

**IN THE MATTER**

of the Resource  
Management Act 1991

**AND**

**IN THE MATTER**

of Submissions and  
Further Submissions on  
the Proposed Wellington  
City District Plan

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**Officer response to memorandums on allocation of topics to the ISPP**

Adam McCutcheon

Acting Manager, District Planning

Wellington City Council

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1. I have been instructed by Minute 6 of the Independent Hearings Panel *'Directions for Resolution of Procedural Issues Regarding Allocation of Topics to ISPP'* to file a report explaining the factual basis for the Council's position on this matter.
2. Accordingly, in this report I explain the process followed and factual basis for the allocation of provisions between the part of the Proposed District Plan (PDP) forming an Intensification Planning Instrument (IPI) and that proceeding under the usual Part One, Schedule One process. This report is written in my role of an expert in the field of planning. To the extent that I express opinions, I repeat my understanding of, and agreement to comply with, the Environment Court Code of Conduct for expert witnesses.
3. Four submitters have objected to the allocation of provisions into the Intensification Streamlined Planning Process (ISPP):
  - a. Wellington International Airport Limited (WIAL);
  - b. Wellington's Character Charitable Trust;
  - c. Sarah Cutten and Matthew Keir; and
  - d. Historic Places Wellington (in support of Wellington's Character Charitable Trust).
4. Kāinga Ora Homes and Communities (Kāinga Ora) takes the position that some provisions not included in the IPI should have been.
5. I set out below:
  - a. My involvement in the determination process which allocated provisions into the ISPP and Part One, Schedule One process;
  - b. The process followed and factual basis for the allocation of provisions into the ISPP and Standard Part One, Schedule One process;
  - c. A correction I wish to make to my Overview Section 42A report; and
  - d. Responses to objections raised.

## **My involvement in the determination process which allocated provisions into the ISPP and Standard Part One, Schedule One process**

6. I was the Council officer who wrote and presented two papers, one to Council (in March 2022) and one to the Council's Planning and Environment Committee (in May 2022) relating to the identification and recommendation of plan provisions to progress through the ISPP.

## **The process followed and factual basis for the allocation of provisions into the ISPP and Standard Part One, Schedule One process**

7. The Council has been preparing a full Proposed District Plan as part of the Planning for Growth Programme since 2019.
8. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill achieved royal assent in late December 2021.
9. The Council's submission on the then Bill asked the Select Committee to amend the bill to enable the ISPP to be used for the entire Wellington City Proposed District Plan (PDP). This amendment was not taken up by the Select Committee.
10. This had the effect of requiring the full Proposed District Plan, which had been drafted in an integrated manner to recognise the dependencies between different chapters and their provisions, to be cut into two. That is to say the identification and delineation of provisions required and enabled to form an IPI necessarily took place after drafting, rather than as part of the drafting process. It raised issues for the Council to consider such as whether to notify both parts of the PDP at the same time, or sequentially, whether to appoint separate panels to hear submissions, and what steps could be taken to make the process easier for the public to navigate.
11. This split can be paraphrased as falling into those provisions relating to intensification, and those that do not.
12. Officers, including myself undertook an exercise in early 2022 identifying which provisions of the still under development PDP would be required, or enabled, to progress through the ISPP and those that would have to follow another planning process.

### 31 March 2022 Council meeting

13. Consistent with Council's stated intent to expedite the PDP process, I presented a recommendation to Council on 31 March 2022 (Appendix 1) that those provisions not required or enabled to progress through the ISPP, form part of a Streamlined Planning Process (SPP). I recommended doing so given that it would enable integrated consideration of submissions and amendments to plan provisions.
14. I presented an allocation of topics to the ISPP at this meeting (attachment 1 of appendix 1). This attachment also identified the reasons why officers recommended provisions be included.
15. At the time there was no guidance available from the Ministry for the Environment for officers to consider in determining the allocation of topics. The Council was to my

knowledge the only Tier One local authority to undertake an exercise of allocation, as opposed to drafting a more traditional plan change or variation. There had been no declarations or case law dealing with the matter. As such, this was uncharted territory.

16. The Departmental Report on submissions on the Bill was available as a source of information to consider. This detailed how officials had recommended a broader approach to the enabled scope of an Intensification Planning Instrument in response to submissions.
17. That report stated (emphasis added):

**Policy intent from the [Departmental Report](#):**

‘We recognise that if the scope of the IPI is too narrow, it will result in provisions (including objectives, policies, rules and standards) left in plans that may not enable the intensification sought by this Bill. **It may also require councils to undertake multiple plan change processes. This will be confusing, costly and time consuming.** The policy intent was to have a concise scope to avoid confusion and give certainty. **As the MDRS and NPS-UD are directive in their outcomes and application, the ISPP was designed accordingly, and the removal of appeal rights was deemed appropriate.** Consideration was also given to the amount of work councils need to do by 20 August 2022. **We now consider the scope of the ISPP needs to be broadened. Councils should be able to use the IPI to enable to amend or develop provisions (including objectives, policies, standards, rules and zones) that are consequential or complementary to the MDRS and NPS-UD. This includes provisions relating to district wide matters (i.e. subdivision, fences, earthworks, infrastructure, and hydraulic neutrality/stormwater management).** Such provisions can have their own chapters in plans, **others are covered in ‘district wide’ chapters, and therefore amendments to relevant content in district wide chapters should also be able to be included in the IPI.** Councils often manage district wide matters relating to technical infrastructure matters through chapters in their plans that have district wide effect. **The ability to adjust these measures through the ISPP will both allow councils to manage infrastructure issues and support MDRS and NPS-UD implementation.** We also recommend that the Bill clarify that provisions in plans that do not conflict with the MDRS will continue to have effect (an example of this is environmental protection provisions such as setbacks from waterways). Councils should be able to rewrite zoning frameworks to improve drafting and to implement the national planning standards. The ISPP has not been designed for full plan reviews. We do not think it is appropriate for the ISPP to be used for this purpose, particularly as there are likely to be matters where it would not be appropriate to have no appeal rights (e.g. significant natural areas). However, we acknowledge that some full plan reviews are underway and having multiple plan processes is inefficient. The transitional section of this report outlines our recommendations on this issue.

**We recommend that the scope of the IPI is broadened to enable consequential and complementary changes to provisions including objectives, policies, rules, standards and zones. For the avoidance of doubt this should include provisions**

**relating to subdivision, fences, earthworks, district-wide matters, infrastructure, qualifying matters, and hydraulic neutrality/stormwater management’.**

18. Officers used their best professional judgement to recommend topics and related groupings of provisions for progression through the ISPP that would ensure an integrated submissions, hearings and determination process and reduce confusion for the community. Doing so would also help ensure a logical and integrated planning document at the end of the plan making process.

19. This is particularly pertinent given that:

- a. The full Proposed District Plan had been drafted as a full review of the Operative District Plan, and therefore in an integrated manner for the entire district, rather than a response initiated to implement the scope of the Amendment Act.
- b. Several chapters were identified as having some (but not all) provisions as part of the ISPP; and
- c. The vast majority of chapters have not been divided and redrafted to apply urban and non-urban environments distinctly, and as such have plan wide application.

20. Council decided at that meeting to reject officers’ recommendation to pursue a SPP alongside an ISPP. They also requested that officers return with:

*‘more detailed advice chapter by chapter on what needs to be sent through the ISPP’.*

21. Contextually, the composition of the hearings panel for the PDP had yet to be determined and there was a stated desire from councillors to establish and sit on a separate hearing panel for those provisions not included in the IPI.

22. I considered that it would be inefficient and confusing for two panels to consider separately ISPP and Part One, Schedule One matters on the same topic (noting the possibility they could reach inconsistent conclusions) and recommended that one panel be established.

12 May 2022 Council meeting

23. Officers reported back to the Planning and Environment committee on 12 May 2022 with a briefing detailing the provisions that ‘must’ under s80E(1)(a) be included in an IPI, and those which Council ‘may’ choose to include under s80E(1)(b). I have copied this section below for reference.

*Intensification planning instruments*

Heading: inserted, on 21 December 2021, by section 10 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

**80E Meaning of intensification planning instrument**

- (1) In this Act, **intensification planning instrument** or **IPI** means a change to a district plan or a variation to a proposed district plan—
  - (a) that must—
    - (i) incorporate the MDRS; and
    - (ii) give effect to,—
      - (A) in the case of a tier 1 territorial authority, policies 3 and 4 of the NPS-UD; or
      - (B) in the case of a tier 2 territorial authority to which regulations made under section 80I(1) apply, policy 5 of the NPS-UD; or
      - (C) in the case of a tier 3 territorial authority to which regulations made under section 80K(1) apply, policy 5 of the NPS-UD; and
  - (b) that may also amend or include the following provisions:
    - (i) provisions relating to financial contributions, if the specified territorial authority chooses to amend its district plan under section 77T;
    - (ii) provisions to enable papakāinga housing in the district;
    - (iii) related provisions, including objectives, policies, rules, standards, and zones, that support or are consequential on—
      - (A) the MDRS; or
      - (B) policies 3, 4, and 5 of the NPS-UD, as applicable.
- (2) In subsection (1)(b)(iii), **related provisions** also includes provisions that relate to any of the following, without limitation:
  - (a) district-wide matters;
  - (b) earthworks;
  - (c) fencing;
  - (d) infrastructure;
  - (e) qualifying matters identified in accordance with section 77I or 77O;
  - (f) storm water management (including permeability and hydraulic neutrality);
  - (g) subdivision of land.

24. At this meeting I presented a table (Table 2 of Appendix 2) of those provisions the Committee was expressly asked to approve as included within the IPI.

25. Reasoning for these recommendations was set out in paragraphs 17 - 26 of that paper, some of which touch upon matters now in contention before the Panel.

26. In this briefing I recommended that the Committee utilise its ability under s80E(1)(b) to include related provisions as defined in s80E(b)(iii) and s80E(2) of the Act in a focused way. These recommendations were made to help achieve the outcomes I have outlined in paragraph 20 and reflect that the PDP has been drafted as an integrated document. My recommendation was that matters such as Significant Natural Areas and notable trees not go through the ISPP, but could be included. I noted several matters that in my judgement were appropriate matters to include in the IPI through the 'may' category. This mainly included district wide matters such as the natural hazards and wind chapters.

27. I note that on re-reading my s42A Overview Report I have overstated the strictness of the approach to s80E taken by the Council and this appears to have led submitters to misunderstand the approach the Council took.

28. A more accurate paraphrasing of the approach taken is:

80. Council's Planning and Environment Committee resolved on 12 May 2022 to take a stricter approach to section 80E of the Act so that generally only plan content required to follow the ISPP under s80E(1)(a) be included in that process.

81. In that way it opted not to fully utilize its discretion under section 80E(1)(b) and 80E(2) of the Act to include all related provisions, without limitation, ~~provisions that may be included, including those~~ that support or are consequential to those provisions required to follow the ISPP or relate to 'qualifying matters'. Qualifying matter provisions that do not engage Policy 4 of the NPS-UD by varying building height and/or density were generally not included.

29. Accordingly, it is for this reason that the following were also recommended for inclusion:

- a. Entire chapters (such as natural hazards) where the majority of provisions were considered to be required to be included in the IPI and were not easily separated;
- b. Related chapters and provisions which support other provisions being progressed through the IPI (such as wind, earthworks and the strategic directions chapters); and
- c. Those appendices and schedules that inform an assessment or trigger an IPI rule (such as the design guides, and related schedules).

30. The Committee accepted the recommendations.

### Responses to objections raised

#### Wellington International Airport Limited (WIAL)

31. My reading of the Memorandum of Counsel for WIAL is that it is accepted that the entire natural hazards chapter can technically be progressed through the IPI (para 6.3, 6.5, 6.6).

32. I acknowledge that my overstatement of the approach referred to in paragraph 29 would not have helped understand the process to date, and that my subsequent correction in paragraph 30 may assist.

33. I do not agree with WIAL paragraph 6.1 that the purpose of the Amendment Act is solely to enable *residential intensification*. The implementation of Policy 3 of the NPS-UD (and the ability to modify this through policy 4) specifically required to be included in an IPI relates to land of all zones in urban zones, not just residential zones.

34. Many of the natural hazards managed in the associated chapter, as well as the coastal hazards within the coastal environment chapter have the effect of restricting building heights and *densities* other than as required by policy 3 of the NPS-UD or the MDRS. Accordingly, I consider that they engage policy 4 of the NPS-UD.

35. For example, in the following areas the MDRS would not be permitted, and instead have a restricted discretionary, discretionary or non-complying activity status within the associated rules for:
- a) overland flowpaths;
  - b) stream corridors;
  - c) inundation areas;
  - d) fault overlays;
  - e) medium coastal hazard areas; and
  - f) high coastal hazard areas.
36. This is incompatible with the MDRS.
37. The management of significant risks from natural hazards is a recognised qualifying matter under the NPS-UD given that it is a matter of national importance that decision-makers are required to recognise and provide for under section 6 of the Act (3.32 of the NPS-UD).
38. In the context of a full plan review, the associated objectives, policies and rules are drafted broadly. They do not 'carve out' or distinguish, as the submission suggests is possible, between areas within the urban environment and those not within the urban environment, required to implement policy 3 or required to implement the MDRS. Cutting up a broadly drafted rule into two so that part of it as it relates to residential zones and the MDRS could be progressed through the IPI, while the remainder progresses through a Part One, Schedule One process would be extremely difficult for submitters to engage with and result in long term negative usability effects for what is a comparatively short term decision making process. There would be risk that any integration of these provisions and more broadly across the plan would be undone through the Part One, Schedule One decision and appeals and would frustrate the intent of progressing only those as suggested by the submitter in the first instance.
39. Furthermore, as I have explained in this report, the interrelationships between objectives, policies and resultant rules mean that it is not a case of selecting a rule for progression in an IPI, without the policy framework to assess against. The sheer number provisions of the natural hazards chapter to be progressed through the IPI, and the interrelated policy framework of the chapter was such that progressing the entire chapter was the recommended option. In that way s80E(1)(b) can be considered to have been engaged.
40. In response to paragraph 6.8 of WIAL, I consider that the position is different for the Coastal Hazards provisions, located in the Coastal Environment chapter. This was because these provisions are readily identifiable within the structure of the chapter, given they are separated out under their own heading, and fit alongside the natural hazards provisions of the natural hazards chapter.

#### Wellington's Character Charitable Trust (WCCT)

41. WCCT's memorandum disputes the allocation of essentially all the historic heritage provisions and the character precinct provisions into the ISPP.
42. The Character Precincts are an 'other' qualifying matter per 3.32(h) of the NPS-UD.

43. The Character Precinct provisions function as an integrated set and engage policy 4 of the NPS-UD. They do not enable the building height and density otherwise required by Policy 3, nor is the MDRS enabled within them given that new buildings require resource consent.
44. Rule MRZ-PREC-04 (Demolition) is particularly central to the Character Precincts as a qualifying matter. Without the inclusion of this rule (and its intended maintenance and enhancement of pre-1930s character values, primarily through restriction on demolition) there would be no need for requirements of Policy 3 of the NPS-UD to be varied. Accordingly, building heights of 21m would be required to be enabled in these areas which are essentially all within walkable catchments of the edge of the city centre zone (policy 3(C)(ii)). The intent of managing character values would not be achieved were the demolition rule not part of this set.
45. That is to say that if the submitter does not consider the demolition rule relevant to the maintenance of character values as a qualifying matter, it would have to accept as equally true that the absence of the rule (with permitted demolition of a character building within the precinct) would have no impact on the values intended to be protected by the qualifying matter. I am sure that would not be its position.
46. I have the same view with respect to the Historic Heritage provisions -
47. The integrated suite of provisions do not enable the MDRS as a permitted activity - a resource consent is required for any new building or additions and alterations to a building which is heritage listed or within a heritage area.
48. Similarly maximum development capacity in the city centre zone (as directed by Policy 3(c)(a) of the NPS-UD cannot be achieved on a site with a listed heritage building or within a heritage area where a discretionary activity status applies and a relatively strong policy position in opposition to demolition exists. Such an activity status does not meet the criteria of 'plan enabled' under Subpart 1, clause 3.4 of the NPS-UD.
49. This equally applies to the demolition of a residentially zoned heritage building on a site where the MDRS is otherwise enabled.
50. My comments in paragraph 39 equally apply.

#### Historic Places Wellington

51. This submission supports that of Wellington's Character Charitable Trust.

#### Sarah Cutten and Matthew Keir

52. This memorandum relates to SCHED1- Heritage Buildings, with reference to the proposed listing of the submitter's property.
53. The specific merits (or lack thereof) of the submitters' property will be considered by the Panel in Hearing Stream 3. This will include provision of expert heritage advice



on behalf of the Council (and, I assume, from or on behalf of Ms Cutten and Mr Keir). Continued listing is not a predetermined outcome.

54. As I have outlined in paragraph 31(c) of this report those appendices and schedules that inform an assessment or trigger an IPI rule were recommended to be included (such as the design guides, and related schedules) given that they are related provisions to district wide and qualifying matters under s80E(1)(b) and for both District Wide Matters and qualifying matters per s80E(2)(a) and (e).
55. Given that some heritage buildings are spatially identified outside of the urban environment (as defined in the NPS-UD), only those buildings within the urban environment have been included within the IPI.
56. I do not agree with the statement in the first request of the panel – that expansion of heritage listings is not related to intensification. Within the urban environment, historic heritage is a qualifying matter and one of the specified reasons why a plan can depart from the NPS-UD and the MDRS.
57. I consider that Historic Heritage Objectives HH-O1 to HH-O3 and HH-P1 to HH-P6 are related to the qualifying matter of historic heritage given they are part of the framework of objectives and policies which the associated rules implement to limit development capacity in spatially identified areas.

#### Kāinga Ora Homes and Communities

58. The Memorandum seeks the inclusion of the following introduction statements on the basis that they are an interpretation tool for relevant plan provision that have been allocated to the IPI:
  - a) Medium Density Residential Zone;
  - b) High Density Residential Zone;
  - c) City Centre Zone;
  - d) Metropolitan Centre Zone;
  - e) Local Centre Zone;
  - f) Neighbourhood Centre Zone;
  - g) Character Precincts;
  - h) Mt Victoria North Townscape Precinct; and
  - i) Oriental Bay Height Precinct.
59. These statements were not recommended for inclusion given they also include content related to land use activities in the zones (see below) and are descriptive, rather than focused specifically on the requirements of Policies 3 and 4 of the NPS-UD and the MDRS. On balance they were not included.
60. Inclusion of the provisions of the following is sought:
  - a) Character Precincts;
  - b) Mt Victoria North Townscape Precinct; and the
  - c) Oriental Bay Height Precinct.
61. The provisions of these three types of precincts are generally included in the IPI, except as below.

62. The following provisions from the Medium Density Residential Zone:

**Character Precincts**

- a) MRZ-PREC01-P4 (On-going use and repair and maintenance)

**Mount Victoria North Townscape Precinct**

- b) MRZ-PREC02 – P1 (Maintenance of township values)

**Oriental Bay Height Precinct**

- c) Policy MRZ-PREC03-P1 (Managing development)

63. Given that the related rules for policies MRZ-PREC01-P4 (On-going use and repair and maintenance) and MRZ-PREC02 – P1 (Maintenance of township values) are in the ISPP, these policies could and perhaps should have been too, for completeness.

64. The following objectives:

- a) MRZ-O3 and HRZ-O3 (Healthy, safe and accessible living environments).

65. These objectives were not considered directly related to the implementation of Policy 3 or 4 or the MDRS and are included in the provisions included in Schedule 3A of the Act so did not form part of the IPI.

66. The following rules:

- a) CCZ-R12 Residential activities in the CCZ;
- b) CCZ-R21 Conversion of buildings or part of buildings for residential activities;
- c) MCZ-R12 Residential activities in the MCZ;
- d) MCZ-R21 Conversion of buildings or part of buildings for residential activities;
- e) LCZ-R10 Residential activities in the LCZ;
- f) LCZ-R19 Conversion of buildings or part of buildings for residential activities;
- g) NCZ-R10 Residential activities in the NCZ; and
- h) NCZ-R19 Conversion of buildings or part of buildings for residential activities

67. Land use rules and the range of activities enabled within a zone were considered separate and unrelated to the implementation of building heights and densities (the scope of Policy 3 of the NPS-UD) and were not included. In other words, while the MDRS and NPS-UD provide direction as to heights and densities, they do not provide direction as to which land use activities should be enabled in a particular zone.

68. The following objectives, policies, rules and standards for zones currently in the Part One Schedule One process:

- a) MUZ-O1;
- b) MUZ-O2;
- c) MUZ-P1;
- d) MUZ-P2;
- e) MUZ-P5;
- f) MUZ-P7;
- g) MUZ-R10;

- h) MUZ-R16;
- i) MUZ-R17;
- j) COMZ-O3;
- k) COMZ-P1;
- l) COMZ-P6;
- m) COMZ-R2;
- n) COMZ-S5;
- o) COMZ-S6; and
- p) COMZ-S7.

69. Land zoned mixed use zone or commercial zone is not within walking catchments of Policy 3(c) of the NPS-UD, nor does the MDRS does not apply in these areas. Accordingly, they were not included in the IPI.

**Adam McCutcheon**  
**Acting Manager, District Planning**  
**Wellington City Council**  
**8 February 2023**

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ORDINARY MEETING  
OF  
WELLINGTON CITY COUNCIL  
SUPPLEMENTARY AGENDA

Time: 9:30am  
Date: Thursday, 31 March 2022  
Venue: Virtual meeting

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<b>Business</b>	<b>Page No.</b>
<b>3. General Business</b>	<b>3</b>
<b>3.4 Government Approval for a District Plan Streamlined Planning Process</b>	<b>3</b>

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1. General Business

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## **GOVERNMENT APPROVAL FOR A DISTRICT PLAN STREAMLINED PLANNING PROCESS**

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### **Kōrero taunaki | Summary of considerations**

#### **Purpose**

1. This report seeks approval to make an application to the Minister for the Environment for part of the Proposed Wellington City District Plan (PDP) to progress through a Streamlined Planning Process (SPP) integrated with the mandatory Intensification Streamlined Planning Process (ISPP). This conjoint process would be heard by one hearings panel with the same commissioners and provide clarity for the community on their opportunities to input and the timing of the plan being operational or 'operative'.

#### **Strategic alignment with community wellbeing outcomes and priority areas**

Aligns with the following strategies and priority areas:

- |  |   |
|--|---|
| <b>Strategic alignment with priority objective areas from Long-term Plan 2021–2031</b> | <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Sustainable, natural eco city</li><li><input checked="" type="checkbox"/> People friendly, compact, safe and accessible capital city</li><li><input checked="" type="checkbox"/> Innovative, inclusive and creative city</li><li><input checked="" type="checkbox"/> Dynamic and sustainable economy</li></ul>  |
|  | <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Functioning, resilient and reliable three waters infrastructure</li><li><input checked="" type="checkbox"/> Affordable, resilient and safe place to live</li><li><input checked="" type="checkbox"/> Safe, resilient and reliable core transport infrastructure network</li><li><input checked="" type="checkbox"/> Fit-for-purpose community, creative and cultural spaces</li><li><input checked="" type="checkbox"/> Accelerating zero-carbon and waste-free transition</li><li><input checked="" type="checkbox"/> Strong partnerships with mana whenua</li></ul> |

#### **Relevant Previous decisions**

On 27 June 2018 Council initiated a comprehensive review of the District Plan as part of adopting the 2018/28 Long-term plan. This review has included the Development and subsequent approval of a Spatial Plan on 24 June 2021 and consultation on a Draft District Plan.

At the Pūroro Waihanga – Infrastructure Committee on 11 November 2021, an amendment to the Council's submission on the Resource Management (Enabling Housing Supply and other matters) Amendment Bill was passed to "*request WCC get permission to use the Intensification Streamlined Planning Process (ISPP) for our entire new District Plan notification to avoid public confusion*"

#### **Significance**

The decision is **rated high significance** in accordance with schedule 1 of the Council's Significance and Engagement Policy.

**Financial considerations**

Nil       Budgetary provision in Annual Plan / Long-term Plan       Unbudgeted \$X

2. There would be no Environment Court appeals if Wellington City Council (The Council) were able to use both the SPP and the ISPP processes for approving the entire PDP, apart from designations and heritage orders. This would result in significant financial savings for the Council and the community in having to defend appeals to the Environment Court, as well as save administrative and consent processing costs for resource consent applicants.

**Risk**

Low       Medium       High       Extreme

3. Using a SPP process is likely to raise concerns with some members of the community and those organisations typically involved in district plan review processes as the usual avenues for appeals would no longer be available to them. This will be pronounced given the public may not be aware that the balance of the plan will similarly have no Environment Court appeals as per the ISPP process.
4. In formulating this proposal, officers have considered the implications of communities involvement in plan making. Given the extensive multi-year nature of the Our City Tomorrow and Planning for Growth Spatial Plan engagement and consultation process, officers are of the view that the Council has achieved a very high level of engagement in the plan making process. This extensive community involvement to date is incorporated into the District Plan to be notified and goes some way to addressing potential criticism of using an SPP process. It is on this basis that the recommended approach is considered reasonable and appropriate to consider.
5. The SPP enables the plan review process to be structured so that outwardly for the community there is one integrated consultation on the Proposed District Plan, and participation can be straightforward and efficient.
6. There is a risk that Council or the Minister does not authorise the use of a SPP. The Council would then need to follow a standard Resource Management Act 1991 (RMA) Schedule 1 plan process and manage implications on plan useability and integration, as well as implications for resource consenting.

Author	Adam McCutcheon, Senior Advisor Planning
Authoriser	John McSweeney, Place Planning Manager Sean Audain, Manager Strategic Planning Liam Hodgetts, Chief Planning Officer

## **Taunakitanga**

### **Officers' Recommendations**

Officers recommend the following motion

That Te Kaunihera o Pōneke | Council:

- 1) Receive the information.
- 2) Agree to instruct the Chief Executive to make a formal application to the Minister for the Environment for use of a *Streamlined Planning Process* for those parts of the Proposed District Plan which are not able to be approved through the *Intensification Streamlined Planning Process*.

### **Whakarāpopoto | Executive Summary**

7. The Proposed District Plan (PDP) is the replacement of the city's existing, operative District Plan. The PDP has completed a first round of non statutory consultation that will inform the plan to be notified by Council in July. This builds on extensive community engagement that began in 2017 with the Our City Tomorrow visioning followed by Growth Scenarios, the Spatial Plan and most recently the Draft District Plan.
8. Approval to initiate the statutory consultation process for the PDP will be requested from Pūroro Āmua on 23 June 2022, for a mid-July notification date. This timeframe enables the Council to meet the implementation timeframes of the National Policy Statement on Urban Development 2020 (NPS-UD) and the Resource Management (Enabling Housing Supply and other matters) Amendment Act (the Amendment Act).
9. The Amendment Act requires high growth councils to incorporate new Medium Density Residential Standards (MDRS) and implement the intensification and qualifying matters policies (Policies 3 and 4) of the NPS-UD. This implementation of the Amendment Act is to follow a shortened District Plan making process called the Intensification Streamlined Planning Process (the ISPP), which is supported by officers.
10. Wellington City is the only high growth council that is currently also carrying out a full District Plan review. As a result the Council made a submission to the Select Committee that the entire PDP be approved through the ISPP. This request was not progressed by the Committee through recommended changes to the legislation.
11. This has had the unintended consequence of the Amendment Act requiring the splitting of Wellington City's PDP into two separate plan change processes. Where the plan is related to the MDRS and intensification it must proceed through the ISPP. Remaining plan content must progress separately. This split raises the potential for the following significant issues for the PDP process:
  - a. the ability to maintain an integrated plan which enables growth, whilst achieving quality urban environments, and protection of the natural environment is compromised;
  - b. the submissions and hearing processes will be complex, duplicated and potentially confusing for members of the community, stakeholders, agencies, and decision makers; and
  - c. planning provisions will be at different stages of approval which could compromise efficient and effective resource consenting processes and decision making.



12. The options for progressing the non ISPP portions of the plan are to either:
  - a. use the First Schedule of the RMA (the traditional process); or
  - b. use a Streamlined Planning Process (SPP).
13. The use of a SPP for the balance of the PDP will enable the plan review process to be structured so that outwardly for the community there is one integrated consultation on the PDP, and participation can be straightforward and efficient.
14. It would also ensure the outcomes of the PDP, informed by significant public consultation, can be realised sooner and be consistent with, and respond to, the Council's stated desire to seek an expedited process for the entire PDP.
15. Lastly, it will help deliver on this Councils and the Governments desire to enable more housing and address the significant housing affordability issues in Wellington, while enabling the PDP to promptly support the implementation of other Council priorities.

### **Takenga mai | Background**

#### The proposed district plan is the biggest change to the city's planning settings since 1994

16. The PDP is being drafted in an integrated manner to implement all relevant national direction, proactively respond to challenges the city is facing such as population growth, climate change, and resilience, as well as taking the opportunity to support other strategic priorities for the Council, such as transportation mode shift. It has also sought to demonstrate a treaty partnership by working with mana whenua to shape the strategic direction for the city and integrate their views and Mātauranga Māori principles across the plan and in the design guides.

#### We are producing the proposed district plan in a changing policy environment

17. The NPS-UD classifies Wellington City as a 'Tier one' or high growth Council. All Tier one Councils must implement directive policy contained in the NPS-UD. WCC is the only high growth Council who is implementing the NPS-UD (and the MDRS) in the context of a full plan review.
18. The NPS-UD was being implemented in an integrated manner until the recently assented RMA Amendment Act (December 2021), which required the intensification provisions and the incorporation of the MDRS through an abbreviated planning process (the ISPP).
19. This means that the intensification areas identified by the Council and the MDRS have effect much sooner. It does this by making the MDRS have immediate legal effect, having submissions considered by an independent hearings panel and limiting appeal rights. It would see these parts of the plan operative in little over one year (end of 2023).
20. This unfortunately has the effect of separating the PDP's provision for, and management of intensification from content that supports transportation mode shift, mana whenua strategic direction, a transition to a low carbon city, assisted and affordable housing, the provision of infrastructure and the rollout of other Council priorities. The Council therefore asked for the entire PDP to follow the ISPP in its submission to the Select Committee on the RMA Amendment Bill. This request was not granted by the Select Committee.
21. The steps of the ISPP are summarised in Table 1 below.

<b>Scope</b>	<ul style="list-style-type: none"><li>• Incorporate the MDRS; and</li><li>• Give effect to Policy 3 and 4 of the NPS-UD (intensification and qualifying matters)</li><li>• Provisions that support or are consequential to the</li></ul>
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	above.
<b>Submissions</b>	Submissions
<b>Hearings panel members</b>	Independent Commissioners make recommendations.
<b>Decision maker</b>	Elected Council in the first instance, Minister for the Environment on disagreement. Expected to be made in approx. 1 year from notification.
<b>Appeals</b>	Points of law appeals to High Court. No merit appeals to the Environment Court.
<b>Effect of provisions</b>	MDRS have effect (operative) at notification. Intensification provisions don't have effect until decisions are made.
<b>Timeframe until content is completely operative</b>	Approx. 1.5 years from notification.

*Table 1: Summary of Intensification Streamlined Planning Process*

The majority of the PDP would progress through the ISPP

22. It is considered that approximately 60% of the PDP must follow the ISPP process.

This includes:

- a. most of the Definitions Chapter;
- b. parts of the Strategic Direction chapter linked to intensification;
- c. the Three Waters chapter
- d. the Natural Hazards chapter
- e. the Historic Heritage, Notable trees and Sites of significance to mana whenua chapters;
- f. the Significant Natural Areas (SNAs) chapter;
- g. parts of Medium Density Residential Zone chapter, including the identification of 6 storey building height areas within walking catchments, around centres, and character precincts;
- h. parts of the City Centre and Centres zones enabling intensification; and
- i. the Design Guides.

The balance of the proposed district plan would need to be progressed separately, but officers believe it should not be considered by experts or the community in isolation

23. The remaining 40% of the PDP would need to be progressed separately. This includes provisions that:

- a. support other Council priorities;
- b. addresses Strategic Directions for mana whenua and a low carbon city;

- c. set the planning framework for the provisions of infrastructure;
- d. support transportation mode shift and ensuring that communities can meet their needs locally;
- e. requires the provision of assisted and affordable housing;
- f. provides land for a range of business needs; and
- g. protects natural features and landscapes from inappropriate development.

24. The full assessment is contained in Attachment 1. Officers have provided this to Ministry for the Environment officials to test our interpretation of the legislative requirements.

## **Kōrerorero | Discussion**

### Issues arising from splitting the PDP in two

25. Officers are concerned about the ability of the PDP to realise its intended outcomes, the ability for the community to effectively engage in consultation, and the ease of effectively administering two PDPs and an Operative District Plan because of splitting the PDP in two. These concerns are addressed in turn.

#### *Ease and comprehensibility of the submissions and hearings process*

26. Several chapters have some (but not all) provisions subject to the ISPP and must be carved out (Attachment 1).

27. Submitters typically write submissions in an integrated way on one or more topics of interest and recognise the interrelationships between parts of a plan.

28. In the context of a full plan review where a completely new integrated district plan is being consulted on, it is unreasonable to require that submitters constrain their submissions on a topic (ie the medium density residential zone) to those provisions in the ISPP. It is also inefficient to strike out those parts of submissions still relevant to the topic, but outside of those ISPP provisions, or to require that submitters make a separate submission to a separate hearings panel on the same topic. These are all possible outcomes of splitting the plan in two.

29. To further illustrate the split of content of the one chapter across hearings panels, the following example is provided:

- a. strategic Directions maintaining a compact urban form and development around transport corridors are part of the ISPP.

However, the following Strategic Directions cannot be included in the ISPP process:

- i. directions seeking a variety of housing types, sizes and tenures, including assisted housing and papakainga options, be available across the city to meet the community's diverse social, cultural, and economic housing needs;
- ii. directions seeking a well-functioning urban environment that is safe and well-designed, supports sustainable travel choices, serviced by the necessary infrastructure, socially inclusive, ecologically sensitive, respectful of the City's historic heritage, and adaptable over time and responsive to their evolving, more intensive surrounding context; and

- iii. directions reflecting the desire of mana whenua to be active participants in resource management processes.
30. These omitted Strategic Directions are necessary for implementation of the NPS-UD, Council's strategic priorities and to realise mana whenua aspirations.
31. The same inconsistencies in the consideration of an integrated plan across hearings panels would occur for policies and rules that seek to achieve a well-functioning urban environment. For example:
- a. Rules to enable 6 storey buildings within walking catchments of Metropolitan centres and the City Centre zones are part of the ISPP.

However, it does not include:

- i. policy direction to reduce reliance on private vehicles and requiring bicycle and micro mobility parking;
  - ii. policy direction supporting non-residential activities that serve the needs of local residents or clarification that loss of on-street parking is not an amenity effect.
32. The ISPP uses an independent hearings panel of accredited RMA commissioners. A traditional RMA Part 1, Schedule 1 process can have a hearings panel that has a mix of independent commissioners and Councillors that have been accredited under the Making Good Decisions programme.
33. Two separate hearings panels would be required if the balance of the PDP were to follow a traditional RMA plan making process if Councillors were to participate as hearings panel members. This would require two separate panels to be set up and would mean:
- a. submitters would have to be heard by two different panels on the ISPP and non-ISPP parts of the plan requiring a greater commitment from submitters to attend two hearings and repeat information not directly relevant to the narrowed scope of the hearing;
  - b. both hearings panels would need to be extremely careful that they were not making recommendations and hearing submitters on those parts of chapters that were outside the scope of their specific plan change process;
    - i. given the integrated way in which chapters are written, it is possible that two separate hearings panels reach incompatible conclusions about the content of the same chapter. For example, in the same chapter the heights of buildings in a growth centre (an intensification direction) would be considered by one panel, but the range of activities enabled to meet local needs would be heard by another. These two parts of a chapter are interrelated and therefore consideration of submissions and recommendations in regard to it should be integrated; and
  - c. higher costs to run a second panel.

*Integrity of an integrated plan and ability to respond quickly and deliver on outcomes*

34. The ISPP was established to make the intensification outcomes of the NPS-UD and MDRS become operative sooner

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35. By contrast, RMA Part 1, Schedule 1 processes can take 5-7 years for provisions to become operative (and replace existing provisions) because they can, and officers expect them to be, appealed and subject to legal action. Until an appeal is resolved, the matters appealed do not have full weight.
36. Councillors have indicated support for the shortened ISPP process and giving certainty to the implementation of the intensification policies and MDRS to help respond to the city's housing needs and to give effect to *Our City Tomorrow: He Mahere Mokowā mō Pōneke A Spatial Plan for Wellington City*.
37. If remaining content follows an RMA Part 1, Schedule 1 process the following risks are presented:
- it is highly likely the merits of ground-breaking Council policies such as assisted and affordable housing will be appealed and result in an elongated period of legal challenge;
  - plan content may not be resolved before the Natural and Built Environments Act (NBA) and Strategic Planning Act (SPA) come into force. This would risk Council being well placed to transition to and be a leader in the new legislation;
  - PDP content that contributes to a low carbon future and density done well (such as minimum bicycle and micro mobility parking requirements) may also be delayed in implementation; and
  - any fundamental changes resulting from appeals may give rise to the need to revisit content which progressed through the ISPP. This also has flow on effects on plan integration.

*Efficiency and effectiveness of the resource consenting process*

38. Notifying the PDP does not mean that an operative district plan is replaced and no longer relevant. An operative district plan remains relevant in decision making until decisions are made on submissions and appeals.
39. In a Part 1, Schedule 1 process if appeals are lodged on new provisions, the provisions of the operative plan continue to have relevance until they are beyond the point of legal challenge. In this scenario, housing proposals will in effect be subject to an operative district plan and two plan changes until the separate planning processes are fully complete with any appeals resolved (i.e. the Operative Plan, the ISPP, and the Part 1, Schedule 1 process).
40. Given the time that any appeals could take to be resolved in a Part 1, Schedule 1 process, this means those participating in the resource consent process, such as applicants or members of the community would need to understand the interaction, process step and relative weighting of three planning documents when determining what activities are permitted and how a resource consent will be considered.
41. Such plan administration will inevitably be confusing, costly and time consuming for the community, applicants, professionals, and Council staff at a time when expedited outcomes are sought to address growth challenges.
42. In addition to these administrative and interpretative difficulties, the operative district plan will continue to influence resource consent outcomes. In this way the future focussed consideration of matters such as amenity values, change and housing in the PDP may be undermined by the operative district plan.

## **Kōwhiringa | Options**

### Option 1 - A bespoke Streamlined Planning Process

43. Applying for a Streamlined Planning Process (SPP) is recommended for the balance of the PDP, rather than the traditional and longer Part 1, Schedule 1 process.
44. The SPP enables the plan review process to be structured so that outwardly for the community there is one integrated consultation on the PDP, and participation can be straightforward and efficient.
45. The SPP is a planning process set out in the RMA which can be used with agreement of the Minister for the Environment (The Minister).
46. It enables Council to co-design a planning approach with the Minister to effectively address key issues and provide flexibility to customise steps and timeframes.
47. The SPP has set entry criteria which must be considered by the Minister in approving the use of the process. They include:
  - a. implementing national direction;
  - b. a matter of urgency and significant community need;
  - c. as a matter of public policy the preparation of the planning instrument is urgent; and
  - d. a 'catch-all' criteria that preparation is for a purpose comparable to the above.
48. In the SPP process, the Minister is the final decision maker and there are no appeals on this decision.
49. This option is recommended for the following reasons:
  - a. plan integrity can be preserved;
  - b. usability issues are largely avoided;
  - c. it can use the same independent panel to hear submissions and make recommendations in an integrated way making the consultation process simpler and more efficient for the community;
  - d. it increases certainty in the decision-making process and will see outcomes realised sooner; and
  - e. it will reduce the period in which multiple planning documents will need to be considered in the resource consenting process.
50. The use of an SPP is consistent with the stated desire from elected members (and some members of the community) to have an efficient statutory process so that the direction of the proposed plan can start to be resolved in the short term.
51. For the reasons outlined above, Option 1 is recommended.
52. The conjoint and integrated PDP Process that would be followed with the use of SPP alongside ISPP is demonstrated in Attachment 2.

### Option 2 – Standard RMA process

53. This option involves the balance of the PDP progressed through an RMA Part 1, Schedule 1 process.
54. This option is not recommended because:
  - a. plan integrity will be at risk;

- b. usability issues will be created;
- c. two hearings panels will be required and submitters will need to present to both;
- d. there is less certainty in the decision-making process;
- e. seeing outcomes from the PDP will be delayed and;
- e. it will not reduce the period in which multiple planning documents will need to be considered in the resource consenting process.

55. This option with Councillor involvement on a hearings panel is also demonstrated in Attachment 2.

## **Whai whakaaro ki ngā whakataunga | Considerations for decision-making**

### **Alignment with Council's strategies and policies**

56. Using a streamlined process for the entire PDP supports the implementation of other Council strategies and policies where they include RMA mechanisms. For example, content of the PDP supports the low carbon goals of Te Atakura and transportation mode shift of the Bike Network Plan.

### **Engagement and Consultation**

57. Extensive consultation has already been undertaken with the community in the Planning for Growth Spatial Plan and draft district plan process. It is considered that the approach to growth and management of other values has been thoroughly socialised with the Wellington community and opportunities given for public participation, feedback and response.

58. Officers have had several conversations with Ministry for the Environment Officials about the use of SPP for the purpose outlined. These have been constructive and positive. A key message that was delivered was the need to make an application with a sense of urgency to enable the necessary ministerial consultation and approvals process.

59. Officers have contacted Government Departments who submitted on the Draft District Plan.

### **Implications for Māori**

60. We have contacted both mana whenua partners on the use of SPP for the balance of the PDP. The position of where they stand on this matter was not established by the time this report was published, but conversations to this point in time were positive. Officers will update Council with further advice at the Council meeting. Beyond this decision conversations will continue, including exploring with our mana whenua partners their preferences for hearings commissioners.

61. Mana whenua would not be able to appeal the content of the PDP. It is noted that Officers have taken a collaborative approach working with mana whenua on PDP content to ensure that it reflects their ambitions and desires and that the Sites of Significance to mana whenua chapter is required to follow the ISPP process as it is a 'qualifying matter'.

62. The independent panel must have at least one commissioner with tikanga Māori experience.

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### **Financial implications**

63. PDP funding has already been secured through the 2021-2031 LTP.
64. There would be no Environment Court appeals if the Council was able to use both the SPP and the ISPP processes for approving the entire PDP. This would result in significant financial savings for the Council in having to defend appeals to the Environment Court, as well as save administrative and consent processing costs for resource consent applicants.

### **Legal considerations**

65. There would be no Environment Court appeals if the Council were able to use both the SPP and the ISPP processes for approving the entire PDP, apart from designations and heritage orders.
66. Council's legal team has been involved in the preparation of this paper.

### **Risks and mitigations**

67. Significant upfront work is required, and has already started, should Council apply to the Minister for this process.
68. Resourcing pressure both within Council and at the Ministry for the Environment to process an application for a SPP is a risk. Any delays however are still minor and greatly outweigh that which would arise from appeals in a traditional Part 1, Schedule 1 process.
69. That the Council or Minister does not approve the request. In which case the PDP would follow both an ISPP and a Part 1, Schedule 1 process.
70. Using a SPP process is likely to raise concerns with some members of the community and those organisations typically involved in district plan review processes that an avenue for appeal is no longer available to them.

### **Disability and accessibility impact**

71. The conjoint process will provide the same amount of access as would a traditional process.
72. The engagement action plan for the Proposed District Plan will consider and make provision for the accessibility needs of the community.

### **Climate Change impact and considerations**

73. Using a SPP will expedite lower carbon urban form and planning outcomes including by:
  - a. supporting transportation mode shift;
  - b. requiring bike and micro mobility parks making this a more attractive transport option;
  - c. providing guidance on green building design; and
  - d. requiring stormwater neutrality for new development.

### **Communications Plan**

74. Consultation materials and engagement on the PDP will explain that there are no appeals if the entire PDP follows an expedited process. From the community point of view there are still two rounds of submissions and be heard by an independent hearings panel.



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75. Officers are planning the consultation campaign for the PDP. The action plan currently includes:

- a. drop in sessions;
- b. a social and print media campaign;
- c. 'friend of submitter' assistance;
- d. tailored meetings and workshops;
- e. webinars with interest groups, residents associations and professional bodies;
- f. promotional material with rates notices; and
- g. brochures and explanatory videos.

### **Health and Safety Impact considered**

76. None.

### **Ngā mahinga e whai ake nei | Next actions**

77. If Council agrees to make a formal application to the Minister for the Environment for use of a Streamlined Planning Process the Chief Executive will lodge an application with the Minister for the Environment.

### **Attachments**

- Attachment 1. Officer assessment of PDP content against requirements of ISPP
- Attachment 2. Proposed District Plan pathway choices

## Attachment 1: Officer assessment of PDP content against requirements of ISPP

### District Plan Content to include in ISPP

Part 1 – Introduction and General Provisions	Comments	
Introduction How the Plan Works Interpretation National Direction Instruments Tangata Whenua	Only the definitions that are specifically relevant to Policy 3 or 4 or the MDRS.	
Part 2 – District Wide Matters		
Strategic Direction	<p>Only some as follows:</p> <p>City Economy, Knowledge and Prosperity: only CEKP-O2 as this implements Policy 3.</p> <p>Historic Heritage and Sites and Areas of Significance to Māori: HHSASM-O1, O3 and O4 – these implement qualifying matters (heritage and SASMs)</p> <p>Natural Environment: only NE-O1 and O3 as these implement qualifying matters (SNAs and open space protection)</p> <p>Strategic City Assets: all objectives as these relate to infrastructure.</p> <p>Sustainability, Resilience and Climate Change: only SRCC-O2 and O3 as these implement qualifying matters (natural hazards)</p> <p>Urban Form and Development: only UFD-O1 and O3 as these implement Policy 3; and UFD-O7 which relates to character as a qualifying matter.</p>	
Three Waters	All chapter – linked to 80DA(2)(f) and directly linked to implementation of MDRS and Policy 3.	
Natural Hazards	Yes – whole chapter is directly relevant as a S6 qualifying matter.	
Heritage	All heritage chapter apart from archaeological sites - directly relevant as a S6 qualifying matter. Could split up but we think as a S6 matter it not appropriate to do so and not appropriate to have different decision makers, and to maintain a consistent approach.	
Notable Trees	All chapter - directly relevant as a qualifying matter. Could split up but we think not appropriate to do so and not appropriate to have different decision makers, and to maintain a consistent approach.	
SASMs	All chapter - directly relevant as a S6 qualifying matter, and for reasons above.	
Viewshafts	All chapter as relates to qualifying matter and limits development capacity in city centre.	
Ecosystems and Indigenous Biodiversity	All chapter – directly relevant as a S6 qualifying matter. Could split out rural area but not considered appropriate to do so for reasons above.	
Subdivision	<p>Only these objectives and policies:</p> <p>O1 - Efficient pattern of development</p>	<p>Only these rules:</p>

	<p>P1 - Recognising and providing for subdivision  P2 - Boundary adjustments and amalgamation  P4 - Integration and layout of subdivision and development  P5 - Subdivision for residential activities  P7 - Servicing  P10 - Subdivision of land - scheduled heritage building or structure  P11 - Subdivision within heritage areas  P13 - Subdivision of land containing a notable tree  P15 - Protection of Significant Natural Areas  P16 - Subdivision in Significant Natural Areas  P25 - Subdivision of land affected by Natural Hazards</p>	<p>R1 - Subdivision around an existing lawfully established building  R2 - Boundary adjustments  R4 - Subdivision that creates any vacant allotment  R5 - Subdivision of a site on which a scheduled heritage building or object is located  R6 - Subdivision of a site within a heritage area  R8 - Subdivision of a site on which a notable tree is located  R9 - Subdivision of land within a Significant Natural Area  R15 – R23 - Subdivision and Natural Hazards  24 - Any other subdivision</p> <p>Plus all associated standards</p>
Earthworks	<p>Only these objectives and policies:</p> <p>O1 - Management of earthworks  P1 - Co-ordination and integration with development and subdivision  P2 - Provision for minor earthworks  P3 - Maintaining stability  P4 - Erosion, dust and sediment control  P5 - Effects on earthworks on landform and visual amenity  P6 - Earthworks and the transport network  P7 - Earthworks - heritage buildings and structures, and areas  P8 - Earthworks within the root protection area of notable trees  P9 - Minor earthworks within significant natural areas  P10 - Earthworks within significant natural areas  P14 - Earthworks within Flood Hazard Overlays</p>	<p>Only these rules:</p> <p>R4 - General earthworks  R5 - Earthworks within a significant natural area  R6 - Earthworks - heritage buildings and structures, and areas  R7 - Earthworks within the root protection area of notable trees  R14 - Earthworks within the Flood Hazard Overlay  R21 - Earthworks within Sites and Areas of Significance Category A and Category B</p> <p>Plus all associated standards</p>
Coastal Environment	Only the coastal hazards provisions.	
Noise	Only provisions relating to airport, rail and roads as these impact on implementation of the MDRS.	
Wind	Whole chapter – consequential to implementation of Policy 3.	
<b>Part 3 - Zones</b>		
General Residential	<p>Only these objectives and policies:</p> <p>O1 - Purpose  O2 - Efficient use of land  P3 - Multi-unit housing  P6 - Residential buildings and structures  P7 - Permeable surface  P8 - Vegetation and landscaping</p>	<p>Only these rules:</p> <p>R1 - Residential activities, excluding retirement villages, supported residential care activities and boarding houses  R12 - Demolition or removal of buildings and structures</p>

	(Residential Coastal Edge yet to be determined)	<p>R13 - Construction, addition or alteration of residential buildings and structures including accessory buildings, but excluding multi-unit housing</p> <p>R14 - Construction of buildings, accessory buildings or structures for multi-unit housing or a retirement village, and additions or alterations to multi-unit housing or a retirement village</p> <p>R15 - Fences and standalone walls</p> <p>Plus all associated standards</p>
Medium Density Residential	<p>Only these objectives and policies:</p> <p>O1 – Purpose</p> <p>O2 - Efficient use of land</p> <p>All precinct objectives</p> <p>P3 - Increased housing supply and choice</p> <p>P4 - Multi-unit housing</p> <p>P6 - Residential buildings and structures</p> <p>P7 - Permeable surface</p> <p>P8 - Vegetation and landscaping</p> <p>All precinct policies</p>	<p>Only these rules:</p> <p>R1 - Residential Activities</p> <p>R12 - Demolition or removal of buildings and structures, excluding within the Character Precincts</p> <p>R13 - Construction, addition or alteration of residential buildings and structures including accessory buildings, but excluding multi-unit housing, a retirement village and the Character and Townscape Precincts</p> <p>R14 - Construction of buildings, accessory buildings or structures for multi-unit housing or a retirement village, and additions or alterations to multi-unit housing or a retirement village, but excluding the Character and Townscape Precincts</p> <p>R15 - Fences and standalone walls, excluding within the Character Precincts</p> <p>All precinct rules, excluding buildings on legal road</p> <p>Plus all associated standards</p>
City Centre	<p>Only these objectives and policies:</p> <p>O1 - Purpose</p> <p>O2 - Accommodating Growth</p> <p>O3 - Urban Form and Scale</p> <p>O5 - Amenity and Design</p> <p>O6 - Development Near Rapid Transit</p> <p>O7 - Managing Adverse Effects</p> <p>P4 - Housing choice</p> <p>P5 - Urban Form and Scale</p>	<p>Only these rules:</p> <p>R17 - Demolition or Removal of Buildings and Structures</p> <p>R18 - Alterations and Additions to Buildings and Structures</p> <p>R19 - Construction of Buildings and Structures, excluding comprehensive development</p>

	<p>P9 - Sense of place  P10 - Quality Design Outcomes  P11 - Quality and Amenity  P12 - City Outcomes Contribution  P13 - Managing adverse effects</p>	<p>R21 - Comprehensive Development of land 2000m<sup>2</sup> in area or greater   Plus all associated standards</p>
<p>All other Centres including Kilbirnie bus barn development area</p>	<p>Only these objectives and policies:   O1 - Purpose  O3 - Amenity and Design  O4 - Accommodating growth  P1 - Accommodating growth  P6 - Managing Effects  P7 - Quality design outcomes  P8 - Quality and Amenity  P9 - Amenity – Minimising adverse development effects  P10 - Comprehensive Development  P11 - City Outcomes Contribution</p>	<p>Only these rules:   R17 - Demolition or Removal of Buildings and Structures  R18 - Construction, Additions, and Alterations to Buildings and Structures, excluding comprehensive development  R20 - Comprehensive Development of land 1600m<sup>2</sup> in area or greater   Plus all associated standards</p>
<p>Waterfront Zone</p>	<p>Only these objectives and policies:   O1 - Purpose  O7 - Managing effects  P5 - Sense of place  P6 - Development of buildings  P7 - Protection of public open space  P10 - Ahi kā</p>	<p>Only these rules:   R12 - Alterations or additions to buildings and other structures  R13 - Construction of new buildings and other structures   Plus all associated standards</p>
<p>All Open Space Zones</p>	<p>Only these objectives and policies:   Natural Open Space  O1 – Purpose  P5 - Enabled buildings and structures  P6 - Potentially compatible buildings and structures  Open Space  O1 - Purpose  P4 - Enabled buildings and structures  P5 - Potentially compatible buildings and structures  Sport and Active Recreation  O1 - Purpose  P3 - Enabled buildings and structures  P4 - Potentially compatible buildings and structures  Wellington Town Belt  O1 - Purpose</p>	<p>Only these rules:   NOSZ R14 - Construction, alteration of and addition to buildings and structures  OSZ R14 - Construction, alteration of and addition to buildings and structures  SARZ R16 - Construction, alteration of and addition to buildings and structures  WTBZ R11 - Construction, alteration of, and addition to buildings and structures   Plus all associated standards</p>
<p><b>Part 4 - Appendices and Schedules</b></p>		
<p>Centres and Mixed Use Design Guide  Residential Design Guide  Heritage Design Guide</p>	<p>Yes to all - consequential to implementation of Policy 3 and / or Policy 4.</p>	

Subdivision Design Guide and any appendices and schedules that are directly relevant to any of the above.	
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District Plan Content outside of ISPP

<b>Part 1 – Introduction and General Provisions</b>
All (except any definitions that are specifically relevant to Policy 3 or 4 or the MDRS)
<b>Part 2 – District Wide Matters</b>
Remaining parts of the Strategic Direction, Heritage, Subdivision and Earthworks chapters not included in the ISPP
Energy, Infrastructure, and Transport (excluding Three Waters)
Contaminated Land
Hazardous Substances
Natural Features and Landscapes
Light
Signs
Temporary Activities
Assisted Housing
Coastal Environment (excluding hazards)
Noise (excluding provisions relating to airport, rail and roads)
<b>Part 3 - Zones</b>
Remaining parts of the Centres, Residential, Waterfront and Open Space Zones not included in the ISPP
Large Lot Residential
Rural
Quarry Zone
Natural Character
Public Access
Mixed Use Zone
General Industrial Zone
Commercial Zone (Curtis Street)
Port Zone
Corrections Zone
Stadium Zone

Hospital Zone
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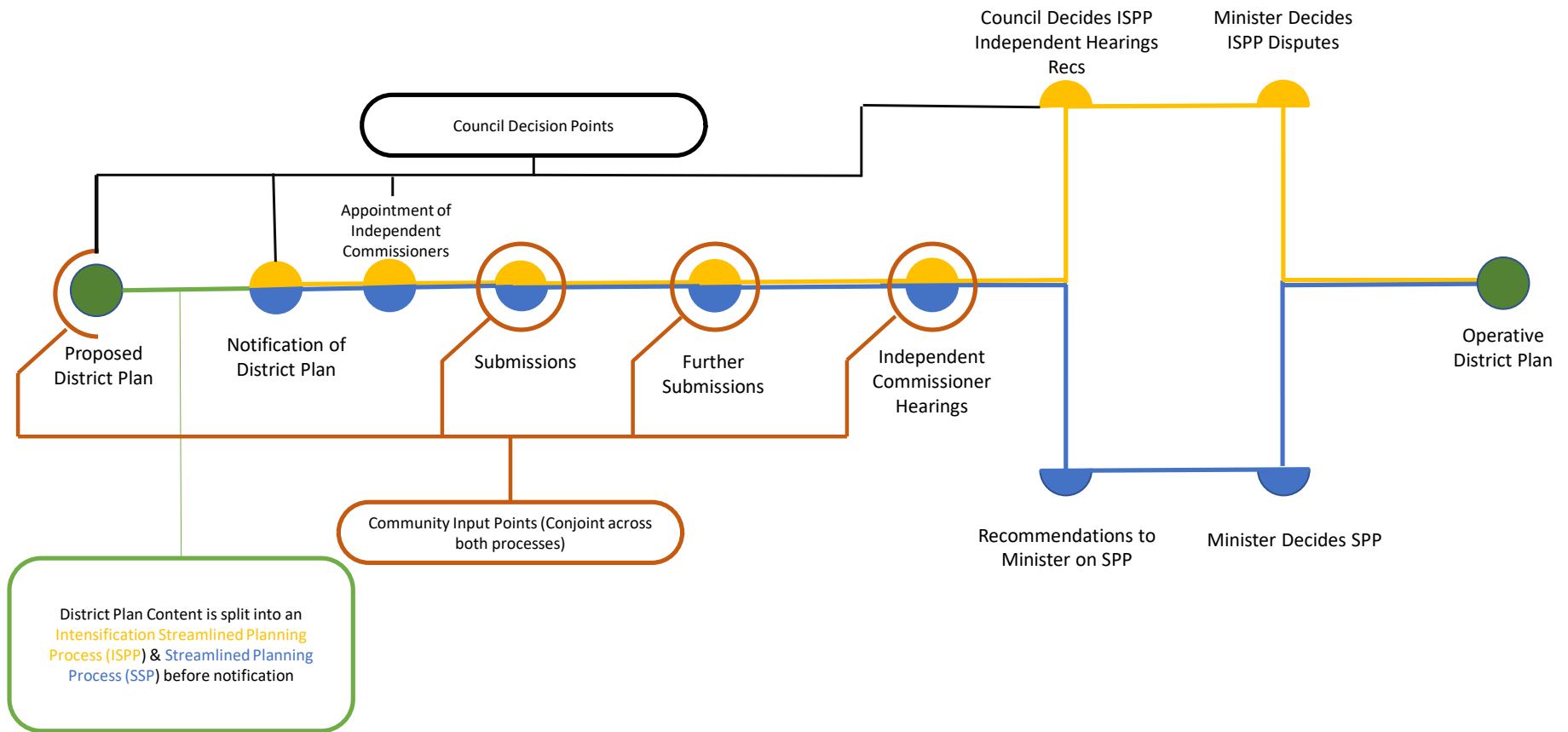
Tertiary Education Zone
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Airport Zone
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Future Urban Zone and Development Areas (excluding Kilbirnie bus barns)
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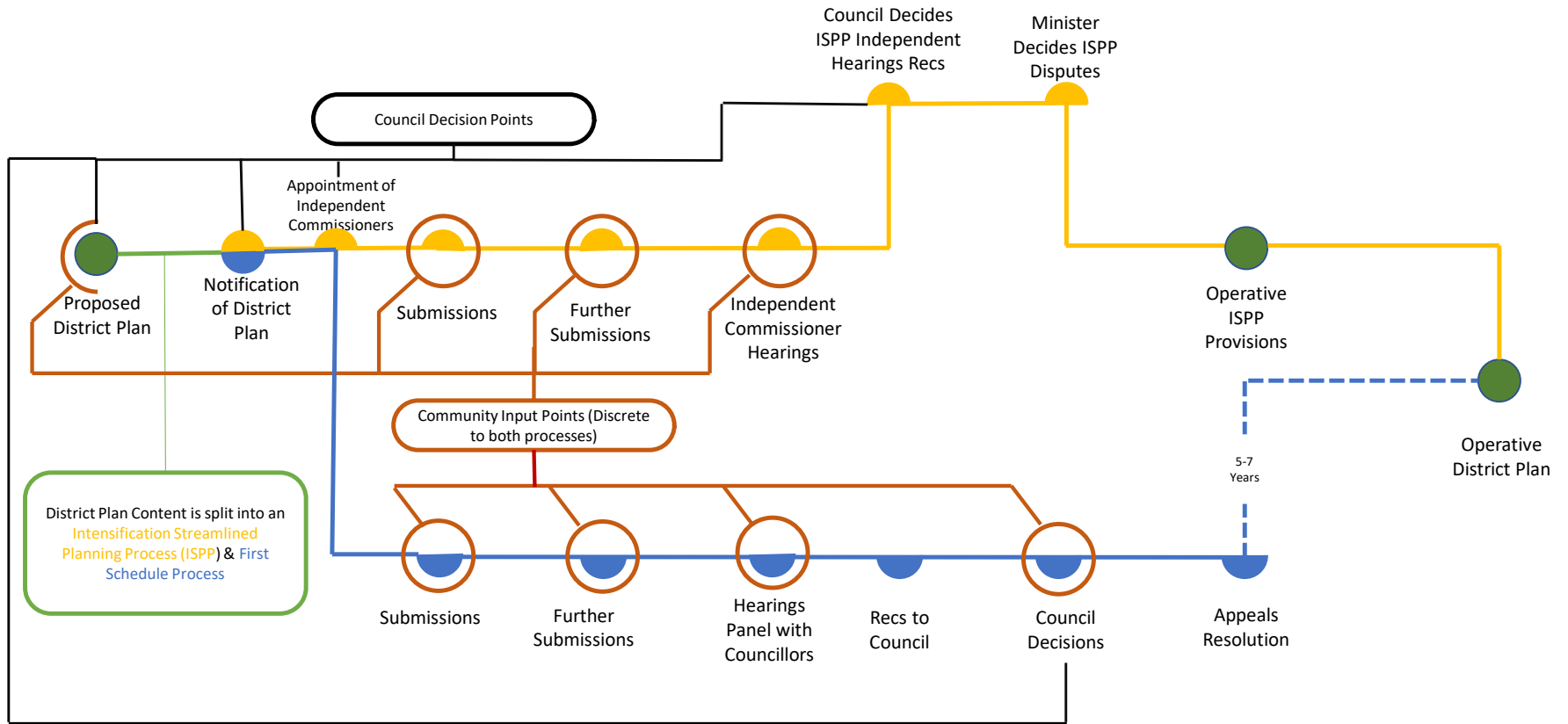
Designations
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## Option 1: Wellington City PDP Conjoint District Plan Pathway





## Option 2: Wellington City PDP process with Councillors on RMA First Schedule, Part 1 Hearings Panel



## PROPOSED DISTRICT PLAN: CONFIRMATION OF PLAN CONTENT PATHWAYS

### Kōrero taunaki | Summary of considerations

#### Purpose

1. This report to Pūroro Āmua | Planning and Environment Committee identifies the content of the Proposed District Plan (PDP) which will follow an Intensified Streamlined Planning Process (ISPP) and the Part One, Schedule One process (standard process).

#### Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

- Sustainable, natural eco city
  - People friendly, compact, safe and accessible capital city
  - Innovative, inclusive and creative city
  - Dynamic and sustainable economy
- Strategic alignment with priority objective areas from Long-term Plan 2021–2031**
- Functioning, resilient and reliable three waters infrastructure
  - Affordable, resilient and safe place to live
  - Safe, resilient and reliable core transport infrastructure network
  - Fit-for-purpose community, creative and cultural spaces
  - Accelerating zero-carbon and waste-free transition
  - Strong partnerships with mana whenua

#### Relevant Previous decisions

At a meeting on 31 March 2022 Te Kaunihera o Pōneke | Council resolved to:

1. Agree to instruct the Chief Executive to use the Schedule One process under the Resource Management Act for those parts of the Proposed District Plan which are not able to be approved through the Intensification Streamlined Planning Process (3.4)(1).
2. Request officers to come back with more detailed advice chapter by chapter on what needs to be sent through the Intensification Streamlined Planning Process by the 14 April at the Pūroro Āmua | Planning and Environment Committee (3.4)(3).

The Committee date was deferred until 12 May to enable officers time to consider legal advice on the issues outlined in this paper.

#### Significance

The decision is **rated low significance** due to its regulatory nature in accordance with schedule 1 of the Council's Significance and Engagement Policy.

Importance to Wellington City – low  
Community interest – moderate

Consistency with existing policy and strategy – low  
The impact on Council’s capacity and capability – low

**Financial considerations**

Nil       Budgetary provision in Annual Plan / Long-term Plan       Unbudgeted \$X

2. Council has previously been advised of the possible cost of Environment Court appeals which could arise from plan content being appealed, and the need to seek additional funding through the LTP.

**Risk**

Low       Medium       High       Extreme

3. Council officers have considered legal advice received in respect of the assessment made. The identification and rationale for the approach recommended is considered robust.

Author	Adam McCutcheon, Senior Advisor Planning
Authoriser	John McSweeney, Place Planning Manager Sean Audain, Manager Strategic Planning Vida Christeller, Acting Chief Planning Officer

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## **Taunakitanga | Officers' Recommendations**

Officers recommend the following motion.

That the Pūroro Āmua | Planning and Environment Committee:

- 1) Receive the information.
- 2) Agree with the recommended scope of plan content that will proceed through the Intensification Streamlined Planning Process (ISSP), and the Part One, Schedule One process (standard process).
- 3) Note that decisions on the content and detail of the Proposed District Plan will be made at the 23 June 2022 Council meeting, where authorisation to notify the plan will be sought.

## **Whakarāpopoto | Executive Summary**

4. Decision making processes for the Proposed District Plan (PDP) are required to follow both a Resource Management Act 1991 (RMA) Intensification Streamlined Planning Process (ISPP) and the Part One, Schedule One process (standard process).
5. At the 31 March 2022 Te Kaunihera o Pōneke | Council meeting councillors resolved to use a standard RMA Part One, Schedule One process for those parts of the PDP not otherwise part of the ISPP.
6. At that meeting, officers provided an assessment of the scope of PDP content which needs to be part of the ISPP process.
7. Council resolved to request that officers provide more detailed advice to the Pūroro Āmua | Planning and Environment Committee on that assessment.
8. In reporting back, officers have taken legal advice given the technical and legal nature of this assessment process. There are provisions that must be progressed through the ISPP and provisions that the Council has a discretion about including in that process.
9. The scope of plan content that must or may follow the ISPP is open to interpretation and has not yet been tested by the courts. All high growth councils must now make judgement calls based on the professional advice of staff who are subject matter experts about what is within the scope of the ISPP.
10. Based on further legal advice the following matters are now recommended for inclusion in the standard RMA Part One, Schedule One process:
  - a) Significant Natural Areas (SNAs);
  - b) Sites and Areas of Significance to mana whenua;
  - c) Notable trees; and
  - d) Open space zones.
11. Attachment One provides officers' final recommendations of content to follow the ISPP and the standard process.

### Takenga mai | Background

12. The Resource Management (Enabling Housing Supply and other matters) Amendment Act (the Amendment Act) was enacted in December 2021.
13. The Amendment Act requires high growth councils to incorporate new Medium Density Residential Standards (MDRS) and implement the intensification and qualifying matters policies (Policies 3 and 4) of the National Policy Statement on Urban Development 2020 (NPS-UD). This implementation of the Amendment Act must follow a streamlined District Plan making process (the ISPP).
14. This has the effect of splitting Wellington City's PDP into two separate plan change processes.
15. The ISPP process uses an independent hearings panel, has no merits appeals to the Environment Court and must be completed in around one year. This contrasts with the Standard Part One, Schedule One process where those parts could be appealed to the Environment Court.
16. Council resolved to use Part One, Schedule One process for the other parts of the PDP not included in the ISPP.

### Kōrerorero | Discussion

17. The scope of plan content which must or may use the ISPP is summarised in Table One below and discussed in turn:

(RMA section 80E)

*Must* include those plan provisions which:

1. Incorporate the MDRS;
2. Give effect to Policy 3 and 4 of the NPS-UD (intensification and qualifying matters);

*May* also include provisions which:

3. Relate to financial contributions;
4. Enable papakāinga housing; and
5. Related provisions, including objectives, policies, rules, standards, and zones, that support or are consequential to the above.
  - a) related provisions includes provisions that relate to any of the following, *without limitation*:
    - i. district-wide matters;
    - ii. earthworks;
    - iii. fencing;
    - iv. infrastructure;
    - v. qualifying matters;
    - vi. storm water management (including permeability and hydraulic neutrality);
    - vii. subdivision of land.

*Table 1: Scope of ISPP*

#### Incorporate the MDRS

18. **The MDRS must be incorporated into every relevant residential zone (s77G) through the ISPP process.**

19. The MDRS permit 3 residential units up to 11m on any residentially zoned site across Wellington City, and have immediate legal effect unless a qualifying matter applies.
20. This means the Medium Density Residential Zone (MRZ) and High Density Residential Zone (HRZ) MDRS provisions must use the ISPP. This includes subdivision rules giving effect to subdivision provisions introduced by the Amendment Act.

Give effect to Policy 3 of the NPS-UD

21. Policy 3 of the NPS-UD directs Council to change its district plan to enable intensification. Accordingly, the following provisions must be part of the ISPP:
  - a) **All remaining provisions managing buildings and structures in the MDZ and HRZ**
    - because they enable growth around the specified centres or 6 storey buildings within walking catchments;
  - b) **All provisions of the City Centre Zone managing buildings and structures**
    - because they enable building heights and density of urban form to realise as much development capacity as possible;
  - c) **All provisions of the Metropolitan Centre Zone managing buildings and structures**
    - because they enable intensification of at least 6 storeys;
  - d) **All provisions of other centres zones managing buildings and structures**
    - because they enable intensification commensurate with the level of commercial and community services.

Give effect to Policy 4 of the NPS-UD

22. Policy 4 of the NPS-UD enables district plans to include lower building heights and densities than those required by policy 3 (or the MDRS) when qualifying matters apply, and alternative heights or densities are specified.
23. Accordingly, the following provisions must be part of the ISPP:
  - a) **Character precincts**
    - They do not enable 6 storey development and rely on Policy 4 to justify that;
  - b) **Natural hazards**
    - Provisions managing flooding, fault lines and coastal hazards do not enable the MDRS or intensification;
  - c) **Historic Heritage**
    - Heritage areas have lower building heights than those required by policy 3 and rely on Policy 4 to justify that;
    - Heritage buildings do not enable maximum development capacity to be realised in the city centre;

- MDRS on sites of residentially zoned heritage buildings are not permitted activities.

**d) Viewshafts**

- Viewshafts cannot be intruded into and do not enable maximum development capacity within their spatial extent.

**e) Airport noise overlay**

- More than one MDRS compliant building on sites within the overlay is not a permitted activity.

**f) Very high and high coastal natural character**

- MDRS compliant buildings on sites within the overlay are not permitted activities.

**g) Waterfront zone**

- 6 storey buildings should be enabled on sites within this area, but the proposed waterfront zone proposes the continuation of the 'zero building heights' approach.

24. Also to be progressed through the ISPP are any definitions expressly used in provisions that must be progressed in that process. This is because definitions are integral to the mechanics of how the PDP works and should be considered at the same time as related rules.

Other provisions that may be included

25. While at face value the ISPP appears limited to the MDRS, policy 3 and 4 of the NPS-UD, a wide range of related provisions are enabled to be included.

26. This recognises that the PDP is written in an integrated way and that many provisions support or are consequential to achieve outcomes sought by those otherwise required to be in the ISPP.

27. Accordingly, to retain plan integration and recognise the dependencies between provisions required to be in the ISPP and those which support them, officers recommend the following content is also included in the ISPP:

**a) Strategic directions which provide high level direction to those chapters required to be part of the ISPP**

- These directions need to be considered by the same hearings commissioners as those considering related ISPP content.

**b) Three waters chapter**

- This chapter is related to the implementation of the MDRS and including hydraulic neutrality is expressly enabled.

**c) Subdivision provisions that relate to content required to be part of the ISPP**

- Subdivision is a key mechanism for realising the outcomes sought by the intensification outcomes in Policy 3, the protection of qualifying matters in policy 4 and the implementation of the MDRS.
- d) Earthworks provisions that relate to content required to be part of the ISPP**
  - Earthworks are a key mechanism for realising the outcomes sought by the intensification outcomes in Policy 3, the protection of qualifying matters in Policy 4, and the implementation of the MDRS.
- e) Wind chapter**
  - The management of the comfort and safety of wind is an effect that must be managed as larger buildings are enabled by policy 3.
- f) Appendices and Schedules related to those chapters progressing through ISPP**
  - These identify areas and buildings where provisions apply or contain technical content that informs assessments against standards.
- g) Design guides**
  - The design guides are a critical component of how development that must be enabled by policy 3 is assessed to ensure 'density done well'.

## **Kōwhiringa | Options**

### Option 1: Focused interpretation (recommended option)

28. Based on legal advice a focussed interpretation of the scope of the ISPP enabled by the RMA is recommended.
29. Legal advice supports this approach detailed above and in Attachment One.

### Option 2: Broader interpretation

30. The scope of plan content that must or may follow the ISPP is open to interpretation and has not yet been tested by the courts. All high growth councils must now make judgement calls about what is within scope.
31. Provisions relating to SNAs, notable trees and Sites and Areas of Significance to mana whenua have the effect of limiting urban intensification. However, they do not specifically limit building heights and density, and is our view from a strict legal interpretation of the legislation that these matters cannot form part of the ISPP.
32. Despite this, Council has the discretion for SNAs, Notable trees and Sites of Significance to mana whenua to be included in the ISPP if it chooses to take a broader interpretation of s80E.

## **Whai whakaaro ki ngā whakataunga | Considerations for decision-making**

### **Alignment with Council's strategies and policies**

33. The Proposed District Plan contributes to and supports the implementation of Council's strategies and policies such as the Our City Tomorrow: He Mahere Mokowā mō



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Pōneke A Spatial Plan for Wellington City - An Integrated Land Use and Transport Strategy and Te Atakura - First to Zero mahere kaupare āhuarangi hurihuri.

### **Engagement and Consultation**

34. Extensive consultation has already been undertaken with the community in the Planning for Growth Spatial Plan and Draft District Plan processes.
35. No additional consultation is considered necessary on this technical assessment requiring application of statutory provisions about the scope of the ISPP.

### **Implications for Māori**

36. Progressing Sites of Significance to mana whenua provisions through a Part One, Schedule 1 process means they could be appealed to the Environment Court.
37. Officers have taken a collaborative approach working with mana whenua on PDP content to ensure that it reflects their ambitions and desires.

### **38. Officers will continue exploring with our mana whenua partners their preferences for involvement in the notified PDP process. Financial implications**

39. PDP funding has been secured through the 2021-2031 LTP.

### **Legal considerations**

40. Council's legal team has been involved in the preparation of this paper.
41. External legal advice has been received on the interpretation of the requirements of the RMA as it relates to the scope of the ISPP process.

### **Risks and mitigations**

42. There is a possibility that the Council's assessment of plan content in each process is judicially reviewed.
43. Legal advice is that there is a low risk of a judicial review having a substantial impact on the progression of the PDP.

### **Disability and accessibility impact**

44. None.

### **Climate Change impact and considerations**

45. Provisions that address transportation mode shift such as requiring bike and micro mobility parks are to be progressed through the Part One, Schedule 1 process and as such could be challenged through appeals to the Environment Court.

### **Communications Plan**

46. The Proposed District Plan and communication materials will identify the respective plan making process for all provisions.
47. Officers are planning the consultation campaign for the PDP. The action plan currently includes:

- 
- a) Public drop in sessions;
  - b) A social and print media campaign;
  - c) 'Friend of submitter' assistance;
  - d) Tailored meetings, webinars and workshops with key stakeholder, business and community groups;
  - e) Promotional material with rates notices; and
  - f) Brochures and explanatory videos.

### **Health and Safety Impact considered**

48. None.

### **Ngā mahinga e whai ake nei | Next actions**

49. Officers will continue to finalise the content of the PDP for Council decision making on 23 June 2022.

### **Attachments**

Attachment 1. District Plan Content Pathways 

**Attachment 1: Officer recommended plan making pathways for the Proposed District Plan content**

**Table 1: Summary Table of District Plan Pathways by Plan Chapter.**

<b>Chapters</b>	<b>Chapters containing content to proceed through the ISPP process*</b>	<b>Chapters to Proceed through the RMA First Schedule Process</b>
<b>Part 1: Introduction and General Provisions</b>		
Introduction		X
How the Plan Works		X
Interpretation	X	
National Direction Instruments		X
Tangata Whenua		X
<b>Part 2: District-Wide Matters</b>		
Strategic Direction	X	
Energy Infrastructure and Transport	X	
Hazards and Risk	X	
Historical and Cultural Values	X	
Natural Environment Values		X
Subdivision	X	
General Districtwide Matters	X	
<b>Part 3: Area Specific Matters</b>		
Residential Zones	X	
Rural Zones		X
Commercial and Mixed-Use Zones	X	
Industrial Zones		X
Open Space and Recreation Zones		X
Special Purpose Zones	X	
Development Areas	X	
Designations		X
<b>Part 4 Appendices, Design Guides and Schedules</b>		
Appendices	X	
Design Guides	X	
Schedules	X	

**\*Note:** Content within in these Chapters will be divided between the ISPP & First Schedule Process. The Content within Chapters is detailed in the tables below. Provisions identified for inclusion in ISPP are limited to the urban environment.

**Table 2: District Plan Content to include in the ISPP process**

<b>Part 1 – Introduction and General Provisions</b>	<b>Comments</b>	
Introduction How the Plan Works Interpretation National Direction Instruments	Only the definitions that are specifically relevant to Policy 3 or 4 or the MDRS.	
<b>Part 2 – District Wide Matters</b>		
Strategic Direction	City Economy, Knowledge and Prosperity: only CEKP-O2 as this implements Policy 3.  Historic Heritage HHSASM-O1  Sustainability, Resilience and Climate Change: only SRCC-O2 and O3  Urban Form and Development: only UFD-O1, O3 and UFD-O7.	
Three Waters	Whole chapter	
Natural Hazards	Whole chapter	
Heritage	All heritage chapter apart from archaeological sites	
Viewshafts	Whole chapter	
Subdivision	Only these objectives and policies:  O1 - Efficient pattern of development P1 - Recognising and providing for subdivision P2 - Boundary adjustments and amalgamation P4 - Integration and layout of subdivision and development P5 - Subdivision for residential activities P7 - Servicing P10 - Subdivision of land - scheduled heritage building or structure P11 - Subdivision within heritage areas P13 - Subdivision of land containing a notable tree P15 - Protection of Significant Natural Areas P16 - Subdivision in Significant Natural Areas P25 - Subdivision of land affected by Natural Hazards	Only these rules:  R1 - Subdivision around an existing lawfully established building R2 - Boundary adjustments R4 - Subdivision that creates any vacant allotment R5 - Subdivision of a site on which a scheduled heritage building or object is located R6 - Subdivision of a site within a heritage area R8 - Subdivision of a site on which a notable tree is located R9 - Subdivision of land within a Significant Natural Area R15 – R23 - Subdivision and Natural Hazards 24 - Any other subdivision  Plus all associated standards
Earthworks	Only these objectives and policies:  O1 - Management of earthworks	Only these rules:  R4 - General earthworks

	<p>P1 - Co-ordination and integration with development and subdivision</p> <p>P2 - Provision for minor earthworks</p> <p>P3 - Maintaining stability</p> <p>P4 - Erosion, dust and sediment control</p> <p>P5 - Effects on earthworks on landform and visual amenity</p> <p>P6 - Earthworks and the transport network</p> <p>P7 - Earthworks - heritage buildings and structures, and areas</p> <p>P8 - Earthworks within the root protection area of notable trees</p> <p>P9 - Minor earthworks within significant natural areas</p> <p>P10 - Earthworks within significant natural areas</p> <p>P14 - Earthworks within Flood Hazard Overlays</p>	<p>R5 - Earthworks within a significant natural area</p> <p>R6 - Earthworks - heritage buildings and structures, and areas</p> <p>R7 - Earthworks within the root protection area of notable trees</p> <p>R14 - Earthworks within the Flood Hazard Overlay</p> <p>R21 - Earthworks within Sites and Areas of Significance Category A and Category B</p> <p>Plus all associated standards</p>
Coastal Environment	Only the coastal hazards provisions.	
Noise	Only provisions relating to airport noise overlay	
Wind	Whole chapter – consequential to implementation of Policy 3.	
<b>Part 3 - Zones</b>		
<p>General Residential</p> <p><i>(Will become Medium Density Residential Zone)</i></p>	<p>Only these objectives and policies:</p> <p>O1 - Purpose</p> <p>O2 - Efficient use of land</p> <p>P3 - Multi-unit housing</p> <p>P6 - Residential buildings and structures</p> <p>P7 - Permeable surface</p> <p>P8 - Vegetation and landscaping</p>	<p>Only these rules:</p> <p>R1 - Residential activities, excluding retirement villages, supported residential care activities and boarding houses</p> <p>R12 - Demolition or removal of buildings and structures</p> <p>R13 - Construction, addition or alteration of residential buildings and structures including accessory buildings, but excluding multi-unit housing</p> <p>R14 - Construction of buildings, accessory buildings or structures for multi-unit housing or a retirement village, and additions or alterations to multi-unit housing or a retirement village</p> <p>R15 - Fences and standalone walls</p> <p>Plus all associated standards</p>
<p>Medium Density Residential</p> <p><i>(Will become the High Density Residential Zone)</i></p>	<p>Only these objectives and policies:</p> <p>O1 – Purpose</p> <p>O2 - Efficient use of land</p> <p>All precinct objectives</p> <p>P3 - Increased housing supply and choice</p> <p>P4 - Multi-unit housing</p>	<p>Only these rules:</p> <p>R1 - Residential Activities</p> <p>R12 - Demolition or removal of buildings and structures, excluding within the Character Precincts</p> <p>R13 - Construction, addition or alteration of residential buildings and</p>

	<p>P6 - Residential buildings and structures  P7 - Permeable surface  P8 - Vegetation and landscaping  All precinct policies</p>	<p>structures including accessory buildings, but excluding multi-unit housing, a retirement village and the Character and Townscape Precincts  R14 - Construction of buildings, accessory buildings or structures for multi-unit housing or a retirement village, and additions or alterations to multi-unit housing or a retirement village, but excluding the Character and Townscape Precincts  R15 - Fences and standalone walls, excluding within the Character Precincts</p> <p>All precinct rules, excluding buildings on legal road</p> <p>Plus all associated standards</p>
City Centre	<p>Only these objectives and policies:</p> <p>O1 - Purpose  O2 - Accommodating Growth  O3 - Urban Form and Scale  O5 - Amenity and Design  O6 - Development Near Rapid Transit  O7 - Managing Adverse Effects  P4 - Housing choice  P5 - Urban Form and Scale  P9 - Sense of place  P10 - Quality Design Outcomes  P11 - Quality and Amenity  P12 - City Outcomes Contribution  P13 - Managing adverse effects</p>	<p>Only these rules:</p> <p>R17 - Demolition or Removal of Buildings and Structures  R18 - Alterations and Additions to Buildings and Structures  R19 - Construction of Buildings and Structures, excluding comprehensive development  R21 - Comprehensive Development of land 2000m<sup>2</sup> in area or greater</p> <p>Plus all associated standards</p>
All other Centres zones including Kilbirnie bus barn development area	<p>Only these objectives and policies:</p> <p>O1 - Purpose  O3 - Amenity and Design  O4 - Accommodating growth  P1 - Accommodating growth  P6 - Managing Effects  P7 - Quality design outcomes  P8 - Quality and Amenity  P9 - Amenity – Minimising adverse development effects  P10 - Comprehensive Development  P11 - City Outcomes Contribution</p>	<p>Only these rules:</p> <p>R17 - Demolition or Removal of Buildings and Structures  R18 - Construction, Additions, and Alterations to Buildings and Structures, excluding comprehensive development  R20 - Comprehensive Development of land 1600m<sup>2</sup> in area or greater</p> <p>Plus all associated standards</p>
Waterfront Zone	<p>Only these objectives and policies:</p> <p>O1 - Purpose  O7 - Managing effects  P5 - Sense of place  P6 - Development of buildings  P7 - Protection of public open space  P10 - Ahi ka</p>	<p>Only these rules:</p> <p>R12 - Alterations or additions to buildings and other structures  R13 - Construction of new buildings and other structures</p> <p>Plus all associated standards</p>

<b>Part 4 - Appendices and Schedules</b>		
Centres and Mixed Use Design Guide		
Residential Design Guide		
Heritage Design Guide		
Subdivision Design Guide		
Appendices and schedules that are directly relevant to any chapters above		

**Table 3: District Plan Content in the Standard Part One, Schedule One process**

<b>Part 1 – Introduction and General Provisions</b>
All (except any definitions that are specifically relevant to Policy 3 or 4 or the MDRS)
<b>Part 2 – District Wide Matters</b>
Remaining parts of the Strategic Direction, Heritage, Subdivision and Earthworks chapters not included in the ISPP
Energy, Infrastructure, and Transport (excluding Three Waters)
Contaminated Land
Hazardous Substances
Natural Features and Landscapes
Ecosystems and Indigenous Biodiversity (SNAs)
Sites and Areas of Significance to mana whenua
Notable Trees
Light
Signs
Temporary Activities
Assisted Housing
Coastal Environment (excluding hazards)
Noise (excluding provisions relating to airport noise overlay)
<b>Part 3 - Zones</b>
Remaining parts of the Centres, Residential, Waterfront and Open Space Zones not included in the ISPP
Open Space
Sport and active recreation
Town belt zone

Natural open space
Large Lot Residential
Rural
Quarry Zone
Natural Character
Public Access
Mixed Use Zone
General Industrial Zone
Commercial Zone (Curtis Street)
Port Zone
Corrections Zone
Stadium Zone
Hospital Zone
Tertiary Education Zone
Airport Zone
Future Urban Zone and Development Areas (excluding Kilbirnie bus barns)
Designations

**Note:** The provisions referenced on the tables above are from the Draft District Plan. While refining the plan, some provisions will change number, may be added, or removed and are indicative. General principles of inclusion in either process will not change post committee decision.