

**BEFORE THE HEARING PANEL APPOINTED TO HEAR AND MAKE DECISIONS ON SUBMISSIONS AND
FURTHER SUBMISSIONS ON GABITES BLOCK PRIVATE PLAN CHANGE TO THE UPPER HUTT DISTRICT PLAN**

IN THE MATTER of the Resource Management Act 1991 (the Act)

AND

IN THE MATTER of Hearing of Submissions and Further Submissions
on the Gabites Block Private Plan Change

HEARING STATEMENT ON BEHALF OF GREATER WELLINGTON REGIONAL COUNCIL

18 October 2022

HEARING STATEMENT ON BEHALF OF GREATER WELLINGTON REGIONAL COUNCIL

Introduction

1. This Hearing Statement has been prepared on behalf of Greater Wellington Regional Council (Greater Wellington) and represents Greater Wellington's views. It is not expert evidence. Mika Zollner and Matthew Hickman will be attending the hearing to speak to this hearing statement.
2. Thank you for the opportunity to be heard in support of Greater Wellington's submission on Private Plan Change 55 for Gabites Block (PPC55). We acknowledge the work undertaken by the applicant to respond to concerns raised by Greater Wellington and other submitters.
3. Greater Wellington's original submission on PPC55 was to support the plan change in part, seeking amendments and sufficient detail, while opposing the proposed low development density. Greater Wellington sought that the development density was maximised within the identified on-site constraints. Greater Wellington's submitter statement will focus on the proposed development density and potential application of the NPS-HPL. Note we are also interested in hazards, biodiversity, freshwater etc., as set out in our submission, but these matters are not the focus of this statement.
4. A lot has changed in terms of the policy framework for urban development since Greater Wellington first submitted on PCC55 in April 2022. In particular:
 - Proposed Change 1 to the Regional Policy Statement for the Wellington Region (RPS Change 1) was notified in August 2022, which contains new direction on urban development, climate change, freshwater and indigenous biodiversity.
 - The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) was gazetted in September 2022 and comes into force on 17 October 2022.
 - Upper Hutt City Council notified an intensification planning instrument to apply the Medium Density Residential Standards to all relevant residential zones and give effect to intensification requirements in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act ('Housing Amendment Act') 2021 and National Policy Statement for Urban Development 2022 (NPS-UD).
5. The statement is broken into four parts and will cover, firstly the infrastructure constraints; secondly the use of a settlement zone; thirdly alignment with Proposed RPS Change 1; and lastly the potential relevance of the NPS-HPL.

6. In summary, it is Greater Wellington's view that the proposed approach to providing for both low density rural lifestyle and urban development does not align with the intended use of a settlement zone, or wholly align with operative and proposed RPS direction. It also potentially needs to be further evaluated under the NPS-HPL.
7. The significant potential development capacity enabled by the recently notified intensification planning instrument also raises questions about the contribution that this predominately low-density greenfield development will make at this point. Plan Change 50, which is currently on hold, would provide a more strategic approach to where and how growth in the rural area of Upper Hutt should occur into the future.

Infrastructure

8. The site has significant three waters infrastructure constraints, as detailed in the Section 42A report. Greater Wellington raised concerns about how these constraints were being addressed by the proposal in our submission. While some clarifications and amendments have been made by the applicant, the Section 42A report concludes that the proposed standards would result in unclear and inappropriate approaches to managing infrastructure capacity constraints. To rectify this the Section 42A Report recommends that the standards are amended to increase the minimum lot size to 1000m² or 2000m² where reticulated water supply and wastewater are not available, and for wastewater to be stored on-site before feeding into the network. Greater Wellington does not support this 'half-way house' approach to managing infrastructure constraints. This is expected to further reduce the density that is achieved at site, as no improvements to reticulated three waters infrastructure are available or planned¹.
9. Greater Wellington seeks for three waters infrastructure to be in place prior to development occurring and for higher development densities to be achieved on this basis. This is supported by relevant RPS and national direction provisions. For example, Operative RPS Objective 22 seeks to achieve a compact, well designed and sustainable regional form that efficiently uses existing infrastructure, while Operative RPS Policy 58 seeks for developments to be sequenced in a way that is coordinated with the provision and operation of infrastructure. Both provisions are to be implemented by city and district councils in their district plan.
10. Greater Wellington also notes some inconsistencies with Objective 6 of the NPS-UD, which is for local authority decisions on urban development to be integrated with infrastructure planning and funding decisions.

¹ This is evidenced in the Section 42A report where it is stated at Paragraph 191 "*I couldn't find any funding allocated in Council's long term plan for the improvement of 3 water services in this area*".

Proposed Densities and the use of a Settlement Zone ²

1. The site covered by PPC55 is proposed to be re-zoned to a new Settlement Zone with a range of proposed densities. As outlined above, Greater Wellington does not support the proposed densities as per our submission. The use of a Settlement Zone to provide for both rural and urban housing, rather than applying a residential zone in the 'more urban' sub-areas effect is that it precludes the Medium Density Residential Standards from applying to this site, despite the fact that some areas are of the same potential density as other residential parts of Upper Hutt, at 400m² lots.
2. Settlement Zones are defined in the National Planning Standards as, '*Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments*'. Greater Wellington notes that the application of the Settlement Zone does not align with the National Planning Standards definition and questions the appropriateness of this zoning, noting:
 - The Gabites Block is located on the edge of the metropolitan centre of Upper Hutt City. The 2016 Land Use Strategy indeed identifies Gabites Block as suitable for 'edge expansion', recognising its proximity to both Upper Hutt city and Maymorn Station. Policy 3 of the NPS-UD seeks for intensification to be enabled at the edge of metropolitan centre zones.
 - PPC55 does not contain any proposed commercial activity, despite a Village precinct being signalled by Plan Change 50.
 - The proposed densities within certain parts of the site are more typically found in Rural Lifestyle or Rural Residential Zones.
 - The applicant's planning evidence recognises that PPC55 modifies the site to be "*more rural*' in some sub-areas and '*more urban*' in other sub-areas"³.
3. For these reasons, Greater Wellington does not consider that a Settlement Zone has been applied appropriately to this site and seeks for a more nuanced approach to zoning to be taken. This should include consideration of clustering lots in areas appropriate for development and with infrastructure capacity, through the use of higher (medium) density and a relevant residential zone, and avoiding or reducing development in constrained areas. Greater Wellington considers that this a more efficient and effective way to provide for housing than currently proposed in PPC55.

² The zoning of the site was not directly addressed in Greater Wellington's submission, but this is relevant for the proposed densities in PPC55.

³ Mr Cumming's statement of evidence at paragraph 67.

Proposed RPS Change 1

4. Greater Wellington acknowledges that both the Section 42A report and the applicant's planning evidence have referred to and undertaken some assessment of Proposed RPS Change 1. The Section 42A report summarises the relevance of a number of these changes⁴, while the applicant's planning evidence concludes that PPC55 is consistent with the direction in the key provisions in RPS Change 1⁵. Greater Wellington considers that the proposed level and density of development in PCC55 will not necessarily contribute to achieving the qualities of well-functioning urban environments as articulated in Objective 22, particularly those relating to low emission transport infrastructure, housing densities, and the provision of infrastructure. Urban development provisions in Proposed RPS Change 1, including Policies 31, 55, 56, 57 and 58, apply to PCC55 which seek to:

- Enable different building heights and densities within urban areas, including areas for medium density residential development within any relevant residential zone (Policy 31);
- Have particular regard as to whether the urban development contributes to establishing or maintaining the qualities of a well-functioning urban environment (Policy 55);
- Ensure particular regard is given to the loss of productive capability of the rural area (Policy 56);
- Require the integration of land use and transport planning in relation to a plan change to support connectivity with public services and minimise private vehicles travel (Policy 57);
- Require all urban development to be sequenced in a way that the development funding, implementation and operation of infrastructure servicing the area is provided for, and all infrastructure require to serve the new development is available prior to development occurring (Policy 58).

Greater Wellington considers that the following could assist in contributing to the qualities and characteristics of a well-functioning urban environment:

- Higher densities than those currently proposed in suitable areas.
- Providing for three waters infrastructure in place prior to development occurring.
- Relevant residential zoning and commercial or mixed-use zoning where appropriate⁶.

⁴ Section 8.4.1.

⁵ Mr Cumming's statement of evidence at paragraph 88.

⁶ The Section 42A report notes that the Village precinct which was identified during the draft of the PC50 process has not been included in PC55 due to the lack of reticulated infrastructure.

- Avoiding development in areas which are subject to significant natural hazards and other constraints.

National Policy Statement for Highly Productive Land

5. Some areas of the site are Land Use Capability (LUC) Class 3 soils, which are likely to be captured by the transitional definition of highly productive land under clause 3.5(7) of the NPS-HPL. This is dependent on whether it is deemed that the site is excluded on the basis has been 'identified for future urban development'. 'Identified for future urban development' is defined in the NPS-HPL as areas identified in a strategic planning document as suitable for urban development in the next 10 years, and at a level of detail that makes boundary of area identifiable in practice.
6. Greater Wellington considers that Figure 4.17 in the 2016 Upper Hutt Land Use Strategy does not identify the boundaries of Gabites Block with sufficient clarity to be considered 'identified for future urban development'. If confirmed not to meet the exclusion and thus be highly productive land, the stringent tests for urban rezoning in the NPS-HPL would apply when making decisions on PPC55, noting that settlement zones are urban in the NPS-HPL.
7. **In summary**, Greater Wellington seeks the Panel to consider the appropriateness of PPC55 and potential improvements in light of the points made above, with a particular focus on:
 1. Whether parts of Gabites Block are more suitable for a relevant residential or commercial and mixed-use zone to apply instead of a settlement zone, where higher densities than currently proposed can be provided for and achieve a well-functioning urban environment.
 2. Whether any development should occur prior to the provision of reticulated three waters infrastructure, and whether a similar or improved yield could be achieved by clustering lots in areas appropriate for development and with infrastructure capacity and avoiding or reducing development in constrained areas.
 3. Assessment of whether the NPS-HPL 2022 applies to parts of the site that are LUC class 3 land, and the implications for urban zoning (or rural lifestyle zoning) in these areas.