

**Proposed Intensification Planning Instrument
for the
Upper Hutt City District Plan**

Section 32 Evaluation Report

VOLUME 1: OVERVIEW

Upper Hutt City Council
July 2022

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1.0 Overview and Context

The Upper Hutt City Council (the 'Council') has prepared the Intensification Planning Instrument ('proposed IPI') to amend the Operative Upper Hutt City District Plan (the 'Plan') for notification under the provisions of the Resource Management Act 1991 (the 'RMA').

This suite of reports outline the purpose, scope, statutory and regulatory context, research, consultation and the changes proposed by the IPI. The reports also provide an evaluation of the proposed changes in accordance with the requirements of sections 32, 77K and 77Q of the RMA.

The Council is a Tier 1 territorial authority under the National Policy Statement on Urban Development ('NPS-UD'). As such, this Plan Change is in response to the statutory requirement that the Council prepare and notify an IPI that provides for the matters outlined in the section below¹. This requirement was recently inserted into the RMA by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ('Amendment Act'), the purpose of which is to *rapidly accelerate the supply of housing where the demand for housing is high and address some of the issues with housing choice and affordability that Aotearoa New Zealand currently faces*².

While the IPI is a statutory requirement, housing supply is a key resource management issue for the City that the Council was already in the process of addressing via a comprehensive plan change to give effect to the NPS-UD prior to the imposition of the Medium Density Residential Standards ('MDRS') by the Amendment Act. The Council had prepared and consulted on a wide-ranging draft plan change that would have given effect to the NPS-UD prior to the unexpected requirements of the Amendment Act.

The IPI also includes a non-residential component comprising a review and rezoning of existing Commercial and Mixed Use Zones to introduce a centres hierarchy. These amendments give effect to Policy 3 of the NPS-UD by enabling residential and business activities. The zones create a hierarchy of centres that are commensurate with the level of commercial activities and community services within each type of centre. The rezoning of Commercial and Mixed Use Zones via the IPI:

- gives effect to Policy 3 of the NPS-UD;
- enables the required and appropriate building heights and densities of urban form;
- enables appropriate commercial and mixed-use activities via a hierarchy that will assist in creating well-functioning urban environments; and
- enables residential activities.

This is a key part of the IPI, as without this rationalisation and reclassification of the existing Commercial and Mixed Use Zones it would be difficult to give effect to NPS-UD Policy 3.

This Plan Change is the Council's IPI under sections 80F and 80E of the RMA.

The purpose of the IPI is to give effect to the requirements of the Amendment Act with regard to:

- the incorporation of the MDRS into all relevant residential zones³ in the District Plan;
- giving effect to Policies 3 and 4 of the NPS-UD; and
- providing for a range of existing qualifying matters.

¹ Refer to RMA s80E for the statutory scope of an IPI.

² Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. Refer Explanatory Note, page 1.

³ As specified by the RMA in Section 2 – Interpretation.

1.1 Structure of the Section 32 evaluation report and supporting technical assessments

As to be expected with a plan change of a scale and significance such as the IPI, there are a number supporting documents including an evaluation undertaken in accordance with section 32 of the Act as well as the specific information requirements of the Amendment Act. The reports have been organised in the following way:

Volume 1: Overview

Volume 2: Residential Zones

Volume 3: Commercial and Mixed Use Zones

Volume 4: Qualifying Matters

Volume 1 is a central location for information that is relevant to both the residential and commercial parts of the IPI.

1.2 Summary of the IPI

1.2.1 Incorporating the MDRS

Section 77G of the RMA requires that the Council incorporates the MDRS⁴ into all relevant residential zones within the District Plan. In Upper Hutt City, the relevant residential zones are the General Residential Zone, and the proposed new High Density Residential Zone. This means that the District Plan must, at a minimum, provide for the construction and use of up to 3, three-storey residential units as a permitted activity on sites within these zones. Proposed residential units within these zones are to be subject to compliance with a set of density standards that are prescribed in Schedule 3A of the RMA. The RMA also specifies a set of objectives and policies to support this, alongside requirements for changes to subdivision rules. All of these components are part of the MDRS.

The following changes are proposed to the District Plan to incorporate the MDRS:

- (i) The incorporation of the MDRS into the General Residential Zone; and
- (ii) The incorporation of the permitted activity rules and standards of the General Residential Zone, but with a small number of specific standards that are more enabling than the MDRS in terms of building height, site coverage, height in relation to boundary, and number of residential units per site as follows:
 - a. Up to six residential units per site as a permitted activity;
 - b. 70% maximum building site coverage;
 - c. Height in relation to boundary standard measures 60 degrees from a point 5 metres vertically above ground level along all boundaries.
 - d. Buildings up to 6 stories (20 metres in height) as a permitted activity (as required by NPS-UD Policy 3(c));
 - e. Buildings up to 8 stories (26 metres in height) as a restricted discretionary activity (as enabled by NPS-UD Policy 3(c); and
 - f. Buildings greater than 8 stories (26 metres in height) as a discretionary activity (as enabled by NPS-UD Policy 3(c).

The above approach gives effect to the requirements of Policy 3(c) and (d) of the NPS-UD regarding heights and densities of urban form in areas adjacent to centres and building heights of at least 6 stories within walkable catchments of the City Centre Zone and rapid transit stops.

⁴ Under s2 of the RMA, the MDRS are defined as “the requirements, conditions and permissions set out in Schedule 3A”.

Section 80H requires the IPI to identify how the MDRS has been incorporated in the District Plan. These requirements are met via the use of notes beneath relevant provisions in the IPI (in green text). The notes do not form part of the IPI and will be removed under section 80H(2)(b) of the RMA once the IPI becomes operative. These notes often sit alongside other notes that identify provisions that will have immediate legal effect from notification⁵.

1.2.2 Giving effect to Policy 3 of the NPS-UD

Sections 77G and 77N of the RMA requires that the Council change the District Plan to give effect to Policy 3 of the NPS-UD. Policy 3 of the NPS-UD requires that the District Plan enables intensification within and around centres and existing or planned rapid transit stops. In order to give effect to this policy, there are a range of related objectives and policies contained within the NPS-UD that also need to be given effect to.

The IPI rezones all General Residential zoned sites that are within a walkable catchment of centres and rapid transit stops (rail stations) to High Density Residential Zone. This is proposed to enable the spatial application of new district plan provisions that are necessary to give effect to the intensification requirements of Policy 3 of the NPS-UD. These provisions enable greater heights and densities of urban form than those provided for via the MDRS in the General Residential Zone.

A summary of how the IPI gives effect to Policy 3 of the NPS-UD is provided below to enable a complete picture of the ‘within’ and ‘adjacent to’ centres zones requirements of Policy 3(d) to be viewed together with the proposed High Density Residential Zone provisions.

The existing and proposed centres zones provide for a range of commercial, residential and community activities. The proposed hierarchy of centres zones recognises that larger centres, such as the City Centre Zone and Town Centre Zone, are intended to serve broader parts of the community, whereas local centres are primarily intended to serve local neighbourhoods. The level of intensification proposed within the centres by the IPI is based on, and reinforces, the existing and proposed relative role of each centre zone within the centre’s hierarchy. Importantly, all the centre zones included in the IPI will enable and provide for residential uses, and will enable the clear implementation of NPS-UD Policy 3 by clearly defining the role of each centre.

The following table summarises the heights and density of urban form proposed by the IPI within the centres zones and walkable catchments of centres and rapid transit stops (as identified by the extent of the proposed new High Density Residential Zone, the proposed centres hierarchy and existing and planned rapid transit stops⁶ located within the City:

Area	Proposed level of intensification	Relevant NPS-UD Policy
Within the existing City Centre Zone	<ul style="list-style-type: none"> • No height limit. • No limit on the number of residential units. • New buildings are a restricted discretionary activity. • Application of design guide for new buildings. 	3(a)

⁵ Subject to determinations on qualifying matters on a site-by-site basis.

⁶ As defined by NPS-UD Clause 1.4 – Interpretation.

<p>Within a walkable catchment of the following:</p> <ul style="list-style-type: none"> The edge of the City Centre Zone 	<ul style="list-style-type: none"> Enable buildings of up to 6-storeys (20 metres in height) as a permitted activity, and 8 stories (26 metres in height) as a restricted discretionary activity within a 10-minute walkable catchment. Enable 6 x residential units as a permitted activity. Enable greater than 6 x residential units as a restricted discretionary activity. 70% site coverage. 60 degrees and 5 metres in height above ground level from boundaries height in relation to boundary. Application of Medium and High Density Design Guide where resource consent is required. 	3(c)(ii)
<p>Within and adjacent to the following:</p> <ul style="list-style-type: none"> Local Centre Zone Town Centre Zone Mixed Use Zone 	<ul style="list-style-type: none"> Apply the adjacent High Density or General Residential Zone provisions as applicable, comprising: <ul style="list-style-type: none"> High Density Residential Zone: <ul style="list-style-type: none"> Enable buildings of up to 6-storeys (20 metres in height) as a permitted activity, and 8 stories (26 metres in height) as a restricted discretionary activity. Enable 6 x residential units as a permitted activity. Enable greater than 6 x residential units as a restricted discretionary activity. General Residential Zone: <ul style="list-style-type: none"> Enable the MDRS as a permitted activity. 	3(d)
<p>Within and adjacent to Neighbourhood Centre Zones</p>	<ul style="list-style-type: none"> Apply the adjacent General Residential Zone provisions: <ul style="list-style-type: none"> General Residential Zone: Enable the MDRS as a permitted activity. 	3(d)
<p>Within a walkable catchment of the following rapid transit stops:</p> <ul style="list-style-type: none"> Silverstream Station Heretaunga Station Trentham Station Wallaceville Station Upper Hutt Station 	<ul style="list-style-type: none"> Apply the High Density Residential Zone provisions including: <ul style="list-style-type: none"> Enable buildings of up to 6-storeys (20 metres in height) as a permitted activity, and 8 stories (26 metres in height) as a restricted discretionary activity within a 10-minute walkable catchment. Enable 6 x residential units as a permitted activity. Enable greater than 6 x residential units as a restricted discretionary activity. 70% site coverage. 	3(c)(i)

	<ul style="list-style-type: none"> ○ 60 degrees and 5 metres in height above ground level from boundaries height in relation to boundary. ○ Application of Medium and High Density Design Guide where resource consent is required. 	
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1.2.3 Enabling papakāinga

Section 80E(1)(b)(ii) of the RMA enables the Council to amend the District Plan through the IPI to include provisions to enable papakāinga housing in the City.

Te Rūnanga o Toa Rangatira has expressed aspirations to develop papakāinga within the City. These aspirations include:

- That more iwi members can live and work closer to or within their ancestral lands, and participate in iwi, hapū and marae life;
- That the District Plan provides for papakāinga broadly across the City, including in both urban and rural zones;
- That papakāinga development is not limited to land held under Te Ture Whenua Māori Act 1993.

The Operative District Plan does not contain any specific enabling papakāinga provisions. The Council carried out community and stakeholder consultation on potential draft papakāinga provisions prior to the release of the MDRS. During the preparation of the IPI, a different set of draft papakāinga provisions were provided to the Council for consideration and incorporation into the IPI, and these supersede the earlier draft provisions.

The following changes to the District Plan are proposed to enable papakāinga:

- (i) The creation of a new papakāinga section (PK – Papakāinga) within the General District-Wide Matters chapter comprising the following provisions:
 - A set of objectives and policies that provide for papakāinga;
 - New rules that enable and provide for papakāinga on land held under Te Ture Whenua Māori Act 1993, or land held under general title where it can be demonstrated that there is an ancestral connection to the land within the following zones:
 - The General Residential Zone;
 - The High Density Residential Zone
 - The General Rural Zone;
 - The Rural Production Zone;
 - The Rural Lifestyle Zone;
 - The City Centre Zone;
 - Town Centre Zone
 - Local Centre Zone;
 - Neighbourhood Centre Zone; and
 - Mixed Use Zone.

- Consequential amendments to related provisions, including definitions within the Definitions Chapter, and references to the new papakāinga section and provisions where necessary throughout the plan.

1.2.4 Introduce a Medium and High Density Design Guide

The inclusion of a medium and high density design guide is the only effective and reasonably practicable method available to the Council to give effect to Policies 3 and 4 of the MDRS. Policies 3 and 4 of the MDRS require the Council to:

- encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance; and
- enable housing to be designed to meet the day-to-day needs of residents.

The design guide is also an important tool to create and maintain well-functioning urban environments as required by Objective 1 of the MDRS and Objective 1 of the NPS-UD. Therefore, a key objective of the IPI is to ensure well-functioning urban environments via the implementation of the design guide to be applied to development and subdivision proposals that require resource consent as a restricted discretionary activity, and resource consent applications that have a higher activity status.

1.2.5 Provide for a range of existing qualifying matters

As provided for by clause 771 of the RMA and clause 3.32 of the NPS-UD, the IPI specifically identifies the existing qualifying matters within the District Plan that will continue to apply despite the new permitted development that will be enabled by the application of the MDRS and giving effect to Policy 3 of the NPS-UD.

The IPI proposes to retain existing qualifying matters for the following purposes:

1. The ongoing recognition and provision of Section 6 RMA matters specifically:
 - a. section 6(c) - the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
 - b. section 6(d) - the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
 - c. section 6(f) - the protection of historic heritage from inappropriate subdivision, use, and development; and
 - d. section 6(h) - the management of significant risks from natural hazards.
2. Giving effect to relevant national policy statements, specifically:
 - a. National Policy Statement for Electricity Transmission 2008.
3. To ensure the safe and efficient operation of nationally significant infrastructure (the national electricity transmission grid); and
4. open space is provided for public use, but only in relation to the land that is open space.

Existing qualifying matters may have the effect of reducing the heights and densities of urban form that would otherwise be enabled under the MDRS and implementation of Policy 3 of the NPS-UD. These existing qualifying matters are included under sections 80E(2)(e), 77G(6), and 771(a), (b), (e), and (f) of the RMA.

Existing qualifying matters continue to have legal effect under the operative district plan and are evaluated in accordance with sections 77K and 77Q of the RMA.

The existing qualifying matters are referred to in relevant chapters and provisions, and are identified via the use of a new overarching defined term as follows:

<p><u>Qualifying matter area</u></p>	<p>Means a <u>qualifying matter</u> listed below:</p> <ul style="list-style-type: none"> (a) <u>flood hazard extents</u> identified on the Planning Maps comprising the: <ul style="list-style-type: none"> (i) <u>River Corridor;</u> (ii) <u>Stream Corridor;</u> (iii) <u>Overflow Path; and</u> (iv) <u>Erosion Hazard Area;</u> (b) <u>Ponding areas;</u> (c) <u>Pinehaven Flood Hazard Extent;</u> (d) <u>Mangaroa Flood Hazard Extent;</u> (e) <u>1% (1 in 100 year) flood extent of the Hutt River;</u> (f) <u>Fault band identified on the Planning Maps;</u> (g) <u>Significant Heritage Features listed in Schedule HH-SCHED1;</u> (h) <u>Notable Trees listed in TREE-SCHED1;</u> (i) <u>Urban Tree Groups listed in UTG-SCHED1;</u> (j) <u>Indigenous vegetation that is not on an Urban Environment Allotment;</u> (k) <u>Rare or Threatened Indigenous Vegetation and Fauna in ECO-SCHED-2 where not on an Urban Environment Allotment;</u> (l) <u>The areas within 20 metres of the bank of any waterbody with an average width of 3 metres or more;</u> (m) <u>The widths specified for esplanade reserves and esplanade strips in SUB-GEN-S1;</u> (n) <u>The areas within 20 metres of a high voltage (110kV or greater) electricity transmission line;</u> (o) <u>The areas within 12-32m of a high voltage (110kV or greater) electricity transmission line;</u> (p) <u>The Open Space Zone as identified on the Planning Maps;</u> (q) <u>The Natural Open Space Zone as identified on the Planning Maps;</u> (r) <u>The Sport and Active Recreation Zone as identified on the Planning Maps.</u>
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1.2.6 Rezone existing Commercial and Mixed Use Zones

The IPI proposes to rezone the existing Commercial and Mixed Use Zones in the District Plan to enable the IPI to more effectively give effect to Policy 3 of the NPS-UD through the creation of a centres hierarchy by:

- rezoning sites used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood to Neighbourhood Centre Zone;
- rezoning sites used predominantly for a range of commercial and community activities that service the needs of the residential catchment to Local Centre Zone;
- rezoning sites used predominantly for a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs to Town Centre Zone; and
- rezoning of sites used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and community activities to Mixed Use Zone.

The proposed centres and mixed use zone provisions also:

1. Include a suite of supporting objectives, policies, rules, standards, matters of discretion, an active frontage design guide, and mapping amendments to provide for and guide subdivision, use and development within the new hierarchy of centres.
2. Include provisions that manage the interface (including the management of reverse sensitivity effects) between the centres and mixed use zones and residential activities within and adjacent to the centres and mixed use zones.
3. Manage the potential effects of activities within the centres to ensure they do not adversely affect the role and function of the City Centre Zone.
4. Set out the role and function of each of the new zones, and provide for heights and densities of urban form to give effect to Policy 3(d) of the NPS-UD.

1.2.7 Amend the City Centre Zone provisions to give effect to Policy 3(a) of the NPS-UD

The IPI also proposes to amend the City Centre Zone provisions to give effect to NPS-UD Policy 3(a) with respect to enabling building heights and density of urban form to realise as much development capacity as possible, to maximise the benefits of intensification.

The proposed amendments to the City Centre Zone also give effect to NPS-UD Policy 6 with respect to recognising the planned urban built form within the City Centre Zone will develop and change over time in response to the diverse and changing needs of people, communities and future generations.

A City Centre Design Guide has been developed for the City Centre Zones to specifically address and provide good design outcomes in a high density built environment that will assist the Council in delivering a well-functioning urban environment in the City Centre Zone. Design Guidance relating to residential development/multi-unit housing development within the City Centre Zone has been integrated into the City Centre Design Guide.

In the City Centre Zone, all new buildings are restricted discretionary activities and consistency with the Design Guide is a matter of discretion. Non-compliance with certain standards also refers to consistency with the Design Guide as a matter of discretion. The overall objective of the City Centre Design Guide is to inform the design of new, high-quality development that provide for safe and attractive public spaces that responds to the Upper Hutt context, and to improve the design outcomes during a time of transition and transformation to a high density urban environment.

1.2.8 Amend financial contributions provisions

The IPI proposes to amend the financial contributions provisions as provided for by sections 77E, 77T, and 80E(1)(b)(i) of the RMA. The IPI addresses the gap in funding for the provision of new and upgraded infrastructure that will be required to service the greatly increased permitted housing densities that will result from the implementation of the IPI.

The Council does not currently have a suitable development contributions policy in place to require developers to make financial contributions towards infrastructure needs to the degree necessary to account for the permitted activity development that will be enabled from the notification date of the IPI. Existing District Plan financial contributions requirements do not require the taking of adequate financial contributions for all infrastructure effects, and in addition to this limitation the provisions do not include the ability to take financial contributions for the purposes of offsetting or compensation.

The IPI addresses these issues by proposing amendments to fill these gaps within the financial contributions chapter.

Although the financial contribution provisions included in the IPI will not have legal effect until a decision is made on the IPI (by 20 August 2023), this is still expected to be sooner than the timing for the review and finalisation of the Council's Development Contributions Policy under the Local Government Act 2002.

1.2.9 Introduce hydraulic neutrality provisions

The IPI proposes to incorporate hydraulic neutrality provisions to manage increased stormwater runoff effects as provided for by section 80E(2)(f) of the RMA.

The IPI proposes to apply hydraulic neutrality provisions to all development enabled and provided for under the IPI. The amount of additional development to be enabled via the IPI will result in a significant increase in impermeable surfaces and the generation of stormwater, exacerbating surface flooding during flood events.

Hydraulic neutrality requirements are supported by new objectives and policies, and are to be required through permitted activity standards to be applied to subdivision and development within all zones affected by the IPI.

1.2.10 Rezoning existing urban zoned land to enable residential development

The IPI includes the proposed rezoning of a number of existing urban sites to provide for residential subdivision, use and development. The proposed rezonings are described below.

Rezoning of Special Purposes Zone (part of the St Patrick's Estate Area) to High Density Residential Zone, and application of a Precinct

The IPI proposes to provide for high density residential development within part of the existing St Patrick's Estate Area by rezoning it to High Density Residential Zone as provided for by section 80E(1)(b)(iii) of the RMA.

The proposed rezoning is limited to the part of the site to the south of the Mahaihakona Stream currently identified as the *Managed Development Area*, and *College Area*. The balance of the site is to retain its existing Special Purpose zoning. The rezoning will include the application of a precinct overlay to retain existing site-specific policy direction on future subdivision and development within the precinct.

The part of the St Patrick's Estate Area proposed for rezoning is within a walkable catchment of Silverstream Station and has been identified for future residential development for some time. One of the intents of the proposed precinct is to maintain some of the existing district plan outcomes for the site through applying policy direction requiring pedestrian linkages to the Hutt River and Silverstream

Rail Station, and landscaping along the frontage of the site with Fergusson Drive to enhance the southern entrance to the City.

The MDRS and proposed High Density Residential Zone provisions will be applied to the site, but as the existing Special Purpose zoning is not a relevant residential zone⁷, none of the provisions will have legal effect until a decision on the IPI is publicly notified on or before 20 August 2023.

Spot-Rezoning to General Residential Zone or High Density Residential Zone

The IPI includes the spot-rezoning of commercial business and industrial zoned sites to General Residential Zone or High Density Residential Zone as provided for by section 80E(1)(b)(iii) of the RMA, as detailed below:

Address	Existing Zoning	Proposed Zoning
26 Whitley Avenue	Business Commercial Zone	General Residential Zone
245 Fergusson Drive	Business Commercial Zone	General Residential Zone
68 & 68A Pinehaven Road	Business Commercial Zone	General Residential Zone
100 McLeod Street	Business Commercial Zone	General Residential Zone
3 Turon Crescent	Business Commercial Zone	General Residential Zone
1102 Fergusson Drive	Business Commercial Zone	General Residential Zone
1183 – 1185 Fergusson Drive	Business Commercial Zone	General Residential Zone
2 – 16 Chalfont Road, 9 – 27 Ashington Road, 2 Field Street	Business Commercial Zone	High Density Residential Zone
42 Camp Street	Business Commercial Zone	High Density Residential Zone
450 - 452 Fergusson Drive	Business Commercial Zone	High Density Residential Zone
60 Ararino Street / 32 Tawai Street	Business Commercial Zone	High Density Residential Zone
510–514 Fergusson Drive, 3-5 Ranfurly Street, 4-6 & 10 Liverpool St	Business Commercial Zone	High Density Residential Zone
522 Fergusson Drive	Business Commercial Zone	High Density Residential Zone
37 Beth Street	Business Commercial Zone	High Density Residential Zone
654–672 Fergusson Dr, 2-4 Ward St	Business Commercial Zone	High Density Residential Zone
674 Fergusson Drive	Business Commercial Zone	High Density Residential Zone
17 Ward Street	Business Commercial Zone	High Density Residential Zone
58 – 60 Ward Street	Business Commercial Zone	High Density Residential Zone
40 – 42 MacLean Street	Business Commercial Zone	High Density Residential Zone
1 Redwood Street	Business Commercial Zone	High Density Residential Zone
63 Pine Avenue	Business Commercial Zone	High Density Residential Zone
20 Ebdentown Street	Business Commercial Zone	High Density Residential Zone
• 28 – 44 Kiln Street	Business Industrial Zone	High Density Residential Zone

⁷ As defined by the RMA.

<ul style="list-style-type: none"> • 1, 3, 5, 7, 9, 15 & 17 Chalfont Road • 1, 3, 5 & 7 Ashington Road • 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 31, 33, 35 & 37 Somerby Mews 		
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These sites either do not play a commercial role in the proposed centres hierarchy, or their existing dominant character is residential, and their rezoning to General Residential Zone or High Density Residential Zone will better align with their existing and anticipated future uses.

The rezoning of these sites will not have legal effect until a decision is released on the IPI on or before 20 August 2023.

1.2.11 Introduce the Indigenous Biodiversity Precinct

The Council has prepared an evidence base of all RMA section 6(c) significant indigenous vegetation and habitats (SNAs) on urban environment allotments within the City. The SNAs have been identified in accordance with the identification requirements of Policy 23 of the Regional Policy Statement for the Wellington Region (RPS). The Council is in the process of engaging with affected property owners on the preparation of a draft plan change to identify and protect these SNAs.

Under the existing District Plan provisions these areas do not have a high degree of development pressure placed on them due to the limitation on the number of residential units, site coverage limitations, and minimum allotment sizes that apply to the allotments containing the SNAs. The mandatory enabling building and subdivision provisions under the IPI will greatly alter this existing situation, placing increased development pressure on the identified yet unprotected SNAs.

Due to the timing of the SNA work, the Council is not in a position to include SNA provisions in the IPI to protect the SNAs as a proposed qualifying matter. Therefore, an objective of the IPI is to identify the existence of the SNAs on urban environment allotments and apply policy guidance and direction seeking that resource consent applicants consider the maintenance of indigenous biodiversity. This will be achieved via the creation of the Significant Indigenous Biodiversity Precinct over the boundaries of the SNAs.

An objective of this approach is to also signal the Council’s intention to identify and protect these areas to give effect to section 6(c) and section 31(1)(b)(iii) of the RMA, and Policies 23 and 24 of the RPS via a future plan change under schedule 1 of the RMA. The creation of the Precinct is provided for by section 80E(1)(b)(iii) of the RMA.

1.2.12 Make plan-wide consequential amendments

The IPI includes a wide variety of consequential amendments that support or are consequential on the MDRS and Policy 3 of the NPS-UD. Consequential amendments include but may not be limited to:

1. The deletion and amendments of defined terms and insertion of new defined terms;
2. Deletion, amendment and additional strategic directions, objectives, and policies to implement and give effect to the MDRS and NPS-UD.
3. Amendments to explanatory text throughout the plan to align with the direction and requirements of the MDRS and NPS-UD;

4. Amendments to rule tables throughout the plan to account for the existing qualifying matters, and the new zones and precincts being created.
5. Removal and amendments to provisions that are consequential and will support the MDRS and NPS-UD.
6. Removal of all provisions that conflict with the MDRS and the requirements of Policy 3 of the NPS-UD.
7. Mapping amendments to give effect to the IPI.

Reference must be had to the IPI to identify all proposed consequential amendments.

1.3 Zone Framework

1.3.1 Papakāinga Zone Framework

The District Plan zone framework already gives effect to the National Planning Standards requirements, however the IPI proposes to introduce papakāinga provisions that apply across most zones in the City. Due to their multi-zone application, without any zone-specific provisions, a new General District-Wide Matters chapter titled *PK-Papakāinga* has been created to accommodate these provisions. The papakāinga chapter includes:

- bespoke objectives;
- policies to implement the objectives; and
- rules to implement the policies.

1.3.2 Medium Density Residential Standards Zone Framework

The MDRS has been incorporated into the existing General Residential Zone, as required by section 77G(1) of the RMA. The General Residential Zone is identified on the Planning Maps.

The MDRS have been incorporated into the proposed High Density Residential Zone as a required by section 77G(1) of the RMA. The creation of the High Density Residential Zone (and density standards that are more permissive than the MDRS) is provided for by section 77G(4) and section 80E(1)(b)(iii) of the RMA.

The proposed High Density Residential Zone is identified on the Planning Maps and represents the walkable catchments around centres and rapid transit stops. The extent of the zone and the proposed provisions give effect to NPS-UD Policy 3(c)(i) & (ii), and (d).

Rather than replicating the existing General Residential Zone chapter layout, the proposed High Density Residential Zone has been drafted into a more efficient and concise form with cross-references to the General Residential Zone where applicable. This more efficient format still meets the requirements of the National Planning Standards for plan format.

1.3.3 NPS-UD Policy 3 Zone Framework Within Centres and Mixed Use Zones

The residential building heights and density of urban form requirements of NPS-UD Policy 3 are given effect to by the High Density Residential Zone provisions, and the centre zone provisions for heights and densities of urban form within the centres.

The non-residential zone framework proposed by the IPI is outlined below:

Zone	Description
Neighbourhood Centre Zone	The Neighbourhood Centre Zone provides for a range of small-scale commercial activities that service the day-to-day needs of the immediate

Zone	Description
NCZ	<p>residential neighbourhood. Neighbourhood centres accommodate a range of commercial, retail, and community services, and provide a limited range of services, employment, and living opportunities.</p> <p>Built Form and Amenity</p> <p>Small scale</p> <ul style="list-style-type: none"> • Medium density • 1 – 3 tenancies • Permitted gross floor area per tenancy: 150 m² • Height compatible with surrounding residential (up to 3 – 4 storeys) • Some active frontage requirements <p>Activities</p> <p>Shops and services for immediate residential neighbourhood</p> <ul style="list-style-type: none"> • Retail • Commercial Services • Food and beverage • Community facilities • Residential <p>Location of Zone</p> <ul style="list-style-type: none"> • Embedded in residential neighbourhoods <p>Site Specific Controls</p> <ul style="list-style-type: none"> • Site specific controls apply to the site at 48 Kirton Drive
Local Centre Zone LCZ	<p>The Local Centre Zone provides for medium-scale commercial centres that are conveniently located to service the needs of the surrounding commercial catchment. Local centres accommodate a range of retail, commercial, and community activities, while also offering services, employment, and residential opportunities. The actual size of a local centre depends largely on its location and the size of the surrounding catchment. Most local centres have potential for growth and intensification, which allows them to provide for the expected growth of surrounding residential areas, while not undermining the primary function and vitality of the City Centre Zone.</p> <p>Built Form and Amenity</p> <p>Medium scale</p> <ul style="list-style-type: none"> • Medium to high density • Permitted gross floor area per tenancy: 300 m² • Height compatible with surrounding residential (up to 6 – 10 storeys) • Some active frontage requirements • Potential for growth <p>Activities</p> <p>Wide range of activities that service the residential catchment</p> <ul style="list-style-type: none"> • Retail • Commercial services • Food and beverage • Community/healthcare/educational • Visitor accommodation • Small offices • Residential

Zone	Description
	<p>Location of Zone</p> <ul style="list-style-type: none"> • Mostly located along main roads and accessible by public transport
<p>Mixed Use Zone MUZ</p>	<p>The Mixed Use Zone provides for a wide range of activities ranging from 'residential over commercial' to light industrial. It enables retail, commercial, recreational, and entertainment activities, while also providing for drive-through and light industrial activities.</p> <p>Built Form and Amenity</p> <p>Medium to large scale</p> <ul style="list-style-type: none"> • Medium to high density • Different amenity values • Permitted gross floor area per tenancy (450 m²) • Height compatible with surrounding residential (up to 6 – 10 storeys) • No active frontage requirements • Stronger vehicle focus <p>Activities</p> <p>Broad range of activities serving surrounding suburbs</p> <ul style="list-style-type: none"> • Retail (including large format) • Commercial services • Food and beverage • Visitor accommodation • Community/healthcare/education/recreation • Drive-through/service stations • Residential • Light industrial <p>Location of Zone</p> <ul style="list-style-type: none"> • Typically applies to areas previously zoned industrial or commercial with the potential for functioning mixed use environments. • Also applies to commercial sites with no centres character and stronger focus on vehicle focused activities. • Mostly located along main roads
<p>Town Centre Zone TCZ</p>	<p>The Town Centre Zone applies to the Silverstream Centre. It provides for a medium to large scale suburban shopping centre that serves not only the surrounding residential catchment, but also neighbouring suburbs. The Town Centre Zone accommodates a wide range of retail, commercial services, healthcare, and community facilities. It also provides for employment opportunities as well as residential activities. Overall, the Town Centre Zone is of a larger scale and has a wider focus than the Local Centre Zone while not undermining the primary function of the City Centre Zone.</p> <p>Built Form and Amenity</p> <p>Medium to large scale</p> <ul style="list-style-type: none"> • High density • Permitted gross floor area per tenancy: 450 m² • Height compatible with surrounding residential (up to 6 - 10 storeys) • Active frontage requirements along identified roads • Pedestrian focus • Design guide

Zone	Description
	<p>Activities</p> <p>Wider range of activities serving surrounding suburbs</p> <ul style="list-style-type: none"> • Retail (including supermarkets) • Commercial services • Food and beverage • Visitor accommodation • Community/healthcare/education/recreation • Offices • Residential <p>Location of Zone</p> <ul style="list-style-type: none"> • Silverstream commercial centre • Well connected to regional public transport
<p>City Centre Zone CCZ</p>	<p>The City Centre Zone is the primary commercial centre of the city. It offers vibrant, attractive, and high-quality public spaces, and provides for a wide variety and diverse range of activities, employment, and living opportunities.</p> <p>Built Form and Amenity</p> <p>Large scale with high densities</p> <ul style="list-style-type: none"> • High density • No maximum height • Active frontage requirements along identified roads • Attractive public spaces • Design guide. <p>Activities</p> <p>Main commercial, civic, community, and cultural centre, with a wide range of activities</p> <ul style="list-style-type: none"> • Retail (including large format) • Commercial services • Food and beverage • Entertainment • Visitor accommodation • Healthcare/community/education/recreation • Offices • Residential <p>Location of Zone</p> <ul style="list-style-type: none"> • Applies to the principal civic, employment and commercial centre for the city. • Focal point for the city and well connected to regional public transport.

2.0 Regulatory and Policy Framework

While the IPI is a statutory process, the following is an assessment of how the IPI fulfils its statutory obligations at a broad level.

2.1 Resource Management Act

2.1.1 Section 32

Section 32 of the Act requires, broadly, that before advancing plan provisions a Council must evaluate whether the proposed provisions are the most appropriate way to achieve the purpose of the RMA.

Section 32 (1)(a) of the RMA requires that an evaluation must examine the extent to which any proposed objectives are the most appropriate way to achieve the purpose of the RMA. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management *'means managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while -*

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment'.*

In achieving this purpose, all persons exercising functions and powers under the RMA also need to:

- Recognise and provide for the matters of national importance identified in section 6;
- Have particular regard to the range of other matters referred to in section 7; and
- Take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi in section 8.

Section 32 (1)(b) of the RMA requires an evaluation of whether the provisions proposed by the plan change are the most appropriate way to achieve the District Plan objectives. As the IPI is an amending proposal⁸, section 32 (3) clarifies that this evaluation must consider both the objective of the plan change (the purpose of the plan change) and the operative District Plan objectives, to the extent that those objectives remain relevant. The evaluation is required to:

- identify and consider other reasonably practicable options for achieving the objectives (s. 32 (1) (b) (i)); and
- assess the efficiency and effectiveness of the proposed provisions in achieving the objectives (s. 32 (1) (b) (ii)), and this is most usefully done by comparison with the reasonably practicable alternative options.

The assessment of efficiency and effectiveness required by s. 32 (1) (b) (ii) is required to identify and assess the benefits and costs of the environmental, economic, social and cultural effects anticipated from implementing the proposed provisions. This must include consideration of opportunities for economic growth and employment that are anticipated to be provided or reduced. Benefits and costs are to be quantified, if practicable.

The s. 32 (1) (b) (ii) assessment is also required to assess the risk of acting or not acting, *if there is insufficient information* about the subject matter of the provisions.

The evaluation is required to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from implementing the proposal. This evaluation report includes a scale and significance evaluation that demonstrates how scale and

⁸ The IPI is making amendments to the operative District Plan.

significance has been determined, and the level of detail required by the identified scale and significance.

The majority of the plan change comprises mandatory amendments to the District Plan to apply the Medium Density Residential Standards to all relevant residential zones, and to give effect to Policies 3 and 4 of the NPS-UD. Therefore, with regard to identifying and considering other reasonably practicable options to achieve the objectives, the section 32 evaluation reports that support the IPI focus on the provisions where the Council is exercising its discretion and ability to:

- (i) accommodate and retain existing qualifying matters⁹;
- (ii) create new zones and related provisions that support or are consequential on:
 - a. the MDRS;
 - b. Policies 3 and 4 of the NPS-UD¹⁰;
 - c. enable a variety of homes that will meet the need, in terms of type, price and location of different households;
- (iii) amend provisions relating to financial contributions;
- (iv) amend and delete provisions to support the MDRS and Policy 3 of the NPS-UD;
- (v) provide for papakāinga¹¹;
- (vi) introduce hydraulic neutrality provisions;
- (vii) introducing design guides to encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance¹².
- (viii) Make a wide variety of consequential amendments that support or are consequential on the MDRS or Policies 3 and 4 of the NPS-UD.

Other than for the above elements that include an element of discretion and judgement exercised by the Council, there are no reasonably practicable alternative options for achieving the objectives. The section 32 evaluation reports do not provide a detailed evaluation of the mandatory components of the IPI, although a high-level evaluation of them is still provided.

In carrying out a section 32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA.

2.1.2 RMA Section 6

The section 6 matters relevant to this topic are:

Section	Relevant Matter
6(c)	<p><i>The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</i></p> <p>The existing District Plan provisions that identify and protect these areas of significant indigenous vegetation and habitat are to be retained as existing qualifying matters.</p> <p>The proposed Indigenous Biodiversity Precinct seeks to identify these areas as a placeholder until the Council progresses a Schedule 1 plan change to introduce District Plan provisions to protect these areas in urban areas, while introducing</p>

⁹ As provided for by sections 80E(2)(e) and 771 of the RMA, and clause 3.32 of the NPS-UD..

¹⁰ As enabled by section 80E(1)(b)(iii) of the RMA.

¹¹ As enabled by Section 80E(1)(b)(ii) of the RMA.

¹² To assist in achieving NPS-UD Objective 1 and MDRS – Policy 3.

	policy direction to encourage the maintenance of indigenous biodiversity in the meantime.
6(d)	<p><i>The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.</i></p> <p>Existing District Plan provisions that require the provisions of esplanade reserves and strips are an existing qualifying matter that are to be retained.</p>
6(e)	<p><i>The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</i></p> <p>The IPI introduces papakāinga provisions that will provide for the relationship of Māori and their culture and traditions with their ancestral lands.</p>
6(f)	<p><i>The protection of historic heritage from inappropriate subdivision, use, and development.</i></p> <p>The IPI identifies historic heritage listed in the District Plan as existing qualifying matter areas. This ensures their ongoing protection under the District Plan provisions.</p>
6(h)	<p><i>The management of significant risks from natural hazards.</i></p> <p>The IPI retains the existing District Plan hazard management provisions and associated mapping as existing qualifying matter areas. This will ensure the management of significant risks from natural hazards will continue to be managed under the district-wide provisions.</p>

2.1.3 RMA Section 7

The section 7 matters that are relevant to this topic are:

Section	Relevant Matter
7(a)	<p><i>Kaitiakitanga</i></p> <p>Land that is owned by tangata whenua may be affected by the application of the MDRS and Policy 3 of the NPS-UD. The IPI gives particular regard to this by providing a suite of papakāinga provisions that are intended to support the exercise of kaitiakitanga.</p>
7(b)	<p><i>The efficient use and development of natural and physical resources.</i></p> <p>Housing and commercial land are significant physical resources for the community. The IPI has particular regard to this by providing for increased heights and densities in the most suitable areas in the City for medium and high density development, and through the creation of a centres hierarchy to specify and manage the role and function of the centres zones.</p> <p>Rezoning of other land for residential purposes is also consistent with section 7(b), as the proposed rezoning recognises and provides for the most appropriate</p>

	use of the sites with respect to their existing and anticipated future uses and roles.
7(ba)	<p><i>The efficiency of the end use of energy.</i></p> <p>The IPI has particular regard to the end use of energy by providing for increased heights and densities of urban form within walkable catchments of centres and rapid transit stops. This will encourage more people to use modes of transport other than private vehicles.</p> <p>The IPI also includes a medium and high density design guide that addresses design elements that have an impact on the use of energy, such as solar orientation.</p>
7(c)	<p><i>Maintenance and enhancement of amenity values.</i></p> <p>Residential areas and housing contain amenity values that are valued by the community. New development within residential areas will have an impact (positive and negative) on existing amenity values. The IPI has particular regard to amenity values only to the extent where this is consistent with the requirements of policy 6(b) of the NPS-UD. The IPI includes multiple amendments to the wording of district plan provisions to ensure that amenity values within urban areas are anticipated to change over time.</p> <p>Amenity aspects of the City's urban areas affected by the IPI are also provided for with respect to the safety and attractiveness of public spaces, and the provision of design elements that will encourage passive surveillance. These aspects of amenity are provided for via the use of proposed design guides and active street frontage requirements.</p>
7(f)	<p><i>Maintenance and enhancement of the quality of the environment.</i></p> <p>Residential and commercial areas contain environmental qualities that are valued by the community. The IPI has particular regard to this matter through the inclusion of relevant provisions that require the application of the design guide. This is connected to the requirement to give effect to Policy 3 of the MDRS, which requires the Council to encourage development to achieve attractive and safe streets and public open spaces.</p> <p>In addition, the proposed hydraulic neutrality provisions will assist in maintaining and enhancing the quality of the freshwater environment through reducing the impacts of stormwater on the Council's stormwater infrastructure during rain events.</p>
7(i)	<p><i>The effects of climate change.</i></p> <p>The IPI has particular regard to this matter through retaining existing flood hazard management provisions as existing qualifying matters, and the inclusion of hydraulic neutrality provisions to manage the increasing effects of stormwater that would arise from more intensive development in the City.</p>

2.1.4 RMA Section 8

Section 8 requires the Council to take into account the principles of the Treaty of Waitangi. This requires the Council to work in partnership with mana whenua to actively protect their interests.

Mana whenua interests within Upper Hutt City are represented by:

1. Te Rūnanga o Toa Rangatira Incorporated (Ngati Toa Rangatira)
2. Port Nicholson Trust (Taranaki Whānui ki Te Upoko o Te Ika)

The Council consulted all the above mana whenua on the complete draft of the IPI in accordance with clauses 3 and 4A of Schedule 1 of the RMA.

Separate to this formal consultation, Te Rūnanga o Toa Rangatira Incorporated provided the Council with draft papakāinga provisions that they desired to see included in the IPI. The Council has actively sought to protect the interests of tangata whenua through the IPI by including these provisions in a largely unamended state.

The papakāinga provisions are a new concept in the District Plan that will enable Māori to better provide for their social and cultural needs, including the ability to provide housing that suits their needs.

2.1.5 RMA Section 86B - Legal effect of proposed provisions

Typically, section 86B of the RMA specifies when rules in proposed plans have legal effect. It includes a list of matters that have immediate legal effect from public notification. The contents of this IPI do not cleanly fall under section 86B as the legal effect of rules in the IPI are specified in section 86BA. In summary, rules in the IPI have legal effect from notification excluding:

- Rules that apply to a new residential zone.
- Rules that apply to a qualifying matter area.
- Rules that apply a more lenient density standard than the MDRS.
- Rules that omit any MDRS density standards.
- Rules that apply an additional requirement, condition or permission regulating an effect other than those set out by the MDRS density standards.

The legal effect of the IPI provisions for the purpose of resource consents are specified under section 77M of the RMA.

To meet the legal requirements of section 86B, appropriate notes have been added to identify the rules that have immediate legal effect. However, a qualifier to this note is also added to clarify the immediate legal effect is subject to sections 86BA and 77M of the RMA due to the potential presence of qualifying matters.

2.2 Requirements of a District Plan

Under section 75(3) of the RMA, a District Plan must give effect to:

- (a) any national policy statement; and
- (b) any New Zealand Coastal Policy statement (the NZCPS);
- (ba) any national planning standard; and
- (c) any regional policy statement.

The relevance of these higher-level statutory planning documents is identified below.

2.2.1 National Policy Statements

There are five National Policy Statements (NPS) currently in force:

1. National Policy Statement for Freshwater Management 2020 (NPS-FM)
2. National Policy Statement on Urban Development 2020 (NPS-UD)
3. National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG)
4. New Zealand Coastal Policy Statement 2010 (NZCPS) (Note: the NZCPS is not applicable to Upper Hutt).
5. National Policy Statement for Electricity Transmission 2008 (NPS-ET)

The NPSs' and associated provisions relevant to this topic are:

NPS	Relevant Objectives / Policies
National Policy Statement on Urban Development 2020	<p>This national policy statement is highly relevant to the plan change, as it is mandatory for the IPI to give effect to Policies 3 and 4 of the NPS-UD under this plan change. All other relevant provisions listed below apply to the general approach taken within the IPI to:</p> <ul style="list-style-type: none"> • achieve a well-functioning urban environment; • enable more homes that meet the needs of different households; • enable papakāinga; • provide for qualifying matters; and • ensure that plan-enabled built form is primarily the main 'amenity' consideration for development within relevant residential zones. <p>The relevant provisions of the NPS-UD are as follows:</p> <p>Objective 1: <i>New Zealand has 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.</i></p> <p>Objective 2: <i>Planning decisions improve housing affordability by supporting competitive land and development markets.</i></p> <p>Objective 3: <i>Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:</i></p> <ol style="list-style-type: none"> (a) <i>the area is in or near a centre zone or other area with many employment opportunities</i> (b) <i>the area is well-serviced by existing or planned public transport</i> (c) <i>there is high demand for housing or for business land in the area, relative to other areas within the urban environment.</i> <p>Objective 4: <i>New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.</i></p> <p>Objective 5: <i>Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</i></p>

Objective 6: Local authority decisions on urban development that affect urban environments are: integrated with infrastructure planning and funding decisions; and strategic over the medium term and long term; and responsive, particularly in relation to proposals that would supply significant development capacity.

Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.

Objective 8: New Zealand's urban environments: support reductions in greenhouse gas emissions; and are resilient to the current and future effects of climate change.

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: have or enable a variety of homes that:

- (i) meet the needs, in terms of type, price, and location, of different households; and
- (ii) enable Māori to express their cultural traditions and norms; and
- (iii) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- (iv) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
- (v) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
- (vi) support reductions in greenhouse gas emissions; and
- (vii) are resilient to the likely current and future effects of climate change.

Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

Policy 3: In relation to Tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- (b) in metropolitan centre zones, ...
- (c) in all cases building heights of at least 6 storeys; and building heights of at least 6 storeys within at least a walkable catchment of the following:
 - (i) existing and planned rapid transit stops
 - (ii) the edge of city centre zones
 - (iii) the edge of metropolitan centre zones; and
- (d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.

Policy 4: Regional policy statements and district plans applying to Tier 1 urban environments modify the relevant building height or density

requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement that
- (b) the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
 - (ii) are not, of themselves, an adverse effect
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity
- (e) the likely current and future effects of climate change.

Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:

- (a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and
- (b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and
- (c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and
- (d) operate in a way that is consistent with iwi participation legislation.

3.11 Using evidence and analysis

- 1) When making plans, or when changing plans in ways that affect the development of urban environments, local authorities must:
 - (a) clearly identify the resource management issues being managed; and
 - (b) use evidence, particularly any relevant HBAs, about land and development markets, and the results of the monitoring required by this National Policy Statement, to assess the impact of different regulatory and non-regulatory options for urban development and their contribution to:
 - (iii) achieving well-functioning urban environments; and
 - (iv) meeting the requirements to provide at least sufficient development capacity.
- 2) Local authorities must include the matters referred to in subclause (1)(a) and (b) in relevant evaluation reports and further evaluation reports prepared under sections 32 and 32AA of the Act.

3.31 Tier 1 territorial authorities implementing intensification policies

- 1) Every Tier 1 territorial authority must identify, by location, the building heights and densities required by Policy 3.
- 2) If the territorial authority considers that it is necessary to modify the building height or densities in order to provide for a qualifying matter (as permitted under Policy 4), it must:
 - a. identify, by location, where the qualifying matter applies; and
 - b. specify the alternate building heights and densities proposed for those areas.
- 3) The territorial authority must make the information required by subclauses (1) and (2) publicly available at the same time as it notifies any plan change or proposed plan change to give effect to Policy 3.

3.32 Qualifying matters

- 1) In this National Policy Statement, qualifying matter means any of the following:
 - (a) a matter of national importance that decision-makers are required to recognise and provide for under section 6 of the Act
 - (b) a matter required in order to give effect to any other National Policy Statement, including the New Zealand Coastal Policy Statement
 - (c) any matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure
 - (d) open space provided for public use, but only in relation to the land that is open space
 - (e) an area subject to a designation or heritage order, but only in relation to the land that is subject to the designation or heritage order
 - (f) a matter necessary to implement, or ensure consistency with, iwi participation legislation
 - (g) the requirement to provide sufficient business land suitable for low density uses to meet expected demand under this National Policy Statement
 - (h) any other matter that makes higher density development as directed by Policy 3 inappropriate in an area, but only if the requirements of clause 3.33(3) are met.

3.33 Requirements if qualifying matter applies

- 1) This clause applies if a territorial authority is amending its district plan and intends to rely on Policy 4 to justify a modification to the direction in Policy 3 in relation to a specific area.
- 2) The evaluation report prepared under section 32 of the Act in relation to the proposed amendment must:
 - a) demonstrate why the territorial authority considers that:
 - (i) the area is subject to a qualifying matter; and
 - (ii) the qualifying matter is incompatible with the level of development directed by Policy 3 for that area; and
 - b) assess the impact that limiting development capacity, building height or density (as relevant) will have on the provision of development capacity; and
 - c) assess the costs and broader impacts of imposing those limits.
- 3) A matter is not a qualifying matter under clause 3.32(1)(h) in relation to an area unless the evaluation report also:
 - a) identifies the specific characteristic that makes the level of development directed by Policy 3 inappropriate in the area, and justifies why that is inappropriate in light of the national significance of urban development and the objectives of this National Policy Statement; and

	<p>b) <i>includes a site-specific analysis that:</i></p> <ul style="list-style-type: none"> (i) <i>identifies the site to which the matter relates; and</i> (ii) <i>evaluates the specific characteristics on a site-specific basis to determine the spatial extent where intensification needs to be compatible with the specific matter; and</i> (iii) <i>evaluates an appropriate range of options to achieve the greatest heights and densities directed by Policy 3, while managing the specific characteristics.</i> <p>3.35 Development outcomes for zones</p> <p>1) <i>Every Tier 1, 2 or 3 territorial authority must ensure that:</i></p> <ul style="list-style-type: none"> a) <i>the objectives for every zone in an urban environment in its district describe the development outcomes intended for the zone over the life of the plan and beyond; and</i> b) <i>the policies and rules in its district plan are individually and cumulatively consistent with the development outcomes described in the objectives for each zone.</i>
<p>National Policy Statement for Electricity Transmission 2008</p>	<p>NPSET has objectives and policies which aim to recognise the national significance of the electricity transmission network (the national grid), facilitate the operation, maintenance and upgrade of the existing transmission network and establish new transmission resources. Additionally, they seek to manage the adverse effects of the network on the environment to manage reverse sensitivity effects on the national grid.</p> <p>The District Plan contains provisions that give effect to this NPS with respect to the management of activities near the national grid. Some of these provisions are identified as existing qualifying matter areas pursuant to section 771 of the RMA.</p>
<p>National Policy Statement for Freshwater</p>	<p><i>Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole of catchment basis, including the effects on receiving environments.</i></p> <p>The IPI enables greatly increased permitted activity development in existing urban areas, and via rezoning part of a Special Purpose Zone for high density residential development. Upper Hutt includes a number of water bodies within and adjacent to urban areas, and these may be affected by stormwater runoff. An increase in the number of households will also result in an increase in the need to treat and appropriately dispose of wastewater.</p> <p>The IPI gives effect to the NPS-FM by:</p> <ul style="list-style-type: none"> • including hydraulic neutrality provisions to apply to all subdivision and development where impervious surfaces are proposed; and • including new financial contributions to ensure new development contributes toward necessary infrastructure, including wastewater infrastructure.

2.2.2 Proposed National Policy Statements

In addition to the five NPSs currently in force there are also two proposed NPSs under development, noting that these are yet to be issued and have no legal effect at the time of preparing this report:

- Proposed NPS for Highly Productive Land; and

- Exposure Draft NPS for Indigenous Biodiversity (potential gazettal date of December 2022 indicated by Ministry for the Environment website¹³).

2.2.3 National Environmental Standards

There are currently nine national environmental standards (NES):

1. National Environmental Standards for Freshwater 2020 (NES-F)
2. National Environmental Standards for Plantation Forestry 2017 (NES-PF)
3. National Environmental Standards for Telecommunication Facilities 2016 (NES-TF)
4. National Environmental Standards for Air Quality 2011 (NES-AQ)
5. National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
6. National Environmental Standards for Electricity Transmission Activities 2009 (NES-ETA)
7. National Environmental Standards for Sources of Drinking Water 2007 (NES-SDW)
8. National Environmental Standards for Marine Aquaculture 2020 (NES-MA)
9. National Environmental Standards for Storing Tyres Outdoors 2021 (NES-STO)

Although some of these National Environmental Standards apply to residential subdivision, use and development, they apply in their own right and are not affected by the content of this IPI. The IPI does not propose to introduce any provisions that would conflict with any NESs. On this basis this evaluation report does not go into a detailed evaluation of the NESs, although those specifically relevant to the IPI are identified and discussed below.

The following NESs' and associated provisions relevant to this topic are:

NES	Relevant Regulations
National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	<p>This NES would apply in situations where:</p> <ul style="list-style-type: none"> (i) a change of use is proposed from non-residential to residential on land (if an activity on the Hazardous Activities and Industries List (HAIL)) is likely to have been carried out) on land that is proposed to be rezoned for residential uses under this IPI; and (ii) where an activity on the HAIL is confirmed or suspected to have been carried out on the site or part of the site. <p>The NES includes its own investigation, evidence base and consenting requirements where the above scenarios apply. None of these requirements are affected by, or are directly relevant to the IPI.</p>
National Environmental Standards for Freshwater 2020.	<p>These standards apply where discharges to freshwater resulting from urban development are proposed. The NES also manages earthworks and vegetation removal that may be associated with urban development within and adjacent to natural wetlands.</p>

2.3 National Planning Standards

The District Plan has been amended to give effect to the National Planning Standards with respect to the following relevant standards:

¹³ [Proposed national policy statement for indigenous biodiversity | Ministry for the Environment](#)

- 1 – Foundation Standard
- 4 – District Plan Structure Standard
- 6 – Introduction and General Provisions Standard
- 7 – District-wide Matters Standard
- 8 – Zone Framework Standard
- 9 – Designations Standard
- 10 – Format Standard
- 12 – District Spatial Layers Standard
- 13 – Mapping Standard

The District Plan has been amended to give effect to the following standards in part:

- 14 – Definitions Standards
- 16 – Electronic Accessibility and Functionality Standard

The District Plan has not been amended to give effect to the following standard:

- Standard 15 – Noise and Vibration Metrics Standard; and
- Standard 16 – Electronic Accessibility and Functionality.

At the time of preparing this evaluation report the Council was testing the District Plan in Eplan format to enable the Council to fully give effect to standard 16. The Council has until 2026 to fully give effect to Standard 15, and 2024 to fully give effect to Standard 16.

The IPI gives effect to the final two National Planning Standards definitions (*net site area*, and *accessory building*). These changes could not be made previously without a Schedule 1 RMA process, but they are included in the IPI as they are consequential amendments necessary to give effect to defined terms used in the MDRS.

2.4 National Guidance Documents

The following national guidance documents are considered relevant to this topic:

Document	Relevant provisions
Ministry for the Environment. 2022. Intensification streamlined planning process: A guide for territorial authorities. Wellington: Ministry for the Environment.	<p>This is a non-statutory guidance document released by the Ministry for the Environment to assist Councils prepare IPIs. The disclaimer within the document makes it clear the guidance does not alter the provisions of the RMA or any other relevant laws, official guidelines or requirements. The disclaimer also makes it clear no reliance can be placed on the opinions expressed in the guidance document.</p> <p>Of interest to the IPI, the Ministry’s guidance states that <i>an IPI could “rezone land from an existing residential zone (where the MDRS would have to be incorporated under the RMA-EHS), to large lot residential zone or settlement zone (which are exempt from the MDRS)”</i> (page 8).</p> <p>Consideration of whether the IPI could rezone General Residential Zone land to Large Lot Residential was carefully considered in the preparation of the IPI and it was found to be inconsistent with the Council’s functions under section 77G of</p>

	<p>the RMA, and as a result it could not be included in an IPI. This determination was reached based on the following technical rationale:</p> <ul style="list-style-type: none"> • Section 77G(4) authorises the Council, in carrying out its functions under section 77G, to create new residential zones or amend existing residential zones. Rezoning part of the General Residential Zone to Large Lot Residential Zone in order to avoid the application of the MDRS or Policy 3 of the NPS-UD to that area would be inconsistent with the Council’s functions under section 77G, which are <i>to incorporate the MDRS into every relevant residential zone</i> (section 77G(1)); • Because of this, such a rezoning to avoid the incorporation of the MDRS into a relevant residential zone was not considered to support or be consequential to the MDRS or Policy 3 of the NPS-UD. Such an approach is therefore not authorised to be included in the Council’s IPI under section 80E(b)(iii); • The appropriate approach for excluding inappropriate areas from the MDRS or Policy 3 of the NPS-UD is the qualifying matter approach. This approach is consistent with the Council’s functions under section 77G, because it is provided for under section 77G(6). <p>In summary, the meaning of the provisions in the RMA that apply to this IPI have been taken from the plain and ordinary meaning of the RMA provisions. On this basis, and for the reasons give above, limited weight has been given to the MfE guidance on this matter in the preparation of the IPI.</p>
<p>Ministry for the Environment. (2020). Understanding and implementing intensification provisions for the National Policy Statement on Urban Development</p>	<p>The document is intended to provide guidance to local authorities to interpret the intensification requirements of the NPS-UD 2020. The document has no statutory weight, but provides relevant guidance on the following components of the IPI:</p> <ul style="list-style-type: none"> • Providing for qualifying matters • Identifying walkable catchments around centres and rapid transit stops; and • Options for how to increase building heights and densities.
<p>Ministry for the Environment. (2022). Understanding the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021: Medium Density Residential Standards.</p>	<p>This document provides overview guidance on the Medium Density Residential Standards and includes a range of matters for territorial authorities to be aware of when incorporating the MDRS into the territorial authority’s district plan.</p> <p>This document has no legal weight, but it has been considered during the preparation of the IPI.</p>
<p>National Guidelines for Crime Prevention through Environmental Design, 2005</p>	<p>This document provides guidance on how the built environment can be designed and used in a way to both reduce the opportunity for crime and reduce the people’s fear of crime. It identifies the following four principles for built environments to achieve the desired outcomes:</p> <ul style="list-style-type: none"> • Surveillance – people are present and can see what is going on

	<ul style="list-style-type: none"> • Access management – methods are used to attract people and vehicles to some places and restrict them from others. • Territorial reinforcement – clear boundaries encourage community ‘ownership’ of the space. • Quality environments – good quality, well maintained places attract people and support surveillance. <p>To achieve the above, seven qualities for well-designed, safer places are described and guidance provided for their implementation, these being:</p> <ul style="list-style-type: none"> • Access: Safe movement and connections • Surveillance and sightlines: See and be seen • Layout: Clear and logical orientation • Activity mix: Eyes on the street • Sense of ownership: Showing a place is cared for • Quality environments: Well designed, managed and maintained environments • Physical protection: Using active security measures. <p>It is noted many of these principles are carried through into the centres and medium and high density design guides that are proposed under this IPI. These design guides are necessary to ensure the Council meets the requirements of NPS-UD Policy 1, and MDRS Policy 3. Without these design guides it would be difficult to achieve these mandatory policies.</p>
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2.5 Regional Policy Statements and Plans

2.5.1 Regional Policy Statement for the Wellington Region 2013 (RPS)

The RPS sets out the framework and priorities for resource management in the region. The RPS identifies the regionally significant issues around the management of the Region’s natural and physical resources and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods). District plans are required to give effect to the policies 1-34 of the RPS, and to have particular regard to Policies 35-60.

The table below identifies the RPS provisions that are of particular relevance to the IPI:

RPS Provision	Relevant matters
Air Quality	
Objective 1	<i>Discharges of odour, smoke and dust to air do not adversely affect amenity values and people’s wellbeing.</i>
Policy 1 (M)	<p>Odour, smoke and dust</p> <p><i>District plans shall include policies and/or rules that discourage:</i></p> <p style="margin-left: 20px;"><i>a) new sensitive activities locating near land uses or activities that emit odour, smoke or dust, which can affect the health of people and lower the amenity values of the surrounding area; and</i></p>

	<p><i>b) new land uses or activities that emit odour, smoke or dust and which can affect the health of people and lower the amenity value of the surrounding areas, locating near sensitive activities.</i></p> <p>The IPI give effect to this policy by including reverse sensitivity provisions for residential activities within the centres and mixed use zones including ventilation requirements to address potential adverse health and reverse sensitivity effects.</p>
Energy, Infrastructure and Waste	
Objective 9	<p><i>The region's energy needs are met in ways that:</i></p> <p><i>(a) improve energy efficiency and conservation;</i> <i>(b) diversify the type and scale of renewable energy development;</i> <i>(c) maximise the use of renewable energy resources;</i> <i>(d) reduce dependency on fossil fuels; and</i> <i>(e) reduce greenhouse gas emissions from transportation.</i></p>
Policy 57 (R)	<p><i>Integrating land use and transportation – consideration.</i></p> <p>The IPI has particular regard to this policy through enabling greater heights and densities of urban form within walkable catchments of centres and rapid transit stops.</p>
Objective 10	<p><i>The social, economic, cultural and environmental, benefits of regionally significant infrastructure are recognised and protected.</i></p>
Policy 8 (M)	<p><i>Protecting regionally significant infrastructure – regional and district plans</i></p> <p>The IPI retains existing rules that protect regionally significant infrastructure in urban areas via qualifying matters, such as the national grid.</p>
Fresh Water	
Objective 12	<p><i>The quantity and quality of fresh water:</i></p> <p><i>(a) meet the range of uses and values for which water is required;</i> <i>(b) safeguard the life supporting capacity of water bodies; and</i> <i>(c) meet the reasonably foreseeable needs of future generations.</i></p>
Policy 42 (R)	<p><i>Minimising contamination in stormwater from development – consideration</i></p> <p>The IPI has regard to this policy by proposing the introduction of mandatory hydraulic neutrality provisions, and this may have an indirect positive effect on minimising contamination in stormwater from development.</p>
Historic Heritage	
Objective 15	<p><i>Historic heritage is identified and protected from inappropriate modification, use and development.</i></p>
Policy 22 (M)	<p><i>Protecting historic heritage values – district and regional plans</i></p> <p><i>District and regional plans shall include policies, rules and/or other methods that:</i></p> <p><i>(a) protect the significant historic heritage values associated with places, sites and areas identified in accordance with policy 21, from inappropriate subdivision, use, and development; and</i></p>

	<p><i>(b) avoid the destruction of unidentified archaeological sites and wāhi tapu with significant historic heritage values.</i></p> <p>The IPI gives effect to this policy via retaining existing historic heritage provisions as a qualifying matter.</p>
Policy 46 (R)	<p><i>Managing effects on historic heritage values – consideration</i></p> <p>The IPI gives consideration to this policy via retaining existing historic heritage provisions as a qualifying matter.</p>
Indigenous Ecosystems	
Objective 16	<i>Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.</i>
Policy 24 (M)	<p><i>Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans</i></p> <p><i>District and regional plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development.</i></p> <p>The IPI gives effect to this policy through retaining existing SNA provisions as qualifying matters.</p>
Policy 47 (R)	<p><i>Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration</i></p> <p>The IPI has particular regard to this policy via the introduction of the Indigenous Biodiversity Precinct to identify SNAs on urban environment allotments and applying policy guidance and direction to consider methods to maintain indigenous biodiversity when applications are made for residential subdivision and development.</p> <p>Currently, SNAs on urban environment allotments are generally not identified in the District Plan, so the IPI improves this situation by including the mapped areas on the District Planning maps. Although these steps will not achieve the matters specified in Policy 47, they are a positive step to addressing this important resource management issue on urban environment allotments. The IPI also demonstrates the Councils intention to give effect to this policy via a comprehensive SNA plan change.</p>
Natural Hazards	
Objective 19	<i>The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.</i>
Policy 29 (M)	<p><i>Avoiding inappropriate subdivision and development in areas at high risk from natural hazards – district and regional plans</i></p> <p><i>Regional and district plans shall:</i></p> <p><i>(a) identify areas at high risk from natural hazards; and</i></p> <p><i>(b) include policies and rules to avoid inappropriate subdivision and development in those areas.</i></p> <p>Existing natural hazard provisions are to be retained as qualifying matters under the IPI, therefore giving effect to this policy.</p>

Policy 51 (R)	<p><i>Minimising the risks and consequences of natural hazards – consideration</i></p> <p>Existing natural hazard provisions are to be retained as qualifying matters under the IPI. This demonstrates particular regard has been had to this policy.</p>
Regional Form, Design and Function	
Objective 22	<p><i>A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:</i></p> <ul style="list-style-type: none"> <i>(a) a viable and vibrant regional central business district in Wellington city;</i> <i>(b) an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality;</i> <i>(c) sufficient industrial-based employment locations or capacity to meet the region’s needs;</i> <i>(d) development and/or management of the Regional Focus Areas identified in the Wellington Regional Strategy;</i> <i>(e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region’s existing urban form;</i> <i>(f) strategically planned rural development;</i> <i>(g) a range of housing (including affordable housing);</i> <i>(h) integrated public open spaces; and</i> <i>(i) integrated land use and transportation.</i>
Policy 30 (M)	<p><i>Maintaining and enhancing the viability and vibrancy of regionally significant centres – district plans</i></p> <p><i>District plans shall include policies, rules and/or methods that enable and manage a range of land use activities that maintain and enhance the viability and vibrancy of the regional central business district in Wellington city and the:</i></p> <ul style="list-style-type: none"> <i>(a) Sub-regional centres of:</i> <ul style="list-style-type: none"> <i>(i) Upper Hutt city centre;</i> <i>(ii) Lower Hutt city centre;</i> <i>(iii) Porirua city centre;</i> <i>(iv) Paraparaumu town centre;</i> <i>(v) Masterton town centre; and the</i> <i>(b) Suburban centres in:</i> <ul style="list-style-type: none"> <i>(i) Petone;</i> <i>(ii) Kilbirnie; and</i> <i>(iii) Johnsonville.</i> <p>The IPI gives effect to this policy via the introduction of a centres hierarchy for its commercial centres, and the management of activities within the centres to enhance the viability and vibrancy of the Upper Hutt City Centre. Effects on the City Centre Zone are a matter of discretion for proposals that seek to establish large commercial activities outside of the City Centre or other appropriate zone, such as the proposed Mixed Use Zone.</p>
Policy 31 (M)	<p><i>Identifying and promoting higher density and mixed use development – district plans</i></p> <p><i>District plans shall:</i></p> <ul style="list-style-type: none"> <i>(a) identify key centres suitable for higher density and/or mixed use development;</i>

	<p>(b) <i>identify locations, with good access to the strategic public transport network, suitable</i></p> <p>(c) <i>for higher density and/or mixed use development; and</i></p> <p>(d) <i>include policies, rules and/or methods that encourage higher density and/or mixed use development in and around these centres and locations,</i></p> <p><i>so as to maintain and enhance a compact, well designed and sustainable regional form.</i></p> <p>The IPI gives effect to this policy via the application of the High Density Residential Zone and its associated plan provisions within walkable catchments of centres and rapid transit stops, while also enabling medium density residential development throughout all relevant residential zones.</p>
Policy 32 (M)	<p><i>Identifying and protecting key industrial-based employment locations – district plans</i></p> <p>This policy is relevant as parts of the General Industrial Zone (GIZ) are within areas in the City that would otherwise be subject to Policy 3 of the NSP-UD. Residential uses are not a permitted activity within the GIZ, and they are not a relevant zone specifically referred to under Policy 3(d) of the NPS-UD. The Council intends to progress a separate future plan change to update how the District Plan provides for the GIZ.</p>
Policy 54 (R)	<p><i>Achieving the region’s urban design principles – consideration</i></p> <p>The IPI proposes the introduction of a Medium and High Density Design Guide, a City Centre Design Guide, and active street frontage provisions. These methods will assist in achieving the region’s urban design principles.</p>
Policy 55 (R)	<p><i>Maintaining a compact, well designed and sustainable regional form – consideration</i></p> <p>The IPI gives effect to the MDRS and the requirements of NPS-UD without the need to rezone any additional greenfield land for urban use. The IPI enables and encourages greater intensification in appropriate areas throughout the City, and this will assist in maintaining a compact, well designed and sustainable regional form.</p>
Policy 57 (R)	<p><i>Integrating land use and transportation – consideration.</i></p> <p>The IPI has particular regard to this policy through providing for and encouraging greater intensification and densities of urban form within walkable catchments of rapid transit stops. Residential uses are also provided for in all the centre zones in the City, and also within the Mixed Use Zone. These factors will result in greater opportunities for people to utilise public transport.</p> <p>The IPI also proposes to require financial contributions that can be used for the upgrading and other works to the local road network necessary to service additional growth in the City.</p>
Policy 58 (R)	<p><i>Co-ordinating land use with development and operation of infrastructure – consideration</i></p> <p>The IPI enables a significant amount of permitted activity development, and this will have an impact on the capacity of existing infrastructure. The IPI gives particular regard to this policy via focusing high density development in suitable areas within walkable catchments of centres and rapid transit stops, and through requiring financial contributions to assist in the provision of infrastructure to serve growth.</p>
Resource Management with Tangata Whenua	

Objective 23	<i>The region's iwi authorities and local authorities work together under Treaty partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future.</i>
Objective 24	<i>The principles of the Treaty of Waitangi are taken into account in a systematic way when resource management decisions are made.</i>
Objective 28	<i>The cultural relationship of Māori with their ancestral lands, water, sites, wahi tapu and other taonga is maintained.</i>
Policy 48 (R)	<p><i>Principles of the Treaty of Waitangi – consideration</i></p> <p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:</i></p> <ul style="list-style-type: none"> <i>a) the principles of the Treaty of Waitangi; and</i> <i>b) (b) Waitangi Tribunal reports and settlement decisions relating to the Wellington region.</i> <p>The Council has worked in a genuine spirit of partnership with the iwi authorities within the City on the development of the provisions, and in particular the papakāinga provisions included in the IPI. This approach is considered to give particular regard to the principles of the Treaty of Waitangi.</p>
Objective 25	<i>The concept of kaitiakitanga is integrated into the sustainable management of the Wellington region's natural and physical resources.</i>
Policy 49 (R)	<p><i>Recognising and providing for matters of significance to tangata whenua – consideration</i></p> <p><i>When preparing a change, variation or review of a district or regional plan, the following matters shall be recognised and provided for:</i></p> <ul style="list-style-type: none"> <i>a) the exercise of kaitiakitanga;</i> <i>b) mauri, particularly in relation to fresh and coastal waters;</i> <i>c) mahinga kai and areas of natural resources used for customary purposes; and</i> <i>d) (d) places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua</i> <p>The exercise of kaitiakitanga under this policy is of particular relevance to the IPI, through the inclusion of a suite of comprehensive and enabling papakāinga provisions across the City.</p>

M = policies which must be implemented in accordance with stated methods in the RPS

R = policies to which particular regard must be had when varying a District Plan.

It is noted the requirement to incorporate the MDRS into the relevant residential zones applies irrespective of any inconsistent objective or policy in the RPS.

2.5.2 Proposed Regional Policy Statement

At the time of preparing this evaluation report there was no notified proposed regional policy statement, or any notified changes to the regional policy statement.

In June 2022, Greater Wellington Regional Council initiated consultation on a draft change to the RPS affecting provisions that manage indigenous biodiversity, urban development, freshwater, and natural hazards.

Although a degree of certainty can be had regarding the topics that are intended to be included in a future RPS change, at the time of preparing this evaluation report there was little certainty on the likely specific content and wording of the provisions that will be notified in RPS Change 1 following statutory consultation on the draft provisions.

Progression of this potential RPS change will be monitored, with any relevant advice to be provided to the IPI independent hearing panel via the section 42A report.

2.6 Regional Plans

Under s75(4)(b) of the RMA a District Plan must not be inconsistent with a regional plan, and under s74(2)(a)(ii) of the RMA the Council must have regard to any proposed regional plan.

There are currently five operative regional plans and one proposed regional plan for the Wellington region:

- Regional Freshwater Plan for the Wellington Region, 1999
- Regional Coastal Plan for the Wellington Region, 2000
- Regional Air Quality Management Plan for the Wellington Region, 2000
- Regional Soil Plan for the Wellington Region, 2000
- Regional Plan for discharges to the land, 1999
- Proposed Natural Resources Plan, appeals version 2021

The proposed Natural Resources Plan (PNRP) replaces the five operative regional plans, with provisions in this plan now largely operative with the exception of those that remain subject to appeal.

These plans assist the regional council to carry out its functions in order to achieve the purpose of this RMA. These plans set out how the regional council manages the natural and physical resources that fall under the jurisdiction of the regional council under section 30 of the RMA.

The IPI is not inconsistent with any existing regional plans of the PNRP, although there are a variety of provisions in the PNRP that proposed new subdivision, use and development will need to comply with. On the basis the IPI is not inconsistent with the PNRP, and the fact the PNRP must be complied with by everyone carrying out new development, the relevant provisions in the PNRP are not duplicated in this evaluation report.

2.7 Iwi Management Plan(s)

At the time of preparing this report there were no iwi management plans lodged with Upper Hutt City Council.

2.8 Any relevant plans or strategies

The following plans or strategies are relevant to this topic:

Plan / Strategy	Organisation	Relevant Provisions
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<p>Open Space Strategy 2018-2028</p>	<p>Upper Hutt City Council</p>	<p>The Strategy recognises the value and contribution open space makes towards the quality of life in Upper Hutt.</p> <p>The Strategy is the overarching, long-term planning document that will help Council manage, plan and develop parks, reserves and open spaces for the current and future needs of our community.</p> <p>The five strategic goals of the Strategy are:</p> <ol style="list-style-type: none"> 1. <i>Our open spaces are appropriately located.</i> 2. <i>Our open spaces meet the needs of the community and more people benefit from regularly using them.</i> 3. <i>Our open spaces are accessible and well connected, making it easier for people to exercise, play, socialise and relax outdoors.</i> 4. <i>Our open spaces are enhanced to provide benefits for the environment and recreational experience.</i> 5. <i>Our open spaces contribute to community identity, vibrancy and sense of place.</i> <p>For the purpose of the Strategy, open space is land that is, or should be, set aside for public recreation, that the community has a relatively free right of access to.</p> <p>The IPI focuses greater intensification and development within existing urban areas, and this may place greater pressure on existing public open spaces in the City. The strategic goals of the Open Space Strategy remain relevant despite the changes enabled by the IPI.</p>
<p>Land Use Strategy 2016-2043</p>	<p>Upper Hutt City Council</p>	<p>Relevant provisions of the Land Use Strategy are:</p> <p>Economy</p> <p><i>Our goals are to:</i></p> <ul style="list-style-type: none"> • <i>Enable a prosperous, resilient and sustainable city-wide economy that attracts and sustains people, spending and investment.</i> • <i>Continue to develop and support an active city centre and vibrant neighbourhood centres.</i> <p>Community and Housing</p> <p><i>Our goals are to:</i></p> <ul style="list-style-type: none"> • <i>Provide living choices that cater for residents both now and in the future</i> • <i>Support healthy and vibrant communities for people of all ages and lifestyles</i>

		<p>Movement and Infrastructure</p> <p><i>Our goals are to:</i></p> <ul style="list-style-type: none"> • <i>Promote connected and efficient movement networks</i> • <i>Support efficient use and development of resilient infrastructure networks.</i> <p>The IPI does not alter the ability of the Council to achieve the relevant goals under the Land Use Strategy, and will generally make a positive contribution toward providing living choices that cater for residents both now and in the future. The inclusion of financial contributions in the IPI will assist in achieving the goal of supporting the efficient use and development of infrastructure networks.</p> <p>The IPI will help deliver on the goal of enabling a prosperous, resilient and sustainable city-wide economy through the development of the centres hierarchy provisions that include a focus on maintaining and strengthening the role and function of the City Centre.</p> <p>It is acknowledged however that the unplanned city-wide growth that will be enabled across all residential areas in the City will make achieving the infrastructure goals of the Land Use Strategy more difficult to achieve due to the inability of the Council to accurately predict where additional growth will occur.</p>
Affordable Housing Strategy 2020	Upper Hutt City Council	<p>Vision</p> <p><i>All Upper Hutt residents are well-housed, and have access to adequate, affordable housing that meets their needs.</i></p> <p>Goals</p> <ol style="list-style-type: none"> 1) <i>Upper Hutt has a well-functioning housing system that supports sustainable, resilient and connected communities</i> 2) <i>An increase in the supply and retention of adequate, affordable, quality housing for rent and to buy</i> 3) <i>Upper Hutt has an adequate supply of Public and Community housing and housing support to meet the needs of those requiring housing assistance in the city.</i> <p>Action Plan</p> <ol style="list-style-type: none"> 1) <i>Investigate the commissioning and co-funding of a more detailed housing needs assessment to better understanding the nature and scale of the need for affordable housing;</i>

		<p>2) <i>Ensure Plan Change 50¹⁴ assists in delivering affordable housing outcomes, in addition to a net increase in supply of new housing;</i></p> <p>3) <i>Ensure alignment between all Strategies and Plans that impact on Affordable Housing, addressing all parts of the housing continuum; and</i></p> <p>4) <i>Provide leadership and promote collaboration between all those with an interest in delivering affordable housing including by facilitating and supporting Upper Hutt Housing Network amongst other initiatives.</i></p> <p>Although the IPI does not directly target any of the goals of the Affordable Housing Strategy, or directly deliver the matters in the action plan it is anticipated to assist in providing for a wider range of housing types and sizes across all residential areas in the City.</p>
Sustainability Strategy 2020	Upper Hutt City Council	<p>The Sustainability Strategy aims towards ensuring that the legacy of Upper Hutt’s liveability and environment will not only continue, but regenerate and improve for future generations.</p> <p>The strategy sets the following vision:</p> <p><i>Upper Hutt is a resilient and adaptable city that identifies, confronts, and finds solutions to issues impacting on our four well-beings to ensure future generations can live a good life here.</i></p> <p>The strategy identifies the following issues that are relevant to the IPI:</p> <ul style="list-style-type: none"> • <i>Climate change and the increased likelihood of flooding is identified as an issue in the City.</i> • <i>The effects of stormwater on water quality and quantify.</i> • <i>Restoring ecosystems and preserving and enhancing biodiversity is crucial to achieving sustainability.</i> • <i>Adopting more compact urban form, and adapting lifestyles that result in less consumption, will be essential to accommodate new residents while restoring, preserving and enhancing the environment and quality of life.</i> • <i>Denser development in the right places will mean more people can access the amenities they need without requiring a vehicle.</i> • <i>Water Sensitive Urban Design will integrate the urban water cycle, including storm water, groundwater and wastewater management and</i>

¹⁴ Draft Plan Change 50 was drafted to give effect to the requirements of the NPS-UD Policies 3 and 4 prior to the release of the MDRS. Draft Plan Change 50 is no longer progressing and is replaced by this IPI.

		<p><i>water supply, into urban design to minimise environmental degradation and improve aesthetic and recreational appeal.</i></p> <p>The following goals and actions are relevant to the IPI:</p> <ul style="list-style-type: none"> • Goal 2 - We will prioritise protecting and enhancing our natural environment. <ul style="list-style-type: none"> ○ Invest in current and new opportunities to integrate biodiversity within the community and encourage it to be a prominent part of the social landscape. <p>The IPI will contribute towards achieving the vision of the strategy by:</p> <ul style="list-style-type: none"> • Incorporating hydraulic neutrality provisions for new subdivision and development; • Enabling greater urban intensification within walkable catchments of centres and train stations; and • Raising awareness and encouraging the maintenance of indigenous biodiversity via the proposed Indigenous Biodiversity Precinct and associated policies.
<p>Arts Culture and Heritage Strategy 2022 - 2027</p>	<p>Upper Hutt City Council</p>	<p>The strategy is high-level action plan for arts, culture, and heritage identifies the ongoing purpose of Upper Hutt City Council’s work in arts, culture, and heritage; and describes the direction of Council’s contribution to activity in this sector over the next five years. It is intended to serve as an inspiring blueprint for a concrete plan of action across a range of Council teams.</p> <p>The strategy sets the following vision:</p> <p><i>Arts, culture, and heritage are recognised and valued as vital to the identity and wellbeing of our community. Our city is vibrant, inclusive, and thriving.</i></p> <p>The strategy identifies the Council as having a guardian function as follows:</p> <p><i>Protects heritage and the natural environment through Regional and Central Government legislation, rules, and regulations; and through Council strategies, Long Term Plan, District Plan, Sustainability Strategy, and Land Use Strategy.</i></p> <p>The IPI assists in delivering on this commitment through the identification of historic heritage provisions as an existing qualifying matter that will continue to apply.</p>

<p>Long Term Plan (2021)</p>	<p>Upper Hutt City Council</p>	<p>The Long-Term Plan sets out the projects and budgeting for what Council will invest in over the next decade to achieve identified community outcomes.</p> <p>One of the identified community outcomes relates to Ōhanga Economy:</p> <p><i>We are a city of opportunity. We attract new investment and offer opportunities for people and businesses to prosper. Our city centre is alive, attractive and vibrant.</i></p> <p>The associated relevant focus area is:</p> <p><i>Continuing to work on developing a vibrant and attractive City Centre, which our community has told us repeatedly, is an important priority for this city. We will work in partnership over the first two years, with various stakeholders on planning future initiatives for the City Centre.</i></p> <p>The IPI helps deliver this community outcome through amending the heights and density of urban forms enabled in the City Centre Zone and other centres to provide for greater commercial and mixed use activities and development.</p> <p>The hydraulic neutrality provisions proposed by the IPI will help care for the environment, including the Hutt River, and will assist in reducing the impacts of development on the City’s infrastructure through reducing the adverse effects resulting from stormwater. This will help achieve the following two community outcomes of the LTP:</p> <p><i>TAIAO - Environment</i> <i>We’re immersed in natural beauty. We care for and protect our river, our stunning parks, and our natural environment.</i></p> <p><i>TŪĀPAPA - Infrastructure</i> <i>We have reliable and efficient networks and infrastructure that support our city.</i></p>
<p>Regional Housing Action Plan 2022-2027</p>	<p>Wellington Regional Leadership Committee</p>	<p>The WRGF is a spatial plan that has been developed by local government, central government, and iwi partners in the Wellington-Wairarapa-Horowhenua region to provide an agreed regional direction for growth, alignment, and investment.</p> <p>The WRGF has several agreed initiatives to address housing and urban development. The Regional Housing Actions Plan (RHAP) represents one of the agreed initiatives and has been developed in the context of all the other initiatives underway.</p>

		<p>It is intended that the RHAP project will assist in achieving objectives of the WRGF.</p> <p>The PHAP identifies a number of key priorities and actions, those most relevant to this plan change are:</p> <ul style="list-style-type: none"> • <i>Develop standard planning provisions for use across the region (e.g., Design Guides, stormwater solutions, Inclusionary Zoning, Horowhenua District Council Streamline Housing Process).</i> • <i>Provide regional support to iwi/Māori housing provision, in alignment with the Government’s Māori Housing and Innovation (MAIHI) Framework and the Māori Housing Strategy.</i> <p>It is noted the WRGF was not prepared via a special consultative procedure under the Local Government Act 2002, and it is not a strategy or plan prepared under other legislation that must be taken into account under the RMA. Its content was also informed by limited evidence, and in some instances no evidential basis exists for its content. As such it has very limited legal weight (if any) under the RMA, and its relevance to this IPI is considered to be low.</p>
Wellington Regional Land Transport Plan (Land Transport Management Act 2003)	Greater Wellington Regional Council (2021)	<p>The Regional Land Transport Plan (RLTP) sets the direction for the Wellington Region’s transport network for the next 10 – 30 years. The RLTP identifies regional priorities and sets out the transport projects that will be invested in over the next six years.</p> <p>The RLTP identifies the following planned transport network improvements relevant to Upper Hutt City:</p> <ul style="list-style-type: none"> • Improve multi-modal access to public transport hubs and stations • Improve frequency, reliability and reach of public transport services. • \$67m funding is identified over the life of the Plan to be spent in Upper Hutt for local road improvements and for maintenance, operations and renewals. • The RLTP has a focus on pedestrian and cycle facilities and on geometric improvements to rural roads in Upper Hutt. <p>The IPI does not conflict with any matters identified in the RLTP. Delivery of the improvements identified for Upper Hutt will assist in the functioning of the High Density Residential Zone with regard to encouraging and providing for people to access public transport and use local roads that have improved intersection safety.</p>

Wellington Regional Public Transport Plan 2021-2031 (Land Transport Management Act 2003)	Greater Wellington Regional Council (2021)	<p>The Wellington Regional Public Transport Plan (RPTP) guides the design and delivery of public transport services and infrastructure in the region. The RPTP focusses in particular on the public transport services and infrastructure provided by Metlink.</p> <p>The RPTP is relevant to the IPI as it assists in confirming the train stations within Upper Hutt are <i>rapid transit stops</i> under Policy 3 of the NPS-UD.</p>
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2.9 Any other relevant legislation, regulations or documents

The following additional legislative / regulatory requirements and other documents are also relevant to this topic:

Legislation / Regulation	Relevant Provisions
The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022	<p>This is a notice issued by the Minister for the Environment pursuant to section 80L of the RMA.</p> <p>The notice directs the Council to notify decision on the independent hearings panel's recommendation in accordance with clause 102 of Schedule 1 of the RMA by 20 August 2023.</p>
Upper Hutt City Council Long Term Plan 2021-2031	<p>The LTP identifies the following relevant 10 year focus matter:</p> <p><i>1) Investing in and upgrading the infrastructure and facilities needed for our growing city. We have factored building resilience into infrastructure. The projects and works we want to undertake are based on this need and aspiration. We have planned to a capital spend of \$238 M on our waters and transport infrastructure over the next 10 years which is 66% of our total capital spend.</i></p> <p>The IPI will assist in achieving this focus matter through the inclusion of financial contribution provisions to assist in obtaining funding from development to contribute toward infrastructure provision and upgrading that will be necessary to service growth.</p>
Te Ture Whenua Māori Act 1993	<p>This Act is relevant to the IPI due to the intent of the IPI to provide for papakāinga on Māori land and general title land owned by tangata whenua. The Act provides details on how Māori land can be held, and this will be important during the implementation of the papakāinga provisions once they become operative.</p>
MAIHI Ka Ora: The National Māori Housing Strategy.	<p>MAIHI Ka Ora – the National Māori Housing Strategy seeks that all whānau have safe, healthy, affordable homes with secure tenure, across the Māori housing continuum. The strategy focusses on how the Government can partner with iwi and hapū to achieve this outcome.</p> <p>The strategy outlines the following six priority goals for achieving this outcome:</p>

<p>Ministry of Housing and Urban Development (2021)</p>	<p>Priority 1: Māori Crown Partnerships</p> <p><i>To work in partnership where the Crown and Māori achieve balance through a collaborative work programme that strengthens housing solutions for whānau.</i></p> <p>Priority 2: Māori-led Local Solutions</p> <p><i>There is a significant increase in the number of quality, locally-led Māori housing solutions that meet the needs of whānau.</i></p> <p>Priority 3: Māori Housing Supply</p> <p><i>The number of Māori owned homes, iwi and hapū owned houses can meet the housing needs of all Māori.</i></p> <p>Priority 4: Māori Housing Support</p> <p><i>Whānau have better access to effective support that is fit for purpose and enables them to attain and maintain their preferred housing option.</i></p> <p>Priority 5: Māori Housing System</p> <p><i>The system supports Māori to accelerate Māori-led housing solutions.</i></p> <p>Priority 6: Māori Housing Sustainability</p> <p><i>Whānau are supported to achieve mana-enhancing housing solutions on their whenua. Māori are able to sustain a connection to their own land through housing and their housing is innovative and responsive to the impacts and effects of climate change.</i></p> <p>The IPI will contribute toward and support achieving these priority goals within Upper Hutt via the proposed papakāinga provisions.</p>
<p>Managing Stormwater Runoff – The use of raintanks for hydraulic neutrality. Acceptable solution #1.</p> <p>Wellington Water, June 2019.</p>	<p>This acceptable solutions document produced by Wellington Water that explains:</p> <ol style="list-style-type: none"> 1. Why managing stormwater runoff is important. 2. Hydraulic neutrality – what it means and what Wellington Water are trying to achieve. 3. What residential developers need to consider in managing stormwater runoff (from a flooding perspective). 4. Rainwater tanks as an accepted solution for residential development. <p>The IPI proposes hydraulic neutrality provision to manage stormwater flooding impacts that would result from increased development and site coverage enabled by the MDRS, and within the centres and mixed use zone.</p>
<p>Te Whaitua te Whanganui-a-Tara Implementation Programme.</p> <p>Whaitua Te Whanganui-a-Tara Committee, September 2021.</p>	<p>This implementation programme requests and recommends a work programme that will address the issues and deliver the key objectives identified by the Whaitua Te Whanganui-a-Tara Committee to address freshwater issues. Relevant recommendations include:</p> <ul style="list-style-type: none"> • 17 - is that the Regional Council requires the relevant three waters agencies to develop a stormwater strategy by 2023. • 57 - By 2025, Greater Wellington, Mana Whenua and territorial authorities amend the relevant planning documents to retain, restore and enhance the natural drainage system – so that they require hydraulic neutrality and water-quality treatment in urban catchments through WSUD.

	<ul style="list-style-type: none"> • 58 – a regulatory and non-regulatory catchment management approach is developed to require new property developments and infrastructure to carry out water impact assessments, rainwater/stormwater harvesting, rain gardens, constructed wetlands, green roofs, and permeable pavements to reduce water quality impacts and reduce peak wet weather flows. • 60 - By 2025, Greater Wellington and territorial authorities amend the relevant planning documents so that all resource consents for property developments and infrastructure upgrades/repairs require the minimisation of stormwater effects and achieve hydraulic neutrality on-site. • 66 - By 2025, territorial authorities incorporate rules in their district plans that require WSUD, including hydraulic neutrality in any developments. <p>Within the Hutt River catchment, the effects of the urban environment on water flows and stormwater is identified as one of the main issues in the catchment.</p> <p>There is a focus on contaminants entering freshwater, however the role stormwater plays in collecting and transporting contaminants, and the benefits of hydraulic neutrality are identified as key issues and opportunities to improve water quality.</p> <p>Although the IPI does not directly address contaminants in stormwater, it will assist in delivering on the above implementation recommendations by requiring hydraulic neutrality for stormwater management in Upper Hutt. This would be an important first step that should be built on via the Council working with the regional council and other parties on the development of the recommended stormwater strategy, including the potential identification of additional matters that could be addressed by the District Plan in the future.</p>
<p>Te Mahere Wai o Te Kāhui Taiao</p> <p>1 November 2021</p>	<p>This document is a Mana Whenua whaitua implementation plan to return mana to freshwater bodies in the Wellington Region.</p> <p>The document includes the identification of expectations for wastewater and stormwater discharges. Clause 32 seeks that:</p> <p style="text-align: center;"><i>Stormwater is captured and treated and, where possible, utilised as a resource. Where released to streams, it is released in a manner aligned with natural flow regime.</i></p> <p>The IPI includes proposed hydraulic neutrality provisions for all subdivision and development. This would largely be a new requirement in Upper Hutt¹⁵. Although the proposed hydraulic neutrality provisions do not (and cannot¹⁶) directly address contaminants in stormwater entering waterbodies, it is considered to be an approach that is consistent with the stated expectations that the release of stormwater is in a manner aligned with natural flow regimes as outlined in Te Mahere Wai o Te Kāhui Taiao.</p>
<p>Building Regulations 1992 (Schedule 1 in force)</p>	<p>The building regulations are overridden by the RMA for the management of surface water, but they specify minimum requirements for the management of surface water when carrying out building works and site preparation works.</p> <p>The regulations do not require hydraulic neutrality, meaning stormwater management systems that comply with the regulations can still result in adverse</p>

¹⁵ With the exception of subdivision and development within the Pinehaven Catchment Overlay.

¹⁶ The management of contaminants entering water are a regional council function under section 30 of the RMA.

	<p>environmental effects. In summary, the regulations require:</p> <ul style="list-style-type: none"> • The safeguarding of people from injury or illness, and other property from damage caused by surface water. • Except as otherwise required under the Resource Management Act 1991 for the protection of other property, surface water, resulting from an event having a 10% probability of occurring annually and which is collected or concentrated by buildings or sitework, shall be disposed of in a way that avoids the likelihood of damage or nuisance to other property. • Surface water, resulting from an event having a 2% probability of occurring annually, shall not enter buildings. • Drainage systems for the disposal of surface water shall be constructed to: <ul style="list-style-type: none"> a) convey surface water to an appropriate outfall using gravity flow where possible; b) avoid the likelihood of blockages c) avoid the likelihood of leakage, penetration by roots, or the entry of ground water where pipes or lined channels are used; d) provide reasonable access for maintenance and clearing blockages; e) avoid the likelihood of damage to any outfall, in a manner acceptable to the network utility operator; and f) avoid the likelihood of damage from superimposed loads or normal ground movements. <p>The IPI proposes to manage the actual and potential adverse effects on the environment resulting from increased risk of flooding from stormwater. Once operative, the IPI provisions for hydraulic neutrality will override any conflicting requirements of the building regulations.</p>
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2.10 Plans or proposed plans of adjacent territorial authorities

Under s74(2)(c) of the RMA, the Council must have regard to the extent to which the District Plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

The IPI is not inconsistent with the plans or proposed plans of adjacent territorial authorities, although there may be differences in how the MDRS and Policies 3 and 4 of the NPS-UD have been given effect to via the IPIs of the other Tier 1 territorial authorities in the Region. Due to the timing constraints placed on territorial authorities and the resourcing requirements to notify the IPI by 20 August 2022, there has simply not been sufficient time or resourcing to work with other territorial authorities to a high level of detail for the residential component of the IPI.

As all Tier 1 territorial authorities are preparing an IPI to the same timeframe, there are no existing District Plan provisions that can be analysed to determine how the MDRS and other amendments necessary to give effect to NPS-UD Policies 3 and 4 have been incorporated into a district plan. Notwithstanding the abovementioned limitations, technical discussions on potential approaches to drafting and the use of qualifying matters took place with planners representing other Tier 1 territorial authorities in the Region.

With respect to the non-residential component of the IPI and in particular the introduction of a centres hierarchy to clearly define the roles of centres, a number of other recent proposed and operative district plans have been reviewed. These plans were selected because:

- The New Plymouth, Porirua and Wellington proposed /draft plans have been drafted under the National Planning Standards, while the Kapiti Coast District Plan has been amended to give effect to them; or
- They are second generation plans that had to address similar issues; or
- The councils are either neighbouring or of a similar scale to Upper Hutt and facing similar issues.

The key findings of this research were:

- The use of a centres hierarchy to manage the function and relationship between centres is a common theme across the district plans reviewed.
- Enabling residential uses within centres is common.
- The use of limited notification and non-notification clauses varies from no specific requirements in some plans to extensive use of notification provisions in other plans

Having considered other district plans it is considered the proposed non-residential component of the IPI to specify a hierarchy of centres and to provide for residential uses, with the application of a design guide is consistent with the other district plans that were considered.

3.0 Background Analysis and Consultation

3.1 Background

The plan change is a mandatory requirement under the RMA to give implement the MDRS to all relevant residential zones, and to give effect to the Policies 3 and 4 of the NPS-UD. However, a robust evidence base and engagement processes have informed the development of the IPI.

3.2 Evidence Base - Research, Consultation, Information and Analysis undertaken

Prior to the unexpected release of the MDRS the Council had prepared a comprehensive and wide-ranging review of its district plan to give effect to the requirements of the NPS-UD to provide for additional housing and business capacity. This draft plan change was subjected to consultation with the community and stakeholders and was to be progressed as a proposed plan change to be notified by 20 August 2022. The surprise release of the MDRS and the associated amendments to Policy 3 of the NPS-UD meant this work had to be significantly amended to comply with the new requirements. The draft plan change also included the rezoning of existing commercial zoned sites to create a centres hierarchy and to provide for a wide range of complementary activities within the new centres zones.

As part of this work the Council reviewed the operative District Plan provisions, commissioned technical advice and assistance from various internal and external experts and utilised this to assist with setting the draft plan framework. Much of this work remains suitable to inform this IPI, although some has been updated to address the changes introduced by the MDRS and amendments to NPS-UD Policy 3.

This work has been used to help inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

Title	Author	Brief synopsis and relevant provisions
Economic Cost Benefit Analysis of Draft IPI Provisions 2022	Sense Partners	<p>The cost benefit analysis (CBA) focuses on the IPI provisions where the Council has exercised its discretion including any additional costs and benefits associated with the proposed HRZ provisions.</p> <p>The key findings of the CBA are discussed in Section 3.3 below.</p> <p>The CBA addresses the requirements of section 32 with respect to the quantification of costs and benefits.</p>
Upper Hutt City Council Regional Housing and Business Development Capacity Assessment – Housing update 2022	Upper Hutt City Council	<p>Provides an update on housing and business demand and supply projections.</p> <p>Some components of this assessment have limited applicability to the IPI as the plan-enabled capacity is based on the existing District Plan provisions.</p> <p>The impacts on housing and business capacity enabled by the IPI will not be known until the next review of the HBA in three years.</p>
Upper Hutt Intensification Evaluation Recession Plane Analysis 2022	Boffa Miskell Ltd	<p>The evaluation models the effects of a range of recession planes with respect to sunlight access. The analysis includes modelling of permitted development under the MDRS and the development standards for the proposed High Density Residential Zone.</p>
Draft Significant Natural Areas Survey 2018	Wildlands Consultants Ltd	<p>The survey identifies all significant indigenous vegetation and significant habitats of indigenous fauna within the City. This survey is to inform a future plan change to address RMA section 6(c) and RPS requirements for this issue.</p> <p>The draft SNA's on relevant residential zoned allotments have been identified in the IPI as the Indigenous Biodiversity Qualifying Matter Precinct. Policy direction to encourage the maintenance of indigenous biodiversity is applied to this precinct.</p>
Medium and High Density Design Guide 2022	Boff Miskell Ltd	<p>The design guide provides urban design principles to be applied to medium and high density residential development that requires a resource consent.</p> <p>This is necessary to ensure the IPI gives effect to:</p> <ul style="list-style-type: none"> (i) NPS-UD Objective 1 with respect to ensuring well-functioning urban environments; and (ii) Policy 3 of the MDRS to encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.
Housing and Business Development Capacity Assessment HBA (2019)	Upper Hutt City Council	<p>Business Demand - Key Findings:</p> <ul style="list-style-type: none"> • Upper Hutt will experience a significant increase in overall business demand in the short term. Most of this demand will be for industrial floor area.

Title	Author	Brief synopsis and relevant provisions
		<ul style="list-style-type: none"> • Employment will grow over the next 30 years, with Government and Industrial sectors having the largest shares in growth. • Growth in the Industrial sector will be high in the short to medium term, until it transitions to meet Commercial business demand in the long term. • For Upper Hutt, sectors which showed substantive positive growth in employment were utilities, construction and health, while the likes of primary industries, mining, finance, ICT & Media and logistics all showed declines. <p>Business Capacity - Key Findings:</p> <ul style="list-style-type: none"> • Upper Hutt has a large amount of available business development capacity, with only 44.3% of its 894,451m² business floor area capacity currently occupied. • Almost 80% of commercial business capacity is within the CBD. A significant proportion of this capacity lies in infill opportunities being taken up (upwards), with only limited opportunities for vacant land development. • Industrial business capacity is spread across the District; however Alexander Road has just over 50% of the total capacity. <p>Business Feasibility and Sufficiency - Key Findings:</p> <ul style="list-style-type: none"> • Multi-Criteria Analysis scoring shows that Upper Hutt is considered to be a favourable place to develop and operate a business. There is also a strong alignment between feasibility scores and areas of high business floor space capacity. • Upper Hutt has sufficient business development capacity to meet demand, with a total net capacity of just over 420,000m² of floor space still available in 2047, when incorporating both infill and vacant land development opportunities. • There is a limited amount of vacant commercial floor space available overall, however scenario testing shows that even when 100% of demand is attributed to only vacant land capacity, Upper Hutt is still anticipated to have sufficient commercial capacity, with almost 13,000m² of floor space available in 2047. <p>Conclusion</p> <ul style="list-style-type: none"> • Upper Hutt is generally well placed to serve business needs, with sufficient floor space capacity and an attractive level of feasibility identified by the MCA panel.

Title	Author	Brief synopsis and relevant provisions
		<ul style="list-style-type: none"> Overall, business demand over the 30 year period is anticipated to transition from industrial demand to commercial demand. The CBD is heavily relied on to cater for this future commercial business demand (with 79% of commercial capacity), meaning there will need to be a greater focus on upward infill building development upon existing allotments. Various incentives and development controls may need to be realised to ensure this type of development is undertaken.
Active Street Frontage Assessment 2022	Boffa Miskell Ltd	<p>Boffa Miskell undertook an assessment to determine where Active Street Frontage requirements should apply.</p> <p>The following principles were considered to assess whether active frontages are appropriate and/or provide benefits to the streetscape:</p> <ul style="list-style-type: none"> ○ Pedestrian circulation ○ Legibility ○ Passive surveillance <p>Overall, eight Local Centres, the proposed Town Centre Zone at Silverstream and the City Centre were assessed using the above criteria and the introduction of Active Street Frontage requirements for these centres was recommended.</p>

3.3 Housing Demand and Housing Capacity in Upper Hutt

Housing Demand

The partially updated Housing and Business Capacity Assessment 2022 ('HBA') focused on updating housing demand and capacity¹⁷. The Housing Update projects an increase in population in the City of 24,268 people from 2021-2051. This results in the need for an additional 10,458 residential units to meet demand over the 30 year period. This demand for additional residential units is broken down as follows:

	Estimated baseline total 2021	Short term: 2021-2023	Medium term: 2024-2030	Long term: 2031-2051	Total increase
Dwellings	19,622	1,179	2,749	6,530	10,458

With the mandatory adjusted competitiveness margin¹⁸ added to the above figures, the total demand for additional residential units over the 30 year period results in the need for an additional 12,223 residential units as follows:

¹⁷ A full assessment including business demand and capacity, and the impact of the IPI is to be carried out in 2023.

¹⁸ As required by clause 3.22 of the NPS-UD.

	Estimated baseline total 2021	Short term: 2021-2023	Medium term: 2024-2030	Long term: 2031-2051	Total increase
Dwellings	19,622	1,179	2,749	6,530	10,458
<i>Adjustment</i>		20%	20%	15%	
Adjusted demand		1,414	3,299	7,510	12,223

Housing Capacity

The HBA provides information on plan-enabled housing capacity. Due to the timing of the HBA review and the preparation of the IPI and the resulting timing constraints placed on the Council, the HBA (or separate modelling) was not able to identify or consider the increase in plan-enabled housing capacity that would result from this IPI. Much of this new plan-enabled capacity will be available from the notification date of the plan change. This limits the usefulness of the HBA findings on calculating plan-enabled housing capacity for the purposes of the IPI. The impacts of the IPI on housing capacity will be identified by the next full update to the HBA in 2023. It is anticipated the housing capacity released by the IPI will be significant.

Notwithstanding this limitation on the data contained in the HBA, the findings on the City's housing capacity, taking into account projected demand (including the competitiveness margin) is as follows:

	Short term	Medium term	Long term	Total
Demand (+NPS-UD Margin)	1,414	3,299	7,510	12,223
Greenfield capacity	543	1,268	3,622	5,433
Realisable capacity	593	1,382	3,952	5,928
Total Capacity¹⁹	1,136	2,650	7,574	11,361
Difference	-278	-649	+64	-862

The HBA identifies shortfalls in capacity from existing plan-enabled housing capacity in the short and medium term, with an overall shortfall of capacity for 862 residential units over the 30 year period. The HBA also notes current levels of construction are insufficient to meet projected demand, and that for projected demand to be met, the rate of construction over the next 30 years will need to increase²⁰.

This IPI has been prepared taking into account this data.

3.4 Advice received from Iwi

Section 32(4A) of the RMA requires evaluation reports prepared in relation to a plan change to include a summary of:

¹⁹ For the purposes of this HBA refresh, the capacity has been annualised to arrive at the short, medium and long term capacity figures and to determine sufficiency.

²⁰ UHCC Regional Housing and Business Capacity Assessment – Housing Update 2022. Pages 60, 61.

- All advice received from iwi authorities concerning the proposal; and
- The response to that advice, including any proposed provisions intended to give effect to the advice.

Under Clause 4A of Schedule 1 of the RMA local authorities are required to:

- Provide a copy of any draft plan change to any iwi authority previously consulted under clause 3 of Schedule 1 prior to notification;
- Allow adequate time and opportunity for those iwi authorities to consider the draft and to supply advice; and
- Have particular regard to any advice received before notifying the plan change.

The Council sent a copy of the draft IPI to all iwi authorities on 3 June 2022.

The following is a summary of the advice received from iwi authorities on the draft IPI:

Iwi Authority and date draft plan change sent	Advice Received	Response
Te Rūnanganui o Te Ātiawa ki Te Upoko o te Ika a Māui	None received.	N/A
Te Rūnanga o Toa Rangatira Inc (Ngāti Toa)	<p>Lack of protections for SASMs in the District Plan</p> <p>The IPI Plan Change process will open the doors for development in the absence of Plan providing for the protection of important overlays such as, the sites of significance to Māori and SNAs. The intensification proposals will impact on mana whenua values, sites of significance, cultural activities, and statutory acknowledgement areas and important indigenous vegetation.</p> <p>We are unsure how application of MDRS provisions will impact on the SASMs. We are conscious there is not a SASM schedule to see what this impact looks like. Furthermore, in the absence of a SASM chapter that potentially would have had provided some nuanced rules and encompassing provisions for Tangata Whenua, how Tangata Whenua is enabled to protect, maintain, and continue to exercise their cultural</p>	<p>Lack of protections for SASMs in the District Plan</p> <p>The Council is continuing to carry out the ‘rolling review’ of the District Plan, with sites of significance to Māori one of the key topics yet to be addressed via a plan change.</p> <p>In the absence of a register of known SASMs it is not possible for the IPI to specifically protect any SASMs. However, is noted the District Plan and the IPI are set up ready to protect SASMs via an <i>existing qualifying matter</i> once they have been identified and added to the list of Significant Heritage Features listed in Schedule HH-SCHED1 via a plan change. The Council will continue to work in partnership with tangata whenua to progress this important work.</p> <p>Insufficient time to respond to IPI</p> <p>The Council agrees the timeframes provided for notification of the IPI by</p>

	<p>practices. The absence of provisions mean intensification developments will be enabled with no controls in place, which is not appropriate.</p> <p>The Plan can give more consideration to protecting customary rights. The mapping and identification of Sites of Significance would further help how this could look like in plan provisions.</p> <p>Insufficient time to respond to IPI</p> <p>Whilst we are cognisant that the IPI changes are done to give effect to a higher order government document urgently, we are concerned the urgency of giving effect to the intensification planning instrument create unintended consequences, exacerbated by the fact that the fast-track process removes further appeal rights.</p> <p>The speed in which Council is forced to undertake IPI changes, in order to comply with central government deadlines, means that iwi have not been provided with reasonable and adequate time required by the legislation.</p> <p>We consider that this warrants Councils seeking advice from the Ministry for the Environment who clearly have not considered the implications that requiring these plan changes not only places on Council, but also iwi. Within our rohe, the timeframes set around intensification planning place a burden on us, given that there are nine councils within our rohe required to go through this same process, and each Council has its own location specific nuances.</p> <p>Strength of provisions for specific matters</p>	<p>20 August 2022 does not allow sufficient time for many aspects of the preparation of a plan change with such significant implications across urban areas. The Council was able to provide one month for feedback on the draft IPI from statutory consultees including iwi authorities.</p> <p>Strength of provisions for specific matters</p> <p>The strength of provisions for SASMs, WSUDs, three waters and water quality will need to be reviewed via future plan changes to give effect to the rolling plan topic of identifying and protecting SASMs, and to give effect to the outcomes of the Wahitua process once the RPS has been updated. In the meantime, the IPI includes hydraulic neutrality provisions, and confirms an existing qualifying matter that will capture future SASMs once a plan change to identify and protect them is publicly notified under Schedule 1 of the RMA.</p> <p>Housing provision and papakāinga</p> <p>The support for the housing provisions including papakāinga is acknowledged.</p> <p>Significant Indigenous Vegetation</p> <p>All existing SNAs identified and protected via the District Plan will continue to be protected as existing qualifying matters. The proposed Indigenous Biodiversity Precinct identifies SNAs that are on urban environment allotments that are yet to be identified and protected via a plan change under Schedule 1 of the RMA. The Council intends to continue to progress the identification and protection of SNAs</p>
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	<p>Draft provisions are either silent (in the case of SASMs) or could provide for stronger protection mechanisms (such as in the SNAs) and could anchor the Plan with robust provisions for Three Waters including water quality issues from urban development and providing Water Sensitive Urban Design- WSUDs, appropriateness of subdivision, and earthworks.</p> <p>We are unsure the residential rules give effect to major stormwater provisions that will take WSUDs and hydraulic positivity into account while intensification proposals are being realised. We are aware that the operative plan has provisions, somewhat to provide flood control and overland flow paths and considers WSUDs but these are not targeted at stormwater quality or opportunities for improving our water quality.</p> <p>In summary, we identified 'earthworks and 'stormwater' provisions are not strong as we would like to see in the face of more housing and intensification and densification. This could be covered in further depth.</p> <p>Housing provision and papakāinga</p> <p>It is encouraging to see the Plan Change provides for housing being closer proximity to commercial activity centres and where public transport is. This is a positive step enabling easier access and greater use of more sustainable ways of transport. Once again, it is great to see Papakāinga is enabled at all zones with maximum flexibility and various communities can access to different housing types and needs. We expect</p>	<p>via a plan change as part of the rolling review of the district plan.</p> <p>Qualifying matters</p> <p>Existing rules that protect significant historic heritage will continue to apply as an existing qualifying matter. However, in the absence of SASMs identified in the District Plan, they remain unidentified and unprotected under the existing qualifying matter historic heritage provisions. This will be addressed as part of the rolling review of the District Plan via a plan change, however it is acknowledged until such a plan change is publicly notified SASMs will continue to be at risk from the adverse effects of development.</p> <p>Suggested changes to other chapters and provisions</p> <p>The suggestions are noted and the Council will continue to work with tangata whenua on all future plan changes.</p>
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	<p>this leads to inclusive housing for our communities.</p> <p>Significant Indigenous Vegetation</p> <p>We are concerned that in general, the operative plan does not have significant indigenous vegetation overlay and does introduce an interim protection mechanism with the provision of 'indigenous biodiversity qualifying matter precinct' which we are at this stage unsure of how effectively they will be protected because of the drafting language and the strength of the language in policy provisions.</p> <p>Qualifying matters</p> <p>In the absence of a SASM chapter in the operative plan, it is encouraging to see the draft included newly added policies of GRZ-P1B and HRZ-P1 which is the <i>application of the MDRS across all relevant residential zones in the District Plan except where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).</i></p> <p>However, there is an important caveat; the provisions are not providing the names and locations and give certainty regarding the significance of the sites and areas to begin with. It would be arbitrary and subjective to argue and from developers' perspective to understand how this will be triggered in the absence of a list of SASMs. The second concern is, these policies are not drafted with a Tangata Whenua consultation provision in which, when such qualifying matter is triggered, what would the parties</p>	
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	<p>need to do and what actions they need to take and what the process is, would be missing. How they would know they are proposing development on a SASM.</p> <p>Throughout these objectives and policies related to <i>GRZ-Precinct 1 Indigenous Biodiversity Qualifying Matter Precinct</i>, it is concerning we see the word ‘encouraging’ is used instead of a stronger phrasing. This won’t give a sense of urgency to consent applicants and is unlikely to trigger appropriate action. In this regard, for instance, GRZ-PREC1-O1 should be reworded to say: <i>...areas of significant indigenous vegetation and significant habitats of indigenous fauna protected from the potential adverse effects of medium density residential development...</i></p> <p>A significant concern would be, how will the Plan protect indigenous vegetation outside of the GRZ-Precinct 1 Indigenous Biodiversity Qualifying Matter. Following this I will now proceed to district-wide matters.</p> <p>Suggested changes to other chapters and provisions</p> <p>Changes are suggested to the following chapters and topics, however as they fall outside of the scope of the IPI they are not summarised in this table:</p> <ul style="list-style-type: none"> • Network utilities • Renewable energy generation • Ecosystems and indigenous biodiversity • Change in subdivision policy focus to ‘provides for and avoids adverse effects’ where SNAs are affected. 	
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	Adding effects on SASMs to general subdivision rule SUB-GEN-R3.	
<p>Taranaki Whānui ki Te Upoko o Te Ika (Port Nicholson Block Settlement Trust)</p> <p>Wellington Tenths Trust & Palmerston North Māori Reserve Trust</p>	<p>Orongomai Marae</p> <p>Orongomai Marae is in an area zoned as High Density Residential. Immediately across the road the zoning is Mixed Use. Under the proposed IPI there is the potential for both these zones to have buildings of up to 10 storeys in height.</p> <p>Orongomai Marae is a centre of cultural activity for tangata whenua where cultural practices are held. These practices include to wānanga, provide hui for tangata whenua, host manuhiri, provide for tangihanga, and many other events and ceremonies.</p> <p>The marae has important cultural significance for Upper Hutt. Any development near or next to the marae could impact the ability of tangata whenua to carry out their cultural practices. As a qualifying matter, we encourage council to introduce specific provisions that restrict building heights adjoining or next to the marae to protect the cultural significance of this place and enable the continuation of cultural practices associated with the marae without risk to cultural safety.</p> <p>The potential for high density development adjoining or close to the marae should be restricted in any planning provisions to protect the site from onlookers which may impact on cultural processes.</p> <p>Sites of Significance to Māori</p> <p>The full scope of Sites of Significance to Māori not being accurate in the</p>	<p>Orongamai Marae</p> <p>The Council agrees the concerns raised are valid and potentially significant with regard to the potential adverse effects on the ability of tangata whenua to carry out their cultural practices from the Orongomai Marae site.</p> <p>To provide sufficient time to work with tangata whenua, affected landowners, and to prepare an appropriate evidence base that provides and justifies a potential solution to these issues the Council has postponed the proposed rezoning of the nearby sites from Industrial to Mixed Use Zone. The potential rezoning of these sites will be addressed via a separate Schedule 1 RMA plan change that follows the IPI and its streamlined planning process.</p> <p>It is noted the proposed rezoning to High Density Residential Zone affects land that is part of the Orongomai Marae or is owned by the Council. This is considered to significantly reduce the potential risks associated with the proposed rezoning of these sites, and on this basis these rezonings are proposed to remain within the IPI.</p> <p>Sites of Significance to Māori</p> <p>While it is acknowledged the District Plan is not an accurate record of the full scope of Sites of Significance to Maori in Upper Hutt, in the absence of this information there is little the Council can do via the IPI. The Council will continue to work with tangata whenua to update the</p>

	<p>current District Plan is extremely problematic.</p> <p>The full scope of Sites of Significance to Māori in the District Plan is being reviewed by Mana Whenua. We recognise that this takes time not allotted by the IPI process. Until this occurs, Mana Whenua are not confident that full protections can be provided against this intensification. We encourage council to address this in the IPI.</p> <p>Process Timeframes</p> <p>The timeframes for delivery of this draft IPI in time for notification has been unreasonable for enabling in depth engagement with Mana Whenua on decision-making. We recognise that the timeframes have also placed significant pressure on the council to deliver these changes.</p> <p>Te Mana o te Wai, Access to Water (including Aquifers), Water Quality</p> <p>We are concerned with potential impacts on the aquifer and to Te Awakairangi and the smaller awa in Upper Hutt due to proposed intensification and required earthworks. We urge council to put processes in place to ensure intensification has no impact on the aquifer and awa.</p> <p>Papakāinga Provisions</p> <p>We are pleased to see the inclusion of the new papakāinga chapter and commend the council for this. There are some corrections that need to be made at PK-R2 – Papakainga on general title land.</p> <p>At letter a of the provisions - <i>The applicant is a member of Ngāti Toa Rangatira, Port Nicholson Trust, or Wellington Tenth's Trust</i></p>	<p>District Plan to identify and protect sites of significance.</p> <p>Process Timeframes</p> <p>The Council agrees the timeframes have been very short for the preparation and notification of the IPI that will enable wide-scale significant changes within the City. The removal of the proposed industrial rezonings within the vicinity of the Orongomai Marae from the IPI to enable sufficient time to address cultural effects is one thing the Council can do to help address some of the issues brought about by the short timeframes.</p> <p>Te Mana o te Wai, Access to Water (including Aquifers), Water Quality</p> <p>Responsibility for the management of water use and water quality is chiefly a function of regional councils. However, the recommendations that flow from the Whaitua process and the Whaitua te Whanganui-a-Tara Committee will find their way into the Regional Policy Statement for the Wellington Region. It is anticipated this will set out responsibilities for City and District Councils to assist in the management of freshwater where such activities fall within the legal jurisdiction of City and District Councils. In anticipation of this, the IPI has been prepared to require all new subdivision and development to provide for hydraulic neutrality for the management of stormwater. In addition to flooding effects, this may result in positive freshwater quality effects when compared to the effects on freshwater that could result in the absence of hydraulic</p>
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	<p>Port Nicholson Trust should be <i>Port Nicholson Block Settlement Trust</i>.</p> <p>It should also include the <i>Palmerston North Māori Reserve Trust</i>, an Ahu Whenua Land Trust constituted under Section 244 of Te Ture Whenua Māori Act 1993. This Trust originated through an act of the Crown in 1866 when Governor Grey exchanged Te Ātiawa land interests in Lower Hutt, with a block of land which is now part of central Palmerston North.</p>	<p>neutrality requirements for urban development.</p> <p>Papakāinga Provisions</p> <p>The Council appreciates the advice on these provisions. The papakāinga provisions have been amended as requested.</p>
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A full copy of the advice received is attached as Appendix B.

This advice has been given partial effect to through the following amendments to the IPI:

- 1) The deferral of the proposed rezoning of industrial sites to mixed use in the vicinity of the Orongomai Marae. This will enable the important issues raised by Wellington Tenth Trust & Palmerston North Māori Reserve Trust to appropriate addressed via a future Schedule 1 RMA plan change process.
- 2) The Papakāinga provisions have been amended to:
 - a) correct references to *Port Nicholson Block Settlement Trust*; and
 - b) add the *Palmerston North Māori Reserve Trust* to restricted discretionary rule PK-R2 for papakāinga on general title land.

Advice that was not given full effect to was discounted for the following reasons:

All advice was considered and is acknowledged, however not all advice and feedback provided can be addressed or given effect to via the IPI including:

- concerns regarding timeframes to notify the IPI and the impact this has had on ability for tangata whenua to respond to the draft IPI;
- concerns regarding the lack of sites of significance to Māori listed and protected in the District Plan, and the potential risks to these sites posed by development enabled by the IPI;
- The majority of the Te Mana o te Wai principles, provisions and outcomes fall under the jurisdiction of Greater Wellington Regional Council, and their implementation is yet to be put in place.
- Suggestions and requests for new approaches or changes to District Plan chapters and provisions that fall outside of the scope of the IPI.

3.5 Consultation undertaken

The consultation carried out by the Council is described below. It is divided into two groups comprising:

1. the consultation and engagement carried out on two earlier draft plan changes that were prepared to give effect to the NSP-UD prior to the release of the MDRS; and
2. statutory and stakeholder consultation on the draft IPI.

All consultation has been carried out in accordance with the principles of consultation as specified by section 82 of the Local Government Act 2002. A summary of all feedback and the Council's response is contained in [Attachment X](#).

Earlier consultation on proposed plan change to give effect to NSP-UD

The Council consulted widely with the community, iwi and other stakeholders on the preparation of a draft plan change that was to give effect to the requirements of the NPS-UD. However, upon the unannounced release of the MDRS, the Council focused on amending the draft plan change to give effect to the new requirements, including the changes to NPS-UD Policy 3(d).

The Council had also prepared and carried out targeted consulted on a draft plan change to rationalise the City's commercial and industrial chapters of the District Plan.

Importantly, the prior draft plan changes (now discontinued) already consulted on provisions that are similar to the approach taken in the IPI. These similarities include:

- a) The rezoning of existing commercial zoned sites to create a hierarchy of centres;
- b) Amendments to the City Centre Zone provisions;
- c) The introduction of design guides;
- d) The rezoning of commercial zoned sites to General Residential Zone or High Density Residential Zone;
- e) The rezoning of part of the Special Purpose Zone to enable residential subdivision, use and development;
- f) The creation of a High Density Residential Zone within a walkable catchment of centres and rapid transit stops;
- g) Height in relation to boundary standard for High Density Residential Zone of 6 metres measured vertically and 60 degrees;
- h) 1 metre side boundary setbacks for most residential areas, and a 1.5 metre front boundary setback within the High Density Residential Zone;
- i) 60% site coverage for development within a draft (but no longer proposed) Medium Density Residential Zone, and 70% site coverage within a High Density Residential Zone; and
- j) Permitted building heights of 3 stories (11m) within a General Residential Zone, 4 stories (14m) within a Medium Density Residential Zone, and 6-10 stories within a High Density Residential Zone.

Consequently, the Council has already consulted on draft provisions that could have resulted in a similar built form in similar locations within the City than the MDRS will enable. In addition, many of the issues with respect to the proposed rezoning of commercial zoned sites have already been raised by owners and other stakeholders. This feedback has been considered by the Council in the preparation of the IPI.

Method of consultation and key issues

Residential component

Feedback on the pre-MDRS draft plan change that was to give effect to the NPS-UD was open until 13 September 2021, providing the public close to eight weeks to review material and give feedback. Release of the full draft and the invitation to engage was communicated in the following ways:

- District-wide mail drop of draft provisions flyer
- Weekly ads in the Upper Hutt Leader
- Radio ads on popular radio networks
- Weekly releases on Council social media channels
- Posters in all Council premises & featured on websites
- Emails sent to stakeholders and those on the engagement database, totalling about 1,000 recipients
- Advertising on Community Notice Boards

Council also shared and expressed information in multiple formats, which sought to reflect a more virtual response given COVID Alert Level 4 lockdown came into force about halfway through the engagement period.

This included:

- Full content on Council webpage and Let's Kōrero engagement page
- Draft plan change mapping portal and 'Drop-a-Pin' map
- Summary Fact Sheets for all zones and overlays
- In-depth FAQ documentation on both main webpages
- Four in-person public drop-in sessions between 1-13 August 2021
- Four public virtual Zoom sessions between 31 August and 9 September 2021

This resulted in over 14,500 views of the draft plan change Council webpages over the engagement period, over 8,000 of those on the mapping portal alone. Documents provided online were downloaded approximately 4,000 times. The most popular of these was information on draft Medium and High Density Residential Zones that were proposed under the previous draft plan change.

Over 400 individual pieces of feedback were received on the draft proposal, spread across three main feedback avenues comprising an online survey, written responses, and the 'drop a pin' online mapping feedback feature.

Approximately 30 to 40 people attended in-person drop-in sessions and virtual Zoom sessions. All Zoom sessions were recorded and made available online for interested persons to view and share.

A breakdown of who the respondents were is shown in the table below:

Respondent type	Proportion of all responses
Residents	60%
Company	15%
Government organisation	13%

Community group/ Incorporated Society	Collective/	12%
Individual/ Non Resident		0%
Government Ministry		0%

Key themes in responses

The key themes raised in the feedback that are of most relevance to the IPI are:

1. *Infrastructure is inadequate and must first either be upgraded first, or a plan for upgrades needs to be seen first.*

Respondents felt that current roading, three waters, and public transport infrastructure was unable to cater for proposed growth; roads are already congested, and the lack of parking would exacerbate this. Any required upgrades should be paid for by those who are developing, rather than Council.

2. *The scale of intensification is too high.*

Overall, there was a concern expressed on building envelop controls that would manage medium and high density developments. Specific issues that respondents were concerned with were around negative changes to amenity value through encroachments on sunlight access, privacy, noise, and outdoor living.

Some respondents also stated that targeted densities of at least 40 or 50 dwellings per hectare in medium and high density areas was too high. Generally, respondents felt that proposed heights in the high density zone were too high, despite the nationally mandated requirement to enable six storeys, at a minimum. Specific areas of concern were the St Patrick's Estate area and Silverstream generally. Respondents also stated that the Distinct Character was either too bespoke and should be expanded, or should not exist.

The Council's Engagement Report on this consultation is included as **Attachment X** to this report and is also available on the Council's website²¹.

Non-Residential component

The draft plan change that was to rationalise the City's commercial and industrial zones involved the following targeted engagement and consultation:

Who	What	When
UHCC - Internal		
Councillors	Workshops and briefings	ongoing
Economic Development	Meetings and briefings	ongoing
Neighbouring Councils		

²¹ nov-1911-final-pc50-engagement-report.pdf (upperhuttcity.com)

Who	What	When
HCC	Letter / email	November 2021
KCDC	Letter / email	November 2021
PCC	Letter / email	November 2021
SWDC	Letter / email	November 2021
Directly affected parties		
All commercial and industrial landowners	Letter/email to landowners PC54 website (with access to proposed provisions and an interactive map) Let's Korero website (with access to provisions, map and feedback form) Upper Hutt Leader ad	November 2021
Landowners of adjacent properties if affected		November 2021
Upper Hutt Business Community	Newsletter	November 2021
Government Departments and National Agencies		
GWRC	Letter/email	November 2021
MfE	Letter/email	November 2021
DoC	Letter/email	November 2021
Tangata Whenua		
Wellington Tenths Trust & Palmerston North Māori Reserve Trust	Letter/email	November 2021
Ōrongomai Marae	Letter/email	November 2021
Te Rūnanganui o Te Ātiawa ki Te Upoko o te Ika a Māui	Letter/email	November 2021
Te Rūnanga o Toa Rangatira Inc (Ngāti Toa)	Letter/email	November 2021
Port Nicholson Block Settlement Trust (Taranaki Whānui ki Te Upoko o Te Ika)	Letter/email	November 2021

Who	What	When
Ngati Kahungunu	Letter/email	November 2021
Rangitane o Wairarapa Incorporated	Letter/email	November 2021

Key themes in responses

Feedback was received from a limited number of affected landowners and from Greater Wellington Regional Council (GWRC). In summary:

- GWRC - support for rezoning area south of Upper Hutt train station from Business Industrial to Mixed Use Zone as this will provide for and support more intensive development within walkable catchments of transport nodes as required by the NPS-UD.
- Landowners – most comments and questions related to proposed zoning changes, changes to noise provisions, existing use rights and the potential to include and rezone sites currently zoned Special Activity Zone.
- Landowners - mostly supportive with some opposition to individual rezoning proposals and specific provisions.

A more detailed assessment of the feedback received from landowners can be found in Appendix A. In summary, the findings are:

- The consultation undertaken was a targeted consultation exercise, and in general the landowners consulted were supportive of the proposed zoning of the different sites.
- Feedback received during the consultation phase on the draft provisions and zoning extent was considered and, where considered appropriate, changes were made to the draft provisions and zoning extent.

Statutory consultees and key stakeholders on draft IPI

On 3 June 2022 the Council circulated a full copy of the draft IPI for feedback to statutory consultees and other stakeholders. A summary record of feedback received and the Council's response to the feedback is included in Appendix A.

4.0 Resource Management Issues

The research, analysis and consultation outlined above has identified the key issues below. The responses to these key issues are also provided:

Issue	Comment	Response
Issue 1: Infrastructure is inadequate and must first be	A common theme raised in feedback was the challenges facing infrastructure with respect to being able to provide for the levels of growth and development proposed by	The Council can address infrastructure constraints and challenges resulting from growth via reviewing and updating its Development Contributions Policy.

Issue	Comment	Response
upgraded first, or a plan for upgrades needs to be seen first.	the draft plan change, and that a plan for infrastructure upgrades should be part of the plans to enable growth.	However, as this task will not be completed in time for the notification of the IPI (and the immediate legal effect of some provisions), the Council has included financial contributions provisions in the IPI to secure contributions from developers to fund necessary upgrades to existing infrastructure in response to the increased pressures and capacity issues that will result from increased intensification under the MDRS.
Issue 2: The scale of intensification is too high.	A general theme from the consultation was that the proposed scale of intensification was too high within the context of the character of Upper Hutt City.	<p>The Council is required to incorporate the MDRS into the District Plan for all relevant residential zones.</p> <p>The Council is required to give effect to NPS-UD Policy 3 (c) with respect to enabling building heights of at least 6 stories within at least a walkable catchment of the edge of the City Centre Zone and rapid transit stops.</p> <p>The Council is required to amend the District Plan to enable building heights and density of urban form commensurate with the level of commercial activities and community services within and adjacent to other centres.</p>
Issue 3: A desire to include additional matters in the IPI that either cannot be lawfully included or are unnecessary.	<p>Some of the feedback received sought the inclusion of provisions that would specifically provide for an activity that falls outside of the matters that can be included in an IPI as specified by section 80G of the RMA.</p> <p>Other feedback sought amendments to assist in plan navigation to specific qualifying matter provisions, or to raise the significance of specific existing qualifying matters.</p>	<p>Request for provisions that are out of scope for an IPI under section 80G of the RMA will be considered for potential inclusion in a future plan change.</p> <p>No additional policies or advice notes have been added to raise the profile further for existing qualifying matters in the District Plan. It is clear at the beginning of all chapters of the District Plan that activities that fall under the chapter must also comply with all other relevant chapters. The insertion of a reference to the defined term <i>qualifying matter area</i>, in addition to the existing District Plan mapping that identifies existing qualifying matters is considered an appropriate method to address and raise awareness of qualifying matters.</p>
Issue 4: The need to ensure that there is sufficient commercial development capacity to	The National Policy Statement on Urban Development requires the Council to provide at least sufficient capacity to meet expected demand for housing and for business land over the short, medium and long term.	<p>The IPI introduces provisions that enable additional housing density, especially within and within walkable catchments of existing commercial areas.</p> <p>The IPI will ensure there is sufficient provision of commercial zoned land to satisfy the anticipated demand of different types and scales of commercial development.</p>

Issue	Comment	Response
meet expected demand	<p>The Housing and Business Development Capacity Assessment for Upper Hutt (2018) demonstrates that Upper Hutt is generally well placed to serve business needs, with sufficient floor space capacity and an attractive level of feasibility identified. Overall, business demand over the 30 year period is anticipated to transition from industrial demand to commercial demand. The CBD is heavily relied on to cater for this future commercial business demand (with 79% of commercial capacity), meaning there will need to be a greater focus on upward infill building development upon existing allotments.</p>	
<p>Issue 5: The need to provide adequate guidance regarding the purpose and role of different commercial zones and their place in a commercial hierarchy.</p>	<p>Until the recent re-formatting of the District Plan to give effect to the National Planning Standards there was only one business zone with two subzones (business commercial and business industrial) and some CBD related provisions.</p> <p>The recent reformatting introduced three zones (Commercial, City Centre and General Industrial Zone) without changing the meaning or content of provisions. However, the three zones still have a strong overlap and very small distinction in provisions.</p> <p>Due to a lack of appropriate zoning and guidance, activities may be locating in inappropriate areas which impacts on the economic viability, occupancy and vibrancy of existing centres (especially the city centre) and compromises the amenity of the surrounding areas.</p> <p>The lack of a clear role and function between the different centres makes it difficult to give effect to the</p>	<p>The IPI addresses this issue by:</p> <ul style="list-style-type: none"> • Introducing a range of Commercial, and Mixed Use Zones to the District Plan that reflect a centres hierarchy and implement the Upper Hutt Land Use Strategy. • Including objectives and supporting policies that clearly identify the Commercial zones as the key locations for commercial activities and outline what activities and developments are expected in the different zones. • Providing supporting rules and standards that enable the activities and built development expected in the different zones. • Provides clarity on the function of different centres. • Provides certainty for the ongoing use and development of established commercial centres. • Supports existing and consolidated urban patterns. • Provides a basis for the implementation of Policy 3 of the NPS-UD.

Issue	Comment	Response
	<p>requirement of Policy 3(d) of the NPS-UD.</p> <p>There is no clear vision for the future character and development potential of different commercial areas.</p> <p>The lack of a centres hierarchy creates uncertainty and may result in unintended outcomes such as the establishment of activities that may compromise the role and function of the City Centre Zone.</p>	
<p>Issue 6:</p> <p>The importance of providing for a mix of compatible activities within the commercial and mixed use zones.</p>	<p>The current provisions do not encourage a mix of compatible activities while also addressing potential reverse sensitivity effects.</p> <p>There is no clear guidance regarding what types of activities are expected to be located where.</p> <p>Providing for a mix of activities including residential activities can increase vitality and vibrancy of commercial areas.</p> <p>Providing flexibility for development with clear expectations around the management of effects can encourage development whilst maintaining the character and amenity levels of the different commercial areas.</p>	<p>The IPI addresses this issue by:</p> <ul style="list-style-type: none"> • Including objectives that outline the purpose and the expected character of each of the zones and supporting policies that establish which activities are considered appropriate, expected or inappropriate in each of the zones. • Introducing supporting rules and standards that provide for the intended mix of activities while also addressing potential compatibility issues and managing potential adverse effects. • Introduces provisions that will address potential reverse sensitivity effects.
<p>Issue 7:</p> <p>The opportunity to encourage and achieve high quality urban development through the use of development standards and design</p>	<p>The current provisions do not provide sufficient development standards or design guidance to address potential adverse effects of development within commercial areas and along the interface with Residential Zones and Open Space and Recreation Zones.</p> <p>There are very few standards and no guidance that apply to new development to ensure good quality buildings and design outcomes for</p>	<p>The IPI addresses this issue by:</p> <ul style="list-style-type: none"> • Incorporating active street frontage design requirements and a design guide for the City Centre Zone. • Introducing a clear hierarchy of centres so the role and function of each centres is defined.

Issue	Comment	Response
guidance in commercial and mixed use areas.	<p>people including through the encouragement of quality public spaces and passive surveillance.</p> <p>Well designed, high quality built environments contribute fundamentally to the vitality and attractiveness of commercial centres.</p> <p>New commercial activities and development should be encouraged to locate within the appropriate zones with sufficient guidance around expected outcomes.</p>	
<p>Issue 8:</p> <p>The need to manage the effects of commercial activities and development on neighbouring residential and recreation areas.</p>	<p>Potential adverse effects of commercial use and development at the interface with more sensitive zones and activities within the centres need to be managed.</p>	<p>The IPI introduces objectives that address the management of commercial development at the zone interface with Residential Zones and Open Space and Recreation Zones (where applicable) and introduce supporting policies, rules and standards that manage the potential effects of commercial development on adjoining properties in Residential Zones and Open Space and Recreation Zones, and residential activities within the centres.</p>
<p>Issue 9:</p> <p>Concern regarding subdivision and development affected by natural hazards.</p>	<p>Significant flood hazard risks associated with the Hutt River give rise to concerns regarding the proposed rezoning of land to enable residential subdivision and development on hazard prone land.</p>	<p>Existing natural hazard provisions will continue to apply as qualifying matters. All new subdivision and development will be required to comply with the relevant natural hazard provisions.</p> <p>Section 106 of the RMA will still consider whether land is suitable for subdivision taking into consideration natural hazard risks.</p> <p>The part of the St Patrick's Estate area proposed to be rezoned is being filled via consents issued by UHCC and GWRC to make the land free of flood hazards before residential subdivision and development takes place.</p>

5.0 Scale and Significance of Section 32 Evaluation

5.1 Assessment

Under section 32(1)(c) of the RMA, this evaluation report needs to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

The level of detail undertaken for this evaluation has been determined by assessing the scale and significance of the environmental, economic, social and cultural effects anticipated through introducing and implementing the proposed provisions relative to a series of key criteria.

The following assessment considers the proposed changes within the IPI in relation to eight factors and scores each factor out of 5 in terms of its scale and significance (where 1 is low and 5 is high).

There is a degree of subjectivity about this evaluation, and its primary purpose is to broadly determine the level of analysis required for this topic. It is not intended to be an economic cost-benefit analysis although it will help determine if one is required. The assessment concludes with a summary table that provides a final overall score for the scale and significance of the proposed provisions, and therefore the level of analysis required.

Factor 1: Reason for the Change

The IPI is a mandatory requirement directed by the RMA and the NPS-UD. The reason for the change is it is a legal requirement the Council must meet within specified timeframes. The non-residential component of the IPI is necessary to assist the Council in giving effect to Policy 3 of the NPS-UD.

Factor 1 score is high (5)

Factor 2: Resource Management Issues / Problem Definition

The resource management issues addressed focus on defining the roles and functions of centres, housing supply, housing density, residential subdivision and permitted activity development. RMA section 6 matters are also key factor addressed and accommodated within the IPI. These resource management matters are considered to be of high significance, with strong direction and requirements provided by the RMA and the NPS-UD.

Factor 2 score is high (5)

Factor 3: Degree of Shift from the Status Quo

The IPI proposes a significant shift in the status quo with respect to permitted levels of residential development across all residential zones within Upper Hutt City. Densities, bulk and location, and subdivision requirements are all significantly changed under the IPI to be more enabling, with fewer opportunities for affected persons to be involved in resource consent processes.

The rationalisation of the centres via rezoning and the specifying the roles and functions of specific centres is a much more specific and refined approach compared to the 'one sized fits all' approach taken by the existing district plan provisions.

The IPI shifts the expectation on existing and future amenity values currently enjoyed by residents, to be acknowledged and provided for as a matter that will change over time, and such change may include significant changes to the values currently experienced. This in itself is a significant shift, as it significantly reduces the degree to which the Council must have particular regard to the maintenance

an enhancement of amenity values and the quality of the environment in residential areas under RMA section 7(c) and (f). The degree of shift from the status quo is considered to be significant.

Factor 3 score is high (5)

Factor 4: Who and How Many Will be Affected/Geographical Scale of Effects

The IPI will affect residents in all existing General Residential Zone areas across the City. All existing centres will be rezoned with zone-specific provisions applied to create a retail hierarchy. Although rural areas are generally excluded from the IPI, the proposed papakāinga provisions will also apply to rural areas. This represents the vast majority of residents in Upper Hutt. The geographical extent of this area can be seen in the District Plan Maps, and the proposed amendments to the planning maps contained in the IPI. The number of people affected and the geographical scale of effects within Upper Hutt that will result from the IPI are significant.

Factor 4 score is high (5)

Factor 5: Degree of Impact on or Interests from Iwi/Māori

Determining the degree of on or interests from Iwi/Māori is best determined by Iwi themselves. However, the IPI proposes to introduce a comprehensive suite of new provisions that will enable and provide for papakāinga across most zones within Upper Hutt. In addition to papakāinga on Māori land, the provisions provide for papakāinga on general title land. This is considered to be a significant change that will positively impact on the ability of Māori to provide for their housing needs. On this basis it is considered the degree of impact on or interests from Iwi/Māori is high.

Factor 5 Score is high (5)

Factor 6: Timing and Duration of Effects

Many of the effects that will arise from the IPI will be able to be realised from the date of public notification of the IPI. Property owners within residential zones will be able to erect 3x three-story residential units on their allotments as a permitted activity, on the condition all MDRS density standards are met. Proposed developments comprising higher numbers of residential units will require resource consent, but it is not possible for the involvement of any affected persons unless a density standard is breached on an external boundary, and the Council identifies a minor or more than minor effect on those persons. Therefore, in terms of the timing of effects, in most instances the effects can occur immediately once construction is underway.

In terms of the duration of effects, the IPI proposes to change the District Plan provisions for residential development in accordance with the requirements of the NPS-UD and the MDRS under the RMA. The rezoning of commercial areas to create a hierarchy of centres proposes to introduce a suite of provisions that will apply to all new centres, specifying their role and function within the hierarchy. The effects that will arise from development under the IPI will be in place for a long time into the future, particularly if subdivision and the fragmentation of allotments into much smaller allotments is considered.

On this basis the timing and duration of effects is considered to be high.

Factor 6 score is low (5)

Factor 7: Type of Effects

The potential effects that will result from the IPI will primarily relate to the following matters:

Potential adverse effects:

- Significant change of existing residential character.
- Shading of residential units, private outdoor living areas, gardens, and accessory buildings resulting from the increase in permitted height, bulk and location building standards.
- Privacy and overlooking resulting from increased permitted activity heights, height envelope, and the reduction in boundary setbacks.
- Loss of natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes (amenity values).
- Effects on infrastructure capacity and funding resulting from the inability to effectively identify and plan necessary infrastructure upgrades to serve areas of growth (as growth will be enabled City-wide rather than in targeted areas).
- Road transport safety and efficiency effects.
- Loss of significant indigenous vegetation on urban environment allotments.
- Potential health and safety effects for occupants of residential units affected by severe shading effects (exacerbation of dampness, mould etc.).
- Social and economic costs to occupants of ad-hoc medium density residential subdivision and development on the outskirts of the City residential areas, where access to community services, facilities and public transport is low (and would generally require a vehicle to access).

Potential positive effects:

- Increased housing capacity.
- Changes in amenity values and character that are appreciated by some people and future generations.
- Increase in housing provision of different types and sizes to meet a wider variety of housing needs.
- Improved relationship between Māori and their culture and traditions with their lands through the enabling of papakāinga across most zones in the City.
- Economic effects resulting from permitted activity development and intensification.
- More people are able to provide for their social and economic needs through increased housing choice.
- Carbon reduction resulting from a intensification within walkable catchments of centres and rapid transit stops.
- Less pressure on rural zone land for greenfield urban expansion (as it is unlikely to be required to meet long-term housing need).
- Economic benefits resulting from greater certainty and reduced compliance costs due to more permissive intensification provisions.
- Clearer roles and functions of the centres within the City, with appropriate activities and uses occurring in accordance with the hierarchy of centres.
- The role and function of the City Centre will be more appropriately protected.

This demonstrates there are a wide variety of potential positive and negative environmental social, cultural and economic effects that may arise from the IPI. Many of these matters are RMA section 6 and 7 matters, indicating the type of effects involved are moderate/high.

Factor 7 score is moderate/high (4.5)

Factor 8: Degree of Risk and Uncertainty

The intensification and bulk and location requirements contained in the IPI will significantly increase the level of permitted activity development across all residential areas in the City. Some of the MDRS provisions are untested in the absence of other requirements such as minimum sunlight access standards. It is likely in some instances there will be unanticipated poor planning outcomes resulting from the IPI for specific sites.

With respect to City-wide matters, sustainability aspirations such as directing intensification in the most sustainable parts of the city, such as within walkable catchments of centres and rapid transit stops is provided for by the IPI, however its effectiveness is potentially weakened through the enabling of permitted activity medium density housing development across all residential areas of the City. The approach required by the MDRS is untested in New Zealand, and it therefore carries a high degree of risk that unanticipated and poor planning outcomes may occur. The Council may find difficulty in effective planning for and managing growth and infrastructure investment in a proactive manner.

The rezoning of commercial zones to create a hierarchy of centres is a well-established resource management tool across many district plans. This approach is considered to carry a high degree of certainty and a low level of risk.

On this basis, due to the uncertainties and risks associated with the residential component of the IPI, the degree of risk and uncertainty is considered to be moderate/high.

Factor 8 score is moderate/high (4.5)

5.2 Overall Scale and Significance

The table summarises the scale and significance of the factors discussed above and the scores for each factor. The scores are then combined to give a total scale and significance score for the proposed plan change.

Table 1 Summary of Scale and Significance

Factor	Score
1. Reason for the Change	5
2. Resource Management Issues / Problem Definition	5
3. Degree of Shift from Status Quo	5
4. Who and How Many Will be Affected/ Geographical Scale of Effects	5
5. Degree of Impact on or Interest from Iwi/Māori	5
6. Timing and Duration of Effects	5
7. Type of Effects	4.5
8. Degree of Risk and Uncertainty	4.5
Total (out of 40)	39

Total Score Interpretation

0-10 Scale and Significance = Low

11-20 Scale and Significance = Moderate

21-30 Scale and Significance = High

31-40 Scale and Significance = Very High

The overall scale and significance of this plan change has been assessed as very high. Typically, this would mean that this evaluation report needs to contain a high level of detail and analysis including:

- (i) A detailed planning analysis of the impact of the proposed changes;
- (ii) Thorough reasoning for each of the proposed amendments within the plan change;
- (iii) Demonstrate reasonable levels of consultation and consideration of feedback has taken place.

However, as the majority of the IPI comprises mandatory planning provisions directed by Central Government, the assessment in this evaluation report focuses the detailed analysis on the parts of the IPI where the Council is exercising its discretion in the interpretation of the requirements of the NPS-UD such as the extent of walkable catchments, the enablement of papakāinga, and rezoning of sites to enable residential subdivision, use and development.

Apart from an evaluation of the MDRS provisions to the degree necessary to comply with the requirements of section 77J(4) and (6) of the RMA, it would be an illogical and unnecessary exercise to conduct a full detailed planning analysis of the impact of the mandatory changes required by the MDRS and the NPS-UD within this evaluation report.

Central government has considered the impacts (positive and negative) of the mandatory changes under the Resource Management (Enabling and Housing and Other Matters) Amendment Act 2021 (including amendments to NPS-UD Policy 3), and during the preparation of the NPS-UD. Therefore, it must follow that any effects arising from implementation of the mandatory requirements of the MDRS and NPS-UD are anticipated by, and deemed appropriate and acceptable by Central Government. In short, the positive and negative impacts that may result from the mandatory requirements of the MDRS and NPS-UD have been considered by central government, and they have been imposed intentionally to improve housing supply and affordability. On this basis, this evaluation report does not revisit, evaluate or consider the planning outcomes that may result from the implementation of any of the mandatory requirements of the MDRS or the NPS-UD.

5.3 Quantification of Benefits and Costs

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs of a proposal are to be quantified.

It is noted that the IPI scores very high in the significance assessment above, and the provisions will have tangible and intangible benefits and costs across all aspects of the environment. The enabling approach proposed by the IPI, and the inclusion of discretionary elements such as provisions to enable papakāinga²² within most zones in the city, indicate that the quantification of costs and benefits on the non-mandatory elements of the IPI is appropriate.

An evaluation of the economic costs and benefits that would result from the IPI was carried out by Sense Partners. The evaluation focused on the components of the IPI where the Council is exercising its discretion and the elements that would result in the greatest costs and benefits such as implementing the MDRS and the impact of the proposed more enabling provisions of the High Density Residential Zone.

In summary, the cost benefit analysis found that the benefits of implementing the MDRS outweigh those that would arise from the more enabling approach of the proposed High Density Residential Zone. The reason for this is it is that market conditions and appetite for risk for building high density

²² Noting that the quantification of the costs and benefits of papakāinga provisions will focus on the enablement of housing rather than attempt to quantify Māori cultural values and benefits that may result from the papakāinga provisions.

residential in Upper Hutt is currently low, and therefore medium density housing developments are expected to be preferred. The findings of the cost benefit analysis are that the economic benefits far outweigh the costs of implementing the MDRS and the other IPI amendments.

See the full cost benefit analysis for full details [\(Attachment X\)](#):

The results of this evaluation have been used to inform the assessment of reasonably practicable options and associated policies, rules and other methods contained in this report.

APPENDIX A: Summary of Feedback Received from Consultation

Consultee	Summary of feedback	Response
Minister for the Environment	No written comments provided.	UHCC staff have had regular meetings with MfE and HUD staff over the last few months and the government staff have advised verbally they are broadly comfortable with the UHCC IPI proposal generally.
Department of Conservation	No feedback received.	N/A
Kāinga Ora – Homes and Communities	<p>Kāinga Ora generally supports the intent of the Draft IPI in response to giving effect to the NPS-UD and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.</p> <p>Kāinga Ora is seeking for a level of consistency in plan-making within the region while remaining cognisant of the timeframe in which Council must notify its IPI.</p> <p>Walkable catchments Kāinga Ora are generally supportive of the walkable catchments proposed by the Draft IPI, but do consider that additional high density can be realised following walkable catchments commensurate of each centre hierarchy. Suggest higher densities within specific distances from centres such as 800m – 2km walkable catchment from the City Centre Zone.</p> <p>Kāinga Ora supports the Council enabling residential intensification with a commensurate increase in urban built form in accordance with the NPS-UD and the Enabling Housing Supply Amendment Act. This is especially evident within the City Centre zone with no maximum height limits which is in keeping with Policy 3(a) of the NPS-UD.</p> <p>Amendment of General Residential Zone</p>	<p>Walkable catchments The Council has identified walkable catchments around centres and rapid transit stops based on real-world walkability times based on an approximate 10 minute walkable distance. The Council is satisfied the identification of these walkable catchments is appropriate. It is noted the suggested walkable distance of 2km around the City Centre Zone would extend beyond the residential zones of the City, into rural areas. On this basis the scale of walkable catchments suggested by Kāinga Ora do not fit with the scale and geography of Upper Hutt City.</p> <p>Amendment of General Residential Zone provisions and proposed new High Density Residential Zone provisions. The general support for these provisions is acknowledged. The Council is satisfied the extent of walkable catchments and corresponding extent of the High Density Residential Zone is an appropriate local response to the requirements of NPS-UD Policy 3. Based on walkability and the scale of the City Centre Zone in Upper Hutt, the Council does not consider there to be a justification to increase the spatial extent of the zone. Policy 3 is given effect to via the proposed extent of the HRZ and its associated provisions.</p> <p>The Council is satisfied with the permitted activity standards that differentiate the HRZ from the GRZ. It is not considered appropriate to:</p>

	<p>Kāinga Ora notes that in giving effect to the above national direction in the residential context the, Council proposes to amend the General Residential Zone (“GRZ”) to become a widespread medium density zone. Kāinga Ora generally supports this approach, noting that the GRZ provides an appropriate zoning framework to enable greater levels of intensification as directed by the Enabling Housing Supply Amendment Act.</p> <p>High Density Residential Zone Kāinga Ora also generally supports the introduction of a High Density Residential Zone (“HRZ”) where the Council seeks to enable building heights of at least 6 storeys in residential environments, such as within a walkable catchment of the city centre and/or train stations, but consider the spatial extent of the HRZ should be extended in some areas based on their own methodology.</p> <p>Seeks that the objectives and policies of the HRZ are amended to provide for greater differentiation from the GRZ to better reflect the intended outcomes of the HRZ.</p> <p>Seek that reduction in private opens space areas, and the deletion of height in relation to boundary standards (or more enabling standards) should be put in place to better assist with achieving the heights intended for the zone.</p> <p>Reverse sensitivity Kainga Ora opposes the use of reverse sensitivity effects being a matter of discretion in the HRZ, noting high density residential development is the anticipated outcome of the zone.</p> <p>Subdivision provisions Kāinga Ora recommends that vacant lot subdivision provisions should be amended so that lot sizes of 1200m² are provided for as a permitted activity,</p>	<ul style="list-style-type: none"> • provide for an unlimited number of residential units as a permitted activity; • delete the height in relation to boundary standard; or • reduce the private open space requirements. <p>It is intended that proposed breaches to these standards will trigger the requirement for resource consent and the consideration of the principles and outcomes identified in the proposed design guide. This will ensure the Council gives effect to Policies 3 and 4 of the MDRS and Policy 1 of the NPS-UD. Without these limitations and requirements to ensure design outcomes are considered, it is unclear how Kāinga Ora consider the Council could effectively:</p> <ul style="list-style-type: none"> • encourage development to achieve attractive and safe streets and public open spaces, including by providing passive surveillance; • enable housing to be designed to meet the day to day needs of residents; and • ensure planning decisions contribute to well-functioning urban environments. <p>The Council has applied the MDRS to all relevant residential zones as required by the RMA, and has given effect to the heights and densities of urban form in the required areas in accordance with Policy 3 of the NPS-UD. In addition to these requirements, more generous heights, height in relation to boundary, site coverage, and number of residential units per site are proposed as permitted activities for the HRZ to encourage greater density housing in the most appropriate parts of the City. It is noted Clause 3.4(2) the NPS-UD clarifies that ‘plan enabled’ development capacity means land that is zoned for housing or business use if those uses are permitted, controlled, or restricted discretionary activities. There is no legal requirement for the height and density requirements of Policy 3 of the NPS-UD to be provided for as permitted activities. Notwithstanding this, the proposed trigger for the consideration of the design guide is higher than the GRZ, despite the increased potential</p>
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	<p>while anything smaller is considered as a non-complying activity. Consider that minimum lot sizes for vacant allotments will discourage higher density developments.</p> <p>Papakāinga provisions</p> <p>Kāinga Ora generally supports the new Papakāinga chapter within the IPI and supports the simplification of provisions to enable Papakāinga, in its most holistic sense, however the following amendments are suggested:</p> <p>Promote Council’s general role as an active facilitator of papakāinga developments, recognising Te Tiriti o Waitangi responsibilities and historical breaches as well as the holistic benefits for whanau/hapu/iwi and the wider community.</p> <p>Adopt an approach to papakāinga housing densities based on the ‘carrying capacity of the land’ as opposed to arbitrary lot sizes or density requirements. Such an approach would involve the Council assisting in determining such carrying capacities, particularly with regard to three waters capacity.</p> <p>Incorporate the need for communal buildings as an integral part of the papakāinga on a permitted or restricted discretionary basis.</p> <p>Include provisions for mixed-use development, including but not limited to marae, residential activities, cultural activities, business, and light industries.</p> <p>Allow for papakāinga on general title land (Rule PK-R2) as a permitted activity also. There is no reason that there should be a differentiation between this rule and PK-R1.</p> <p>Include Te Ātiawa as a member under PK-R2(a).</p>	<p>for poor planning and design outcomes resulting from greater heights and densities as a permitted activity. On this basis, the Council is satisfied with this general approach as drafted.</p> <p>Reverse sensitivity</p> <p>The Council notes high density residential development is only one form of development provided for in the zone. Lower density residential development will continue to be provided for, as will non-residential activities via the resource consent process. The Council notes when considering the adverse effects on the environment for the purposes of identifying affected persons under Section 95E of the RMA, the anticipated outcomes for the zone are only relevant if the District Plan provides for that outcome as a permitted activity. In addition, as the zone includes or adjoins lawfully established non-residential activities it is appropriate to consider potential reverse sensitivity effects on those activities that may result from increased residential densities the IPI proposes. On this basis the Council is satisfied the retention of reverse sensitivity effects as a matter of discretion is appropriate and represents good resource management practice.</p> <p>Subdivision provisions</p> <p>The Council considers that in circumstances where it has not been demonstrated at the time of subdivision that a residential unit that complies with the MDRS can be provided for on an allotment, it is appropriate to require minimum allotment sizes.</p> <p>The intent of the High Density Residential Zone is to encourage high density residential subdivision and development rather than the creation of large vacant allotments. It is noted the suggestion by Kāinga Ora to increase the minimum allotment size to 1200m² and that any allotments less than this be provided for as a non-complying activity would further encourage and provide for the creation of larger vacant allotments, rather encourage comprehensively designed high density developments.</p>
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	<p>Kāinga Ora don't agree with the notes under PK-R2, specifically:</p> <ul style="list-style-type: none"> a) "Any other matter related to tikanga Maori'. This is a very broad category; and b) In terms of seeking advice from 'iwi authorities' - landowners and iwi authorities aren't necessarily the same people. Iwi authorities and runanga don't often have large land holdings as this is held more at a whanau level. Kāinga Ora consider that there is potential for too much iwi authority involvement in Māori landowner decisions. <p>Further, Kāinga Ora considers that papakāinga should be a permitted activity under the following circumstances also:</p> <ul style="list-style-type: none"> (i) Whenua Maori under Te Ture Whenua Maori Act 1993; (ii) Land converted to General Title land through the Maori Affairs Amendment Act 1967; and (iii) Treaty Settlement Land, including RFR land or land purchased by post-settlement government agencies. <p>Centre Zones</p> <p>Kāinga Ora suggests there is no need for a provision limiting the maximum number of units per site within the Centre Zones as the construction of all buildings should be considered a Restricted Discretionary activity under the District Plan. Kāinga Ora seeks that this rule is removed across all centre zones.</p> <p>Urban Design Guides</p> <p>Kāinga Ora opposes any policies or rules that require development proposals to be consistent with such design guidelines in the District Plan. Kāinga Ora seeks that any design guidelines are not included as statutory documents in the IPI. These documents</p>	<p>The Council notes the approach used in the IPI is consistent with Schedule 3A Clause 8 – <i>Further rules about subdivision</i>. The Council also considers the approach taken in the IPI with respect to vacant allotments will discourage the creation of large vacant allotments for low density housing.</p> <p>Papakāinga provisions</p> <p>As a general note to Kāinga Ora's suggested amendments, the Council notes the provisions have been drafted by Te Rūnanga O Toa Rangatira, with only minor amendments made by the Council when incorporating them into the IPI. The Council is reluctant to make changes to the provisions in response to a government agency requesting them in isolation.</p> <p>Specific responses to the suggested amendments are:</p> <p>It is not the role of a district plan, or the papakāinga provisions to specify that it is the Council's general role to be an active facilitator of papakāinga developments, nor to recognise Te Tiriti o Waitangi responsibilities and historical breaches. As a regulatory document that manages the resource management issues within the City, the Council considers attempting to specify the Council's role in the provision of papakāinga (other than as the regulatory authority) within the District Plan would be inappropriate, particularly with respect to the alternative methods available to achieve these aims that sit outside of a district plan.</p> <p>In terms of the need for communal buildings, it is noted the papakāinga provisions do not preclude this as a permitted activity. On this basis it is not clear what changes Kāinga Ora are seeking.</p> <p>With respect to providing for mixed-use development including marae, residential activities, cultural activities, and business it is noted the IPI provisions already provide for these. Therefore, it is not clear what changes Kāinga Ora are seeking.</p>
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	<p>should be treated as non-statutory documents to inform design and development.</p> <p>Definitions</p> <p>Kāinga Ora opposes many of the definitions used, including the specific listing of existing qualifying matters on the grounds they are unnecessary or do not align with the national planning standards.</p>	<p>With respect to providing for papakāinga on general land and seeking advice from iwi authorities to confirm applicants qualify under the proposed rules, the Council considers there justified practical reasons to not provide for these matters as a permitted activity.</p> <p>The Papakāinga provisions are much more enabling than those provided for typical residential use and development. The justification for this greater enablement for Māori compared to non-Māori stems from the requirements of Section 8 and 6(e) of the RMA, which require the Council to take into account the principles of the Treaty of Waitangi, and to provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga as a Matter of National Importance.</p> <p>The Council therefore requires an effective implementation method to distinguish between Māori and non-Māori to enable the papakāinga provisions to be practicably applied. In the absence of this method (i.e. the proposed resource consent process and advice from iwi authorities), the papakāinga provisions cannot be effectively implemented. Kāinga Ora do not appear to have proposed an effective alternative method to address these practical implementation challenges.</p> <p>With respect to the land tenures that the papakāinga provisions can be applied as a permitted activity, it is noted the provisions already specifically provide for Māori land under Te Ture Whenua Māori Act 1993. The other types of land identified by Kāinga Ora are also provided for via the restricted discretionary activity consent to ensure the relevant objectives and policies (and relevant provisions of the RMA) will be met when the provisions are implemented.</p> <p>The feedback requests Te Ātiawa is added to the papakāinga provisions. The Council notes Te Ātiawa are already included on the basis that Taranaki whānui is part of Te Ātiawa.</p>
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		<p>Centres Zones</p> <p>The Council notes only buildings in the City Centre Zone require a resource consent, and there are no limits on the number of residential units within the City Centre Zone.</p> <p>Urban Design Guides</p> <p>It is unclear how Kāinga Ora consider design guides would function as an effective method to achieve attractive and safe streets, passive surveillance, and enabling housing to be designed to meet the day-to-day needs to residents as non-statutory guidance documents. The Council considers the most effective, efficient and appropriate method to achieve the objectives of the NPS-UD and Schedule 3A of the RMA is via the use of design guides within rules. The Council is not aware of any convincing evidence that demonstrates that non-statutory guidance documents are an effective method to achieve important urban design outcomes.</p> <p>Definitions</p> <p>The Council is satisfied the defined terms proposed by the IPI will assist in plan implementation and are not unnecessary or contrary to the National Planning Standards.</p> <p>It is noted the defined terms used in the National Planning Standards are not all-encompassing exhaustive list of activities. There are many activities (and their associated actual and potential effects) that do not fit with the definitions used in the National Planning Standards. Many activities involve a mixture of activities that are captured by more than one National Planning Standard definition. On this basis, the request to align some of the very specific defined terms used in the IPI with those defined by the National Planning Standards is not a useful request. It is noted the use of defined terms that do not have the same or equivalent meaning as the defined terms of the National Planning Standards, or those that have a narrower application, can lawfully be used in accordance with Clause 14 (1)(a) and (b) of the National Planning Standards.</p> <p>In addition, the proposed defined term for <i>qualifying matter area</i> is an effective and</p>
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		practical method to clearly identify the existing qualifying matter provisions that will continue to apply where the MDRS and NPS-UD intensification provisions would otherwise apply unrestricted. It is not clear how Kāinga Ora consider existing qualifying matter provisions would continue to function clearly during plan implementation without them being specifically identified in the District Plan in the way proposed. No reasonably practicable alternative method is proposed by Kāinga Ora. In the absence of an alternative technical solution to this issue, the Council is satisfied the IPI proposed approach to the identifying of existing qualifying matters is appropriate.
Minister for Housing and Urban Development	No written comments provided.	UHCC staff have had regular meetings with MfE and HUD staff over the last few months and the government staff have advised verbally they are broadly comfortable with the UHCC IPI proposal generally.
Waaka Kotahi New Zealand Transport Agency	No feedback received.	
Hutt City Council	No feedback received.	N/A
Kapiti Coast District Council	No feedback received.	N/A
Porirua City Council	No feedback received.	N/A
South Wairarapa District Council	No feedback received.	N/A
Wellington Regional Council	<p>The feedback outlines the four significant and urgent resource management issues GWRC intend to address via a change to the Regional Policy Statement, comprising:</p> <ul style="list-style-type: none"> • The impacts of climate change • Loss and degradation of indigenous biodiversity • Degradation of water quality • Land of urban development capacity. <p>The feedback also outlines GWRC's intended actions for district plans to</p>	<p>As a general response to the matters raised by GWRC in their feedback, it is noted the IPI is not an opportunity for the Council to address possible shortfalls in the existing district plan provisions with respect to giving effect to the RPS. The matters that can be included in the IPI are specified in section 80E of the RMA, and section 80G(1)(b) makes this limitation very clear. Therefore, matters raised in the feedback from GWRC that cannot be addressed via the IPI include:</p> <ul style="list-style-type: none"> • All matters referred to regarding the content and potential direction of any draft changes to the RPS – noting draft

	<p>give effect to via the future RPS change, including:</p> <ul style="list-style-type: none"> • tree canopy requirements to improve climate resilience, • requiring that urban development occurs using the principles of Water Sensitive Urban Design, • encouraging the transition to low/zero carbon transport through mode shift, including enabling establishment of infrastructure to allow faster uptake of low-carbon emissions transport, • requiring financial contributions where off-site stormwater treatment is necessary to offset adverse effects of development and promote positive effects, • risk-based approaches for natural hazard consequences, including allowances for climate change over the next 100 years, • ensuring environmental integration in urban development, and • joint consenting procedures. <p>The feedback also notes Upper Hutt City Council is a member of the Whaitua te Whanganui-a-Tara Committee and supported the Whaitua te Whanganui-a-Tara Implementation Programme (WIP), and therefore the IPI should have regard to the outcomes of the whaitua process. GWRC notes future changes to the RPS, the PNRP and the UHCC District Plan will be required to achieve this.</p> <p>With respect to the IPI, GWRC have requested/state:</p> <ol style="list-style-type: none"> 1. that consideration of Te Mana o te Wai and integrated freshwater management through the inclusion of provisions that would address stormwater quality and the impacts on the health and wellbeing of freshwater bodies. 	<p>changes have no legal status under the RMA;</p> <ul style="list-style-type: none"> • Any specific provisions to address the impacts of climate change beyond matters that fall under section 80E of the RMA (such as hydraulic neutrality and qualifying matters); • Degradation of water quality (noting the responsibilities and powers managing water quality and discharges to water fall under section 30 rather than section 31 of the RMA); • Specifically including provisions that respond to the NPS-FM and Te Mana o Te Wai beyond the recommendations of the WIP and Te Mahere Wai that relate to hydraulic neutrality provisions (which fit under the IPI limitations specified by section 80E(2)(f) of the RMA. <p>Responses to GWRC’s IPI-specific comments are provided below:</p> <p>Te Mana o te Wai and integrated freshwater management</p> <p>The IPI proposes to include hydraulic neutrality provisions that will apply to all subdivision and development within the zones specifically addressed under the IPI. These provisions do not include methods to directly address stormwater quality and the impacts on the health and wellbeing of freshwater bodies because:</p> <ul style="list-style-type: none"> • These matters fall beyond the limitations of sections 80E and 80G of the RMA on what can lawfully be included in the IPI; and • Health and wellbeing of freshwater bodies due to discharges fall under section 30 of the RMA. UHCC has no statutory powers, functions or duties to specifically address water quality issues resulting from discharges to water via the district plan. <p>GWRC feedback on draft plan change 50</p> <p>Draft Plan Change 50 was prepared under different legislative requirements with fewer restrictions on what the draft plan change</p>
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	<p>2. that their feedback on draft plan change 50 be considered in the development of the IPI.</p> <p>3. that amendments to the Special Activity Zone provisions are made so that potential future subdivision considers amenity effects on Kaitoke Regional Park.</p> <p>4. Disappointed SNAs are not protected via the IPI.</p> <p>5. That the Indigenous Biodiversity Precinct provisions are amended so the direction provided is on considering adverse effects on indigenous biodiversity within the Precinct to more fully reflect the direction of RPS Policy 47 by including the matters of particular regard.</p> <p>6. Concerned that notifying the IPI without updating the natural hazards chapter may result in inappropriate development in at-risk areas, and seek re-assurance that the qualifying matters will adequately manage development in inappropriate areas.</p> <p>7. Note the current draft IPI objectives do not appear to explicitly seek to deliver urban environments that support reductions in greenhouse gas emissions, or that provide resilience for communities from the current and future effects of climate change.</p> <p>8. Suggest alignment of the Design Guides with the design elements of the Wellington Regional Growth Framework.</p> <p>9. Suggest the inclusion of Water Sensitive Urban Design in the</p>	<p>could contain. Much of draft plan change 50 has been discontinued or significantly altered due to the introduction of the MDRS and the IPI limitations imposed by the Amendment Act. Therefore, feedback on draft plan change 50 is considered to be of limited relevance to the IPI.</p> <p>Amendments to the Special Activity Zone to address potential amenity effects on Kaitoke Regional Park</p> <p>The IPI cannot make amendments of this type to Special Activity Zone provisions. The Special Activity Zone is not a <i>relevant residential zone</i> for the purposes of the IPI under the Act.</p> <p>Lack of protection of SNAs via the IPI, and recognition of RPS policy 47</p> <p>All existing SNA protection provisions will continue to apply as existing qualifying matters. Any additional future SNAs identified by the Council to be included via a future plan change are identified via the proposed Indigenous Biodiversity Precinct. The Council intends to introduce district plan provisions to protect these newly identified SNAs via a specific plan change that gives effect to the anticipated National Policy Statement on Indigenous Biodiversity, and all relevant RPS provisions.</p> <p>Concerns regarding notifying the IPI without updating the natural hazards chapter</p> <p>The notification of the IPI must occur by 20 August 2022. Existing qualifying matters provisions, including natural hazard provisions will continue to apply to subdivision, use and development within hazard-prone areas. The Council is in the process of updating the hazard provisions of the District Plan via Plan Change 47. Hazards addressed under this plan change comprise:</p> <ul style="list-style-type: none"> • The Wellington Fault; • Mangaroa Peatlands; • High Slope Hazard. <p>It is anticipated the Council will address updates to other natural hazards provisions as information becomes available and as this</p>
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	<p>principles in both the Medium and High Density Design Guide and the City Centre Design Guide.</p>	<p>work can be resourced via future changes to the District Plan.</p> <p>In addition, it is noted decisions on subdivision consent applications under section 106 of the RMA, and decisions on whether to grant a building consent on hazard—prone land under sections 71 and 72 of the Building Act 2004 are not limited to the consideration of natural hazard information contained in a district plan.</p> <p>The IPI objectives do not appear to explicitly seek to deliver urban environments that support reductions in greenhouse gas emissions, or provide resilience from the effects of climate change</p> <p>The content of the IPI is limited to the matters that fall under sections 80E and 80G of the RMA. Explicit provisions that address greenhouse gas emissions or providing resilience from the effects of climate do not fall under these sections of the RMA.</p> <p>Suggest alignment of the Design Guides with the design elements of the Wellington Regional Growth Framework (WRGF)</p> <p>As discussed in this section 32 evaluation report, the WRGF has no statutory weight under the RMA and has accordingly been given little weight in the preparation of the IPI.</p> <p>Suggest the inclusion of Water Sensitive Urban Design in the principles in the Medium and High Density Design Guide and the City Centre Design Guide.</p> <p>The IPI proposes the introduction of hydraulic neutrality provisions that will apply to medium and high density residential subdivision and development, and development within the City Centre Zone.</p>
<p>The Wellington Tenth Trust & Palmerston North Māori Reserve Trust</p>	<p>See section above.</p>	<p>See section above.</p>
<p>Ōrongomai Marae</p>	<p>See section above.</p>	

Te Rūnanganui o Te Ātiawa ki Te Upoko o te Ika a Māui	See section above.	
Te Rūnanga o Toa Rangatira Inc (Ngāti Toa)	See section above.	See section above.
Port Nicholson Block Settlement Trust (Taranaki Whānui ki Te Upoko o Te Ika)	See section above.	See section above.
Transpower	<p>Support the inclusion of the national grid and associated provisions as an existing qualifying matter that give effect to the NPS-ET.</p> <p>Support the inclusion of the proposed definition for qualifying matter area, in particular clauses (n) and (o).</p> <p>Support the specific reference to qualifying matters in UDF-P2, including the avoidance direction for inappropriate development as specified by the relevant qualifying matters provisions.</p> <p>Would support specific policy direction be included in the IPI in relation to qualifying matters to improve plan interpretation and application to reconcile the strong ‘enabling’ policy directive provided under the Amendment Act. Suggest an additional national grid policy be added as follows:</p> <p style="text-align: center;"><i>Avoid inappropriate development within qualifying matter areas.</i></p> <p>Suggest adding notes into relevant rules to point plan users to the location of national grid-specific rules.</p>	<p>Transpower’s support for the proposed approach to identifying and maintaining existing qualifying matters is acknowledged.</p> <p>It is not considered necessary to provide a specific policy for the avoidance of inappropriate activities within qualifying matter areas, as the relevant existing District Plan provisions already achieve this. References to qualifying matter areas within policies at rule tables within relevant chapters, noting this is a new defined term, will point plan users to the relevant chapters. This likelihood is increased by the existence of district plan mapping that identifies the qualifying matters such as the national grid.</p> <p>For the same reasons given above, the insertion of notes to point plan users to the relevant national grid provisions is not considered necessary. Such an approach would need to capture all existing qualifying matters, making such an advice note unwieldy.</p>
Retirement Village Association	Seek a comprehensive suite of provisions be included in the IPI to specifically provide for retirement village developments.	Provisions for retirement villages do not fit under the limitations of what an IPI can include. However, the provisions will be taken forward for consideration for potential inclusion in a future plan change that gives effect to other components of the NPS-UD.
EQC	Issue 1	Issue 1

	<p>The planned High Density Residential Zone on the currently undeveloped St Patrick's Estate Precinct is almost entirely contained within the 1 in 100 year flooding hazard zone for the Hutt River, as presented in the UHCC's natural hazard risk maps in the District planning maps.</p> <p>Identify "high hazard" and "low hazard" areas in the Flood Hazard Extent of the Hutt River, to avoid contravening District Plan <i>NH-P3 - Avoid development within high hazard areas of identified Flood Hazard Extents and Erosion Hazard Areas</i>.</p> <p>If the planned St Patrick's Estate High Density Residential Zone is in an area identified as high risk, and flooding is expected to result in channel flow and erosion through this area, then subdivision and development should be avoided.</p> <p>EQC recommends that a hazard extent map layer is added to the IPI planning maps.</p> <p>Issue 2</p> <p>The planned General Residential Zone northwest of and across the Hutt River from Emerald Hill, is partially contained within the 1 in 100 year flooding hazard zone for the Hutt River, as presented in the UHCC's natural hazard risk maps.</p> <p>EQC recommends the same approach is taken under Issue 1 above, plus:</p> <ul style="list-style-type: none"> • Extend the restricted discretionary activity rule to cover all proposed development areas, within the Hutt River Flood Hazard Extent. • Specify what buildings and structures within these Flood Hazard Extents, must incorporate to minimise this risk, or how the UHCC plans to lower flooding risk. <p>Issue 3</p>	<p>The part of the St Patrick's Estate Area that is proposed for rezoning is in the process of being filled (cleanfill) to make the site flood-free to enable future residential subdivision and development under resource consent reference numbers 2010104 and 2010104LU.</p> <p>The cleanfill is to raise the site above the 440 year flood return period. The works are authorised over an area of approximately 17.4 hectares, involving approximately 550,000m³ of fill to raise the land by an average of 3.1 metres. To offset the effects of this filling on the flood hazard the consent also requires the creation of a flood conveyance zone. Works are proposed over a 10 year timeframe.</p> <p>Any areas within the site that are proposed for rezoning but are not covered by the resource consents referred to above (such as the College Area) would need to address the flood hazard via the resource consent process before residential subdivision and development could occur.</p> <p>The works to the site are also authorised via consents issued by Greater Wellington Regional Council under consent reference number WGN200282.</p> <p>Issue 2</p> <p>The area identified and discussed is within an existing General Residential Zone. The IPI proposes to retain all existing natural hazard provisions and associated mapping as existing qualifying matters that must be complied with.</p> <p>Issue 3</p> <p>The concerns are noted however the IPI does not propose any special activity zones. The Special Activity Zone referred to is an existing zone within the District Plan that falls beyond the scope of the IPI.</p> <p>It is noted the risks associated with liquefaction remain a natural hazard risk for the consideration of subdivision consents under Section 106 of the RMA, however for new buildings, liquefaction risk is now addressed via the Building Act and its associated regulations. Changes to the</p>
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	<p>A Special Activity Zone is planned for the Trentham area, which is at risk of liquefaction in an earthquake event. Risk of liquefaction in Upper Hutt in the event of an earthquake, is not specified or provided for in the Draft IPI.</p> <p>It is recommended the council review the MBIE liquefaction guidance, particularly section 6.5, for options on how liquefaction can be incorporated into the IPI.</p> <p>EQC also supports the recommendation in the Coffey (2020) report, that further geotechnical investigation is carried out in this area, to accurately assess liquefaction risk.</p>	<p>Building Code took effect from November 2021. These changes revised B1/AS1 requirements to ensure new buildings are built safe and strong enough to withstand liquefaction effects²³. On this basis it is considered the most efficient and efficient method to address liquefaction risk for new buildings is via the Building Code. However, for the subdivision of land it remains a consideration under Section 106 of the RMA.</p>
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²³ <https://www.building.govt.nz/building-code-compliance/geotechnical-education/ensuring-new-buildings-can-withstand-liquefaction-risks/>

APPENDIX B: Feedback Received from Consultation

APPENDIX C: Housing and Business Land Capacity Assessment – 2019/2020

APPENDIX D: Wellington Regional Housing and Business Development Capacity Housing update - May 2022

APPENDIX E: Intensification Models of MDRS and HDRZ

APPENDIX F: Active Frontage Assessment

APPENDIX G: Cost Benefit Analysis

APPENDIX H: Urban Design Guide City Centre

APPENDIX I: Urban Design Guide Residential

APPENDIX J: Whaitua Documents

APPENDIX K: Stormwater Runoff Management

APPENDIX L: PC50 Engagement Report