uses the word 'avoid'. While it is contained within the explanation, and not the policy itself, I nevertheless note the well understood meaning of the word in resource management practice as meaning to not allow. I suggest an amendment to remove reference to avoid and to reframe the explanation as ensuring that development is appropriately serviced by infrastructure.

5.42 My suggested changes to Policy 58 are as follows:

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 co-ordinate 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) wherever possible, all necessary 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 and in a timeframe commensurate to the scale and type of infrastructure.

Explanation

Policy 58 seeks to ensure ~~avoid isolated~~ urban development ~~which is not serviced by~~ is appropriately serviced by infrastructure necessary for that development. The policy seeks that urban development is sequenced to ensure existing infrastructure capacity is efficiently and effectively used and that infrastructure that is necessary to service the development will be provided. This includes all infrastructure, such as three waters infrastructure and transport infrastructure, including low or zero carbon, multi modal and public transport infrastructure, that would be necessary to support the development. The policy also recognises that the provision of some infrastructure, such as public transport infrastructure, may lag development.

### Policy UD.3

- 5.43 Policy UD.3 is a consideration policy and responds to the requirements of Clause 3.8 of the NPS-UD. It needs to be read in conjunction with Policy 55.
- 5.44 Clause 3.8 of the NPS-UD applies to plan changes that provide for significant development capacity that is not otherwise enabled or is not in sequence with planned land release.
- 5.45 It further states that local authorities must have particular regard to the development capacity provided by the plan change if that development capacity:
- (a) Would contribute to a well-functioning urban environment; and
  - (b) Is well-connected along transport corridors; and
  - (c) Meets the criteria set under subclause (3).
- 5.46 Subclause (3) then requires regional councils to include criteria in an RPS for determining what plan changes will be treated, for the purposes of implementing Policy 8, as adding significantly to development capacity.
- 5.47 Policy UD.3 responds to this requirement, and has been significantly amended from the notified version. As recommended by the s42A report, Policy UD.3 states:

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) 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) where it provides for housing, the proposal will:

(i) ~~will apply a relevant residential zone or other urban zone that~~ provides for high density development or medium density ~~residential~~ development, and

(ii) ~~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 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) 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 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.

5.48 Given that the requirement of the NPS-UD is to have particular regard to unanticipated or out of sequence development, that language could have been mirrored in the RPS. Instead, Policy UD.3 sets considerations that 'must be met' and thereby appears to set bottom lines.

5.49 In my reading of Policy 8 of the NPS-UD, and in turn Clause 3.8, the issue that the NPS-UD seeks to address is primarily one of scale. The Ministry for the Environment fact sheet<sup>1</sup> on responsive planning states:

The requirement for regional councils to include criteria in their regional policy statements for determining what plan changes will be treated as adding significantly to development capacity should ensure that local authorities can focus resources and attention on opportunities that will support well-functioning urban environments. For example, focusing on large-scale opportunities instead of dedicating resources to requests for

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<sup>1</sup> <https://environment.govt.nz/publications/national-policy-statement-on-urban-development-2020-responsive-planning-fact-sheet/>

plan changes for small parcels of land that would not yield a large increase in dwellings or business land.

- 5.50 In my view the proposed PC1 provisions address matters that go beyond what is required by Clause 3.8.
- 5.51 In respect of matter (a), and noting that Policy 2 of the NPS-UD requires that 'at least sufficient development capacity is provided for', I suggest that this matter be amended to also recognise demand more broadly, as well as the specific needs and shortages that may be identified through monitoring.
- 5.52 I note that I support matter (a)(i) as it provides for specific recognition of a variety of housing meeting regional, district or local shortages. This is important from the perspective of retirement housing.
- 5.53 Through matter (b), and recalling that as now proposed the policy requires that all criteria must be met, the policy requires zoning for housing to provide for high density or medium density housing. This aspect of the policy in my view oversteps what Clause 3.8 of the NPS-UD requires the RPS to achieve, and is irrelevant to a retirement village proposal which would otherwise achieve at least a medium density form across a village.
- 5.54 Turning to matter (c), I do not have any concerns with sub-clause (i). However, the addition proposed to sub-clause (ii) renders that matter unworkable as currently proposed. A retirement village is typically constructed over a 5-7 year period. The suggested addition of 'and earlier than any urban development anticipated by the district plan' would appear to suggest that development from a plan change to rezone an area for residential development would need to occur earlier than any other development otherwise already zoned by a district plan. Such a situation is impossible, and the suggestion is fundamentally at odds with the requirements of the NPS-UD. The proposed addition should be deleted.
- 5.55 In respect of matter (iii), given the timeframes involved in development, I consider that reference to the long term should be added. A significant development proposal going through a plan change process may not be able to always respond to short term demand, but for a retirement village proposal, would certainly respond to medium and long term demand. Such an approach is consistent with Policy 2 of the NPS-UD. I also suggest a change to remove the words 'in that particular location' which could be interpreted very specifically, to instead reference the urban area. This also improves consistency with matter (a)(i) which references regional, district and local shortages.

- 5.56 I am comfortable with the suggested wording of matter (d).
- 5.57 Conversely, I am opposed to matter (e). The need for additional urban-zoned land must of course be justified through any section 32 evaluation, and matter (a) of the policy already addresses the factual basis of demand and development capacity. What this matter appears to consider is whether enabled development capacity elsewhere should trump any additional zoning.
- 5.58 There are two problems with this wording. Firstly, plan enabled development capacity is not the appropriate measure. Plan enabled capacity will be significantly higher than feasible capacity, and higher again than what will ultimately be realisable capacity. Therefore, the policy wording is flawed as currently proposed. But more importantly, the NPS-UD seeks to provide for at least sufficient development capacity and does not seek to favour existing zoned land over an additional area of zoned land. Nor does Clause 3.8 of the NPS-UD seek to provide this form of criteria. I consider that matter (e) should be deleted. It is inconsistent with the higher order policy direction it should be giving effect to.
- 5.59 In a similar way, the addition of matter (f) goes beyond what Clause 3.8 of the NPS-UD requires. Considerations relating to land-use conflict are inherent in any plan change process, and are otherwise guided by the RPS. They do not need to become specific criteria for considering what plan changes will be treated as adding significantly to development capacity.
- 5.60 The latter half of matter (f) then seeks to consider how a plan change for urban development would impact on the feasibility and affordability of already anticipated urban development. Again, this matter oversteps what is required by Clause 3.8 of the NPS-UD, and the objectives and policies of the NPS-UD, by exhibiting an inherent preference for non-greenfield development. Such a position is not supported, in my view, by the NPS-UD.
- 5.61 Based on the above, I suggested the following amendments to Policy UD.3:

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, particular regard should be given to the following criteria ~~must be met~~:

(a) the proposal makes a significant contribution to meeting overall housing demand, 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

(iii) community, cultural, health, or educational facilities; and

(b) where it provides for housing, the proposal will:

~~(i) provides for high density development or medium density development, and~~

~~(ii) 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 (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 or long term in the urban area ~~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.~~

## Explanation

Policy UD.3 outlines the criteria that need to be given particular regard ~~not~~ for a development to be considered to provide 'significant development capacity' as required by 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.~~

## Policy UD.4

5.62 Policy UD.4 is a new policy introduced through the s42A report. It reads:

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) preventing dispersed growth patterns by prioritising:

(i) firstly, urban development (including unanticipated or out-of-sequence brownfield development) should occur within urban areas 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) sequenced and planned urban development beyond urban areas, consistent with Policies 55 and 56, then

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

(b) 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

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

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

(e) 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)(v) relates to residential rural lifestyle development as well as development in settlement zones.

- 5.63 As proposed, Policy UD.4 (with particular reference to clauses (a) and (b)) is fundamentally flawed. It seeks to direct district and regional plans to prioritise urban development based on a proposed hierarchy, with urban development within existing urban areas being the most preferred option, including over urban expansion that is otherwise sequenced and planned, and urban expansion that is unanticipated or out of sequence. Such an approach fails to properly acknowledge, let alone give effect to, the NPS-UD which in my reading seeks to achieve an ‘all of the above’ approach to providing for development capacity.
- 5.64 Such an approach could also have significant impacts on the ability of Summerset to progress with development of a suitable site and to be responsive to market demand and land availability. The effect on the competitive operation of land and development markets will likely be significant, and has not been considered by way of a section 32AA assessment through the section 42A report.
- 5.65 Landowner intentions are central to land becoming available and have a direct bearing on the operation of land markets. Summerset needs to be responsive to land availability.

5.66 The policy also in my view creates internal conflicts, and further conflicts with the NPS-UD. If the hierarchy is to be implemented by district plans as proposed, then how are district plans then meant to be responsive to unanticipated or out of sequence development when such development is fourth on the proposed hierarchy, but as proposed by Policy UD.3 is meant to be realised in a timely manner? This issue is captured by the following comment at paragraph 571 of the s42A report:

The process of prioritising intensification over greenfield development should ideally occur prior to a resource consent or private plan change application, during development of a district plan.

5.67 I am ultimately unclear on the overall contribution of Policy UD.4, but am seriously concerned by it. As a minimum, I consider that clauses (a) and (b) should be deleted. But I also note that matter (c) is addressed by Policy 57, matter (d) by Policy 55 and matter (e) is already provided for by Policy UD.2.

5.68 The effect will be to constrain and direct the implementation of the NPS-UD in an unbalanced way, and the suggested approach is fundamentally inconsistent with the provisions of the NPS-UD. I therefore consider that the policy, as currently proposed, should be deleted in its entirety.

#### **Policy UD.5**

5.69 Policy UD.5 is also a new policy introduced through the s42A report. It is linked to Policy 55(a)(1) as follows:

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

...

5.70 As proposed, Policy UD.5 states:

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 urban-zoned land efficiently and, where providing housing, improves housing affordability, quality and choice, including providing for a diversity of housing typologies in close proximity, and

(b) providing for safe 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.

- 5.71 Consistent with my earlier evidence, I consider that matter (a) should be amended by removing reference to housing affordability. Housing affordability is multi-faceted, subjective and relative and, all things being equal, additional supply will have the impact of improving affordability. However it is also impacted by a range of other factors outside of the sphere of a resource management document.
- 5.72 I also note the addition of the words “including providing for a diversity of housing typologies in close proximity”. As presently drafted, the statement can be interpreted as unfinished. Is the diversity of housing typologies to be provided in close proximity to each other, or to something beyond the site? I am also unclear on how that would be applied within a large retirement village context. In my view, the reference to well-functioning urban environments already references the need to enable a variety of homes that meet the needs of a range of households in terms of type, price and location. Therefore I do not consider this additional wording is required.
- 5.73 I suggest the deletion of ‘preferably within walking catchments’ as achieving access between all of the listed matters within walking catchments may not be possible. Instead I suggest wording that mirrors Policy 1 of the NPS-UD.
- 5.74 In my view, matters (c) and (e) are otherwise addressed by the RPS and do not require duplication here. I therefore suggest they are deleted.
- 5.75 Taken together, I suggest the following amendment to Policy UD.5:

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 urban-zoned land efficiently and, where providing housing, provides for a variety of homes that meet the needs of different households, ~~improves housing~~

~~affordability, quality and choice, including providing for a diversity of housing typologies in close proximity, and~~

(b) providing for safe access between housing, employment, services, amenities, green space, and local centres, including by way of public or active transport ~~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.

**6. CONCLUSION**

- 6.1 In my opinion the amendments recommended in my evidence will more appropriately give effect to the requirements of the NPS-UD, better provide for the particular requirements of certain land uses such as retirement villages, more appropriately respond to out of sequence or unanticipated developments, and will more appropriately maintain the competitive operation of land and development markets. As a result, the amendments proposed will serve to achieve the purpose of the Resource Management Act 1991.



**Mitch Lewandowski**

**18 September 2023**