

WELLINGTON CITY COUNCIL

Hearing of Submissions and Further Submissions

on

Proposed District Plan

Report and Decisions of Independent Commissioners

Hearing Stream 1

Report 1B

Part 2: Strategic Direction Chapters

Anga Whakamua – Moving into the future

CC – Capital City

CEKP – City Economy, Knowledge and Prosperity

HHSASM – Historic Heritage and Sites and Areas of Significance to Māori

NE – Natural Environment

SCA – Strategic City Assets and Infrastructure

SRCC – Sustainability, Resilience and Climate Change

UFD – Urban Form and Development

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EXECUTIVE SUMMARY

1. There were a relatively modest number of submissions on strategic objectives, and our recommendations for amendments to them are similarly modest, seeking to achieve marginal improvements in expression and outcome.
2. The most significant suggested change is in relation to SRCC-O2, where we have recommended that the focus on hazard risks being low (as notified) is softened to recognise that this may not always be possible, while allowing room for marginal increases in risk where that risk is already low, or where higher level direction needs to be considered.

1. INTRODUCTION

1.1 Topics of Hearing

3. Hearing Stream 1 covered the background to the PDP, Plan-wide matters of strategic or procedural importance, introductory chapters and the Strategic Direction chapters. This report addresses the Strategic Direction chapters under the following headings (following the layout of the PDP and the Section 42A Report, this part of which was authored by Mr Adam McCutcheon):
 - (a) Strategic Direction (an 'introductory' discussion);
 - (b) Anga Whakamua – Moving into the future;
 - (c) CC – Capital City;
 - (d) CEKP – City Economy, Knowledge and Prosperity;
 - (e) HHSASM – Historic Heritage and Sites and Areas of Significance to Māori;
 - (f) NE – Natural Environment;
 - (g) SCA – Strategic City Assets and Infrastructure;
 - (h) SRCC – Sustainability, Resilience and Climate Change; and
 - (i) UFD – Urban Form and Development.
4. Each of the Strategic Direction chapters contains a series of Strategic Objectives on the above topics. The purpose of the Strategic Objectives is set out in the Strategic Direction introductory chapter. It states that they are intended to set the direction for

the Plan for managing growth, land use and development in Wellington City, and form the basis for the development of more detailed objectives, policies and rules in Parts 2 and 3 of this Plan. They should also be considered as part of future plan changes, notices of requirement and complex resource consent applications.

1.2 Hearing Arrangements

5. The Stream 1 hearing commenced on Tuesday, 21 February 2023 and concluded on 1 March 2023. Evidence on the Strategic Direction chapters of the PDP (the focus of this report) was heard throughout those hearing days.
6. This report should be read in conjunction with Report 1A, which discusses the procedural background to the PDP generally, and to the Stream 1 hearing, notes the parties we heard from, and outlines the legal framework for our recommendations.

2. STRATEGIC DIRECTION – ‘INTRODUCTORY’ CHAPTER AND GENERAL SUBMISSIONS

2.1 Introduction

7. The Strategic Direction ‘introductory’ chapter explains the purpose of the Strategic Objectives and describes how they will be implemented through the assessment of complex resource consent applications, notices of requirement and future plan changes and variations.
8. No specific submissions were received on the ‘introductory’ chapter.
9. However, general submissions were received on the Strategic Direction chapters as a whole. For convenience sake, these submissions are addressed here.

2.2 Submissions

10. A pertinent summary of general submissions on the Strategic Direction chapters as a whole is provided in Mr McCutcheon’s Section 42A Report¹. Briefly, these can be categorised as those that seek to:
 - (a) retain the chapters as notified; or
 - (b) generally amend the chapter provisions to favour or more specifically address particular matters, such as regionally significant infrastructure, urban design,

¹ Section 42A Report, Section 14.1, paras 780 – 786

commercial activity, Wellington International Airport and social, cultural and economic needs.

2.3 Discussion and Recommendations

11. In response to these broad submissions, Mr McCutcheon concluded that, with one exception, no amendments to the chapters are warranted². Broadly speaking, his view was that the Strategic Objectives as notified address the matters referred to in (b) above to the extent that is appropriate at a high or strategic level. The one exception relates to his recommendation that reference to Wellington International Airport's role as a lifeline utility operator is made as detailed in his recommendation relating to the SCA chapter (refer section 8.3 of this report).
12. We agree with Mr McCutcheon's conclusions in these respects as we were not presented with any evidence to persuade us otherwise during the course of the hearing.

3. ANGA WHAKAMUA – MOVING INTO THE FUTURE

3.1 Introduction

13. The Anga Whakamua chapter acknowledges the role of Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira as mana whenua and describes how Council will seek to work in partnership with mana whenua.
14. The notified chapter contains five objectives related to inclusion of mana whenua as active participants in resource management processes, recognition of the relationship of tangata whenua with their lands and traditions, exercise of customary responsibilities, and the need for development and design of the City to reflect mana whenua and their contribution.

3.2 Submissions

15. Several submitters sought that objective AW-O1 be retained as notified³. Te Rūnanga o Toa Rangatira (**TRoTR**) also sought its retention, but contingent on relief sought to AW-O3 discussed below.
16. Mr McCutcheon recommended the objective be confirmed as notified.

² Section 42A Report, Section 14.1, paras 787 – 796

³ For example, GWRC [351.53], Waka Kotahi [370.44], Taranaki Whānui [389.28], Kāinga Ora [391.43], Willis Bond and Company Limited [416.12]

17. Several submitters sought that objective AW-O2 be retained as notified⁴. TRoTR also sought its retention, but contingent on relief sought to AW-O3 discussed below.
18. The submission of WCC Environmental Reference Group (**ERG**)⁵ considered that the objective is unclear and sought clarification on the strategic direction for the use, development and expansion of land.
19. Mr McCutcheon agreed with WCC ERG and recommended the objective be amended to provide for that clarity as follows:

AW-O2 The relationship of Tangata Whenua with their lands and traditions is recognised and provided for, including:

- 1. The use, development and expansion of Treaty Settlement land and any land that is subject to Deed of Settlement provisions relating to right of first refusal land, in a manner that recognises its commercial redress purposes; and*
- 2. The use and development of all other land in a manner that contributes to achieving ~~to provide for~~ the social, economic, commercial, and cultural aspirations of Tangata Whenua.*

20. There were many submitters that sought retention of AW-O3 as notified⁶.
21. TRoTR sought an amendment to make the objective an affirmative statement by deleting the word 'can'.
22. Mr McCutcheon did not agree with the submission of TRoTR to remove the word 'can'. He asserted that this would place an obligation on mana whenua, rather than providing discretion when, how and on what matters mana whenua choose to engage often limited resources. He considered that the notified wording is not less stringent and recognises the capability challenges faced by mana whenua to exercise customary responsibilities⁷.
23. The Section 42A Report also identified that the Council's Tūpiki Ora – Māori strategy, developed in partnership with mana whenua, prioritises supporting iwi to grow capability, including in resource management.

⁴ For example, Tapu-te-Ranga Trust [297.10], GWRC [351.54], Wellington Tenth Trust [363.1], Waka Kotahi [370.45], Taranaki Whānui [389.29], Kāinga Ora [391.44], Willis and Bond and Company Limited [416.13]

⁵ Submission #377.14

⁶ GWRC [351.55], Waka Kotahi [370.46], Taranaki Whānui [389.30], Kāinga Ora [391.45] and Willis Bond [416.14]

⁷ Hearing Stream 1-Section 42A Report (Para 807)

24. At the hearing, Dr Onur Oktem-Lewis, Principal Planner for TRoTR, spoke to this objective. In her opinion, it was important to be affirmative; that mana whenua will exercise their kaitiaki role as this was their responsibility handed down through generations. She discussed the importance of the role of kaitiaki and that of having clear language in objectives so that their meaning was unambiguous and misinterpretation in their application is avoided.
25. The Council's Reply had nothing further to add.
26. Several submitters sought the retention of AW-O4 as notified⁸. TRoTR sought its retention as notified contingent on relief sought to AW-O3 discussed above.
27. GWRC⁹ sought that a new objective be included that would require resource management decisions to be made making use of the best available information and mātauranga Māori.
28. Mr McCutcheon agreed with the submission of GWRC and noted that requiring resource management decisions to be made making use of the best available information and mātauranga Māori would increase alignment with RPS Change 1. He also stated that it was consistent with the intent of the Plan where mana whenua have expressed interest in particular resource management issues as identified in the Tangata Whenua chapter.
29. Consequently, the Section 42A Report recommended a new objective as set out below:
- AW-O5 Resource management decisions are informed by best available information and mātauranga Māori.*
30. Questions from the commissioners identified that the wording should be amended to clarify that mātauranga Māori are included within the term "*best available information*". As such the Council reply amended the new objective to the following:

AW-O5 Resource management decisions are informed by best available information and including mātauranga Māori.

⁸ For example GWRC [351.56], Waka Kotahi [370.47], Taranaki Whānui [389.31], Kāinga Ora [391.46], Willis Bond [416.15].

⁹ Submission #351.52

3.3 Discussion and Recommendations

31. We concur that the amendments to AW-O2 Mr McCutcheon has proposed, quoted above, are clearer and reflect the identified aspirations of mana whenua. We adopt his recommendations.
32. As regards AW-O3, we are mindful that there are two mana whenua iwi, and their abilities to fulfil their kaitiakitanga responsibilities may differ at any given time and for any resource management issue considering the myriad of things that they are involved in other than resource management. We are also aware of the Council's Tūpiki Ora – Māori strategy, which is in part to assist in growing mana whenua capabilities in this space.
33. We agree with Mr McCutcheon that retaining the notified wording of AW-O3 does not make it any less stringent and provides mana whenua with the ability to determine the extent of their kaitiaki role or involvement in the resource management issue of the time. We are mindful of the importance of kaitiakitanga to mana whenua and believe that allowing them to determine what this means to them is more appropriate than purporting to impose obligations that they may not be in a position to meet.
34. Although we have placed little weight on RPS-Change 1 overall, given its early stage in the hearing process, we concur that the new objective Mr McCutcheon has recommended would increase the Plan's alignment with it, and that it is consistent with the intent of the Plan.
35. The new objective will accordingly increase consistency with higher order planning documents. It also recognises that resource management decisions are informed by the best available information and that this includes mātauranga Māori. This in turn recognises the value that mātauranga Māori can add to decision making, including those decisions made at a strategic level, and that it reflects the identified aspirations of mana whenua.
36. We therefore agree that resource management decisions should be made utilising the best available information including mātauranga Māori. In our view, the new objective is appropriate, and we recommend it be adopted.
37. We note that in this and the subsequent chapters in Appendix 1, we have recommended deletion on the notification statement at the top of the first page (and, where applicable. In the margins). We discussed this issue in Report 1A.

4. CC – CAPITAL CITY

4.1 Introduction

38. The Capital City Strategic Objectives establish a framework within which change can occur while ensuring that the environmental, economic and social effects of change are well-managed. They outline three matters. The first relates to Wellington City's pre-eminence as the primary economic and employment hub for the Wellington Region. The second outlines six key matters that contribute to Wellington City being a well-functioning capital city. The third objective directs that development is consistent with and supports six strategic city objectives, being:

- (a) Compact;
- (b) Resilient;
- (c) Vibrant and Prosperous;
- (d) Inclusive and Connected;
- (e) Greener; and
- (f) Partnership with Mana Whenua.

4.2 Submissions

39. Mr McCutcheon provided a summary of submissions on the CC chapter in his Section 42A Report¹⁰. These sought to:

- (a) retain the chapter and/or specific objectives as notified;
- (b) clarify or broaden references in strategic objective CC-O2 to the ambiguity of the phrase "*environmental wellbeing*", and to questions as to how the mana whenua clauses in CC-O2 and CC-O3 will be implemented through the PDP;
- (c) amend provisions relating to mana whenua values and characteristics important to the City's identity;
- (d) amend provisions that constrain where urban intensification can occur; and

¹⁰ Section 42A Report, Section 14.3 paras 815-826

- (e) amend provisions to specifically identify heritage as a key contributor to the City's vibrancy and sense of place as a matter that must be met alongside intensification.

4.3 Discussion and Recommendations

40. Four submissions¹¹ supported the wording of CC-O1 relating to the function of Wellington City as the primary economic and employment hub for the Wellington Region. No other submissions were received. We have no basis to recommend amendments to it.
41. In relation to CC-O2, several submitters also sought that the objective be retained as notified¹².
42. Mr McCutcheon recommended the objective be confirmed primarily as notified, with amendments to clarify the ambiguity of the term 'environmental wellbeing' in response to the submission of the WCC ERG¹³. We agree that the amendments proposed are more directive, although we recommend some additional amendments to clauses 2 and 5 to improve clarity, as well as improving the structure and workability of each clause.
43. Other submitters also sought amendment to CC-O2. RVA¹⁴ sought that clause 3 (Mana whenua values and aspirations become an integral part of the City's identity) and clause 6 (Values and characteristics that are an important part of the City's identity and sense of place are identified and protected) require amendment to be consistent with urban intensification across the City. Dr Mitchell¹⁵, on behalf of RVA, preferred wording changes, considering that decision-makers will need to be careful not to over-prioritise or 'protect' areas, where to do so would not achieve the NPSUD and RMA-EHS requirements.
44. In detail, Dr Mitchell proposed amendments to Clauses 3 and 6 to read:

"3. Mana whenua values and aspirations ~~become an integral~~ are recognised as part of the City's identity;

6. Values and characteristics that are an important part of the City's identity and sense of place are ~~identified~~ recognised and where appropriate protected."

¹¹ Waka Kotahi [370.48], Wellington Civic Trust [388.6], Kāinga Ora [391.47], Willis Bond [416.16]

¹² Kilmarston Companies [290.21], Waka Kotahi [370.49], Argosy [383.9], Wellington Civic Trust [388.7], and Willis Bond [416.17]

¹³ WCC ERG [377.15]

¹⁴ Submissions #350.11-12

¹⁵ Evidence of Dr Phillip Mitchell para 45

45. In disagreeing, Mr McCutcheon¹⁶ considered that these two clauses of the objective recognise that in an intensifying Wellington City, there are natural and physical resources with comparatively higher value that, if protected, can contribute positively to a changing sense of place and identify. The same is true of mana whenua values which have been underrepresented in the built form and design of the city. There is a focus in the PDP to rectify this.
46. In agreeing with the position of Mr McCutcheon, we consider that the further amendments proposed by Dr Mitchell would significantly soften the intent of these two clauses which are cornerstone to Wellington being a well-functioning Capital City.
47. Kāinga Ora¹⁷ considered that the objective is too constraining of where urban intensification can occur and the words “*appropriate locations*” should be struck through in clause 4 of CC-O2. Mr Heale¹⁸ for Kāinga Ora supported the removal of the words “*in appropriate locations*” as the use of the term “*appropriate*” is unclear, and intensification is anticipated across the urban environment in accordance with the MDRS.
48. We agree with the rationale of Mr McCutcheon¹⁹. While the PDP does enable intensification across the urban area, it is much more enabling in appropriate locations that contribute to a well-functioning urban environment. No change to clause 4 is recommended.
49. With respect to the request of Taranaki Whānui²⁰ for clarity how the third clause of the CC-O2 and the sixth clause of CC-O3 will be implemented, we note Mr McCutcheon’s²¹ view that this is done through ways including Plan provisions that recognise sites and areas of significance and require design responses to promote these values, supported by design guides and clear identification of mana whenua aspirations in the Tangata Whenua chapter.
50. We also note his advice²² that Taranaki Whānui and Wellington City Council have recently signed ‘Tākai Here’ and ‘Tūpiki Ora’. These documents help start a conversation about how Council and mana whenua can actively work together utilising

¹⁶ Section 42A Report para 888

¹⁷ Submissions # 391.48-49

¹⁸ Evidence of Matthew Heale para 468

¹⁹ Section 42A Report para 835

²⁰ Submission # 389.32

²¹ Section 42A Report para 838

²² Section 42A Report para 842

the Treaty of Waitangi principles of partnership, active protection and ongoing participation within the Wellington City local authority context.

51. Further, Mr McCutcheon did not consider Taranaki Whānui's request²³ that the whole Plan refer to CC-O2 necessary. We agree that this is an unnecessary consideration for the majority of resource consents that will be assessed under the PDP.
52. WHP²⁴ sought that clause 6 of objective CC-O2 should specify the types of values and characteristics that should be identified and protected by adding the words "*including historic heritage, the natural environment and sites and areas of significance to mana whenua*".
53. In recommending no change to clause 6, we agree with Mr McCutcheon²⁵ that the values recommended by the submitter do not reflect the broad range of values the community seeks be managed in the Plan. We also agree that the strategic objectives are not intended to contain exhaustive lists and be pitched at a level that duplicates provisions in topic-specific chapters of the Plan. The same rationale also applies to similar amendments proposed by the submitter²⁶ in respect of CC-O3.
54. We do however consider that clause 2 of CC-O3 should be amended to improve clarity.
55. We therefore consider that Strategic Objective CC-O1 remain as notified, with CC-O2 and CC-O3 subject to the following amendments.

CC-O2 Wellington City is a well-functioning Capital City where:

1. *A wide range of activities that have local, regional and national significance are able to establish and thrive;*
2. *The social, cultural and economic ~~and environmental~~ wellbeing of current and future residents, and the environment, is supported;*
3. *Mana whenua values and aspirations become an integral part of the City's identity;*
4. *Urban intensification is delivered in appropriate locations and in a manner that meets the needs of current and future generations;*
5. *Innovation and technology advances are promoted to maintain or enhance the quality of the environment and~~that~~ support the social,*

²³ Submissions # 389.32-33

²⁴ Submission # 412.22-23

²⁵ Section 42A Report para 840

²⁶ Submission #412.24

cultural and economic ~~and environmental~~ wellbeing of existing and future residents ~~and supports the environment are is promoted~~; and

6. *Values and characteristics that are an important part of the City's identity and sense of place are identified and protected.*

CC-O3 – Amend point 2 to read:

Resilient: Wellington natural and built environments are healthy and robust, ~~and we build physical and social resilience~~ is achieved through good design.

5. CEKP – CITY ECONOMY, KNOWLEDGE AND PROSPERITY

5.1 Introduction

56. The CEKP chapter seeks to recognise the fundamental role that the City's commercial areas play in economic and social terms and to support diversity in commercial activities and use, while ensuring that the effects of these uses are appropriately managed. To help achieve this, the notified version of the chapter includes five objectives that provide for a range of commercial and mixed use environments, maintain a centres hierarchy based on their role and function, provide for complementary mixed use and industrial areas outside of centres, protect land from incompatible activities, and provide for strategically important assets.

5.2 Submissions

57. A summary of submissions on the CEKP chapter is provided in Mr McCutcheon's Section 42A Report²⁷. Briefly, these can be categorised as those that seek to:
 - (a) retain the chapter and/or specific objectives as notified;
 - (b) amend the chapter to reference the need to change the 'present economic model' to reduce climate change, and alter or expand the description of specific centres, including the Commercial Zone;
 - (c) clarify whether the PDP provides enough development capacity for business land, and how CEKP-O1 applies to the airport;
 - (d) amend CEKP-O3 to provide for commercial activity more generally, and to either delete or extend CEKP-O3 and -O4 to cover the Airport Zone;

²⁷ Section 42A Report, Section 14.4, paras 848 – 866

- (e) amend CEKP-O4 to protect land from activities that do not have an operational or functional need to locate in business areas or that would have adverse effects on centres, rather than those that would undermine the hierarchy of centres;
- (f) add a new objective to recognise new quarrying activities, and to refer to quarrying as a 'strategically important asset' in CEKP-O5; and
- (g) add a new Town Centre zone into the Centres hierarchy.

5.3 Discussion and Recommendations

58. Mr McCutcheon's conclusions²⁸ with respect to the above requests can be summarised as follows:

- (a) the chapter deals with matters unrelated to climate change and no amendment in this respect is warranted;
- (b) there is a projected substantial surplus of business land in Wellington City;
- (c) commercial and other business activities at the Airport and its role as a piece of strategic infrastructure are adequately catered for via the provisions in the Airport Zone and the SCA chapter respectively and no amendments to CEKP objectives are warranted;
- (d) some amendments to the description of specific centres are warranted and that the best place to reference the Commercial Zone is in CEKP-O3;
- (e) requested amendments to CEKP-O3 and CEKP-O4 relating to commercial activity, operational and functional needs and the like are unnecessary and out of kilter with the overall intent of these provisions;
- (f) a new objective relating to quarrying is warranted, but is best located in the Strategic City Assets and Infrastructure (**SCA**) chapter (refer to section 8.3 of this report); and
- (g) the addition of a Town Centre zone is not warranted as the centres of interest are practically indistinguishable from Local Centres.

59. In response to evidence presented by Mr Heale on behalf of Kāinga Ora²⁹ at the hearing supporting the inclusion of a Town Centre zone, Mr McCutcheon provided further

²⁸ Section 42A Report, paras 867 – 880

²⁹ Statement of primary evidence of Matt Heale on behalf of Kainga Ora – Homes and Communities (Planning), 7 February 2023

insight into the reason why a Town Centre did not form part of the Centres hierarchy on notification³⁰. Overall, we agree with Mr McCutcheon's view that there is no higher order direction that would compel the Council to apply such a zone, and insufficient justification to include this categorisation (and added complication) within the Centres hierarchy.

60. During the course of the hearing, we took the opportunity to query Mr McCutcheon regarding his views in relation to Kāinga Ora's request for increased heights in and around Town Centres and whether that furnished an additional rationale to introduce a Town Centre zone. In his written reply, Mr McCutcheon noted that the format of the hearings meant that he was obliged to provide an opinion on the validity of a Town Centre zone before being asked to consider the merits of different height restrictions applying in such a zone were one to be introduced (these being the focus of Hearing Stream 4). Mr McCutcheon acknowledged that in such circumstances it would have been clearer to park consideration of CEKP-O2 to Hearing Stream 4³¹.
61. Further evidence and submissions were made to the hearing of Stream 4 on the question of whether there should be a Town Centre Zone in the PDP to apply to the Tawa, Miramar and Newtown centres. The hearing panel for Stream 4 concluded that the introduction of another Centres zone was not needed as the evidence on the economic and employment functioning of the three centres in question was indecisive, and the enabling policies for business and housing could be achieved through the provisions for Local Centres.
62. Accordingly, we agree with the Stream 1 Section 42A Reporting Officer's conclusions on that issue, along with his reasoning on the other issues, as summarised in (a) to (g) above, together with his recommendations for amendment and his accompanying Section 32AA evaluation³².
63. At this stage, we recommend amending CEKP-O4 to add the word "*relevant*" before the word "*zone*" so that the outcome sought under the Objective is tied back to the particular zone in question. We recommend this amendment in the interests of good plan-writing practice and to provide users of the Plan and decision-makers with more definitive direction. Our opportunity to do so is afforded by clause 99(2), Schedule 1, Part 6, which enables us to make recommendations that are not limited to being within

³⁰ Statement of supplementary planning evidence of Adam McCutcheon on behalf of Wellington City Council, 14 February 2023, paras 12 – 14

³¹ Stream 1 Reporting Officer Right of Reply of Adam McCutcheon and Andrew Wharton on behalf of Wellington City Council, 14 April 2023, paras 126 – 130

³² Section 42A Report, paras 881 - 887

the scope of submissions made on the IPI. We also recommend applying a clause 99(2) correction to CEKP-O2, clause 2 in relation to the penultimate sentence on Metropolitan Centres, as follows:

“As a result, these centres ~~are~~ will be major live-work hubs for the City over the next 30 years.”

6. HHSASM – HISTORIC HERITAGE AND SITES AND AREAS OF SIGNIFICANCE TO MĀORI

6.1 Introduction

64. The HHSASM chapter acknowledges the importance of both historic heritage and of sites and areas of significance to Māori. It contains five objectives. The first two objectives relate to the management of significant buildings, structures, areas and sites that exemplify Wellington’s historical and cultural values, and seek that built heritage is resilient and has a long term use. The remaining three objectives focus on sites and areas of significance to Māori, and seek variously protection of their cultural, spiritual and/or historical values, identification of such sites and areas and recognition and provision of mana whenua relationships, interests and associations with them, and recognition of the key role mana whenua have in identifying impacts on their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga.

6.2 Submissions

65. Several submitters sought that the chapter be retained as notified³³.
66. Some submitters sought amendments with regards to wording, and in particular the inclusion of the word “liveability”³⁴.
67. Mr McCutcheon agreed with the correction of grammatical errors, and recommended the introduction be amended as follows:

Sites and areas of significance to Māori capture the relationship of mana whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. Sites and areas of significance to Māori carry history, connection, meaning and associations for mana whenua. They provide a tangible connection to whenua and significant historical events. Often the physical evidence of sites no longer exist

³³ Yvonne Weeber [340.8], Guardians of the Bays [452.7]

³⁴ WCC ERG [377.16] and WHP [412.25]

~~physically~~ however their memory and association remains an important part of the cultural landscape, narrative and whakapapa.

68. Mr McCutcheon disagreed with the proposed insertion of the word “liveability”. He considered that the recognition of heritage’s contribution to social and cultural wellbeing is more appropriate, and aligns with the Act and the RPS.
69. At the hearing, the WHP noted that in their view, liveability includes more than social and cultural wellbeing. They stated that liveability includes the economics of a place and its accessibility for everyone.
70. Several submitters sought retention of HHSASM-O1 and HHSASM-O2 as notified³⁵.
71. Taranaki Whānui³⁶ sought amendment to include them as having the role of ahi kā and primary mana whenua. Ahi kā (keeping the fires burning) is a traditional concept used to establish occupation. The PDP recognises Taranaki Whānui and Ngāti Toa Rangatira as having mana whenua status within the Wellington City Council area. Mr McCutcheon stated that this arises from the Treaty of Waitangi Settlement process which both iwi have been through and which provides well documented evidence and historical context of their respective roles as mana whenua. He was of the view³⁷ that it was inappropriate to provide ‘primary’ status to one iwi as they have both been recognised in Treaty Settlement processes.
72. Several submitters sought retention of HHSASM-O3 and HHSASM-O4 as notified.³⁸
73. Taranaki Whānui’s submission³⁹ supported these objectives in principle, but again requested an amendment to include the role of Taranaki Whānui as ahi kā and primary mana whenua. Mr McCutcheon provided the same response as above.
74. The submission of TRoTR supported both objectives.
75. The submission of WIAL⁴⁰ sought either that these objectives be deleted, or that any provisions that give effect to it (cultural, spiritual and/or historical values) provide clear

³⁵ Waka Kotahi [370.52], Kāinga Ora [391.56], Willis Bond [416.24, TRoTR [488.25]

³⁶ Taranaki Whānui [389.36-39]

³⁷ Hearing Stream 1-Section 42A Report (Para 487)

³⁸ For example, Waka Kotahi [370.54 and 370.59], Kāinga Ora [391.58], Tapu-te-Ranga Trust [297.12 and 297.13]

³⁹ Taranaki Whānui [389.40-43]

⁴⁰ WIAL submission [406.56-58]

guidance around the land use management expectations within these areas, particularly where the site has been heavily modified.

76. Mr McCutcheon did not agree with WIAL that the objectives should be deleted, and explained that a bespoke rule framework for the Sites and Areas of Significance to Māori chapter sets out a process and allows for case-by-case assessment.
77. Kāinga Ora⁴¹ and TRoTR⁴² supported HHSASM-O5 as notified.
78. Taranaki Whānui sought⁴³ that the objective be amended to include the role of Taranaki Whānui as having ahi kā and primary mana whenua. Mr McCutcheon's response was as above.

6.3 Discussion and Recommendations

79. We agree with the changed wording of the Introduction proposed, to provide a better understanding that intangible values may be present on a site, without having physical evidence surviving. Often, while physical evidence of sites no longer exists, their memory and association remain an important part of the cultural landscape, narrative and whakapapa.
80. However, we also note that the word “*remains*” should read “*remain*”, as “*their memory and association*” requires the use of the word in the plural, so that with that minor correction and some additional punctuation, it would read:

“Sites and areas of significance to Māori capture the relationship of mana whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. Sites and areas of significance to Māori carry history, connection, meaning and associations for mana whenua. They provide a tangible connection to whenua and significant historical events. Often the physical evidence of sites no longer exist; ~~physically~~ however, their memory and association remains an important part of the cultural landscape, narrative and whakapapa.”

81. As regards WHP's evidence, we observe that the economic value a heritage place may have is recognised in the second paragraph of the introduction. In relation to the accessibility of a heritage place, we understand that accessibility, as a matter of health and safety, is dealt with through the Building Act. The accessibility of heritage for the public as an amenity is mainly restricted to street views of the places if they are privately

⁴¹ Submission #391.60

⁴² Submission 488.20

⁴³ Taranaki Whānui [389.44-45]

owned. We do not consider providing greater accessibility to privately owned places is appropriate. Publicly owned heritage places are typically able to be accessed already, and in our view, do not require specific mention in the Plan.

82. We agree with the Reporting Officer that 'wellbeing' covers a wide range of positive effects that heritage can provide for people, depending on their preferences and points of view.
83. We note that in Section 5.9 of Report 1A, we have recommended addition of text to the end of the Introduction to respond to submissions on the Tangata Whenua chapter.
84. As regards the submissions of Taranaki Whānui on the strategic objectives, we note the decision by the High Court on an application by Ngāti Whātua for confirmation that the Environment Court had jurisdiction to determine that an iwi holds primary mana whenua in an area⁴⁴. The High Court held that RMA decision-makers do not have the power to confer, declare or affirm tikanga based rights, powers and/or authority⁴⁵.
85. The Court also accepted that it might be necessary to make evidential findings on competing claims by different iwi in order to discharge the statutory duties in Part 2 of the RMA, but expressed the need for caution, even in that limited case, because of the lack of clarity as to what 'primary mana whenua' status might mean either in tikanga Māori or under the RMA. It declined to answer the question that had been put to it without full argument and evidence on the meaning of 'primary mana whenua' and its relevance to the decision-making process⁴⁶.
86. We take our lead from the High Court. We did not hear full argument and evidence on Taranaki Whānui's submission. We also record that ahi kā is not defined in the RMA and it is not a commonly used term in RMA processes. Mr Lee Hunter (on behalf of Taranaki Whānui) acknowledged to us that there are many ways that ahi kā can be recognised (e.g. marae, urupā, customary fishing areas, commercial land, papakāinga). Given the very broad definition of ahi kā and the lack of any further evidence, we were not satisfied that the claim of Taranaki Whānui of having 'primary' recognition over and above that which is provided to Ngāti Toa Rangatira was justified.
87. Accordingly, we recommend HHSASM-O1 and HHSASM-O2 be retained without amendment.

⁴⁴ *Ngāti Maru Trust v Ngāti Whātua Orākei Whaia Maia Ltd* [2020] NZHC 2768

⁴⁵ Paragraphs [101] and [112].

⁴⁶ Paragraphs [72], [103-104], [109] and [112]

88. In relation to HHSASM-O3 and HHSASM-O4, our position as regards the submissions of Taranaki Whānui is as set out above.
89. In response to WIAL, we agree with Mr McCutcheon⁴⁷. Sites and areas of significance to Māori are a matter of national importance under s6 of the Act. A bespoke rule framework has been drafted in the Sites and Areas of Significance to Māori chapter that sets out a process through which the significance of a site can be determined through consultation with mana whenua, and any mitigation measures to reduce impact of works on a site determined on a case-by-case basis.
90. We therefore recommend HHSASM-O3 and HHSASM-O4 be retained without amendment.
91. We likewise recommend HHSASM-O5 be retained without amendment for the same reasons.

7. NE – NATURAL ENVIRONMENT

7.1 Introduction

92. The NE Strategic Directions chapter recognises that Wellington's natural environment is one of its defining features with the close proximity of the City and easy access to the natural environment being highly valued by the community. As notified, there were four objectives that encompassed:
 - (a) the identification, recognition and protection of the natural character, landscapes and features, that contribute to the City's identity, including those that have significance for mana whenua as kaitiaki;
 - (b) that future subdivision and development contributes to an improvement in the quality of the City's water bodies, freshwater ecosystems and recognises mana whenua and their relationship to water;
 - (c) that the City retains and expands an extensive open space network across the City; and

⁴⁷ Hearing Stream 1-Section 42A Report (Para 907)

- (d) mana whenua are able to exercise their customary responsibilities as mana whenua and kaitiaki with their own mātauranga Māori in the protection and management of the natural environment.

7.2 Submissions

93. Mr McCutcheon provided a summary of submissions on the NE chapter in his Section 42A Report⁴⁸. These can be categorised as those that seek to retain the chapter and/or specific objectives as notified and those that seek amendment.
94. In relation to those that requested amendments, these submitters seek to:
- (a) amend the introductory text as the objectives fail to meet the Councils' obligations under Sections 6 and 31 of the Act, and the RPS, and does not recognise Council's function for integrated management;
 - (b) include an additional objective recognising the importance of ki uta ki tai and the interconnectedness between ecosystems;
 - (c) amend NE-O1 to:
 - broaden what natural character, features, landscapes and ecosystems have value and to strengthen the objective to include enhancement.
 - include role of Taranaki Whānui as ahi kā and primary mana whenua. (the same submission was made on NE-O2).
 - replace the word "*protected*" with "*maintained*".
 - (d) amend NE-O2 to:
 - recognise Māori freshwater values and ecosystems and sensitive receiving environments respectively.
 - reduce the intent of the objective from "*contribute to an improvement*" to water quality, to "*maintain*".
 - increase the intent such that the objective would aim for the "*protection and enhancement*" of water quality;
 - (e) amend NE-O3 to:

⁴⁸ Section 42A Report, Section 14.6, paras 919 – 937

- strengthen the third clause of the objective to “*protect*” and include SNAs, wetlands, and a new clause to “*maintain indigenous biodiversity*”.
 - add a fifth clause to the objective that the open space network be gazetted under the Reserves Act.
 - add expanding the open space network as a part of the objective;
- (f) amend NE-O4 to include role of Taranaki Whānui as ahi kā and primary mana whenua.

7.3 Discussion and Recommendations

95. In relation to of the Introduction to the Chapter, we agree with Mr McCutcheon⁴⁹, when referring to the submission of Forest and Bird⁵⁰, that change is required to mention Council’s responsibilities under the RPS and Section 31 of the Act, noting that Section 6 matters are already included in the introduction.
96. In addition, we agree with other changes requested by Forest and Bird, apart from the suggested reference to wetlands. We consider that management of wetlands is not a matter that is best addressed by the Council in its district plan. On this basis we adopt the recommendations for amendment as proposed by Mr McCutcheon.

NE-O1

97. Forest and Bird⁵¹ requested that the text should include reference to significant natural areas, which are managed in the Plan, and make clear that not all natural features identified need to have value for mana whenua. We agree that such amendments are an improvement. However, like Mr McCutcheon⁵², we do not agree with the request by Forest and Bird⁵³ that wetlands should be included, for the same reasons as set out above.
98. Forest and Bird also sought the deletion of the words “*where possible*” before the word “*enhanced*” at the end of the objective. In his Section 42A Report⁵⁴, Mr McCutcheon stated that he did not accept that “*where possible*” should be deleted in the context of

⁴⁹ S42A Report paras 938, 939

⁵⁰ Submission #145.20

⁵¹ Submission # 345.22

⁵² Section 42A Report para 942

⁵³ Submission# 345.22

⁵⁴ S42A Report para 942

enhancement. His view was that requiring enhancement is not consistent with the effects management hierarchy, and enhancement is not always possible.

99. However, as a result of his review of evidence on this objective, Mr McCutcheon recommended⁵⁵ that NE-O1 be amended to remove the words “*and where possible enhanced*” from the objective.
100. We do not consider either that we have the scope to make such a change, or sufficient justification, as there was no submission that sought it. We therefore recommend that the objective, in this regard, remain as notified. We also observe that the objective focuses on identification, recognition and protection of key aspects of the natural environment, rather than making a judgement on whether enhancement is necessary.
101. In respect of the submission from Taranaki Whānui requesting amendment⁵⁶, we have addressed that issue in Section 6.3 of our Report, above. For the reasons set out there, we recommend that Taranaki Whānui’s submission be rejected.
102. WIAL⁵⁷ sought that the objective should be amended to replace the word “*protect*” with “*maintain*”. We agree with Mr McCutcheon that the Act and RPS give clear direction that the Council must protect these resources.
103. Therefore, the wording recommended for NE-O1 is

The natural character, outstanding landscapes and features, and ~~ecosystems~~ areas of significant indigenous biodiversity ~~and ecosystems~~ that contribute to the City’s identity, including those that have significance for mana whenua as kaitiaki are identified, recognised, and protected, and, where possible, enhanced.

NE-O2

104. Forest and Bird⁵⁸ sought that the text of this objective be amended to reference “*land use*” as contributing to quality improvements, and that the quality of “*ecosystems and sensitive receiving environments*” and “*fresh water*” be a focus. We agree with Mr McCutcheon⁵⁹ that an amendment might be made to reference land use, but that the term “*water bodies*” used in the objective already encompasses and is broader than “*fresh water*”. We also agree with Mr McCutcheon that the suggested reference to

⁵⁵ Statement of supplementary evidence of Adam McCutcheon para 52

⁵⁶ Submission #389.47

⁵⁷ Submission #406.63

⁵⁸ Submission #345.23

⁵⁹ Section 42A Report para 946

“sensitive” receiving environments should be rejected. That term is not consistent with the NPSFM, whereas “receiving environments” is.

105. We also agree in part with the relief sought by GWRC⁶⁰ and DoC⁶¹, given the suggested change is consistent with te mana o te wai and the higher order NPSFM.
106. We do not agree with Waka Kotahi⁶², which sought to amend the objective from “contribute to an improvement” to water quality, to “maintain”. Like Mr McCutcheon, we consider that the proposed amendment has the effect of weakening the objective.
107. As with NE-O1, we do not agree with the relief sought by Taranaki Whānui⁶³.
108. In respect of the submission of TRoTR⁶⁴ that the objective should be amended to increase the intent such that the objective would aim for the “protection and enhancement” of water quality, we consider that there should be a balanced approach to enabling development at the same time as achieving water quality outcomes.
109. Therefore, we adopt the Reporting Officer’s recommended amendments to Objective NE-O2 as follows:

Future subdivision, land use and development contributes to an improvement in the quality of the City’s water bodies, freshwater ecosystems and receiving environments, protects and enhances Māori freshwater values and recognises mana whenua and their relationship to water (Te Mana o Te Wai).

NE-O3

110. NE-O3 concerns the extensive open space network across the City at a strategic level. Forest and Bird⁶⁵ sought amendments to strengthen the third clause of the objective to “protect” relevant values, including SNAs and wetlands, and add a new clause to “maintain indigenous biodiversity”.
111. Mr McCutcheon⁶⁶ considered that part of this request can be supported by amending the third clause of the objective to “supports the protection”. This recognises that protecting these values is not the primary driver of the open space network, but plays a secondary and supporting role in achieving them. We agree with that position, but do not agree with the submitter that ‘wetlands’ should be referenced in the objective for

⁶⁰ Submission # 351.60

⁶¹ Submission # 385.3

⁶² Submission# 370.55.

⁶³ Submissions # 389.48-49

⁶⁴ Submission #488.22

⁶⁵ Submission #345.24

⁶⁶ Section 42A Report para 951

the same reasons as given for the similar point on the chapter introduction. Given ecological values are already referenced, we also do not see the need to reference SNAs in this context.

112. We also do not agree that a new fifth clause “*maintains indigenous biodiversity*” should be added, and agree with Mr McCutcheon that the words “*supports ecological values*” continue to be used instead.
113. WCC ERG⁶⁷ submitted that a fifth clause be added identifying that the City’s open space network be gazetted under the Reserves Act. Like Mr McCutcheon⁶⁸, we do not regard this as desirable, as not all of the City’s wider open space network is owned by Council. Some is privately owned, with public access to and over it secured through agreement with landowners.
114. Wellington Civic Trust⁶⁹ requested the replacement of the word “*retains*” with “*expanding*” the open space network as a part of the objective. We agree with Mr McCutcheon⁷⁰ that both “*retains*” and “*expands*” should be included. This would align with the Council’s Reserves Management Plan objectives and actions (such as the Outer Green Belt Management Plan) and the ‘Our Capital Spaces’ strategy, which set out aspirations to increase the extent of the open space network.
115. Therefore NE-O3 is recommended to be amended as follows:

NE-O3

The City retains and expands an extensive open space network across the City that:

1. *Is easily accessible;*
2. *Connects the urban and natural environment;*
3. *Supports the protection of ecological, cultural, and landscape values; and*
4. *Meets the needs of anticipated future growth.*

⁶⁷ Submission #[377.19]

⁶⁸ Section 42A Report para 952

⁶⁹ Submission # [388.10]

⁷⁰ Section 42A Report para 953

NE-O4

116. As with similar submissions, we do not agree with the submission of the Taranaki Whānui⁷¹ to include the role of Taranaki Whānui as ahi kā and primary mana whenua. Therefore, no change is recommended to NE-O4.

New objectives

117. There were two new objectives included for our consideration in the Section 42A Report and the rebuttal evidence of Mr McCutcheon. The first was in response to the evidence of Mr Kyle⁷² for WIAL, who expressed concern that it is important that there is a clear distinction so that strategic objectives, such as NE-O1, clearly distinguish between the outcomes sought for those environments that are likely to exude qualities recognised by sections 6 and 7 of the Act.
118. Mr McCutcheon⁷³ accepted that separating out NE-O1 to reflect its constituent objectives in the relevant districtwide chapters will enable the relevant Section 6 or Section 7 basis for management to be clarified. Strategic directions are difficult to draft in a way that does not parrot a higher order provision or the Act itself, or that repeats a lower order provision. We note Mr McCutcheon's advice that the provisions intended to be addressed by this strategic direction chapter *do* arise from either Section 6 or Section 7, which is different from those in the HHSASM chapter, for example, which are grounded in Section 6 only.
119. Mr McCutcheon recommended amendments to resolve this issue by making the amendments outlined above to NE-O1 and introducing a new objective in respect of special amenity landscapes and ridgelines and hilltops. We agree with this approach, and adopt Mr McCutcheon's recommendation for a new strategic objective as follows:

NE-O5

The special amenity landscapes and ridgelines and hilltops that contribute to the City's identity, including those that have significance for mana whenua as kaitiaki are recognised and their values maintained or enhanced.

120. We also agree with the submission of GWRC⁷⁴ for a new objective to be added to address the matter of ki uta ki tai and the interconnectedness between ecosystems.

⁷¹ Submission # [389.50] [389.51]

⁷² Statement of evidence of John Kyle paras 45-51

⁷³ Statement of rebuttal evidence of Adam McCutcheon para 51

⁷⁴ Submission #351.58

We consider that this is worthwhile and adopt Mr McCutcheon recommended wording of a new objective as follows:

NE-O6

Subdivision, land use and development is undertaken in an integrated manner recognising the importance of ki uta ki tai and the interconnectedness between ecosystems, natural processes and freshwater.

8. SCA – STRATEGIC CITY ASSETS AND INFRASTRUCTURE

8.1 Introduction

121. The SCA chapter seeks to recognise the critical role that infrastructure, inclusive of three waters and transport networks and facilities such as the Port and Airport, play with respect to the City's functioning and growth. Sequencing of new growth and infrastructure and encouragement of green infrastructure are seen as key components of an overall approach. To help achieve this, the notified version of the chapter includes six objectives that:

(a) provide for:

- i) the establishment, operation, maintenance and upgrading of infrastructure;
- ii) the occurrence of new development in areas supported by sufficient infrastructure or where the costs of provision are met by the developer;
- iii) additional infrastructure; and
- iv) regionally significant infrastructure;

(b) manage the adverse effects of infrastructure; and

(c) protect infrastructure from incompatible development and reverse sensitivity effects.

8.2 Submissions

122. Mr McCutcheon provided a summary of submissions on the SCA chapter in his Section 42A Report⁷⁵. Briefly, these can be categorised as those that seek to retain the chapter and/or specific objectives as notified, and those that oppose the chapter and seek

⁷⁵ Section 42A Report, Section 14.7, paras 965 – 1001

amendments to specific objectives on the basis that it or they fail(s) to integrate environmental outcomes and the protection of biodiversity, or that seek to:

- (a) amend or delete specific objectives so as to deal with out-of-sequence infrastructure costs exclusively through the development contributions or financial contributions policy, and limit the obligations of developers in terms of infrastructure provision;
- (b) amend SCA-O1 to recognise the role of renewable electricity generation in supporting a transition away from fossil fuels;
- (c) otherwise amend SCA-O1 to provide for carbon reduction targets, enhancement of the environment, additional infrastructure, or infrastructure recovery;
- (d) amend SCA-O2 to take a broader view of infrastructure;
- (e) amend SCA-O2 and delete SCA-O3 due to concerns over prerequisites relating to increases in infrastructure capacity and the incorporation of additional infrastructure;
- (f) amend SCA-O3 to address an incorrect cross-reference, and to mention hospitals as additional infrastructure;
- (g) amend SCA-O4 to address concerns with respect to existing infrastructure location;
- (h) amend SCA-O5 to alter phrases relating to identified benefits, needs and effects; and
- (i) amend SCA-O6 to alter phrases relating to identified effects.

8.3 Discussion and Recommendations

123. Mr McCutcheon's conclusions⁷⁶ with respect to the above requests can be summarised as follows:

- (a) matters relating to broader effects on the environment generally and biodiversity specifically would be brought to bear for consent applications under SCA-O5 and NE Strategic Objectives as amended, respectively, and no further amendments were warranted;

⁷⁶ Section 42A Report, paras 1002 – 1024

- (b) cost-sharing with respect to infrastructure provision will be dealt with under a forthcoming review of Council's development contributions policy;
- (c) SCA-O1 should be amended to recognise the contribution that infrastructure can make to meeting the City's zero carbon emission goals;
- (d) generally, widening of the scope of SCA-O1 was neither appropriate nor necessary;
- (e) conversely, SCA-O2 should be broadened to refer to infrastructure in a broader sense but that other requested amendments (together with the deletion of SCA-O3) were not warranted;
- (f) that the incorrect cross-reference in SCA-O3 should be corrected but no reference to hospitals was needed as recognition of them as strategically important assets was provided in CEKP-O5; and
- (g) that, in general, no amendments to SCA-O4, -O5 or -O6 were warranted with the exception that SCA-O5 should be amended to refer to "*functional*" rather than "*technical*" needs and that SCA-O6 be amended to include "*effects*" associated with the "*operation*" of infrastructure.

124. Further, and in relation to the request summarised in section 5.2 above, Mr McCutcheon agreed⁷⁷ that a new SCA objective recognising the strategic benefits of quarrying should be added, as follows:

The benefits of and contribution to the development of the city's infrastructure and built environment from the utilisation of the city's mineral resources from quarrying activities are recognised and provided for.

125. We agree with the Section 42A Reporting Officer's conclusions as summarised in paragraph 123(a), (b), (d), (f) and (g) and paragraph 124 above, together with his recommendations for amendment and his accompanying Section 32AA evaluation,⁷⁸ with one exception, as follows.

126. While we accept that SCA-O6 should be amended in the manner described in (g) above, we were concerned that the wording recommended was too broad in that the protection of infrastructure from inappropriate development and activities that may create '*reverse sensitive effects*' was unmoored from any clear direction on the

⁷⁷ Section 42A Report, para 1026

⁷⁸ Section 42A Report, paras 1025 – 1026, 1028 – 1036

practical effect of those ‘effects’. To address this, we recommend that the words “*that would*” replace the word “*or*” so that the “*reverse sensitivity effects*” in question are clearly those “***that would*** *compromise [the] efficient and safe operation [of infrastructure]*”. Our opportunity to recommend this change is afforded to us by clause 99(2), Schedule 1, Part 6.

127. Only two matters referred in paragraph 123 above remained in active contention at the hearing.
128. Firstly, turning to Mr McCutcheon’s recommendation to amend SCA-O1 as summarised in paragraph 123(c) above, he recommended that an additional clause be added to SCA-O1 as follows:

SCA-O1 *Infrastructure is established, operated, maintained, and upgraded in Wellington City so that: ...*

4. It contributes to meeting the city’s zero carbon capital (net zero emissions) goal; and

129. In his view, the recommended amendment to SCA-O1 would align with City’s zero carbon emission goals as set out in the Te Atakura strategy and action plan and recognise the contribution that infrastructure could make to these goals⁷⁹.
130. Ms Foster presented evidence at the hearing on behalf of Meridian⁸⁰ supporting the company’s requested wording change to SCA-O1 in preference to Mr McCutcheon’s recommended amendment. In her opinion, in the context of what is required to assist the transition to renewable energy sources, a specific highlighting of the role of renewable energy sources was appropriate. Accordingly, she favoured the following wording:

SCA-O1 *Infrastructure is established, operated, maintained, and upgraded in Wellington City so that: ...*

4. Infrastructure, including renewable electricity generation facilities, contributes to the transition away from dependence on fossil fuels; and

131. In rebuttal, Mr McCutcheon did not resile from his view that the wording of the clause should be focused on the Te Atakura goals, should be sufficiently broad in scope as to

⁷⁹ Section 42A Report, para 1005

⁸⁰ Statement of Evidence of Christine Anne Foster Called by Meridian Energy Limited, Hearing Stream 1 – Strategic Direction, 3 February 2023, paras 5.2 – 6

the means to achieve those goals, and that his recommended wording was preferable in those respects⁸¹.

132. However, in his written reply, and in response to a specific query from us, Mr McCutcheon indicated that he was supportive of Meridian's request given the impetus that the NPSREG provided⁸².
133. We agree with Ms Foster that the PDP needs to provide support and guidance at the level of strategic objectives for the full suite of measures necessary to achieve the City's net zero carbon emissions goal, and that the wording she proposed would better achieve that intention.
134. We also find that the wording proposed by Ms Foster would better give effect to Council's *specific* obligations with respect to renewable energy generation under the NPSREG. Finally, we note that reference to the City's carbon emission reduction goals finds purchase in SRCC-O1.
135. Accordingly, we have adopted the wording proposed by Ms Foster in the recommended changes to the Strategic Direction chapters attached as Appendix 1.
136. In Section 32AA terms, we consider that that wording is the most appropriate means to achieve the purpose of the RMA and higher order direction, notably the NPSREG.
137. Secondly, and with respect to Mr McCutcheon's recommendation as summarised in paragraph 123(e) above, this was a matter that Dr Mitchell addressed in his evidence on behalf of Ryman and RVA⁸³. Dr Mitchell was the opinion that Mr McCutcheon's response did not recognise that in certain circumstances, new development is capable of providing for its own infrastructure and internalising its effects on public systems. In his view, retirement villages are a case in point, being able to meet their own infrastructure needs, in which case their "*contribution to infrastructure capacity*" or provision for "*additional infrastructure*" is an irrelevancy.
138. It was clear that Mr McCutcheon disagrees. His view was that retirement villages do not fully internalise their effects on the public system to which they are ultimately connected and place demands upon, and that as such, SCA-O2 remains appropriately worded. Further, in his view, and with respect to SCA-O3, if retirement villages provide

⁸¹ Statement of supplementary planning evidence of Adam McCutcheon on behalf of Wellington City Council, 14 February 2023, paras 35 – 37

⁸² Stream 1 Reporting Officer Right of Reply of Adam McCutcheon and Andrew Wharton on behalf of Wellington City Council, 14 April 2023, para 132

⁸³ Statement of Evidence of Philip Hunter Mitchell on behalf of Ryman Healthcare Limited and the Retirement Villages Association of New Zealand Incorporated (Planning), 7 February 2023, paras 47 – 51

for public open space, community and social infrastructure as identified by Dr Mitchell, then the wording of the objective should not be cause for concern⁸⁴.

139. We concur with Mr McCutcheon in the above respects. Collectively, in our view, the SCA Strategic Objectives, inclusive of SCA-O2 and -O3, provide a pathway for and no particular barrier to ‘self-contained or self-sustaining’ new urban development, to the extent that they are ever actually so in practice.
140. We recommend two further changes to the Objectives in the SCA chapter to provide greater clarity and focus and improve their overall readability. The first is to SCA-O1 and involves reconfiguring the chapeau and first sub-clause to enhance the construction and flow of the Objective, but without altering its focus or direction. As a consequence, we recommend amending the fourth sub-clause (as renumbered) to replace what would otherwise be a secondary reference in the Objective to “*enabled*” with the word “*supported*”.
141. The second change we recommend involves amending SCA-O4 so that it is clear it applies to “***New regionally significant infrastructure***” and not existing infrastructure, which may not necessarily be located in “*appropriate locations*” in a current planning context, but whose existence is an irrevocable fact.
142. We recommend the changes above with recourse to clause 99(2), Schedule 1, Part 6.
143. Finally, with respect to the requested identification of Wellington International Airport as a ‘lifeline utility operator’ (refer section 2.3 of this report), we agree with Mr McCutcheon that this can be accommodated within the introduction section to the SCA chapter⁸⁵.

9. SRCC – SUSTAINABILITY, RESILIENCE AND CLIMATE CHANGE

9.1 Introduction

144. The SRCC chapter seeks to support the City’s goal of being a “*zero (carbon) emission city*” by 2050 and develop a degree of flexibility, adaptability and resilience with respect to natural hazard risks, climate change and sea level rise. Four objectives are proposed to achieve this.

⁸⁴ Statement of supplementary planning evidence of Adam McCutcheon on behalf of Wellington City Council, 14 February 2023, paras 79 – 82

⁸⁵ Section 42A Report, para 792

9.2 Submissions

145. Mr McCutcheon provided a summary of submissions on the SRCC chapter in his Section 42A Report⁸⁶. Briefly, these can be categorised as those seeking to:
- (a) retain the chapter and/or specific objectives as notified;
 - (b) bolster, clarify or broaden references in the introductory section and/or SRCC Strategic Objectives to “*net zero (carbon) emission*” goals, forms of resilience, means of emission reduction or implementation through the PDP;
 - (c) amend provisions to ensure that renewable energy generation is not prioritised over biodiversity protection and other Section 6 or Section 7 type matters; and
 - (d) amend provisions to recognise the operational or functional needs of certain activities.

9.3 Discussion and Recommendations

146. In response to submissions on the SRCC chapter, Mr McCutcheon was broadly of the view that some amendments were warranted in a limited number of circumstances. He set out his reasons for accepting or rejecting submissions, in whole or in part, together with his recommended amendments and his accompanying Section 32AA evaluations, in his Section 42A Report.⁸⁷ Broadly speaking, these recommendations were not challenged in evidence, and we largely adopt them, together with the associated Section 32AA evaluations, and focus on the matters that remained in contention at the hearing.
147. Mr McCutcheon acknowledged in his supplementary evidence that the amendment to SRCC-O1 sought by Transpower⁸⁸ had not been addressed in his Section 42A Report. Transpower had sought inclusion of a reference to “*associated infrastructure*” alongside the objective of an increasing “*use of renewable energy sources*”. It was Ms Whitney’s contention (in evidence on behalf of Transpower⁸⁹) that, as notified, the objective supported an increase in the use of renewable energy sources, but failed to recognise the associated infrastructure necessary to support that increase. We agree with Mr McCutcheon⁹⁰ that as the focus of the objective is on the increased use of

⁸⁶ Section 42A Report, Section 14.8, paras 1037 – 1072

⁸⁷ Section 42A Report, Section 14.8, paras 1073 – 1110

⁸⁸ Submission 315

⁸⁹ Statement of evidence of Pauline Mary Whitney for Transpower New Zealand Limited, 7 February 2023, para 1.8

⁹⁰ Statement of supplementary planning evidence of Adam McCutcheon on behalf of Wellington City Council, 14 February 2023, para 45

renewable energy generation sources at a higher level, an explicit reference to associated infrastructure which, after all, would be integral to the development and operation of any new generation source, is not warranted.

148. Mr Kyle (on behalf of WIAL⁹¹) spoke to the company's concerns regarding the wording of the third clause in SRCC-O2⁹². In his opinion, the clause, as notified, was too absolute in that it required *'risks from natural hazards [to be] avoided where the risks are intolerable'*. The company's specific concern related to its ability to repair, maintain and replace seawalls protecting the southern and western ends of the airport runway in this context. Mr Kyle acknowledged that the Council proposed to amend the clause to require *'risks from natural hazards [to be] avoided where there would be a high risk to life or buildings'*, but he considered this would just exacerbate the issue, given that the seawalls are by their nature located within an area identified as being subject to high coastal hazard risk. He suggested that the company's concerns would be alleviated were the clause to refer to "*habitable*" buildings rather than all buildings.
149. We agree with Mr McCutcheon that no further amendments to SRCC-O2 are required to respond to WIAL's submission, for the reasons he outlined in his supplementary evidence.⁹³ His most salient point was that seawalls are structures, not buildings, and that SRCC-O2, as amended, addresses only buildings, meaning that mitigation structures are not captured by the policy. We further agree with him that the objective should apply to all buildings, as there will be some non-habitable buildings (such as hazardous materials stores) which, if located in high hazard areas, would equate to a high-risk situation.
150. Before leaving SRCC-O2, however, we should address a different aspect of the objective, where we considered the revision Mr McCutcheon recommended might prove too absolute.
151. As notified, the second clause read:
- "Planned for through adaptation and mitigation measures to ensure the risks are low."*
152. Mr McCutcheon accepted CentrePort's concern⁹⁴ that that it might be difficult in all circumstances to ensure that risks are low, and considered that a requirement to

⁹¹ Submission #406

⁹² Statement of evidence by John Kyle, Hearing Stream 1, 7 February 2023, paras 65 – 70

⁹³ Statement of supplementary planning evidence of Adam McCutcheon on behalf of Wellington City Council, 14 February 2023, para 56

⁹⁴ Submission #402.40

ensure risks are not increased, or are reduced, would better align with the natural hazards chapter. We consider that Mr McCutcheon’s recommended revised wording may equally be difficult to achieve in all circumstances, and that when existing risks are low, it is difficult to understand why, at a strategic level, even relatively small increases in risk should be precluded. Nor do we read the Natural Hazards chapter to require that outcome in all cases.

153. We accept that the NZCPS directs that coastal hazard risks not be increased⁹⁵. However, even in the coastal environment, we can envisage situations where implementation of the NPSUD might require softening of that otherwise directive requirement.
154. In summary, we consider that at a strategic level, the objective needs to provide for a greater range of responses to natural hazard risk, and we recommend that the relief suggested by CentrePort be accepted. Accordingly, the second clause of SRCC-O2 should be amended as follows:

“Planned for through adaptation and mitigation measures so that residual risk is acceptable ~~to ensure the risks are low~~,”

155. WHP⁹⁶ had sought the addition of a fourth clause in SRCC-O3 to *“recognise the environmental benefits of retaining buildings, and conserving historic heritage.”* In response to Mr McCutcheon’s view, as expressed in his Section 42A Report, that such an addition was not warranted⁹⁷, we heard detailed evidence from Ms Forster-Garbutt and Ms Stevens for the submitter on the benefits of building retention through embodied carbon, reduced demolition waste and the like⁹⁸. This did not prompt Mr McCutcheon to resile from his view that the amendment was not warranted, and would not align with the PDP’s objective of increasing intensification, which countenanced the removal of at least some building stock.⁹⁹
156. While we appreciate the points Ms Forster-Garbutt and Ms Stevens made, ultimately, we agree with Mr McCutcheon that the primary social and cultural value of retaining heritage buildings is sufficiently recognised in the HHSASM chapter. In our view, the

⁹⁵ NZCPS, Policy 25

⁹⁶ Submission #233

⁹⁷ Section 42A Report, Section 14.8, para 1095

⁹⁸ Statement of evidence of Eva Forster-Garbutt and Chessa Stevens on behalf of Wellington Heritage Professionals, 8 February 2023, paras 42 – 52

⁹⁹ Statement of supplementary planning evidence of Adam McCutcheon on behalf of Wellington City Council, 14 February 2023, paras 68 – 69

contribution that retention of buildings (and more specifically *heritage* buildings) can make in this respect is naturally limited, and not worthy of reference at a strategic level.

157. Finally, we note that Dr Mitchell¹⁰⁰, on behalf of Ryman and RVA¹⁰¹ still harboured concerns about the wording of SRCC-O4, as proposed to be amended in the Section 42A Report, given what he considered to be the breadth of the concepts contained therein, the resulting lack of clarity, and the objective's restatement of RMA provisions. Although he considered the amended version of the objective to represent an improvement, ultimately, he still considered it ought to be deleted. Having considered Dr Mitchell's evidence, Mr McCutcheon indicated that he had not changed his view regarding the validity of SRCC-O4 as amended¹⁰².

158. For context, the objective as amended reads as follows:

***SRCC-O4** Land use, subdivision and development design seeks to integrates natural processes that provide opportunities for carbon reduction, carbon storage, natural hazard risk reduction and support climate change adaptation.*

159. We note that SRCC-O4 is drafted as a broad goal, rather than as an absolute imperative. The use of the word 'seeks' is pertinent in this context. In our view the language used goes further and provides greater definition than that contained within the RMA. We have adopted the amended wording for SRCC-O4 in Appendix 1.

10. UFD – URBAN FORM AND DEVELOPMENT

10.1 Introduction

160. The Strategic Directions relating to Urban Form and Development seek to cater for population growth that will result in higher demand for housing and employment over the next 30 years. The issue of managing where and how this new development occurs is an important matter to be managed through the Plan.

161. As outlined in the introduction to the chapter, enabling sufficient land supply for housing and business activity is crucial for the ability of residents to meet their social, economic, environmental, and cultural well-being. The NPSUD also requires the Council to provide sufficient development capacity to meet expected demand for housing and

¹⁰⁰ Statement of Evidence of Philip Hunter Mitchell on behalf of Ryman Healthcare Limited and the Retirement Villages Association of New Zealand Incorporated (Planning), 7 February 2023, paras 52 - 55

¹⁰¹ Submissions 346 and 350

¹⁰² Statement of supplementary planning evidence of Adam McCutcheon on behalf of Wellington City Council, 14 February 2023, para 83

business land over the short (3 years), medium (3-10 years), and long term (10-30 years).

162. There are several aspects to the objectives as notified, including provisions that seek to increase housing choice and affordability. The objectives also include requirements for a quality built environment, recognition of areas of special character in the City's inner suburbs and the achievement of good design outcomes. As notified, there were eight strategic objectives.

10.2 Submissions

163. Submissions on this chapter and the specific objectives were wide ranging. They included requests to:

- (a) retain either the whole chapter or individual objectives as notified;
- (b) make general comments or seek chapter-wide amendments to, for example, delete references to assisted housing, make particular references to retirement villages or bolster provisions relating to papakāinga;
- (c) add new provisions directing the prioritisation of development in locations where there are effective public transport links or to recognise the needs of an aging population;
- (d) amend the wording or delete individual strategic direction objectives.

10.3 Discussion and Recommendations

Chapter Wide Submissions

164. Tapu-te-Ranga Trust¹⁰³, Restaurant Brands Limited¹⁰⁴, Southern Cross¹⁰⁵, and Lucy Harper and Roger Pemberton¹⁰⁶ sought retention of the chapter as notified.
165. There were a number of submissions that sought or made comment on the chapter as a whole. We endorse Mr McCutcheon's¹⁰⁷ recommendations on the following.
166. VUWSA¹⁰⁸ sought that the effects of urban development, including building emissions or land disruption, on native birds or trees in the surrounding areas are monitored. We

¹⁰³ Submission #297.14

¹⁰⁴ Submission #349.7

¹⁰⁵ Submission #380.26

¹⁰⁶ Submission #401.3

¹⁰⁷ Section 42A Report paras 1159 to 1165

¹⁰⁸ Submissions #123.8-9

agree with Mr McCutcheon that the appropriate place for this to be implemented and enforced is through resource consent conditions, where considered necessary.

167. GWRC¹⁰⁹ stated that the chapter as a whole is not already aligned and will not implement Objective 22 of RPS-Change 1. Objective 22 is in our view a very general single objective, and we agree with Mr McCutcheon that the Urban Form and Development chapter addresses these matters through the eight UFD strategic objectives.
168. We also agree with Mr McCutcheon in relation to the submission of Jane Szentivanyi and Ben Briggs¹¹⁰, who considered that the Plan provides too much development capacity, and that it be staged. We consider that the Plan must not only provide for shorter and medium term growth, but also for longer term growth, as required by the NPSUD.
169. In relation to Kāinga Ora¹¹¹, which sought that all references to “*assisted housing*” be deleted from the chapter, we note this was a consistent theme from the submitter in relation to multiple parts of the Plan. We consider that the wording “*assisted housing*” in no way detracts from the intent of the relevant strategic objectives, as it is a recognition that provision for housing for those unable to utilise the private rental market is necessary to provide for the social and community wellbeing of Wellington City. In our view, this is a valid aspect of providing for housing in the City.
170. Newtown Residents' Association¹¹² and the Urban Activation Lab of Red Design Architects¹¹³ considered that the objectives are inconsistent with the NPSUD and will result in negative consequences. This was not expanded on to any degree at the hearing. We consider that overall, the objectives provide necessary guidance to the specific provisions that relate to urban development across the City.
171. Metlifecare Limited¹¹⁴ sought amendments to the introduction, with particular reference to retirement villages. We agree that a clarification statement should be added outlining that the Plan provides for a variety of housing typologies, including standalone, terraced, attached and apartments, as well as retirement villages, which are one form of housing provision. We have, however, made a slight modification to the version Mr

¹⁰⁹ Submission #551.69

¹¹⁰ Submission #368..7

¹¹¹ Submissions #391.75-76, 391.77, 391.80]

¹¹² Submission #440.13

¹¹³ Submission #420.10

¹¹⁴ Submission #413.4

McCutcheon recommended by reversing the order of 'apartment buildings' and 'retirement villages'. This is recommended to read:

It provides for a variety of housing types across the city including standalone, terraced, attached, apartment buildings, and retirement villages.

172. TRoTR¹¹⁵ and Taranaki Whānui¹¹⁶ considered that the Plan does not contain significant direction or specific provision for papakāinga. This was a result of limited direction during the development of the Plan. We note and agree with Mr McCutcheon's¹¹⁷ position that the Council and mana whenua should work together to work through options for addressing papakāinga in the Plan, whether that be a standalone chapter or provisions integrated throughout. We consider that this should take place by way of a future plan change to ensure sufficient time to develop a robust set of provisions.

New Provisions

173. There were two submissions requesting new strategic objectives relating to Urban Form and Development. First, Metlifecare Limited¹¹⁸ requested that a new objective is needed to recognise the needs of an aging population. We consider that this level of specificity is not required at strategic direction level, and record our view that UFD-O6 sufficiently considers the needs of different demographics within society.
174. GWRC¹¹⁹ requested a new policy directing the prioritisation of development in locations where there are effective public transport links. We consider that a specific policy under the strategic direction objectives is not required, as other parts of the Plan provide policies that implement objectives, including in relation to prioritisation of development.

UFD-O1

175. Eight submitters¹²⁰ sought retention of the objective as notified. VUWSA¹²¹ sought that the focus should be on the growth of urban areas along transport routes and in suburbs with easily accessible transport lines. We consider that the objective already does this.

¹¹⁵ Submissions #488.28 - 488.36

¹¹⁶ Submission #389.52

¹¹⁷ Section 42A Report para 1165

¹¹⁸ Submission #413.5

¹¹⁹ Submission #351.70

¹²⁰ Kilmarston Companies [290.29], Woolworths [359.15], Waka Kotahi [370.67] (supported by FS72.15 (KiwiRail), Argosy [383.16], Kāinga Ora [391.78], Investore [405.27], Willis Bond [416.41] and Stride [470.11])

¹²¹ Submission #123.10

UFD-O2

176. This objective relates to urban development in greenfield areas. Five submitters¹²² sought its retention as notified.
177. RVA¹²³ opposed the objective as notified and sought amendment to recognise that retirement villages are required in all areas, not just close to public transport. However, Dr Mitchell¹²⁴ on behalf of the Association supported the submission of Waka Kotahi¹²⁵, which sought to add an additional clause to the objective stating “provides for a mixture of land uses and activities, where feasible”. We agree that the modified wording of Waka Kotahi’s relief provided by Mr McCutcheon is a useful addition to the objective.
178. The submission also sought that as no greenfield areas are ‘identified’ in the Plan, the word *“identified”* should be removed. We agree with Mr McCutcheon’s view¹²⁶ that the word should be retained as the identified areas are the Future Urban Zone and Development Areas at Lincolnshire Farm and Upper Stebbings/Glenside West. The Plan directs reinforcement of the City’s compact urban form, and intensification of the existing urban area. Removing *“identified”* would imply that the Plan seeks to enable further greenfield development beyond that already committed, which it does not.
179. WIAL¹²⁷ considered that urban development should not be enabled or encouraged where it has the potential to adversely affect the operations of the Airport, and sought either that a clause be added to that effect for regionally significant infrastructure, or the objective be deleted. We note that Mr Kyle¹²⁸ for WIAL accepted Mr McCutcheon’s reasoning for making no change to the objective. We also agree with that view.

UFD-O3

180. The objective relates to the location of medium to high density and assisted housing development. Four submitters¹²⁹ sought its retention as notified. VUWSA¹³⁰ supported the objective with particular respect to residential intensification in Khandallah, due to its transport connectivity.

¹²² VUWSA [123.11], Woolworths [359.16], Kāinga Ora [391.79], Willis Bond [416.42]

¹²³ Submission #350.17

¹²⁴ Evidence of Dr Phillip Mitchell para 61

¹²⁵ Submission #370.68

¹²⁶ Section 42A Report para 1169

¹²⁷ Submission #406.73

¹²⁸ Statement of evidence of John Kyle para 77

¹²⁹ Philippa O’Connor #289.3, Kilmarnon Companies 290.30. Woolworths [359.17] and MoE 400.15

¹³⁰ Submission #123.12

181. Transpower¹³¹ submitted that a statement identifying the limitations of qualifying matters on medium and high density development be included below the objective, at least until decisions have been made on the entire Plan. We agree Mr McCutcheon's recommendation to include an explanatory note with some minor modification. This would read:

"Noting that medium to high density housing developments may not be appropriate in areas subject to a qualifying matter."

182. RVA¹³² considered that the objective does not recognise that high density retirement villages are required in all areas, not just in areas close to public open spaces and transport. It considered that reference to on-site open space should also be added. For the Association, Dr Mitchell¹³³ considered that the strategic urban form and development objectives needed to ensure intensification that provides a choice and diversity of development for all of the community, in order to ensure a well functioning urban environment.

183. We agree with Mr McCutcheon¹³⁴ that the objective concerns medium and high density development of all forms. The Plan does this by providing more enabling building height and density standards near the features listed in the clauses. Locating retirement villages of medium and high density in these areas will help ensure they fit within their context.

184. Kāinga Ora¹³⁵ considered that the objective should be amended to enable higher density residential living across the City, including the City Centre Zone. Mr Heale¹³⁶ for Kāinga Ora considered that:

- (a) NPSUD Policy 3(d) requires provision for building heights and density of urban form commensurate with the level of commercial activity and community services;
- (b) The Plan is required to enable MDRS provisions across almost the entire residential area;
- (c) High Density residential living should be enabled within and adjacent to Centre Zones that can support further intensification and provide services and amenities to more people within walking distance;

¹³¹ Submissions #315.46-47

¹³² Submission # [350.21] [350.22]

¹³³ Evidence of Dr Phillip Michell para 60

¹³⁴ Section 42A Report para 1173

¹³⁵ Submission #391.82

¹³⁶ Statement of Evidence of Matthew Heale para 4.69-4.74

(d) Objective UFD-O3 favours connected areas, centres, and areas with social infrastructure which should be the focus of high density areas to be consistent with NPSUD policy 3(d).

185. We agree, however, with Mr McCutcheon's¹³⁷ view in that no changes should be made. We endorse his view that it would be inconsistent with the NPSUD to enable greater intensification in places which cannot support clause (c) of Policy 1 of the NPSUD: *"has good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport"*.
186. WIAL¹³⁸ sought that either the objective be deleted, or amendments be made to ensure compatibility of development with regionally significant infrastructure. We note that Mr Kyle¹³⁹ for WIAL accepted Mr McCutcheon's reasoning for making no change to the objective, as do we.
187. Willis Bond¹⁴⁰ considered that UFD-O3 is not consistent with the medium density residential standards as it appears to limit areas in which medium density housing is to be provided. We do not agree, as the MDRS are enabled across all of the City's residential areas. The objective reflects that around growth centres, the Plan enables more intensive development (more aligned with medium than high density) than otherwise enabled by the MDRS. We note that this was not pursued in the submitter's statement to the hearing.
188. In summary, other than the revised note above, there are no other changes recommended to UFD-O3 as notified.

UFD-O4

189. Four submitters¹⁴¹ sought retention of the objective as notified that relates to the quantification of medium to high density and assisted housing development through housing bottom lines.
190. Jane Szentivanyi and Ben Briggs¹⁴² considered amendments were needed to contextualise the objective against the number of housing consents granted in Wellington in the last three years. Kāinga Ora¹⁴³ sought amendment to clarify that the

¹³⁷ Section 42A Report para 1174

¹³⁸ Submissions #406.74-76

¹³⁹ Statement of evidence of John Kyle para 77

¹⁴⁰ Submission #416.43

¹⁴¹ Kilmarston Companies 290.31], Woolworths [359.18] Investore [405.28] and Stride [470.12]

¹⁴² Submission #369.8

¹⁴³ Submission #391.84

figures are a minimum and can be exceeded, while Willis Bond¹⁴⁴ considered that UFD-O4 should acknowledge the need to deliver affordable housing. Newtown Residents' Association¹⁴⁵ considered housing needs can be met without 6 storey developments, while The Thorndon Society Inc¹⁴⁶ sought that the figures be further broken down.

191. We agree with the advice of Mr McCutcheon that these figures are required to be inserted in the Plan (without using a plan change process), and are beyond the scope of submissions to amend.
192. Council¹⁴⁷ considered that the housing bottom lines are to be inserted in the Plan without using Schedule 1 and are operative from that point. It sought removal of the P1 SCH1 label and insertion of a red gavel to reflect its status as operative. We agree. This reflects the legal position.

UFD-O5

193. This objective relates to making land capacity available for the City's business needs in the short, medium and long term. Four submitters¹⁴⁸ sought its retention as notified.
194. Kāinga Ora¹⁴⁹ sought an amendment to clarify that the figures are a minimum and can be exceeded. Mr Heale¹⁵⁰ put forward an amended objective that received the support of Mr McCutcheon¹⁵¹ in his rebuttal evidence.
195. We adopt the recommended amended wording of UFD-O5 as follows:

At least Ssufficient feasible land development capacity is available to meet the short-, medium- and long-term business land needs of the City, as identified in the Wellington Regional Housing and Business Capacity Assessment.

196. Willis Bond¹⁵² sought that the objective be amended to acknowledge the need to deliver affordable housing. We note that there is already support through UFD-O6 that increased development capacity may help improve housing affordability.

¹⁴⁴ Submission #416.45

¹⁴⁵ Submission #440.14

¹⁴⁶ Submission #487.2

¹⁴⁷ Submission #266.57

¹⁴⁸ Woolworths [359.19], Argosy [383.17], Investore [405.29], Stride [470.13], Investore [405.3]

¹⁴⁹ Submission #391.86

¹⁵⁰ Evidence of Matthew Heale para 4.79

¹⁵¹ Statement of Rebuttal Evidence of Adam McCutcheon para 19

¹⁵² Submission #416.47

UFD-O6

197. This objective concerns providing for a variety of housing types, sizes and tenures to meet the community's housing needs. Six submitters¹⁵³ sought its retention as notified.
198. Dept of Corrections¹⁵⁴ questioned whether the term "*supported residential care activities*" is necessary and sought its removal unless the Council is convinced it is necessary. Although we have recommended that the definition of this term be deleted (in Report 1A), we consider that the term should be retained in this context for the avoidance of doubt, as part of the description of the variety of housing types, sizes and tenures.
199. RVA¹⁵⁵ sought amendment to align with Objective Two of Schedule 3A of the RMA more closely. We note that this required objective is located in the Medium Density and High Density Residential Zone chapters.
200. Taranaki Whānui¹⁵⁶ sought that reference to papakāinga be clarified, and more broadly that a new chapter be added. We have discussed this point above, in the opening part of this Section, accepting Mr McCutcheon's recommendation that it needs to be progressed by way of plan change following consultation with mana whenua. We note that it is considered further in Report 2A.
201. Kāinga Ora¹⁵⁷ sought amendments to remove reference to tenures and different forms of residential activity, considering it not relevant to achieving quality urban environments. Mr Heale¹⁵⁸ for Kāinga Ora disagreed with Mr McCutcheon¹⁵⁹, who acknowledged that tenure is not expressly referenced in NPSUD Policy 1 ("*meet the needs, in terms of type, price, and location, of different households*") but suggested that this acknowledges different ownership and tenure arrangements. Mr McCutcheon stated that the term is also relevant to inform the Plan's approach to assisted housing, which it seeks to help meet the community's diverse needs.
202. For reasons outlined previously in relation to the submitter's request for the deletion of the definition of "*Assisted Housing*" and associated references throughout the Plan, and amendments to UFD-O6, we agree with the view of Mr McCutcheon.

¹⁵³ Oranga Tamariki [83.4], Phillippa O'Connor [289.4], Kilmarston Companies[290.32], Tapu-te-Ranga Trust [297.15], Woolworths [359.20], and Argosy [383.18]

¹⁵⁴ Submissions #240.9-10

¹⁵⁵ Submission #350.24

¹⁵⁶ Submission #389.52

¹⁵⁷ Submission #391.89

¹⁵⁸ Evidence of Matthew Heale para 4.85

¹⁵⁹ Section 42A Report para 1182

203. Metlifecare Limited¹⁶⁰ sought amendment to “*reflect demand*” and remove reference to social, cultural and economic need. We do not agree that such changes are necessary or desirable in the context of an objective dealing with the provision of a variety of different housing options.
204. Willis Bond¹⁶¹ sought that the objective acknowledge the need to deliver affordable housing, as one of a number of provisions where similar relief is sought. We agree that the objective as drafted addresses this matter with its references to a variety of tenures and references to assisted housing, supported residential care and papakāinga.

UFD-07

205. Eight submitters¹⁶² sought retention of the objective as notified that concerns development supporting the creation of well functioning urban environments providing for a variety of housing types, sizes and tenures to meet the community’s housing needs.
206. Oranga Tamariki¹⁶³ considered a reference to community wellbeing being provided for is needed. We note that the objective already includes “*providing for social, economic, environmental and cultural wellbeing*” so we do not consider this change is required.
207. RVA¹⁶⁴ sought acknowledgement in the objective that development will not achieve all the listed matters in all cases. Dr Mitchell¹⁶⁵ considered that the addition of the words “*considering*” after “*Development will achieve this by*” would assist. In agreeing with Mr McCutcheon¹⁶⁶, we consider these matters are appropriate for the high level strategic context at which they are positioned, and are further refined to specific activities as relevant throughout the Plan.
208. MoE¹⁶⁷ sought that “*additional infrastructure*” be added alongside infrastructure more generally. As with similar submissions, we agree that it may be appropriate for large scale development to include additional matters over and above the definition of infrastructure, such as public open space, community infrastructure and social infrastructure.

¹⁶⁰ Submissions #413.6-7

¹⁶¹ Submissions #416.48-50

¹⁶² Telcos [99.8], Kilmarnon Companies [290.33], WELL [355.21] Woolworths [359.21], Waka Kotahi [370.69], Southern Cross [380.27], Kāinga Ora [391.90], Investore [405.30] and Stride [470.14]

¹⁶³ Submission #83.5

¹⁶⁴ Submission #350.26

¹⁶⁵ Evidence of Dr Phillip Mitchell para 61

¹⁶⁶ Section 42A Report para 1186

¹⁶⁷ Submission #400.16

209. WIAL¹⁶⁸ sought either deletion of the objective, or amendments to ensure compatibility of development with regionally significant infrastructure. This was opposed by Kāinga Ora, which considered that mitigation measures for new development can enable development without constraining the operation of the airport. Mr Kyle for WIAL did not pursue this matter in evidence, and we note that it is addressed in the Strategic City Assets and Infrastructure chapter.
210. Willis Bond¹⁶⁹ requested that the objective be deleted. We agree with Mr McCutcheon that this relief should be rejected. We consider these matters are appropriate for the high level strategic context at which they are positioned.
211. Therefore, we recommend that UFD-07 be amended to include the words “*(including additional infrastructure)*” within clause 3. We also consider that two grammatical improvements are necessary by deleting “*of*” after “*respecting*” in point 6, and amending point 8 to refer to “*more intensively developed urban context*”. For the avoidance of doubt, we recommend the latter as an out-of-scope change since arguably, it might be considered of more than minor effect.
212. The second section of the objective would then read:

“Development will achieve this by:

- 1. Being accessible and well-designed;*
- 2. Supporting sustainable travel choices, including active and micromobility modes;*
- 3. Being serviced by the necessary infrastructure (including additional infrastructure) appropriate to the intensity, scale and function of the development and urban environment;*
- 4. Being socially inclusive;*
- 5. Being ecologically sensitive;*
- 6. Respecting ~~of~~ the City’s historic heritage;*
- 7. Providing for community well-being; and*
- 8. Adapting over time and being responsive to an evolving, ~~more-intensive~~ surrounding intensively developed urban context.”*

¹⁶⁸ Submission #406.78-80

¹⁶⁹ Submission #416.51

UFD-O8

213. This objective relates to areas of identified special character and that development in these areas is responsive to the context. Two submitters¹⁷⁰ sought its retention as notified.
214. Waka Kotahi¹⁷¹ sought clarification of what “*where possible*” means. We note that this term has been recommended for deletion below.
215. Kāinga Ora¹⁷² sought deletion of this objective, although Mr Heale¹⁷³ suggested an alternative if this objective is to remain. Mr McCutcheon¹⁷⁴, in his rebuttal statement, agreed with Mr Heale’s alternative amendment to recognise the contribution that character precincts can make towards accommodating growth, while maintaining their values. This is grounded on the basis that all the objectives and policies for the Medium Density Residential Zone still apply to the character precincts (including responding to growth). We agree with Mr McCutcheon that it is appropriate to recognise character precincts at a strategic level, given this aspect of managing the City’s housing development is a major policy element of the PDP.
216. We therefore agree with the amendments proposed and recommended that UFD-O8 be amended as follows:

Areas of identified special character are recognised and new development within those areas is responsive to their streetscape values while recognising their role in accommodating growth. ~~context and, where possible, enhances that character.~~

11. CONCLUSIONS

217. We have sought to address all material issues of the parties who have appeared before us put in contention in relation to the Strategic Objectives.
218. To the extent that we have not discussed submissions on this topic, we agree with and adopt the reasoning of the Section 42A Report prepared by Mr McCutcheon, as amended in his written Reply.

¹⁷⁰ Woolworths [359.22] and Willis Bond [416.52]

¹⁷¹ Submission #370.70

¹⁷² Submission #391.91

¹⁷³ Evidence of Matthew Heale paras 4.87 to 4.94

¹⁷⁴ Rebuttal Statement of Adam McCutcheon paras 24 and 25

219. Appendix 1 sets out the amendments we recommend should be made to the PDP as a result.
220. To the extent that the Section 42A Reporting Officer has recommended amendments to the Plan requiring evaluation in terms of Section 32AA, we adopt his evaluation for this purpose.
221. Where we have discussed amendments, in particular where we have identified that further amendments should be made, our reasons in terms of Section 32AA of the Act are set out in the body of our Report.
222. Appendix 2 sets out in tabular form our recommendations on the submissions allocated to Strategic Objectives.
223. We specifically note the out-of-scope recommendations we have made in relation to CEKP-O4 (discussed in Section 5.3 above), SCA-O4 and SCA-O6 (both discussed in Section 8.3) and UFD-O7(2) (discussed in Section 10.3).

For the Hearing Panel



Trevor Robinson

Chair

Dated: 26 January 2024