

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT WELLINGTON**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE
TE WHANGANUI-A-TARA**

**IN THE MATTER
AND**

of the Resource Management Act 1991

IN THE MATTER

**of the hearing of submissions on the Greater
Wellington Regional Council's Proposed
Change 1 to the Regional Policy Statement**

**MEMORANDUM OF COUNSEL FOR
KĀINGA ORA – HOMES AND COMMUNITIES
HEARING STREAM 4 (URBAN DEVELOPMENT)
7 NOVEMBER 2023**

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1. CENTRES HIERARCHY

1.1 In Minute 14, the Panel directed:

4. Kāinga Ora has proposed changes to Policy 30(3) to include 'Larger urban area' and 'Smaller urban area' Town Centres. Appendix 1 to the Statement of Evidence of Mr Matthew Heale dated 15 September 2023 sets out the changes proposed.

5. We are aware many territorial authorities have amended their plans to give effect to national intensification directions and the MDRS. Although we received some advice on this from Kāinga Ora, we would like to understand from territorial authorities, what impacts they think Kāinga Ora's relief would have on their planning instruments and processes.

6. We therefore invite all territorial authorities to provide comments in writing to us on the 'centres hierarchy' changes Kāinga Ora seeks to Policy 30. Comments are to be provided by 5pm on 25 October 2023.

1.2 Responses have been received from Wellington City Council, Hutt City Council and Porirua City Council. Upper Hutt City Council is not affected (see Minute 15).

1.3 Kāinga Ora is concerned that the responding councils have gone further than simply providing the information directed (ie. the impacts the Kāinga Ora relief would have on their planning instruments and processes). In some cases the responses take positions inconsistent with the relevant council's submissions, creating both natural justice and scope issues. For example, Wellington City Council lodged a further submission partially supporting the Kāinga Ora proposed amendments to Policy 30.¹ It appears now to be taking the opposite stance.

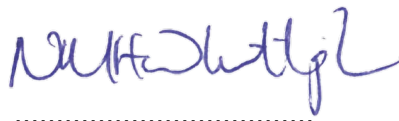
1.4 At the hearing, the possibility of witness caucusing about this issue was mooted and Kāinga Ora was anticipating being able to ensure its response to the various council positions was available to the Panel through that process. This does not now appear to be happening given the Panel's request in Minute 14.

1.5 I note that s 42A reporting officers have been asked to provide responses by 5pm on 24 November. They will have to consider the

¹ FS13.024.

responses of the councils against the scope of the councils' respective submissions. However, given the natural justice and scope issues and the non-progression of witness caucusing, Kāinga Ora requests the opportunity to provide a brief reply statement from Mr Heale by 5pm on Friday 17 November.

Date: 7 November 2023



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Nick Whittington