

Wellington City Proposed District Plan

Overview Report

**Section 42A of the Resource Management Act
1991**

OFFICERS' REPORT FOR:

The Independent Hearings Panel

SUBJECT:

Wellington City Proposed District Plan – s42a
Overview Report

PREPARED BY:

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REPORT DATED:

Wellington City Council

20 January 2023

Executive Summary

1. The Wellington City Council (the Council) has undertaken a full review of the operative District Plan and is preparing for a suite of hearings in relation to the Proposed District Plan.
2. This is an 'Overview s42a report' for the Wellington City Proposed District Plan (PDP).
3. Its purpose is to support the Independent Hearings Panel by setting out background and context to the PDP, ahead of topic specific s42a reports which will be delivered at each hearing.
4. The report:
 - a) Outlines the consultation and policy development processes that have preceded the notification of the PDP;
 - b) Identifies how the Council has met its obligations to work with mana whenua in the review of the district plan;
 - c) Outlines the statutory context and national and regional level policy direction;
 - d) Details the hearings process; and
 - e) Concludes by foreshadowing key matters of contention that will be addressed in topic specific hearings streams.

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List of Acronyms and Abbreviations

Abbreviation	Full Text
Amendment Act	Resource Management (Enabling Housing Supply and Other Matters) Act 2021
Panel	Proposed District Plan Hearings Panel
The Act	The Resource Management Act 1991
DDP	Draft District Plan
ePlan	Electronic District Plan (ie the online version of the Proposed District Plan)
IPI	Intensification Planning Instrument
ISPP	Intensification Streamlined Planning Process
MDRS	Medium Density Residential Standards
NZCPS	New Zealand Coastal Policy Statement 2011
NES	National Environmental Standard
NoR	Notice of Requirement
NPS	National Policy Statement
NPS-UD	National Policy Statement on Urban Development 2020
ODP	Wellington City Council District Plan (ie the operative District Plan)
PDP	Wellington City Proposed District Plan
PfG	Planning for Growth Programme
RMA	Resource Management Act 1991
RPS	Regional Policy Statement for the Wellington Region
Schedule 1	Schedule 1 of the Resource Management Act 1991
S42A report	Section 42A Overview Report (ie this report)
Spatial Plan	Spatial Plan for Wellington City 2021
The Council	Wellington City Council

1.0 Introduction

1.1 Report Author

1. My full name is Adam McCutcheon. I am a Team Leader in the District Planning Team at Wellington City Council (the Council) and the primary author of this Overview Report.
2. I hold the qualifications of Master of Planning with Distinction and Bachelor of Arts (Geography) from the University of Otago. I am an Intermediate Member of the New Zealand Planning Institute and have served for three years as a member of Wellington Branch Committee. Further details of my experience and involvement in the District Plan Review is provided in the topic-specific s42A report prepared for the Stream 1 – Strategic Direction hearing.
3. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court effective 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
4. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

1.2 Reports prepared under section 42A of the Resource Management Act 1991

5. Section 42A(1) of the Resource Management Act 1991 (RMA) states that:

At any reasonable time before a hearing or, if no hearing is to be held, before the decision is made, a local authority (as local authority is defined in [section 42\(6\)\(b\)](#)) may require preparation of a report on information provided on any matter described in [section 39\(1\)](#) by the applicant or any person who made a submission.

6. In preparing to hear the submissions on the Proposed District Plan (PDP) the Council has produced and intends to subsequently prepare the following s42A reports:
 - a) This 'Overview Report' setting out background and context to the PDP; and
 - b) Several stream/topic specific reports (number to be determined) that relate to specific chapters (or groups of chapters) of the PDP as set out below.

Hearing Stream	Topics addressed in s42a reports for the stream
Stream 1	Matters of strategic or procedural importance, Part 1 'Introduction and General Provisions', Part 2 – Strategic direction chapters.
Stream 2	Residential zones
Stream 3	Historical and cultural heritage Viewshafts
Stream 4	City Centre zone Centres and mixed-use zones General Industrial zone Wind
Stream 5	Natural Hazards Earthworks Subdivision Three waters
Wrap up hearing	Wrap up (ISPP)
Stream 6	Airport zone Corrections zone Future urban zone Port zone Quarry zone Stadium zone Town belt zone
Stream 7	Rural zone Open space and sport and recreation zones Temporary activities Signs Noise Light Hospital zone Tertiary education zone
Stream 8	Natural environment Public access and coastal environment
Stream 9	Infrastructure Transport Renewable electricity generation Contaminated land and hazardous substances
Stream 10	Designations
Wrap up hearing	Wrap up (District Plan wide)

7. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

1.3 Purpose and scope of the Overview Report

8. This s42A Overview Report provides background to the PDP and to the overarching matters applicable to its preparation. It does not contain analysis or recommendations on any submission points.

9. This s42A Overview Report will be accompanied by topic-specific s42A reports, which will have individual authors. The respective authors' credentials will be set out in the topic-specific reports.
10. Where applicable, this s42A report should be read in conjunction with the PDP, the evaluation reports prepared in accordance with s32 of the RMA ('the s32 report(s)'), and any relevant documents incorporated into the PDP by reference. These are provided at the links below:

Proposed District Plan:

<https://wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan>

Section 32 reports:

<https://wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/whats-in-the-proposed-district-plan/section-32-reports>

Documents incorporated by reference:

<https://wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/whats-in-the-proposed-district-plan/documents-incorporated-by-reference>

2.0 Background to the review of the District Plan

2.1 Purpose of the District Plan Review

11. Under s73 of the RMA, every territorial authority must have a district plan at all times. Territorial authorities must also commence a review of any district plan provision that has not been reviewed in the previous 10 years under 79(1)(c) of the RMA.
12. The current District Plan (ODP) was made operative in July 2000. To date, there have been 83 plan changes, resulting in a 'rolling review' over its lifespan. Not all provisions have been reviewed in this time.
13. Commencing in 2017, the Council has undertaken an extensive programme of review, research, engagement and policy development to inform and produce the PDP.
14. The purpose of the District Plan Review was to comprehensively review the District Plan to address resource management issues and implement new national direction, instead of continuing a "rolling review" approach.

2.2 Previous consultation and engagement

15. Four main consultation and engagement processes took place to inform the development of the PDP.

Our City Tomorrow Engagement 2017

16. This was a public discussion with community groups and stakeholders about Wellington's future and the major challenges the City faced in the wake of the 2016 Kaikōura Earthquake. It initially focused on the central city and inner city suburbs and sought feedback on how the City could or should respond to key challenges, including:

- a) Growing population, with anticipated growth of up to 80,000 people over the next 30 years given a then population of approx. 200,000 people;
- b) Rapidly changing climate, with increasing vulnerability to the impacts of sea level rise and severe weather events; and
- c) Vulnerability to seismic activity, with the City located near multiple fault lines and with many buildings either highly vulnerable to or already damaged by earthquakes.

17. Workshops and conversations revealed that these challenges were not limited to only the inner city and were, in fact, city-wide issues. The following five city-wide goals were created because of the engagement feedback:

- Compact;
- Resilient;
- Vibrant and prosperous;
- Inclusive and connected; and
- Greener.

18. The Council adopted these goals for the newly created Planning for Growth programme. The Planning for Growth programme determined that the next steps of the District Plan Review, being a review of the existing Urban Growth Plan 2014, development of the Spatial Plan and the full review of the ODP. The Council included the Planning for Growth programme as a priority project in the 2018-28 Long Term Plan (LTP).

2.3 Growth Scenarios Engagement 2019.

19. The Council began a review of the Urban Growth Plan 2014, creating four high-level scenarios for population growth and geographic distribution over the following 30 years. Public feedback was sought to identify a preferred scenario to accommodating future growth.

20. The four scenarios were:

- **Inner City Focus:** Most of the future population growth would occur in the central city and inner suburbs.

- **Suburban Centre Focus:** Most of the future population growth would be directed to the central city, inner suburbs and to the outer suburbs.
 - **New Greenfield Suburb:** Most of the future population growth would be directed into Ohariu Valley, with the remainder spread across the central city and suburbs.
 - **Greenfield Extensions:** Most of the future population growth would be directed to the greenfield, suburban extensions near Lincolnshire Farm and Owhiro Bay.
21. Over 1300 responses were received. The Inner City and Suburban Centre focus scenarios were identified as the preferred options. The Council applied these preferred approaches in developing the Spatial Plan.

2.4 Our City Tomorrow: A Spatial Plan for Wellington City 2020

22. Following the direction from the Growth Scenarios engagement, the Council developed a Draft Spatial Plan for city-wide consultation. A Draft Spatial Plan was developed through the *Our City Tomorrow: A Spatial Plan for Wellington City (Draft) 2020* engagement process.
23. The Draft Spatial Plan brought together the feedback from the Our City Tomorrow and Growth Scenarios engagements and provided more detail on how the Council could achieve the City's goals and address the City's key challenges.
24. The Draft Spatial Plan was an opportunity to test with the community an approach to providing for future growth that not only aligned with the City's goals, but also the requirements of the newly gazetted National Policy Statement on Urban Development 2020 (NPS-UD).
25. The draft Spatial Plan signaled a significant shift in the City's planning settings including:
- a) A move away from the 'growth spine' approach of previous growth plans, toward a City-wide approach with a focus on the City Centre and surrounding inner suburbs, key suburban centres and their immediate surrounds, and the City's commuter train lines;
 - b) A change to the scale of the built form, with significantly more height and density provided for; and
 - c) A move to a more targeted approach to the protection of pre-1930s character in the City's inner suburbs. The draft Spatial Plan proposed a significant paring back of the blanket controls on demolition of pre-1930s buildings, to focus only on those areas.
26. There were 2,897 submissions on the draft Spatial Plan. Feedback focused on:
- a) The location of future intensification;
 - b) The impacts of intensification on amenity and character;
 - c) Mana whenua interests and aspirations;
 - d) The need to invest in the City's infrastructure and services to support growth;
 - e) The need to ensure future housing is affordable;

- f) The need to improve public transport and accessibility around the city; and
- g) Support for the approach to natural hazards, climate change and sustainability.

27. The following key changes were made as a result of feedback:

- a) The addition of a sixth city goal – Partnership with mana whenua
- b) The expansion of the NPS-UD ‘walkable catchments’ as follows:
 - i. Around the City Centre to 15 minutes (from 10 minutes);
 - ii. Increasing walkable catchment around all train stations to 10 minutes (from a mix of 5 and 10 minutes); and
- c) The inclusion of an approach to prioritise infrastructure investment across the life of the Spatial Plan, notably signalling that no further intensification be provided for in Karori until such time as the suburb’s significant infrastructure issues have been addressed.

28. The Council adopted the Final Spatial Plan in June 2021.

2.5 Draft District Plan 2021

29. A Draft District Plan (the DDP) was released in November 2021 for consultation.

30. The DDP was the product of a full review of the effectiveness of the ODP objectives, policies, rules and design guides, the adoption of the National Planning Standards, and updated best practice drafting. I took its direction from the recently adopted Spatial Plan.

31. The DDP was non-statutory and provided the community and stakeholders with early insight into how the Council proposes to implement the Spatial Plan and give effect to its statutory requirements under the RMA. The DDP also provided significantly more detail on exactly how the high-level proposals of the Spatial Plan would be implemented, and what measures would be available to manage growth and development.

32. Consultation on the DDP took place over eight weeks and a total of 1,034 submissions were received. In early 2022, submitters were also provided the opportunity to speak to elected members and other submitters about the key points of their submission through oral forums.

33. The key themes raised through feedback included:

- a) General support for the overall strategic direction of the DDP;
- b) Concerns about the impact of building heights and intensification generally on amenity and character;
- c) Opposition to the protection of significant natural areas on private land;

- d) General support for requirements for new development to include affordable housing (assisted housing);
- e) General support for the focus on public transport and alternative transport modes, and a reduced emphasis on private vehicles;
- f) Support for the recognition and acknowledgement of mana whenua values and the role of mana whenua in the District Plan; and
- g) General support for the approach to managing natural hazard risks.

3.0 Mana whenua involvement with the District Plan Review

- 34. The PDP has been developed in partnership with the Council’s two mana whenua iwi partners, Taranaki Whānui ki te Upoko o te Ika (Taranaki Whānui) and Ngāti Toa Rangatira (Ngāti Toa).
- 35. As mana whenua of Wellington, Taranaki Whānui and Ngāti Toa are afforded rights and responsibilities through Te Tiriti o Waitangi |The Treaty of Waitangi and the RMA that the Council accommodates. In addition, the Council and mana whenua have formally signed Tākai Here, a new partnership agreement which sets a framework for the ways the Council and mana whenua will work together for the benefit of the city and region. Tākai Here replaces separate memoranda of understanding signed by the Council in 2017.
- 36. The District Plan Review has involved significant engagement with mana whenua throughout the Spatial Plan and development of the DDP and PDP. This has included more than 100 hui and wānanga for officers to understand what needs to change in the PDP and how the provisions can better integrate consideration of mana whenua values. This supports the Council meeting its statutory obligations in relation to Te Tiriti o Waitangi under the RMA.

4.0 Proposed District Plan

4.1 Notification of the Proposed District Plan

- 37. Incorporating the feedback on the DDP, and reflecting decisions made by elected representatives, the PDP was publicly notified under Clause 5 of the First Schedule of the RMA on 18 July 2022.
- 38. In addition to a formal public notice, the notification communications strategy included:
 - a) Serving notice on all parties as required by the First Schedule;
 - b) Writing to all ratepayers via a letter included with the Rates Notices. The letter provided instructions on how to access the ePlan and make a submission;
 - c) Writing to all individuals, groups and stakeholders who have previously provided feedback on the PDP;
 - d) Media releases through established Council media and social media channels advising that the PDP had been notified and how to make a submission;

- e) Sending a media release to all mainstream news outlets, and newspaper adverts placed in all major daily newspapers in accordance with statutory requirements;
- f) Public drop-in sessions for the general public at local facilities such as libraries and community centres;
- g) Meetings with all partner organisations and statutory stakeholders including TROTR, Kāinga Ora, GWRC, Wellington Water and Waka Kotahi;
- h) A dedicated email inbox and phone for PDP queries;
- i) A ‘friend of the submitter service’ being an independent planning advisor who can assist members of the public and groups make submissions, and will continue throughout the hearings process.
- j) Hard copies of the PDP being made available at all Wellington City public libraries and at the main Council reception.

4.2 Submissions and further submissions

4.2.1 ‘Original’ submissions

- 39. The submissions period ran from 18 July to 12 September 2022. Council received 497 submissions, containing over 12,900 submission points.
- 40. 22 submissions were received electronically after the 12 September 5pm deadline, however these submissions were accepted and are not considered to be late as they were received up until midnight 12 September 2022.
- 41. Seven postal submissions were received after the close of submissions, but were accepted and not considered late.
- 42. Seven late submissions were received as listed in Table One below.

Submission Number	Submitter Name or Organisation/Company/Trust	Date Submission Received
482	Living Streets Aotearoa	13/09/2022
483	Hilary Carr	13/09/2022
484	Escape Investments Limited	13/09/2022
485	House Movers Section of the New Zealand Heavy Haulage Association Inc	13/09/2022
486	Zealandia Te Māra a Tāne	13/09/2022

487	The Thorndon Society Inc	13/09/2022
488	Te Rūnanga o Toa Rangatira	14/09/2022

43. I recommend that these late submissions be accepted.

4.2.2 Summary of submissions

44. The Summary of Submissions were publicly notified on 21 November 2022. The summaries were presented in two ways – firstly by submitter in one report, and secondly, a series of reports summarising submissions by topics. Each submission was numbered, and every decision requested has been assigned a unique submission point reference number.

4.2.3 Further submissions

45. Further submissions were received from 21 November until 2 December 2022. The Council received a total of 138 further submissions.

46. Five further submissions were received after the 2 December 5pm deadline, however these further submissions were accepted and are not considered to be late as they were received on 2 December.

47. Another two further submissions (not listed below) were mail submissions that were received at Council after the close of further submissions but were accepted and not considered late. There was one further submission received on 21 December 2022 which was not accepted.

48. There were six late further submissions as listed in the table below.

Further Submission Number	Further Submitter Name or Organisation/Company/Trust	Date Further Submission Received
FS131	Elayna Chhiba	4/12/2022*
FS132	Rachel Leilani	5/12/2022*
FS133	Stratum Management Ltd	6/12/2022
FS136	Escape Investments Limited	6/12/2022
FS137	Rod Bray	5/12/2022
FS138	Te Rūnanga o Toa Rangatira	12/12/2022

*received on time with correctly calculated further submission timeframe (see paragraphs below)

49. I recommend that all the above listed late further submissions are accepted.

4.2.4 Procedural matter

50. A procedural technicality is disclosed with respect to the timeframe for further submissions under clause 7 of the First Schedule.

51. The Council counted the day on which the public notice of the availability of a summary of decisions requested by persons making submissions on a proposed policy statement or plan (and accordingly the acceptance of further submissions) as part of the required 10 working day timeframe.

52. This timeframe should have commenced on the day after the notice was given resulting in a period of nine working days for further submissions. Any disadvantage that may have been experienced has been avoided by accepting further submissions for the correctly calculated period. I have also recommended that four other late further submissions should be accepted.

4.2.5 Incomplete original submissions

53. There were 15 submissions received that were considered incomplete or partly incomplete as there was information missing that was required by the RMA form 5, including:

- a) Whether they could gain an advantage in trade competition through their submission;
- b) Whether they wish to be heard in support of their submission; and
- c) Whether they would consider presenting a joint case.

54. Submitters who had missing details were followed up with and these details were saved on Council records.

55. The list below are those remaining submitters who Council did not receive a response from.

Submission Number	Submitter Name or Organisation/Company/Trust	Whether they could gain an advantage in trade competition?	Whether they wish to be heard?	Whether they would consider presenting a joint case?
17	Screen Production and Development Association			
36	Brendon White			
69	Brett McKay			

115	Candy Cheung			
117	Scots College Incorporated			
180	James Harris			
196	Peter Nunns			
302	Paihikara Ki Pōneke Cycle Wellington			
327	Richard Bengé			
352	Inner City Wellington			
411	Terawhiti Farming Co Ltd (Terawhiti Station)			
458	Rachel Underwood			
468	Daniel Christopher Murray Grantham			
471	Juliet Broadmore			
489	David Wu			

56. I recommend that all the incomplete submissions listed above be accepted, with questions of trade competition addressed at hearing for those submitters who wish to be heard.

4.2.6 Incomplete further submissions

57. Five further submissions (FS4, FS32, FS38, FS52, FS90) were considered incomplete or partly incomplete as there was information missing that was required by the RMA form 6, including:

- a) Whether they wish to be heard in support of their further submission; and
- b) Whether they would consider presenting a joint case.

58. A number of further submissions failed to state what submission they were making a further submission on, and/or failed to clearly identify what part of the submission they were supporting or opposing. If the submission point could be inferred, the further submission point was accepted and acknowledged with '[Inferred reference to submission point]'.

59. Where the submission point could not be inferred, related to a topic beyond the scope of the original submission or PDP, or was instead additional supporting information for an original submission, the whole or part of the further submission has been struck out as per Form 6 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 under 41D of the RMA.

4.2.7 Withdrawn submissions

60. There have been no withdrawn submissions or further submissions.

4.3 Statutory Context and Considerations

61. This section describes the statutory context and considerations applicable to the PDP.

62. An assessment of topic-by-topic compliance with this statutory context is found in the relevant topic-specific s32 evaluation reports.

4.3.1 Functions of Territorial Authorities under the Resource Management Act 1991

63. Section 31 of the RMA details the key functions of a territorial authority. These are:

- The establishment, implementation, and review of objectives, policies, and methods to:
 - i. achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources;
 - ii. ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district;
- Control the effects of the use, development or protection of land, including for the purpose of:
 - i. avoiding or mitigating natural hazards;
 - ii. the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land;
 - iii. the maintenance of indigenous biological diversity
- The control of the emission of noise and the mitigation of the effects of noise:
- The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes: and
- Any other functions specified in the Act.

64. Sections 72 – 77 of the Act set out the purpose and the processes associated with the development and operation of a district plan, with a district plan being a tool to allow a council to fulfil its functions.

65. Section 73 states that there must always be a district plan in place, prepared under the requirements of the First Schedule of the Act.

66. Section 74 sets out the matters to be considered by a council in preparing a district plan. The Council needs to consider high order planning documents (s74(ea)) and applicable Iwi Management Plans (s74(2A)).

67. Sections 75-77 outline what must be and what may be included in the district plan (s75) and authorises the inclusion of rules (s76) and the 'activity status' that can be given to activities (s77). Section 75(5) and cl.34 of Schedule 1 allow for documents to be incorporated by reference into a district plan.
68. Section 79 requires the Council to commence a review of a provision of a district plan, if the provision has not been subject to a review or change during the previous 10 years.
69. The First Schedule of the RMA sets out how a district plan must be prepared and procedural requirements and options able to be chosen.
70. Clause 4 consultation with requiring authorities and Clause 3 consultation with iwi authorities took place in June 2021.
71. Since public notification of the PDP and publishing of the related section 32 evaluation reports on 18th July 2022, the following relevant statutory considerations have changed/been introduced:
 - a) The Spatial Planning Bill and Natural and Built Environment Bill were introduced to Parliament and have been referred to Select Committees.
72. These Bills are currently before the select committee and have no implications for the PDP. Should the Bills be passed, a new planning framework will be in place and a further review of the City's planning provisions will take place. The transitional provisions of the Bills will be determined through the Select Committee process.
 - a) Plan Change 1 to the Wellington Regional Policy Statement was notified.
73. A submission was received from the Wellington Regional Council seeking amendments to the PDP, in part to achieve alignment with its notified Plan Change. Submission points that relate to the chapters and matters of this s42a report are addressed here. Other submission points are addressed in the relevant s42 report.

4.3.2 Resource Management (Enabling Housing Supply and Other Matters) Act 2021

74. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2019 (Amendment Act) was passed into law in December 2021. The purpose of the Amendment Act is to enable more medium density development and expedite the operation of planning provisions required under Policy 3 of the National Policy Statement on Urban Development 2020 (NPS-UD) that deal with intensification.
75. Specifically, the Amendment Act (s80E) requires the Council to:
 - a) Change its planning settings to enable development of three residential units up to three storeys as a permitted activity, compliant with the Medium Density Residential Standards (MDRS) contained in Schedule 3A of the Act.

- i. These provisions have immediate legal effect except within ‘qualifying matter areas’ where such a density of development may be inappropriate.
 - b) Prepare an Intensification Planning Instrument (IPI) to expedite the operation of provisions that implement Policy 3 of the NPS-UD and progress these through the Intensification Streamlined Planning Process (ISPP).
 - i. Related provisions that are supportive or consequential on Policy 3, the MDRS and those that enable papakāinga housing or relate to financial contributions can be included in the ISPP.
 - ii. The ISPP requires that submissions be heard and recommendations to the Council be made by an independent hearings panel.
76. Gazette Notice 2022-sl2033 (The Resource Management (Direction for the Intensification Streamlined Planning Process to Tauranga City Council and Wellington City Council) Notice 2022) issued by the Minister for the Environment requires the Council to notify decisions on the Independent Hearings Panels’ recommendations in accordance with clause 102 of Schedule 1 of the RMA by 20 November 2023.
77. The PDP incorporates the matters required by the Amendment Act, albeit with these forming part of the notified plan rather than a separate plan change to the ODP.

4.3.3 Plan making processes being followed

78. The PDP has been notified using two planning processes under the First Schedule:
- a) ISPP, Part 6 of the First Schedule of the RMA
 - i. For provisions relating to housing intensification. The Council is required to give effect to the MDRS in Schedule 3A of the RMA and those provisions that give effect to Policies 3 and 4 of the NPS-UD. There are no appeals to the Environment Court on these provisions.
 - b) Part One of Schedule One
 - i. For all provisions not relating to intensification.

4.3.4 Committee decision on plan making process

79. A breakdown of which chapters of the PDP following either the ISPP or Part One of the First Schedule of the RMA can be found in Appendix One of this s42A Overview Report. Provisions are also identified in the PDP.
80. Council’s Planning and Environment Committee resolved on 12 May 2022 to take a strict interpretation of section 80E of the Act so that only plan content required to follow the ISPP under s80E(1)(a) be included in that process.
81. In that way it opted not to utilize its discretion under section 80E(1)(b) and 80E(2) of the Act to include provisions that may be included, including those that support or are consequential to

those provisions required to follow the ISPP or relate to ‘qualifying matters’. Qualifying matter provisions that do not engage Policy 4 of the NPS-UD by varying building height and/or density were generally not included.

82. Accordingly, a focused interpretation of the legislation was adopted. Definition, schedules, mapping and appendices required to interpret or apply those provisions included in the ISPP were also included as per that Committee decision.
83. Officers had earlier provided advice that taking a broader approach and including content relating to ‘qualifying matters’ more generally (ie as defined under s77I and s77O of the Act and NPS-UD), as well as consequential, supporting or otherwise desirable to ensure a coordinated implementation of provisions should be included within the ISPP.
84. This advice was not accepted by Council, who took a view that submitters retaining appeal rights was preferable.
85. Accordingly, several chapters contain provisions that are subject to both the ISPP and Part One Schedule One process. Provisions included within either process are marked up in the PDP.

4.3.5 Qualifying matters

86. Qualifying matters” are identified in the NPS-UD subpart 6, section 3.33 and s77I and s77O of the Act. The implications of plan provisions being identified as a qualifying matter is threefold.
87. Firstly, they allow for departure from the building height and density standards of the MDRS and NPS-UD.
88. Secondly, the provisions relating to a qualifying matter ‘may’ form part of an IPI under s80E of the Act should a Council decide to do so.
89. Thirdly, when an IPI is notified, qualifying matters have the effect of limiting the immediate legal effect of the MDRS as per s86BA. Identification as a qualifying matter within an IPI is therefore of some interim significance during the period in between notification and decisions on an IPI.
90. Once decisions are made on the plan (in this case on both the ISPP and Part One, schedule One components) the intended relationship between provisions (such as enabling MDRS being limited by more restrictive controls) will apply irrespective of which plan making process those provisions were notified under.
91. Evidence supporting the requirements of sections 77I through 77L and 77N through 77R of the Act with respect to costs, benefits and impacts on development capacity of qualifying matters can be found online in the following documents:
 - [Wellington City Commercially Feasible Residential Capacity Assessment – Urban Edge and Property Economics 2022](#)

- [‘Wellington City Qualifying Matters Capacity Assessment – November 2022’](#)

4.3.6 Higher order planning documents

4.3.6.1 National policy statements

92. Section 75(3) of the RMA requires that a District Plan gives effect to any National Policy Statement (NPS) and any New Zealand Coastal Policy Statement (NZCPS). The PDP gives effect to the five NPS documents that are currently in place:
- a) New Zealand Coastal Policy Statement (2010)
 - b) NPS on Electricity Transmission (2008)
 - c) NPS for Renewable Electricity Generation (2011)
 - d) NPS on Freshwater Management (2020)
 - e) NPS on Urban Development (2020)
93. An overview of how each of these NPS has been incorporated into the PDP is provided below, with full details of the relevance of each NPS to the specific provisions detailed in the relevant s32 Evaluation Reports.

4.3.6.2 New Zealand Coastal Policy Statement 2010 (NZCPS)

94. The NZCPS recognises the important natural processes and development pressures around the coast and promotes a strategic and integrated approach to coastal planning and management.
95. The NZCPS directs local authorities on the management of the coastal environment. It contains policies that when implemented enable the achievement of the purpose of the RMA in relation to the coastal environment. The Council, through the preparation and implementation of the District Plan is responsible for managing the effects from the use, development, or protection of land on the landward side of the Coastal Marine Area.
96. In accordance with the NZCPS the PDP identifies the land within the coastal environment. This is identified on the ePlan planning maps as an overlay. Within the PDP the Part 2 (District Wide Matters) ‘Infrastructure – Coastal Environment’ (INF-CE) and ‘Coastal Environment’ (CE) chapters relate to the coastal environment and sets out a suite of provisions relating to the management of land use and subdivision occurring within this overlay. Coastal hazards are also identified and mapped in the PDP, with associated provisions to appropriately manage these natural hazard risks. Coastal hazards provisions are set out in chapter Part 2 – General District Wide Matters – Coastal Environment chapter.

4.3.6.3 National Policy Statement Electricity Transmission 2008 (NPS-ET)

97. The national electricity grid plays a vital role in the well-being of New Zealand and its people. The NPS-ET prioritises this importance while managing the potential effects associated with this large-scale infrastructure. It achieves this by setting out the direction for the management of the effects of the electricity transmission network. This is carried out by required objectives,

policies, and methods (including rules) to recognise transmission corridors, to identify transmission lines on planning maps, and to provide controls on subdivision and land use as necessary to ensure that the operation, maintenance, upgrading and development of transmission infrastructure is not compromised as a result of incompatible land uses.

98. The relevant provisions are primarily located in the Part 2 – Energy, Infrastructure and Transport – Infrastructure chapter.

4.3.6.4 National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG)

99. The NPS-REG sets out objectives and policies for renewable electricity generation that seek to provide a consistent approach to planning for renewable electricity generation across New Zealand.
100. This NPS applies to renewable energy generation activities at any scale, and covers the construction, operation and maintenance of structures associated with generation.
101. The relevant provisions are primarily located in the Part 2 – Energy, Infrastructure and Transport – Renewable electricity generation chapter.

4.3.6.5 National Policy Statement for Freshwater Management 2020 (NPS-FM)

102. The NPS-FM was introduced in 2011, updated and replaced in 2014, amended in 2017, and again replaced in 2020 with changes coming into effect on 3 September 2020.
103. The NPS-FM sets out an objective and policies with relevance to the PDP on:
- a) Managing freshwater in a way that ‘gives effect’ to Te Mana o te Wai: (the integrated and holistic well-being of a freshwater body) in the management of fresh water; and
 - b) Improving integrated management of fresh water and the use and development of land;
104. The relevant provisions are primarily located in the Part 2 – Energy, Infrastructure and Transport – Three Waters chapter as well as in the Part 4- Design guides.

4.3.6.6 National Policy Statement for Urban Development 2020 (NPS-UD)

105. The NPS-UD was introduced in 2020, took effect on 20 August 2020, and replaced the National Policy Statement on Urban Development Capacity 2016. Policies 3 and 4 of this national direction were amended by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.
106. The NPS-UD recognises the national significance of:
- a) Having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; and

- b) Providing sufficient development capacity to meet the different needs of people and communities.

107. The NPS-UD requires that councils:

- a) Ensure urban development occurs in a way that takes into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi;
- b) Ensure that plans make room for growth both 'up' and 'out' by directing how this occur;
- c) Ensure planning rules are not unnecessarily constraining growth;
- d) Develop, monitor, and maintain an evidence base about demand, supply, and prices for housing and land to inform planning decisions; and
- e) Align and coordinate planning across urban areas.

108. The PDP gives effect to the NPS-UD in many ways including:

- a) The spatial application of medium and high density planning settings in and around centres, and the walking catchments identified by Policy 3 of the NPS-UD, and the building height standards applied in these areas;
- b) Providing enough development capacity for population growth of 50,000 to 80,000 more people will move to Wellington over the next 30 years (Stats NZ 2018); and
- c) Enabling a variety of activities and housing types in locations that contribute to the creation of a well-functioning urban environment.

4.3.7 Draft/Proposed National Policy Statements

4.3.7.1 Draft National Policy Statement for Indigenous Biodiversity (DNPS-IB)

109. The NPS-IB is currently in draft form and was released for targeted consultation on an exposure draft closing on 21 July 2022. The main purpose of this NPS is to provide direction for local government how to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance under the RMA.

110. Given the NPS has not been gazetted it cannot be heavily relied upon for the direction of the PDP.

111. The PDP does contain provisions to manage indigenous vegetation primarily in the Natural Environment Values – Ecosystems and Indigenous Biodiversity Chapter and SCHED8 - [Significant Natural Areas](#).

4.3.7.2 Proposed National Policy Statement for Highly Productive Land (PNPS-HPL)

112. The purpose of the PNPS-HPL is to prevent loss of highly productive land and to promote its sustainable management by:

- a) Recognising the full range of values and benefits associated with the use of highly productive land for primary production;
- b) Maintaining the availability of highly productive land for primary production for future generations; and
- c) Protecting highly productive land from inappropriate subdivision, use and development.

113. Wellington City does not have any highly productive land as defined in the Proposed National Policy Statement.

National Environmental Standards

114. Every local authority and consent authority must observe national environmental standards (NES) and must enforce them to the extent that their powers enable them to. Section 44A of the RMA requires district plans to not duplicate or conflict with the provisions of a NES.

115. There are four relevant national environmental standards that are currently in place that are relevant to the PDP.

- a) The **NES for Telecommunication Facilities 2016 (NES-TF)** allows network operators to install some low impact telecommunication infrastructure in road reserves without the need to apply for resource consent, provided they meet specified conditions. The NES-TF provides a set of rules for permitted telecommunication facilities.
- b) The **NES for Electricity Transmission Activities 2009 (NES-ETA)** seeks to minimise the cost to councils of implementing the NPS for Electricity Transmission and ensure planning requirements relating to the maintenance and upgrading of transmission lines are nationally consistent. The NES-ETA only applies to existing high voltage transmission lines and does not apply to new lines or substations.
- c) The **NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)** is a nationally consistent set of planning controls and soil contaminant values. The NES-CS ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed and, if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.
- d) The **NES for Plantation Forestry (NES-PF)** seeks to maintain and improve the environmental outcomes of plantation forestry nationally and to increase certainty and efficiency in the management of plantation forestry activities. The NES-PF provides consistent rules across the country for specified forestry.

116. There are four NES that are primarily administered by regional councils. These are the:

- a) NES for Freshwater;

- b) NES for Air Quality;
- c) NES for Sources of Drinking Water; and
- d) NES for Marine Aquaculture.

4.3.7.3 National Planning Standards

117. The National Planning Standards were gazetted in April 2019. Their development is enabled by sections 58B–58J of the RMA. Section 58I requires the structure and framework of a district plan to be in accordance with the Planning Standards.
118. The purpose of the National Planning Standards is to improve nationwide consistency in the structure, format and content of District Plans, Regional Plans and Regional Policy Statements.
119. The National Planning Standards determine the sections that should be included in a district plan. Mandatory directions are also set out to determine how a district plan should be ordered. They provide mandatory direction by requiring consistent structure, definitions, format and electronic functionality and accessibility.
120. The National Planning Standards set out an activities-based planning framework that recognises both district-wide matters and area-specific matters. This framework means that district-wide matters will have provisions contained in their dedicated chapters which then do not have to be repeated in subsequent area-specific chapters. This means that multiple chapters are often required to be examined to determine relevant provisions and the activity status of a proposal. District-wide matters include subdivision, contaminated land, natural hazards, and noise. Area-specific matters include residential zones, centres and city centres zones, and open space and recreation zones.
121. The Council is required to implement the National Planning Standards by April 2024.
122. The PDP has been developed in accordance with the National Planning Standards.
123. The overarching differences between the structure and format of the ODP and PDP are:
- a) A GIS-driven electronic plan (ePlan). In comparison to the existing ePlan, the proposed ePlan is considered to significantly improve accessibility and useability for the community and plan users;
 - b) A stronger focus is placed on objectives and policies. These provide a layered decision-making framework for resource consent applications and plan changes; and
 - c) Simplifying rules and standards. Rules are colour coded to show activity status, they flow logically from most permissive to most restrictive activity status, and have clear cross-referencing to applicable standards, objectives and policies.
124. In accordance with the National Planning Standards, the PDP is structured as follows:

- a) **Part 1 Introduction and General Provisions.** This part contains contextual information, definitions, abbreviations, and a glossary;
 - b) **Part 2 District Wide Matters.** This part contains high-level strategic direction and the district-wide matter chapters;
 - c) **Part 3 Area Specific Matters.** This part contains the area-specific matter chapters for zones and precincts, development areas and designations;
 - d) **Part 4 Appendices and Schedules.** This part contains the appendices and schedules of technical information, data and design guides that are cross-referenced in Parts 2 and 3 chapters; and
 - e) **Part 5 Maps.** This part contains the electronic planning maps and mapping layers that are used in the PDP. These electronic planning maps are accessible in an ePlan format.
125. Each of the chapters in Parts 2 and 3 follow the same format: introduction, objectives, policies, rules (if any) and standards (if any)
126. The introduction provides an overview of the topic covered by the chapter.
127. The objectives set out the outcomes to be achieved for the topic matter.
128. The policies set out the direction to be taken to achieve the applicable objectives.
129. The rules set out the activity status for different activities that may be proposed. Rules may refer to standards that need to be complied with.
130. Any proposal to use, develop or subdivide land must be cross-checked against these rules and standards to determine whether resource consent is required. This is determined by activity status: Permitted activities that meet any applicable standards do not need resource consent. Controlled, restricted discretionary or discretionary activities require resource consent even if applicable standards are met. Prohibited activities are prohibited in the ordinary sense of the word; resource consents cannot be applied for nor granted for prohibited activities.

4.3.7.4 Regional Policy Statement

131. Under s75(3) of the RMA a district plan must give effect to the Regional Policy Statement for the Wellington Region (RPS) 2013.
132. The RPS provides an overview of the significant resource management issues affecting the region, and sets out a series of objectives, policies, and methods to address these issues and to achieve integrated management of the region's natural and physical resources. The RPS includes a set of 34 policies that a district plan is required to give effect to (Policies 1-34) and a further 26 that need to be considered (Policies 35-60).

133. Proposed Change 1 to the RPS was notified on 19 August 2022. The purpose of the change is to implement and support the NPS-UD 2020 and NPS-FM 2020.
134. The PDP has been drafted to give effect to the RPS pre notification of Plan Change 1.
135. A submission was received from the Wellington Regional Council seeking amendments to the PDP, in part to achieve alignment with its notified Plan Change
136. The relevant submission points are addressed in the relevant s42 report.
137. Under s74(2)(a) the Council shall have regard to the proposed plan change to the RPS.
138. It is noted that many provisions of that document have had submissions lodged in opposition and may change throughout the decision-making process for that document. The PDP and the Plan Change to the RPS are being determined on similar timeframes. It may be the case that later hearings streams of the PDP are able to be informed by decisions on the plan change to the RPS.

4.3.7.5 Regional Plans

139. Under s74(4) of the RMA, a District Plan must be consistent with any regional plan/s currently in force. There are currently five operative Regional Plans and one Proposed Regional Plan for the Wellington region:
 - a) Regional Freshwater Plan for the Wellington Region, 1999.
 - b) Regional Coastal Plan for the Wellington Region, 2000.
 - c) Regional Air Quality Management Plan for the Wellington Region, 2000.
 - d) Regional Soil Plan for the Wellington Region, 2000.
 - e) Regional Plan for discharges to the land, 1999.
 - f) Proposed Natural Resources Plan, appeals version 2021.
140. The Proposed Natural Resources Plan (PNRP) replaces the five operative regional plans above. In accordance with s86F of the RMA the PNRP is now largely operative, apart from those that are subject to appeal.
141. The PDP has been drafted to not be inconsistent with the PNRP.

4.3.8 Other Legislation

142. The RMA requires the Council to have regard to any management plans and strategies prepared under other Acts (section 74(2)(b)(i)). Other legislation and regulations that are relevant and have been considered when preparing the Proposed District Plan, are set out at Appendix Two of this s42A Overview Report.
143. The relevance of these Acts to the PDP is detailed in the topic-specific s32 reports.

144. The Spatial Planning Bill and Natural and Built Environment Bill were introduced to Parliament and have been referred to Select Committee. These Bills have no implications for the PDP.

4.3.9 Other Plans and Strategies

145. Appendix Three of this s42A Overview Report sets out the Policies, Plans, By-laws, and Strategies that were also considered as part of the development of the PDP.
146. The relevance of these Policies, Plans, By-laws, and Strategies to the PDP is detailed in the topic-specific s32 reports.

4.3.10 Iwi Management Plans

147. There are no Iwi Management Plans within Wellington City Council's jurisdiction

4.3.11 Designations

148. Under Clause 4 of Schedule 1, requiring authorities with existing designations in the ODP have been invited to give written notice to the Council that their designations are to be:
- a) Rolled over into the PDP without modification;
 - b) Rolled over into the PDP with modification; or
 - c) Withdrawn.
149. Two Notices of Requirement were received from the Ministry of Education and are included in the PDP. These Notices of Requirement are for St Francis Xavier School in Tawa and Sacred Heart Cathedral School in Thorndon.
150. The Clause 4 consultation process is contained in the PDP supporting document titled "Record of Consultation with Requiring Authorities – Wellington District Plan Designations Chapter Review, prepared by GHD, dated 20th July 2022."
151. These existing (rolled-over) designations and Notices of Requirement will follow the Pt 1 Sch 1 process for submissions, further submissions, hearings and recommendations, with two exceptions being:
- a) WIAL4 – Main Site Area
 - b) WIAL5 – East Side Area
152. The exceptions apply because the designations were confirmed by the Environment Court through appeals and confirmed pursuant to Part 8 of the RMA and the designations are included in both the ODP and the PDP pursuant to s175(2) of the RMA. Consequently, no submission or further submission points will be received or heard in relation to these designations.
153. No s32 evaluation report was prepared for rolled-over designations or the Notices of Requirement as this is not required under the RMA. However, a topic-specific s42A report will

be prepared for submission points received on the existing designations and new Notices of Requirement, excluding the two exceptions listed above. This s42A report will be available prior to the Designations hearing stream.

4.3.12 Heritage orders

154. Under Clause 4 of Schedule 1, Heritage protection authorities with existing heritage protection orders in the ODP have been invited to give written notice to the Council that their designations are to be:
- a) Rolled over into the PDP without modification;
 - b) Rolled over into the PDP with modification; or
 - c) Withdrawn.
155. All heritage protection authorities sought that their heritage orders be rolled over without modification.
156. No s32 evaluation report was prepared for rolled-over Heritage orders as this is not required under the RMA. However, a topic-specific s42A report will be prepared for submission points received on the existing heritage orders.

4.3.13 Section 32 Evaluation Reports

157. In accordance with s32 of the RMA, the Council has prepared evaluation reports to for the PDP objectives and its provisions. these reports provide the rationale for any proposed provisions and need to be read in conjunction with those provisions.
158. An Overview s32 was prepared. That report provides a detailed recollection of the plan development and consultation process, and statutory and regulatory framework. Topic- specific s32 evaluation reports were prepared to focus on individual main topics.
159. The suite of s32A reports is available at the following link: [Plans, policies and bylaws - Section 32 reports - Wellington City Council](#)

4.3.14 Legal Effect of Rules

160. Section 86B states that a rule in a proposed plan has immediate legal effect from the date of public notification if it protects or relates to:
- a) Significant indigenous vegetation;
 - b) Significant habitats of indigenous fauna; or
 - c) Historic heritage.
161. These rules have had legal effect from 18 July 2022 and apply in conjunction with any equivalent standards in the ODP.

162. In addition, in accordance with the Amendment Act, the MDRS have legal effect where there are no 'qualifying matters' on a site. The Council has determined that the following are qualifying matters that are less enabling of development:

- a) Viewshafts;
- b) Heritage (excluding scheduled archaeological sites);
- c) Coastal Hazards Provisions;
- d) Natural Hazards;
- e) Character Precincts (MRZ-PREC-01 and MRZ-PREC-02);
- f) Air Noise Overlay; and
- g) ODP National Grid Buffer.

163. Until decisions are made on the ISPP content of the PDP the Council is applying the following approach to the application of the MDRS:

- a) Where there is no qualifying matter from the above list on a site, the MDRS apply and are the applicable 'operative' building standards;
- b) Where there is a qualifying matter the ODP bulk and location standards apply;
- c) Where the qualifying matter on part of the site, the MDRS apply to development outside of the qualifying matter area and the ODP applies to development within this;
- d) Where one or more of the PDP building standards are not met, the proposal is instead assessed against the equivalent standard in the ODP in relation to the standard not met, however, all remaining MDRS standards apply; and
- e) Where ODP rules not relating to the construction of buildings apply, these continue to apply in conjunction with the MDRS.

164. Provisions with immediate legal effect are identified in the PDP with a red 'gavel' icon and relate to the following provisions:

- a) Ecosystems and Indigenous Biodiversity;
- b) Historic Heritage;
- c) Sites and Areas of Significant to Māori;
- d) The Medium Density Residential Standards

165. All other PDP provisions will only have full legal effect once they are beyond challenge, typically when a decision on submissions relating to the provision is made and publicly notified and the appeal period (if there is one) has closed. Section 86B of the RMA allows councils to seek legal effect from public notification. The Council has not exercised use of this option under s86B.

166. Note that all new modifications to existing designations and notices of requirement have interim effect, pursuant to s178 of the RMA. These are not identified with a red 'gavel'.
167. All other provisions of the PDP do not have legal effect but are at this time a relevant consideration under s104 of the Act.

5.0 Hearings

168. Hearings are to be held as required by Clause 8B of the First Schedule.
169. Hearings have been scheduled into streams, with ISPP provisions to be heard in the first set of five streams and the First Schedule provisions to be heard in the latter five. Where there is a logical reason to include First Schedule provisions within an ISPP stream, these provisions will be heard earlier. This includes where parts of a chapter need to be progressed through both processes, and where there is a high degree of commonality or interdependency between chapters.
170. The topic-specific s42A reports will be made available 20 working days before the start of the relevant hearing stream and should be read in conjunction with this Overview Report.
171. The Council is required to issue decisions on the ISPP provisions by 23 November 2023 and the First Schedule provisions by 18 July 2024.

5.1 Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023

172. As independent planning experts, all report authors will be required to confirm they have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and will comply with this Code of Conduct in preparing their s42A report.
173. The assessments and recommendations expressed in the s42A reports are the opinion of the report author as an independent expert and may not necessarily be those of the Council or elected members.
174. Other than when the report author states that they are relying on another person's advice, the evidence contained in the s42A report will be within the report author's area of expertise.
175. Material facts known to the report author cannot be omitted that may alter or detract from the opinions expressed in the report.

5.2 Hearings Panel

176. Pursuant to s34A of the RMA, the Council has appointed an eight member Hearings Panel to hear the PDP submissions. The Hearings Panel comprises of the following accredited commissioners, who have a range of relevant expertise:

- Trevor Robinson (Barrister) as Chair;
- Robert Schofield (Planner) as Deputy Chair;

- David McMahon (Planner);
- Heike Lutz (Building Conservation Consultant);
- Jane Black (Urban Planner);
- Lindsay Daysh (Planner);
- Liz Burge (Resource Management Consultant); and
- Rāwiri Faulkner (Resource Management Commissioner, Mana Whenua Partnerships Consultant).

177. The hearings panel will preside over both ISPP and First Schedule hearings and will be making recommendations to the elected Council on both accounts.

5.3 Hearings Streams

178. Chapters of the PDP have been organised into Hearing Streams and commissioners allocated. Streams and allocation (as at 30 November 2022) are attached at Appendix Four.

5.4 Section 32AA further evaluation

179. Section 32AA of the RMA requires that a further evaluation in accordance with s32 be carried out for any changes that have been made to, or are proposed for, the proposal since the original s32 evaluation report for the proposal was completed.

180. It is good practice for any recommended amendments in the s42A reports to be subject to the rigour of a s32AA evaluation to help inform the Hearings Panel.

181. Accordingly, each s42A report contains an evaluation of recommended changes in accordance with s32. This is done at a level of detail that corresponds to the scale and significance of the changes recommended. Unless a significant change to the notified PDP is proposed, this analysis will be contained within the body of the applicable s42A report.

6.0 Key areas of interest from submissions

182. There are parts of the PDP and policy positions taken that have received more submissions and interest than others.

183. This section identifies key areas of interest from submissions and gives an overview of the issue in contention. The purpose is to provide context for the Panel as it familiarises itself with submissions.

6.1 Significant Natural Areas

184. At the meeting of the Planning and Environment Committee on 23 June 2022 the Council voted not to include Significant Natural Areas (SNAs) on privately owned residential land in the notified version of the PDP.

185. Identification of SNAs on all other privately and publicly owned land including rural and open space zones have been included in the notified PDP.
186. This was different to the Draft District Plan and Spatial Plan proposals, as well as the direction of the 'Backyard Tāonga project' which had engaged all private landowners about regulation of SNAs between August 2019 to the end of 2021.
187. Several submissions were received seeking that SNA are identified on privately owned residential land. Equally, a number have been received supporting the PDP approach (that they are not identified).
188. At present, SNAs are scheduled to be addressed in Stream 8. It is noted that if the Independent Hearings Panel determines following Stream 1 that these should be included on residentially zoned land, then they may be required to follow the ISPP process.
189. This will be addressed in the topic-specific report for Hearing Stream 1.

6.2 Johnsonville Line - Rapid Transit Service

190. At the meeting of the Planning and Environment Committee on 23 June 2022 the Council decided that the Johnsonville Line is not a 'rapid transit service' for the purpose of NPS- UD.
191. If the line were to be identified as a rapid transit service, increased building heights and densities around walking catchments of stops on the line would need to be applied in accordance with Policy 3 of the NPS-UD.
192. This was different from the decision made by Council on the earlier Spatial Plan.
193. The key issue of contention is the absence of definitive criteria in the NPS-UD to identify rapid transit services.
194. Several submissions from the suburbs of Khandallah and Ngaio opposed classifying the Johnsonville Line as a rapid transit service and accordingly seek retention of the PDP approach (that it is not identified). Equally, a number have been received seeking that the service be classified as rapid transit.
195. This matter will be addressed in Stream 1.

6.3 Extent of Character precincts

196. The PDP as notified reduces the area of residential land subject to character protection by approximately 70% from the ODP.
197. The extent of character precincts has been a matter of contention throughout the Spatial Plan and Draft District Plan consultation processes. A substantial number of submissions were

received seeking the areas be either increased or decreased in size. This is similarly true of submissions on the PDP.

198. The issue was commonly combined with commentary about the level of density required to be enabled by the NPS-UD given the character areas are in located in areas where greater height and density is otherwise required.
199. This matter will be addressed in Stream 2.

6.4 Balance of growth and change in amenity values

200. The PDP introduces a new framework for residential development, enabling buildings of different typologies and greater scale than the ODP.
201. These provisions are influenced by the direction of the NPS-UD and implement the MDRS.
202. The scale of development and changes to amenity values currently experienced in residential areas has been a been a matter of contention throughout the Spatial Plan and Draft District Plan consultation processes. A substantial number of submissions were received seeking that built form standards be amended to decrease building height and density, particularly at transitions between larger and smaller building height. Similarly, submissions were received seeking more liberal built form standards be included.
203. This matter will be addressed primarily in Streams 2 and 4.

6.5 Design Guides

204. Statutory design guides are included in the operative district plan and form a key part of resource consent assessments for new development and ensuring good design outcomes.
205. The PDP continues this approach with refreshed design guides.
206. Several submissions have been received that either seek the design guides be amended, or more fundamentally, be removed from the plan in their entirety.
207. Whether or not the Design Guides should form part of the statutory District Plan will be addressed in the topic-specific report for Hearing Stream 1. Specific Design Guides will be further addressed in the applicable topic-specific reports for the relevant streams.

7.0 Appendices

7.1 Appendix One: Overview of PDP Provisions being progressed by the ISPP and First Schedule Part One process

Chapters	Content in ISPP	Content in Part one First Schedule Process
Part 1: Introduction and General Provisions		
Introduction		X
How the Plan Works		X
Interpretation	X	
National Direction Instruments	X (implementation)	X
Tangata Whenua		X
Part 2: District-Wide Matters		
Strategic Direction	X	X
Energy Infrastructure and Transport	X	X
Hazards and Risk	X	
Historical and Cultural Values	X	X
Natural Environment Values		X
Subdivision	X	X
General District wide Matters	X	X
Part 3: Area Specific Matters		
Residential Zones	X	
Rural Zones		X
Commercial and Mixed-Use Zones	X	X
Industrial Zones		X
Open Space and Recreation Zones		X
Special Purpose Zones	X	
Development Areas	X	X
Designations		X

Part 4 Appendices, Design Guides, Schedules		
Appendices	X	X
Design Guides	X	X
Schedules	X	X

7.2 Appendix Two: Other Relevant Legislation

Local Government Act 2002	Building Act 2004
Reserves Act 1977	Heritage New Zealand Pouhere Taonga Act 2014
Land Transport Act 1998	Land Transport Management Act 2003
Ngāti Toa Rangatira Claims Settlement 2014	Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009
Hazardous Substances and New Organisms Act 1996	Te Ture Whenua Maori Act (Maori Land Act) 1993
National Parks Act 1980	Conservation Act 1987
Health Act 1956	Telecommunications Act 2001
Fire and Emergency New Zealand Act 2017	Electricity Act 1992
Gas Act 1992	Utilities Access Act 2010
Civil Defence Emergency Management Act 2002	Railways Act 2005
Land Use Recovery Plan 2013	Soil Conservation and Rivers Control Act 1941
Land Transport (Road User) Rule 2004	Civil Aviation Act 1990
Our Land 2018	Health and Safety at Work Act 2015
Health and Safety at Work (Hazardous Substances) Regulations 2017	Sale and Supply of Alcohol Act 2012
Food Act 2014	Litter Act 1979

7.3 Appendix Three: Other Policies, Plans, By-laws, and Strategies

Wellington City Council	
Wellington City Council Draft Financial and Infrastructure Strategy 2021-51	Long-term Plan 2021-2031
Wellington Towards 2040: Smart Capital	Wellington Housing Strategy 2018-28
Our City Tomorrow: Spatial Plan for Wellington City 2021	Our Capital Spaces: An Open Spaces and Recreation Framework for Wellington 2013 – 2023
Wellington City Draft District Plan 2021	Backyard Tāonga
Te Ngākau Civic Precinct Draft Framework 2021	Te Atakura - First to Zero
Central City Spatial Vision 2020	Reserve Management Plans
Wellington Outer Suburbs Assessment & Evaluation Report 2020	LGWM - Recommended Programme of Investment
Upper Stebbings & Glenside West Concept Masterplan 2020	Open Space Access Plan 2016
Wellington City Council: Pre-1930 Character Area Review 2019	Our Natural Capital: Wellington's biodiversity strategy and action plan 2015
Medium Density Housing Assessment Tools: Summary Report 2018	Wellington Consolidated Bylaw 2008
Wellington Resilience Strategy 2017	Lincolnshire Farm Structure Plan 2006
Wellington Heritage Policy 2010	Northern Area – A Framework for Growth Management 2003
Other organisations or joint plans / policies	
Wellington Regional Growth Framework 2021	
Wellington Region Natural Hazards Strategy 2019	
Wellington Regional Housing and Business Development Capacity Assessment 2019 and 2022	
Wellington Water - Three Waters Assessment - Preferred Growth Scenario 2019	
NZ Heritage List – Rārangi Kōrero	

7.4 Appendix Four – Hearings Streams and allocation of commissioners

Hearing Stream Topics (starting date)		Panel Members
Hearing Stream 1 – Strategic Direction (21 Feb 2023)		
ISPP	Overarching issues	Robinson (Chair)
ISPP	District Plan structure	Burge
ISPP	Strategic direction	Daysh
ISPP	Cross-Plan definitions	Faulkner
		Lutz
		McMahon
		Schofield
Hearing Stream 2 – Residential (28 Mar 2023)		
ISPP	Residential zones - MRZ, HRZ, Character Precincts	Robinson (Chair)
Pt 1 Sch 1	Residential zone – LLRZ	Burge
ISPP	Residential Design Guide	Lutz
		McMahon
Hearing Stream 3 – Heritage (9 May 2023)		
ISPP	Historic Heritage - HH	Robinson (Chair)
Pt 1 Sch 1 ISPP	Notable Trees - TREE	Faulkner
	Viewshafts - VIEW	Lutz
		McMahon
ISPP	Sites and areas of significance to Māori - SASM	
ISPP	Heritage Design Guide	
ISPP	Papakāinga Design Guide	
	Schedules 1 to 7	
Hearing Stream 4 – Centres (19 June 2023)		
ISPP	City Centre Zone - CCZ	Schofield (Chair)
ISPP	Wind - WIND	Daysh
ISPP	Waterfront Zone - WFZ	Lutz
ISPP	Centres - NCZ, LCZ, CZ, MCZ	Burge
Pt 1 Sch 1	Centres – CZ, MUA, GIZ	
ISPP	Design Guides – Centres and Mixed Use	
Hearing Stream 5 – General District Wide Matters (31 July 2023)		
ISPP	Natural Hazards - NH	Schofield (Chair)
ISPP	Earthworks - EW Subdivision –	Daysh
ISPP	SUB	Black
		Faulkner
ISPP	Three Waters – THW	
ISPP	Subdivision Design Guide	
Wrap-up Hearing – ISPP Provisions (25 Sept 2023)		
ISPP	Wrap up and integration hearing – ISPP Provisions	Robinson (Chair)
		Burge
		Daysh
		Faulkner
		Lutz
		McMahon
		Schofield

Hearing Stream 6 – Special Purpose Zones & Development Areas (Early Nov 2023)		
Pt 1 Sch 1	Airport - AIRPZ	Robinson (Chair) McMahon
Pt 1 Sch 1	Corrections - CORZ	Burge Schofield
Pt 1 Sch 1	Future Urban - FUZ	
Pt 1 Sch 1	Port - PORTZ	
Pt 1 Sch 1	Quarry - QUARZ	
Pt 1 Sch 1	Stadium - STADZ	
Pt 1 Sch 1	Town Belt - WTBZ	
Pt 1 Sch 1	Development Areas - DEV1, DEV2, DEV3	
Hearing Stream 7 - Rural & Open Space, District Wide Matters, Special Purpose Zones (Early Dec 2023)		
Pt 1 Sch 1	Rural Zone - GRZ	Schofield (Chair) Daysh
Pt 1 Sch 1	Open Space – OSZ, NOSZ, SARZ Temporary Activities -	Black Faulkner
Pt 1 Sch 1	TEMP Signs - SIGN	
Pt 1 Sch 1	Noise - NOISE Light – LIGHT	
Pt 1 Sch 1	Special Purpose Hospital - HOSPI Special Purpose	
Pt 1 Sch 1	Tertiary - TEDZ Rural Design Guide	
Pt 1 Sch 1	Signs Design Guide	
Pt 1 Sch 1		
Pt 1 Sch 1		
Pt 1 Sch 1		
Pt 1 Sch 1		
Hearing Stream 8 – Natural and Coastal Environment (21 Feb 2024)		
Pt 1 Sch 1	Natural Environment - ECO Natural Character - NATC	Robinson (Chair) Daysh
Pt 1 Sch 1	Natural Features and Landscapes - NFL Public Access -	Lutz Burge
Pt 1 Sch 1	PA	
Pt 1 Sch 1	Coastal Environment - CE	
Pt 1 Sch 1	Schedules 8 -12	
Pt 1 Sch 1		
Hearing Stream 9 – Infrastructure (28 March 2024)		

Pt 1 Sch 1	Infrastructure - INF (all chpts) Transport - TR	Robinson (chair) McMahon
Pt 1 Sch 1	Renewable Energy - REG	Black Faulkner
Pt 1 Sch 1	Contaminated Land - CONT Hazardous Substances - HAZ	
Pt 1 Sch 1		
Pt 1 Sch 1		
Hearing Stream 10 – Designations (April 2024)		
Pt 1 Sch 1	All designations - DESI	Robinson (Chair) Daysh Black Burge
Wrap-up Hearing – All Provisions (May 2024)		
ISPP	Wrap up and plan integration – whole PDP	Robinson (Chair) Black
Pt 1 Sch 1		Burge Daysh Faulkner Lutz McMahon Schofield