

**Before an Independent Hearing Panel and Freshwater Hearing
Panel of Greater Wellington Regional Council**

Under the Resource Management Act 1991

In the matter of Proposed Plan Change 1 to the Wellington Regional Policy Statement

SUBMISSIONS ON BEHALF OF WELLINGTON INTERNATIONAL AIRPORT LIMITED

Hearing Stream 1

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1. INTRODUCTION

1.1 These submissions are filed on behalf of Wellington International Airport Limited (**WIAL**), a submitter on the Greater Wellington Regional Council Regional Policy Statement (**RPS**) Proposed Change 1 (**PC1**).

1.2 WIAL filed submissions on a number of provisions proposed for inclusion in PC1, which we understand will be considered in later hearing streams. WIAL also raised in its submission a question about the allocation of provisions between the Freshwater Planning Process (**FPP**) and the usual Part 1 Schedule 1 process, which are being used for PC1. The Section 42A Report on General Submissions addressed this question, and as a result WIAL has prepared this response.

2. THE FRESHWATER PLANNING PROCESS

2.1 The Part 1 Schedule 1 and FPP provisions of PC1 were notified at the same time, and they sit within the same document. In order to identify which process is being relied on, annotations are used to show which process each provision is subject to (ie. the FPP provisions are referenced “FW”).

2.2 Section 80A of the RMA governs the FPP. Section 80A(2) defines a freshwater planning instrument as:

...

(2) A **freshwater planning instrument** means —

- (a) A proposed regional plan or regional policy statement for the purpose of giving effect to any national policy statement for freshwater management.
- (b) A proposed regional plan or regional policy statement that relates to freshwater (other than for the purpose described in paragraph (a)).
- (c) A change or variation to a proposed regional plan or regional policy statement if the change or variation —
 - (i) is for the purpose described in paragraph (a); or
 - (ii) otherwise relates to freshwater.

...

2.3 Section 80A(3) acknowledges that regional policy statements and regional plans may relate to more than just freshwater, and prescribes what is to occur if so. Subsection 80A(3) states:

- (3) A regional council must prepare a freshwater planning instrument in accordance with this subpart and Part 4 of Schedule 1. However, if the council is satisfied that only part of the instrument relates to freshwater, the council must—
 - (a) prepare that part in accordance with this subpart and Part 4 of Schedule 1; and
 - (b) prepare the parts that do not relate to freshwater in accordance with Part 1 of Schedule 1 or, if applicable, subpart 5 of this Part.

2.4 This provision makes it clear that only the parts of a regional plan or regional policy statement that “relate to freshwater” can be prepared using the FPP, will all other parts required to use the Schedule 1 plan making processes.

2.5 As the Council has acknowledged in its section 32 and 42A reports, the scope of the FPP related provisions of the RMA was recently considered by the High Court in *Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Incorporated* [2022] NZHC 1777. In that case, the Otago Regional Council notified the entirety of its Proposed RPS as a freshwater planning instrument.

2.6 The following findings are considered particularly relevant:

- (a) The words “relates to freshwater” must be interpreted having regard to the purpose for which s 80A was enacted. That purpose was to address the decline in freshwater quality in New Zealand.¹
- (b) Section 80A(3) drives the interpretation of s 80A. Because of this, parts of a regional policy statement will qualify to be part of a freshwater planning instrument pursuant to either s 80A(2)(a) or (b) if they *directly relate* to the maintenance or enhancement of the quality or quantity of freshwater.²

¹ See [191].

² See [192]. Note that GWRC’s PC1 likely falls within the scope of section 80A(2)(c), rather than section 80A(2)(a) or (b), but we consider the analysis from the High Court under those provisions is analogous, as subsection (c) is a combination of subsections (a) and (b).

- (c) Parts of a proposed regional statement that give effect to the National Freshwater Policy will only qualify if they are giving effect to those parts of the National Freshwater Policy that directly relate to the maintenance or enhancement of freshwater quality or quantity.³
- (d) The National Freshwater Policy is concerned with the quality of freshwater and the effects on the receiving environment of freshwater on a whole of catchment basis. This does not mean that any part of a regional policy statement concerned with the catchment or receiving environment for freshwater will relate to freshwater for the purpose of s 80A. It will be only to the extent that parts of a proposed regional statement regulate activities in the catchment or receiving environment, because of their effect on the quality or quantity of freshwater, that policies or objectives will relate to freshwater for the purposes of s 80A.⁴
- (e) A regional council needs to first determine which parts of the National Freshwater Policy are directly concerned with the quality or quantity of freshwater, as defined in s 2 of the RMA. In doing so, the concern should be with those parts of the policy which relate directly to matters impacting on the quality or quantity of freshwater, including groundwater, in lakes, rivers, wetlands or in estuaries that are part of the receiving environment.⁵
- (f) A number of provisions in the National Freshwater Policy do not relate directly to the quality or quantity of freshwater. A number of provisions are aspirational in referring to the benefits that might be obtained from improving freshwater quality, for example, reference to the obligations in Te Mana o te Wai to prioritise the health and wellbeing needs of people.⁶
- (g) In order for section 80A(2)(b)⁷ to apply, the regional council will have to satisfy itself that those parts relate directly to matters that will impact on the

3 See [193].

4 See [200].

5 See [194].

6 See [195].

7 As noted above, GWRC's PC1 likely falls within the scope of section 80A(2)(c), rather than section 80A(2)(a) or (b), but we consider the analysis from the High Court under those provisions is analogous, as subsection (c) is a combination of subsections (a) and (b).

quality and quantity of freshwater, including groundwater, lakes, rivers and wetlands. The regional council will also have to satisfy itself that the parts are not concerned with sea water, or are not part of a proposed regional coastal plan or a change or variation to that plan.⁸

- (h) The starting point must be that all of a proposed regional statement will be subject to the normal planning process set out in Schedule 1 of the RMA. It will be only those parts of a proposed regional statement that directly relate to freshwater management (in the manner set out above) that can be parts of a freshwater planning instrument and so subject to the freshwater planning process.⁹
- (i) For example, although the national planning standards require that there be a chapter in a proposed regional statement on urban form and development, it will be only those parts of a topic chapter on urban form and development that relate directly to freshwater management that can be part of a freshwater planning instrument.¹⁰
- (j) Parts of a proposed regional statement cannot be treated as parts of a freshwater planning instrument simply because there is some connection to freshwater through the concepts of Te Mana o te Wai, ki uta ki tai or the integrated management of natural and physical resources. To hold otherwise would be contrary to Parliament's intention in s 80A and Part 4 4 of Schedule 1 to establish a dual planning process where only parts of a regional policy statement directly relating to freshwater would be subject to the freshwater planning process.¹¹

3. THE COUNCILS APPROACH

3.1 GWRC's approach to using the FPP is discussed in Appendix E to the section 32 report.

8 See [202].

9 See [203].

10 See [205].

11 See [206].

3.2 At paragraph 10 of Appendix E, the report writer explains the approach to the application of section 80A in the following terms (emphasis added):

10. 'Freshwater' is defined in the RMA as, 'all water except coastal water and geothermal water'. 'Freshwater quality and quantity' is not defined in the Decision **but has been considered by Council to encompass freshwater ecosystem health, including habitat, aquatic life and ecological processes. It is a measure of, and intrinsically connected to, freshwater quality.** Therefore, in the following analysis and justification any matters directly impacting freshwater ecosystem health are directly impacting the quality and quantity of freshwater. The reasons for this approach include:

- Te Mana o Te Wai, the fundamental concept for freshwater management in the NPS-FM 2020, prioritises the health and well-being of water bodies and freshwater ecosystems. Freshwater ecosystem health is central in the objective and policies of the NPS-FM.
- Water quality and quantity are two of five biophysical components contributing to freshwater ecosystem health, as outlined in Appendix 1A of the NPS-FM. The others are habitat, aquatic life and ecological processes, which each have relevant attributes under the National Objectives Framework. **The NPS-FM is therefore clearly about more than just water quality and quantity, and to separate them from other components of freshwater ecosystem health would not be giving effect to the NPS-FM.**
- Freshwater hearings panels must collectively have knowledge and expertise in relation to 'freshwater quality, quantity, and ecology' under Section 59(6)(b) of Schedule 1 of the RMA. **This explicitly states that the FPP includes other matters relating to freshwater ecosystem health beyond water quality and quantity.**

3.3 The section 32 report then explains in more detail how the Council has approached its determination of which provisions should be considered as part of the FPP (or not), in relation to urban development, indigenous ecosystems, water supply, and nature-based solutions.

3.4 At a high level, WIAL generally agrees with the explanation and the approach set out in the section 32 report. However, WIAL considers that the approach in the section 32

report is not, in fact, what has been applied in relation to the provisions that have been notified as part of the FPP.

- 3.5** For example, Policy IM.2 - which relates to equity and inclusiveness - has been included in the FPP, and the explanation provided in the section 32 report is that "*Clause (c) seeks for environmental issues, which include freshwater quality and quantity, not to be exacerbated. This relates directly to protecting and enhancing freshwater quality and quantity*"¹² Clause (c) states "not exacerbating environmental issues". It is not clear how these this provision relates to the maintenance or enhancement of the quality or quantity of freshwater, and it is submitted that the policy overall seeks to have a much broader reach than just freshwater management. With respect, including the entire provision in the FPP because of the reference to environmental issues in clause (c) does not appear to align with the approach set out in the High Court decision.
- 3.6** This provision is just one example that does not align within the approach set out in the Council's section 32 report, which raises doubt as to whether they are properly within the scope of section 80A(3)(a). It is also noted that the section 32 report states that Objective CC.7 is flagged as being "P1S1"¹³, as it is "not directly related to freshwater quality or quantity", but has been allocated to the FPP in the notified PC1.
- 3.7** Furthermore, there appears to be an inconsistent approach taken in places by the Council. For example, in relation to some of the suites of related provisions some are identified as being FPP provisions, but other related provisions are identified as P1S1. Another example is the issue statement relating to climate change, where most of it is identified as a FPP provision, but one or two matters are identified as P1S1. This does not appear to take a consistent approach, or make any real sense. Furthermore this fragmented approach will potentially create issues with the cohesiveness and effectiveness of the overall document.
- 3.8** The General Submissions section 42A report also considers the allocation of provisions between the FPP and Part 1 of Schedule 1 from paragraph 99 on, and recommends that all submissions on the reallocation of provisions between planning processes are

12 Refer to the table at page 397 of the section 32 report.

13 Refer to the table at page 391 of the section 32 report.

rejected. WIAL observes that the assessment in the section 42A report is significantly more 'high level' than that in the section 32 report, and that it does not consider the principles that were identified in the High Court decision as being relevant to determining whether a provision falls within the scope of section 80A.

4. WIAL'S POSITION

4.1 In short, WIAL's concern is that there are a number of provisions included in the FPP that broadly relate to climate change, urban environments, biodiversity and natural hazards, and which do not qualify under section 80A(2), i.e. they do not directly relate to the maintenance or enhancement of the quality or quantity of freshwater in the manner required by the recent High Court decision. The consequence is that section 80A has not properly been observed, with provisions misallocated to the FPP. This creates a jurisdictional issue / impediment for the Hearings Panel, as discussed below.

4.2 Attached to these submissions, as **Appendix A**, is a table prepared by WIAL's planning consultant, Claire Hunter. This table identifies the provisions at issue for WIAL, with an explanation of why WIAL considers that the provisions do not fall within the scope of the FPP. More detailed evidence will be presented by WIAL on these provisions (and their allocation) in later hearing streams.

4.3 In terms of the aspects of PC1 that WIAL considers should not progress under the FPP (as outlined in Appendix A), WIAL's position is that to ensure good planning outcomes, proposed provisions should be examined by an appointed panel through a broader resource management lens, rather than with a more limited focus on freshwater issues.

4.4 The limitation on merits-based appeals for the provisions considered under the FPP is a further and significant concern for WIAL.¹⁴ The significance of the removal of an appeal right has long been acknowledged by the Courts, including recently in an Environment Court decision on the scope of an Intensification Planning Instrument, where the Court noted there needed to be a "*very careful interpretation of the*

¹⁴ Appeal rights under the FPP are governed by clauses 55 and 56 of Schedule 1 - notable is that there is no general right of appeal to the specialist Environment Court, as is enabled under the Part 1 Schedule 1 process.

statutory provisions in light of their context and purpose”, in light of the absence of any right of appeal.¹⁵ The importance of preserving participatory rights, which includes appeal rights, was also acknowledged in the High Court decision, as follows:¹⁶

Consistent with the purpose of the Amendment Act and participatory rights under the RMA, in applying s 80A, the starting point must be that all of the proposed regional statement will be subject to the normal planning process set out in pt 1 of sch 1 of the RMA.

4.5 Further, appeals to the Environment Court provide the opportunity for experts to conference, and for parties to mediate on issues, which often results in improvements to the content of planning instruments. Where those processes do not result in agreement, the ability to seek a decision that is informed by the specialist expertise of the Environment Court can be of real benefit to all plan users.

5. THE FRESHWATER PANEL’S DECISION-MAKING POWER

5.1 The jurisdictional issue derives from the powers and functions of the Freshwater Hearings Panel, as set out in Part 4 of Schedule 1. Clause 39 sets out the Freshwater Panel’s functions, and provides that the Panel is to conduct a hearing and then make recommendations to the regional council.

5.2 Clause 49 then states:

49 Freshwater hearings panel must make recommendations to regional council on freshwater planning instrument

- (1) A freshwater hearings panel must make recommendations on the freshwater planning instrument.
- (2) The freshwater hearings panel—
 - (a) is not limited in making recommendations only within the scope of submissions made on the freshwater planning instrument; and
 - (b) may make recommendations on any other matters relating to the freshwater planning instrument identified by the panel or any other person during the hearing.

¹⁵ *Waikanae Land Company v Heritage New Zealand Pouhere Taonga* [2023] NZEnvC 056 at [21].

¹⁶ Refer to [203].

- 5.3** It is submitted that “on” must be interpreted as “within the scope of” the freshwater planning instrument. As discussed above, the scope of a freshwater planning instrument is determined by section 80A, with any provisions or matters beyond the scope of the section 80A requirements falling outside what is “on” the freshwater planning instrument.
- 5.4** It will be a matter for the Freshwater Panel to satisfy itself that its recommendations are “on” the freshwater planning instrument. Where the Freshwater Panel considers that a matter or provision has been incorrectly allocated to the FPP, and that making a recommendation on that provision would not be “on” the freshwater planning instrument (as that word is interpreted above), WIAL suggests that it would be appropriate for the Panel to record that in its recommendations to the Council.¹⁷ In this respect, it is notable that the Freshwater Panels powers under clause 49(2)(b) are broader than those of the Independent Hearing Panel, as under that clause it has the power to make recommendations on any matters raised during the course of the hearing.¹⁸
- 5.5** It follows that WIAL considers that it is open to the Freshwater Panel to recommend reallocation of provisions that it considers have erroneously been identified as FPP into the Part 1 Schedule 1 process, and suggest that they be considered by the Independent Panel. Given that the Freshwater Panel and Independent Panel are sitting together, we anticipate that this reallocation will not affect the ability of the relevant decision-maker to issue a decision on those provisions.
- 5.6** Consideration will need to be given to whether the Independent Panel could make a recommendation on an initially notified FPP provision, if the Freshwater Panel, after hearing submissions and evidence, were to consider that a provision flagged as forming part of the FPP does not, in fact, fall within the scope of section 80A. We are not aware of (and are unable to comment on the practicalities of) how the two Panels intend to issue recommendations on the various provisions, and whether, in practice,

¹⁷ In accordance with clause 49(3) of Schedule 1.

¹⁸ The Independent Panels powers are set out in clause 10 of Schedule 1.

the intention is to issue one recommendation with a notation next to each provision as to whether it is a “FPP” recommendation or a “Part 1 Schedule 1” recommendation.

- 5.7** We note that in terms of the process of determining whether a provision should sit within the FPP or the Part 1 Schedule 1 process, the High Court held:

[230] There has been no valid determination as to which parts of the proposed regional statement are parts of a freshwater planning instrument so there has been no notification of a freshwater planning instrument to begin the freshwater planning process set out in pt 4 of sch 1. Those parts of the proposed regional statement that will not be part of a freshwater planning instrument have been publicly notified, and do not need to be re-notified. They have not been processed in accordance with the normal pt 1, sch 1 process because of the ORC’s decision to treat the whole of the proposed regional statement as a freshwater planning instrument, and because of the uncertainty associated with these proceedings.

- 5.8** The Court then directed the Otago Regional Council to reconsider the proposed regional policy statement and decide which parts of it did relate to freshwater in the way the legislation requires, for those parts to be subject to the freshwater planning process.¹⁹

- 5.9** The Court held that the parts the Regional Council determined were part of P1S1 could continue being processed under P1S1, whereas those parts that the Regional Council determined were part of a freshwater planning instrument must be publicly notified as such, and follow the FPP process. Put another way, the Regional Council had to restart the process for the FPP provisions, but continue on with the provisions that had, in light of its decision, always been P1S1 provisions.

¹⁹ See [238(b)].

5.10 In light of this, should the Panel consider the approach set out above at 5.4 is not tenable, it could follow the High Court's *Otago* approach. This would involve the Panel(s) recommending to the Council that in light of the principles discussed above, the Council reconsider the FFP provisions, and any other matter considered appropriate by the Panel(s), and then renotify the FFP provisions accordingly. This approach would of course have flow on effects in terms of hearing schedules, and timing as to when decisions need to be issued.

DATED at Wellington this 13th day of June 2023



Amanda Dewar / Libby Neilson
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Appendix A

APPENDIX A – Wellington International Airport Limited submissions on the Proposed Wellington Regional Policy Statement – Proposed Change 1

Text highlighted with underlining (example) represents proposed insertions

Text highlighted with strikethrough (~~example~~) represents proposed deletions

Updated 12 June 2023 with shading to show FPP provisions. Those highlighted **orange** are those provisions earmarked for the FPP which WIAL considers should be the Schedule 1 process. Those shaded **blue** are provisions earmarked for the FPP and which WIAL largely agrees with.

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)	Consideration of whether the provision should proceed via the FPP / P1S1
Proposed Amendments to Chapter 3: Resource Management Issues, objectives and policies and methods				
<p>Overview of issues:</p> <p>The overarching resource management issues for the Wellington Region are:</p> <ol style="list-style-type: none"> 1. 2. 3. 	Oppose in part	Insert into the overview of issues recognition that infrastructure providers, particularly those which are nationally and regionally significant must be given sufficient flexibility to accommodate changes in technology as we move toward meeting our nation's net carbon zero 2050 commitment. Maintaining the functionality, integrity and adaptability of infrastructure will also be key to achieving community resilience to the challenges of climate change and this needs to be adequately recognised.	Add or amend the issues statement to recognise that key infrastructure assets within the region are vulnerable to the effects of climate change and that such facilities need to be given sufficient flexibility to accommodate new technology, respond and adapt to climate related issues.	It is acknowledged that the issue statement for the region sits across the RPS and therefore relates broadly to all aspects of resource management in the Wellington Region, including freshwater resources. Such issues which have broader application than freshwater quality or quantity should however not be subject to the FPP and should be subject to the Part 1 Schedule 1 process. This would ensure that full public participation and process can be utilised in setting these key issues which affect the entirety of the region.
<p><u>Objective A: Integrated management of the region's natural and built environments is guided by Te Ao Māori and:</u></p> <ol style="list-style-type: none"> (a) <u>incorporates mātauranga Māori; and</u> (b) <u>recognises ki uta ki tai – the holistic nature and interconnectedness of all parts of the natural environment; and</u> (c) <u>protects and enhances mana whenua / tangata whenua values, in particular mahinga kai, and the life-supporting capacity of ecosystems; and</u> (d) <u>recognises the dependence of humans on a healthy natural environment; and</u> (e) <u>recognises the role of both natural and physical resources in providing for the characteristics and qualities of well-functioning urban environments; and</u> (f) <u>responds effectively to the current and future pressures of climate change, population growth and development.</u> <p>...</p>	Oppose in part	The expression 'Te Ao Māori' is not defined for the purposes of Objective A and it is not clear what guidance it will provide (or require).	Either define and provide sufficient methodologies to support the intent of this objective or delete.	As above, on the basis that this objective seeks to have a broad reach, it should be subject to the Part 1 Schedule 1 process. The objective seeks to impact across a number of resources (including freshwater) within the Wellington region.
<p><u>Policy IM.2: Equity and inclusiveness</u></p> <p>When considering an application for a notified resource consent, notice of requirement, or a change, variation or review of a regional and district plan particular regard shall be given to achieving the objectives and policy outcomes of this RPS in an equitable and inclusive way, by:</p> <ol style="list-style-type: none"> (a) avoiding compounding historic grievances with iwi/Māori; and 	Oppose in part	WIAL considers these to be laudable goals, however it is not clear how they will be applied in a statutory sense under the framework of the Resource Management Act or realistically achievable given the terminology used. For example "not exacerbating" is not something that is consistent with usual resource management practice and requirements.	Delete this policy.	As above, on the basis that this objective seeks to have a broad reach, it should be subject to the Part 1 Schedule 1 process. The objective seeks to impact across a number of resources (including freshwater) within the Wellington region.

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)	Consideration of whether the provision should proceed via the FPP / P1S1
(b) not exacerbating existing inequities, in particular but not limited to, access to public transport, amenities and housing; and (c) not exacerbating environmental issues; and (d) not increasing the burden on future generations.				
Chapter 3.1A: Climate Change				
<p>Issue statement generally and including the following statements: <u>The key areas of action required to address climate change are to:</u></p> <p>1. <u>Reduce gross greenhouse gas emissions. This includes transitioning as rapidly as possible from fossil fuels to renewable energy and recognising that methane reductions offer a significant opportunity for global cooling in the short-term.....</u></p> <p>3. <u>Take adaptation action to increase the resilience of our communities, the natural and built environment to prepare for the changes that are already occurring and those that are coming down the line. Critical to this is the need to protect and restore natural ecosystems so they can continue to provide the important services that ensure clean water and air, support indigenous biodiversity and ultimately, people.</u></p> <p><u>The causes of climate change need to be addressed by internationally coordinated action, but our success depends on responses at national, local and individual levels.</u></p>	Support in part	<p>WIAL recognises that climate change is a significant issue for the Wellington region, New Zealand and the world. On this basis WIAL also seeks that the RPS sufficiently recognises that the RMA is not the primary regulatory tool for dealing with New Zealand's climate change response. This is currently the Climate Change Response Act 2022 (CCRA). The CCRA sets the overarching legal framework to drive domestic emissions reductions to enable New Zealand to meet its international climate change commitments, and to provide a means for identifying and adapting to the effects of climate change that pose a material level of risk to New Zealand now and in the future.</p> <p>The RPS also needs to suitably recognise that the emission trading scheme (ETS) is the cornerstone of New Zealand's climate change regulation. The ETS covers all sectors of the economy, including forestry, liquid fossil fuels used for transport, 'stationary energy' (mainly covering oil and gas used in energy generation), industrial processes, waste, synthetic gases and agriculture. These sectors must report to the Government on their annual greenhouse gas emissions and, with the exception of agriculture, face costs for their emissions via ETS surrender obligations that are imposed on certain persons based on whether they carry out certain prescribed activities in each industry sector.</p> <p>While the ETS has been a 'cap and trade' scheme in name since its inception in 2008, the 'cap' aspect was only formally realised through amendments to the CCRA implemented through the Climate Change Response (Emissions Trading Reform) Amendment Act, effected in June 2020 (Emissions Trading Reform Amendment Act).</p> <p>The Emissions Trading Reform Amendment Act introduced a suite of reforms to align the ETS</p>	<p>Amend the issue statement to ensure it is sufficiently sophisticated in recognising that there are many layers of regulation and law in New Zealand (and internationally) which will drive our overall response to climate change and achieving a zero-carbon economy.</p> <p>This includes ensuring there is appropriate reference to the CCRA, ETS and Zero Carbon Amendment Act within the RPS, and the approach taken has appropriate regard to, and is not inconsistent, with the requirements of this legislation including that this legislation does not require a total transition from fossil fuels to renewable energy and that the reduction over time should be what is reasonably practicable in the particular circumstances not what is "possible". Otherwise, delete the Issue Statement.</p>	<p>Parts of this issue statement are identified as being a freshwater instrument and therefore subject to the FPP process, and other parts are not. This in itself creates confusion and is potentially problematic as the two processes may result in very different outcomes following parts which are subject to the Part 1 Schedule 1 process, and those which are not. This may cause issues with the integration and cohesiveness of the policy instrument, as the process develops.</p> <p>Climate change, the issues it may generate and the response, will require an integrated approach and therefore the entirety of this issue statement should be subject to the Schedule 1 process for an issue that will affect all facets of the region.</p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)	Consideration of whether the provision should proceed via the FPP / P1S1
		<p>settings with the net-zero targets and associated five-yearly emissions budgets introduced through the Climate Change Response (Zero Carbon) Amendment Act introduced in November 2019 (Zero Carbon Amendment Act).</p> <p>The intended effect of the ETS is therefore to drive behaviour across the economy away from emissions-intensive technologies and practices, toward 'cleaner' technologies and practices that result in lower (or no) emissions, as these become more economically viable alternatives.</p>		
<p><u>Objective CC.1</u></p> <p><u>By 2050, the Wellington Region is a low-emission and climate-resilient region, where climate change mitigation and adaptation are an integral part of:</u></p> <p>(a) <u>sustainable air, land, freshwater, and coastal management,</u></p> <p>(b) <u>well-functioning urban environments and rural areas, and</u></p> <p>(c) <u>well-planned infrastructure.</u></p>	Support in part	<p>WIAL generally supports the intent of this objective, however as noted above sufficient flexibility needs to be built into the RPS to ensure infrastructure is not only well planned but has sufficient flexibility to adapt and change its operations in order to respond to climate change.</p>	<p>Amend the objective, as follows (or to similar effect):</p> <p>By 2050, the Wellington Region is a low-emission and climate-resilient region, where climate change mitigation and adaptation are an integral part of:</p> <p>(a) sustainable air, land, freshwater, and coastal management,</p> <p>(b) well-functioning urban environments and rural areas, and</p> <p>(c) well-planned <u>and effectively operating</u> infrastructure.</p>	
<p><u>Objective CC.3</u></p> <p><u>To support the global goal of limiting warming to 1.5 degrees Celsius, net greenhouse gas emissions from transport, agriculture, stationary energy, waste, and industry in the Wellington Region are reduced:</u></p> <p>(a) <u>By 2030, to contribute to a 50 percent reduction in net greenhouse gas emissions from 2019 levels, including a:</u></p> <p>(i) <u>35 percent reduction from 2018 levels in land transport-generated greenhouse gas emissions, and</u></p> <p>(ii) <u>40 percent increase in active travel and public transport mode share from 2018 levels, and</u></p> <p>(iii) <u>60 percent reduction in public transport emissions, from 2018 levels, and</u></p> <p>(b) <u>By 2050, to achieve net-zero emissions.</u></p>	Oppose in part	<p>WIAL understands the intent of this objective, however as noted above the RPS needs to adequately recognise that the RMA is not the only vehicle to achieve New Zealand net zero target.</p> <p>As discussed above, the Zero Carbon Amendments Act introduced a framework whereby Emission Reduction Plans are to set out the policies and strategies for meeting the relevant emission budgets. Each Emissions Reduction Plan will set the national policy framework for reducing emissions across the economy through sector-specific and multi-sector strategies.</p> <p>It is noted that for certain industries such as international aviation and shipping, emissions from these activities are not currently included in the net-zero target, but are separately accounted for as part of New Zealand's broader international commitments. The Commission is required under the CCRA to advise by the end of 2024 on whether these should be included in the net-zero target.¹</p>	<p>Amend the objective, as follows (or to similar effect), or delete in its entirety:</p> <p><u>To support New Zealand's pathway to net zero emissions by 2050, align Wellington's regional responses to national legislation and expectations regarding emissions budgeting and outcomes.</u></p>	

¹ Climate Change Response Act, section 5R.

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)	Consideration of whether the provision should proceed via the FPP / P1S1
		<p>The national climate change policy framework is complex, and requires consideration of a number of present and future factors that will influence the path New Zealand takes to achieve the required level of emissions reductions to meet its ultimate net-zero emissions target, and five-yearly emissions budgets on the way to 2050. This means that the path is not expected to be linear, and there is uncertainty around the pace and extent of future technological developments that will be needed in each sector. The policy steps taken to meet the 2050 net-zero target and associated emissions budgets would need to be sensitive to such uncertainties, and weigh up what is achievable and economically viable in each period.</p> <p>With regard to the aviation sector for example, the various difficulties recognised by the Commission and the Government in relation to decarbonising heavy transport suggest that it could take some time to overcome the various technological development and supply and cost barriers in order to achieve deeper emissions reductions in the aviation sector.</p> <p>WIAL also submits that airports provide a vital transport link in both business as usual and emergency settings (particularly in the NZ context), and it is important that the RPS provides sufficient flexibility to ensure that the Airport is able to successfully adapt to the effects of climate change in order to achieve long term sustainability of such regionally significant infrastructure.</p>		
<p><u>Objective CC.4</u> <u>Nature-based solutions are an integral part of climate change mitigation and adaptation, improving the health and resilience of people, biodiversity, and the natural environment.</u></p>	Oppose in part	<p>WIAL seeks that this objective suitably recognises that nature based responses are not always practicable within urban environments, and in some instances may present a direct conflict with the operational and safety of an infrastructure asset (e.g. by attracting birds to the airport surrounds).</p>	<p>Amend the objective as follows, or delete: <u>Where practicable, nature based...</u></p>	<p>Nature based solutions are not limited to matters concerning freshwater management. Such solutions could involve limits on deforestation and increased planting obligations, and while these may have flow on effects on freshwater management, they will more likely result in direct controls on land use activities which could potentially impact on private land and community wellbeing. Such an objective should therefore be subject to the Part 1 Schedule 1 process.</p>
<p><u>Objective CC.6</u> <u>Resource management and adaptation planning increase the resilience of communities and the natural environment to the short, medium, and long-term effects of climate change.</u></p>	Support in part	<p>It is not only the resilience of communities and the natural environment that need strengthened resilience against the adverse effects of climate change. Infrastructure, including regionally significant infrastructure can be particularly vulnerable to climate change effects and represents a considerable financial investment that is critical to</p>	<p>Amend the objective as follows: Resource management and adaptation planning increase the resilience of communities, <u>infrastructure (including regionally significant infrastructure)</u> and the natural environment to the short, medium, and long-term effects of climate change.</p>	

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)	Consideration of whether the provision should proceed via the FPP / P1S1
		the resilience of communities. It warrants explicit mention in Objective CC.6.		
<u>Objective CC.7</u> <u>People and businesses understand what climate change means for their future and are actively involved in planning and implementing appropriate mitigation and adaptation responses.</u>	Support in part	As above, WIAL submits that it is vital that the RPS adequately recognises that infrastructure in particular will need sufficient flexibility to adapt to the needs and effects of climate change. The community should be aware that this may result in changes to the current footprint or operation of such facilities. Switching to a new low emissions fuel or electrifying aircraft may mean that the airport is required to provide more space to accommodate smaller, more numerous aircraft or larger, more efficient aircraft, or require more space to install new technology for charging etc.	Amend the objective as follows: People and businesses understand what climate change means for their future, <u>and the changes that need to be made to adapt to the challenges and opportunities of climate change</u> and are actively involved in planning and implementing appropriate mitigation and adaptation responses. Or otherwise delete the objective.	
<u>Policy CC.1: Reducing greenhouse gas emissions associated with transport infrastructure – district and regional plans</u> <u>District and regional plans shall include objectives, policies, rules and/or methods to require that all new and altered transport infrastructure is designed, constructed, and operated in a way that contribute to reducing greenhouse gas emissions by:</u> (a) <u>Optimising overall transport demand;</u> (b) <u>Maximising mode shift from private vehicles to public transport or active modes; and</u> (c) <u>Supporting the move towards low and zero-carbon modes.</u>	Support in part	As set out above it may take some time to develop the strategies that are necessary to achieve zero emissions in the aviation sector. It would therefore be inappropriate if this policy were to extend to air transportation.	Amend the policy to ensure it relates to land transportation infrastructure, rather than inadvertently capturing all modes of transportation.	
<u>Policy CC.2: Travel demand management plans – district plans</u> <u>By 30 June 2025, district plans shall include objectives, policies and rules that require subdivision, use and development consent applicants to provide travel demand management plans to minimise reliance on private vehicles and maximise use of public transport and active modes for all new subdivision, use and development over a specified development threshold where there is a potential for a more than minor increase in private vehicles and/or freight travel movements and associated increase in greenhouse gas emissions.</u>	Oppose in part	WIAL is actively involved in initiatives such as the Let's Get Wellington Moving programme to improve connectivity between the airport and key nodes and realise the potential to shift to more sustainable travel modes. This seeks to deliver a 'whole of system' approach that encompasses a range of measures which work together to improve transport access and associated levels of service as well as increasing sustainability. Against this background, WIAL seeks that policy such as CC.2 would not inadvertently require the airport to prepare individual travel demand management plans for each development or new facility located at the airport.	Amend this policy to clarify and therefore ensure that this policy does not apply to development associated with Wellington International Airport.	
<u>Policy CC.7: Protecting, restoring, and enhancing ecosystems and habitats that provide nature-based solutions to climate change – district and regional plans</u>	Oppose in part	WIAL is concerned that this would promote development which would conflict with the effective and efficient operation of the airport, for example green spaces could attract birds which in turn for the airport present a significant safety hazard. It needs	Amend the policy to add the following qualifier: ... <u>where it is practicable and appropriate to do so [or provide an appropriate qualifier for regionally significant infrastructure]</u> .	Nature based solutions are not limited to matters concerning freshwater management. Such solutions could involve limits on deforestation and increased planting obligations, and while these may have flow on effects on freshwater management, they will more likely result in direct controls on land use activities which could

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)	Consideration of whether the provision should proceed via the FPP / P1S1
<u>District and regional plans shall include objectives, policies, rules and/or methods that provide for nature-based solutions to climate change to be part of development and infrastructure planning and design.</u>		to be recognised that nature based solutions are not always practicable nor desirable in certain locations.	Otherwise delete the Policy	potentially impact on private land and community wellbeing. Such an objective should therefore be subject to the Part 1 Schedule 1 process..
<u>Policy CC.8: Prioritising greenhouse gas emissions reduction over offsetting – district and regional plans</u> <u>District and regional plans shall include objectives, policies, rules and/or methods to prioritise reducing greenhouse gas emissions in the first instance rather than applying offsetting, and to identify the type and scale of the activities to which this policy should apply.</u>	Oppose	While WIAL understands the intent of this policy, it is noted that it may be too simplistic to apply this to the airport and aviation industry at this time. For example, in 2016 the Government agreed New Zealand would participate in the ICAO's Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). ² CORSIA is a global market-based measure for reducing and offsetting carbon emissions in the international aviation sector. ³ The scheme is to remain in place until 2035 and will operate as a global carbon market. Participation is only voluntary between 2021 and 2026. The second phase from 2027 onward will require mandatory participation of most ICAO member states. When the scheme becomes mandatory, airlines will be required to purchase carbon credits and finance abatement activities outside the aviation sector for emissions generated by international routes. In August 2019, the Government reconfirmed the decision to participate in CORSIA from 2021, and agreed to implement it through the Civil Aviation Bill. ⁴ The Bill is currently in its second reading stage before parliament. Among other matters, the Bill would see substantive policy changes to require certain airline operators offering international air services as a New Zealand airline to implement an emissions reporting and monitoring plan, and perform various emissions monitoring and reporting requirements. ⁵ In this situation mandatory carbon offsetting is expected to directly lead to a net reduction in emissions. It is therefore too simplistic for this policy to prioritise a reduction in emissions over offsetting.	Delete this policy.	
<u>Policy CC.9: Reducing greenhouse gas emissions associated with transport infrastructure – consideration</u>	Oppose in part	As set out above it may take some time to develop the strategies that are necessary to address emissions in the airport and aviation sector. It would	Amend this policy so that it is clear that it does not apply to the airport and aviation industry, or delete.	

² Ministry of Transport "CORSIA" at <https://www.transport.govt.nz/area-of-interest/environment-and-climate-change/corsia/>

³ Ministry of Transport "CORSIA" at <https://www.transport.govt.nz/area-of-interest/environment-and-climate-change/corsia/>

⁴ The Explanatory Note for the Civil Aviation Bill states that the framework is intended to enable New Zealand to meet its obligations under CORSIA.

⁵ The monitoring and reporting requirements are provided under Part 6, Subpart 3 of the Civil Aviation Bill.

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<u>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to whether the subdivision, use and development have been planned to optimise overall transport demand, maximising mode shift from private vehicles to public transport or active modes, in a way that contributes to reducing greenhouse gas emissions.</u>		therefore be inappropriate if this policy were to extend to air transportation.		
<u>Policy CC.10: Freight movement efficiency and minimising greenhouse gas emissions – consideration</u> <u>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan for freight distribution centres and new industrial areas or similar activities with significant freight servicing requirements, particular regard shall be given to the proximity of efficient transport networks and locations that will contribute to efficient freight movements and minimising associated greenhouse gas emissions.</u>	Oppose in part	WIAL submits that the intention of this policy is somewhat unclear. The Airport is a major distributor of freight for the region and it is not clear how this policy would impact on its operations in this regard.	Amend this policy so that it is clear that it does not apply to the airport and aviation industry, or delete.	
<u>Policy CC.11: Encouraging whole of life carbon emissions assessment – consideration</u> <u>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, a whole of life carbon emissions assessment is encouraged for all new or altered transport infrastructure as part of the information submitted with the application. This information will assist with evaluating the potential greenhouse gas emissions, options for reducing direct and indirect greenhouse gas emissions and whether the infrastructure has been designed and will operate in a manner that contributes to the regional target for a reduction to transport-related greenhouse gas emissions.</u>	Oppose in part	As set out above technological changes and advances are evolving in the aviation sector to address emissions and it is difficult to prepare a “whole of life carbon emission assessment” which will be fixed at a certain point in time. The industry needs sufficient flexibility to adapt to new technology and respond to climate change. It would be inappropriate for this policy to require Wellington Airport and its operators to prepare a whole of life carbon emission assessment when technology and the industry is rapidly changing. In addition, this type of assessment is not appropriate for notices of requirements where long term development is contemplated and details of specific projects are not yet known.	Delete this policy or make it clear that it does not apply to Wellington International Airport and aviation industry.	
<u>Policy CC.12: Protect, enhance and restore ecosystems that provide nature-based solutions to climate change – consideration</u> <u>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may adversely affect a nature-based solution to climate change and particular regard shall be given to avoiding adverse effects on the climate change mitigation or adaptation functions.</u>	Oppose	WIAL is concerned that it is not sufficiently clear as to what a nature based solution to climate change involves. It would be inappropriate for this policy to unduly constrain regionally significant infrastructure and its associated development due to such uncertainty.	Delete this policy.	Nature based solutions are not limited to matters concerning freshwater management. Such solutions could involve limits on deforestation and increased planting obligations, and while these may have flow on effects on freshwater management, they will more likely result in direct controls on land use activities which could potentially impact on private land and community wellbeing. Such an objective should therefore be subject to the Part 1 Schedule 1 process.
<u>Policy CC.14: Climate resilient urban areas – consideration</u> <u>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, provide for actions and initiatives, particularly the</u>	Oppose in part	WIAL is concerned that the drafting of this policy would require all of these matters to be achieved when considering development within urban areas by the use of the “and” between “e” and “f”. In some	Delete this policy, or ensure that it does not apply to the Airport area.	This provision broadly relates to initiatives that could be considered to enhance climate resilience in urban areas. Some of these may impact on freshwater management (e.g. (b)), however many of these requirements have broader application than freshwater, such as

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<p><u>use of nature-based solutions, that contribute to climate resilient urban areas, including:</u></p> <ul style="list-style-type: none"> (a) <u>maintaining, enhancing, restoring, and/or creating urban greening at a range of spatial scales to provide urban cooling, including working towards a target of 10 percent tree canopy cover at a suburb-scale by 2030, and 30 percent cover by 2050.</u> (b) <u>the application of water sensitive urban design principles to integrate natural water systems into built form and landscapes, to reduce flooding, improve water quality and overall environmental quality.</u> (c) <u>capturing, storing, and recycling water at a community-scale (for example, by requiring rain tanks, and setting targets for urban roof area rainwater collection).</u> (d) <u>protecting, enhancing, or restoring natural ecosystems to strengthen the resilience of communities to the impacts of natural hazards and the effects of climate change.</u> (e) <u>providing for efficient use of water and energy in buildings and infrastructure, and</u> (f) <u>buildings and infrastructure that are able to withstand the predicted future temperatures, intensity and duration of rainfall and wind.</u> 		<p>urban environments achieving all of these outcomes would be impractical, for example buildings within the airport could be used more efficiently to conserve water and energy usage, however it would be inappropriate for the airport to create green spaces, as these would present an aviation hazard and safety issue.</p>		<p>those relating to urban and building design and efficiency. These are broader matters which should be subject to the Part 1 Schedule 1 process.</p>
<p>Policy 3: Protecting high natural character in the coastal environment – district and regional plans</p> <p>District and regional plans shall include policies, rules and/or methods to protect high natural character in the coastal environment from inappropriate subdivision, development and/or use. Natural character should be assessed considering the following matters, with a site determined as having high natural character when the landscape is slightly modified or unmodified, the land-cover is dominated by indigenous vegetation and/or the vegetation cover is natural and there are no apparent buildings, structures or infrastructure:</p> <ul style="list-style-type: none"> a. ... b. ... e. Social values: the place, site or area has meaning for a particular community or communities, including: <ul style="list-style-type: none"> (i) sentimental: the natural character of a place, site or area has a strong or special association with a particular community; and/or (ii) recognition: the place, site or area is held in high public esteem for its natural character value, or its 	<p>Support in part</p>	<p>WIAL generally support the changes made to this policy, however it is not clear as to how such amendments fit within the general theme of this policy.</p>	<p>Accept the amendments.</p>	

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contribution to the sense of identity of a particular community.				
Proposed Amendment to Chapter 3.3: Energy, Infrastructure and Waste				
<p>Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans</p> <p>District and regional plans shall include policies and/or methods that recognise:</p> <p>(a) the social, economic, cultural and environmental benefits of regionally significant infrastructure, <u>and in particular low and zero carbon regionally significant infrastructure</u> including:</p> <p>(i) people and goods can travel to, from and around the region efficiently and safely <u>and in ways that support transitioning to low or zero carbon multi modal travel modes</u>;</p> <p>(ii) public health and safety is maintained through the provision of essential services: - supply of potable water, the collection and transfer of sewage and stormwater, and the provision of emergency services;</p> <p>(iii) people have access to energy, <u>and preferably low or zero carbon energy</u>, so as to meet their needs; and</p> <p>(iv) people have access to telecommunication services.</p> <p>(b) the social, economic, cultural and environmental benefits of energy generated from renewable energy resources including:</p> <p>(i) security of supply and diversification of our energy sources;</p> <p>(ii) reducing dependency on imported energy resources; and</p> <p>(iii) reducing greenhouse gas emissions.</p>	Oppose in part	<p>WIAL supports the policy in so far as it seeks to recognise the social, economic, cultural and environmental benefits of regionally significant infrastructure. However, the addition of “in particular low and zero carbon regionally significant infrastructure” is vague and it appears to elevate or potentially prioritise this type of infrastructure over all other types of regionally significant infrastructure. This would be inappropriate and as discussed above it is critically important that the RPS protects existing regionally significant infrastructure from the adverse effects of climate change and should include sufficient flexibility to adapt and respond to the challenges (and opportunities e.g. developing localised renewable energy generation facilities) climate change will present.</p>	Delete reference in paragraph (a) to “in particular low and zero carbon regionally significant infrastructure” and in paragraph (a)(ii) at the end of this subparagraph to “including Wellington International Airport” in this policy .	
<p>Policy 9: <u>Promoting greenhouse gas emission reduction and uptake of low emission fuels</u> – Regional Land Transport Plan Strategy Reducing the use and consumption of non-renewable transport fuels, and carbon dioxide emissions from transportation</p> <p>The Wellington Regional Land Transport Plan Strategy shall include objectives and policies that promote a reduction in:</p> <p>(a) <u>a reduction of the consumption of non-renewable transport fuels</u>; and</p> <p>(b) the emission of carbon dioxide from transportation</p> <p>(b) <u>a reduction of the emission of greenhouse gases, and other transport-generated harmful emissions such as nitrogen dioxide; and</u></p>	Support	<p>WIAL supports this policy on the basis that it is directed at land transportation requirements. WIAL also notes that it will take some time to transition to Sustainable Aviation Fuels. This was recognised in the Government’s proposal to introduce a sustainable biofuels mandate. It is currently proposed that this mandate would not include sustainable aviation fuels. This is to be addressed separately as it is recognised that there are currently technological barriers in decarbonising the aviation industry. As such, there is more uncertainty as the policy direction the Government will take in the aviation sector across future emission budgets. It</p>	Ensure that this policy retains its focus on land transportation.	

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<p>(c) <u>the uptake of low emission or zero carbon fuels, biofuels and new technologies.</u></p> <p>including through prioritising public and active transport investment to serve future urban areas, to enable development in a sequential manner which minimises the risk of increasing car journeys in the region.</p>		would be inappropriate for the RPS to be inconsistent with this national level policy.		
<p>Policy 11: Promoting <u>and enabling</u> energy efficient design and small scale renewable energy generation – district plans</p> <p>District plans shall include policies and/or rules and other methods that:</p> <p>(a) promote energy efficient design and the <u>energy efficient alterations to existing buildings;</u></p> <p>(b) <u>enable the installation and use of domestic scale (up to 20 kW) and small scale distributed renewable energy generation (up to 100 kW); and provide for energy efficient alterations to existing buildings;</u></p>	Support	WIAL supports the policy in that it suitably seeks to enable the installation and use of smaller scale renewable energy generation facilities.	Retain this policy.	
<p>Policy EIW.1: Promoting <u>affordable high quality active mode and public transport services – Regional Land Transport Plan</u></p> <p><u>The Wellington Regional Land Transport Plan shall include objectives, policies and methods that promote equitable and accessible high quality active mode infrastructure, and affordable public transport services with sufficient frequency and connectedness, including between modes, for people to live in urban areas without the need to have access to a private vehicle, by contributing to reducing greenhouse emissions.</u></p>	Support in part	<p>WIAL supports initiatives to be contained within the Regional Land Transport Plan to assist in facilitating high quality active mode infrastructure and affordable public transport services with sufficient frequency. WIAL is however concerned that it may be unrealistic as an outcome within the RPS to expect that people will be able to live without the need to have access to a private vehicle.</p> <p>WIAL also submits that the current structure of the policy does not make grammatical sense and the last part should be deleted.</p>	<p>Delete the expectation that people will live without the need to access a private vehicle.</p> <p>Amend as follows:</p> <p><u>The Wellington Regional Land Transport Plan shall include objectives, policies and methods that promote equitable and accessible high quality active mode infrastructure, and affordable public transport services with sufficient frequency and connectedness, including between modes, for people to live in urban areas without the need to have access to a private vehicle, by contributing to reducing greenhouse emissions.</u></p>	
<p>Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration</p> <p>When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, particular regard shall be given to:</p> <p>(a) the social, economic, cultural, and environmental benefits of energy generated from renewable energy resources and/or regionally significant infrastructure, <u>in particular where it contributes to reducing greenhouse gas emissions;</u> and</p> <p>(b) protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure; and</p> <p>(c) the need for renewable electricity generation facilities to locate where the renewable energy resources exist; and</p>	Oppose in part	WIAL supports the policy in so far as it seeks to recognise the social, economic, cultural and environmental benefits of regionally significant infrastructure. However, the addition of “in particular low and zero carbon regionally significant infrastructure” is vague and it appears to elevate or prioritise this type of infrastructure over all other types of regionally significant infrastructure. This would be inappropriate and as discussed above it is critically important that the RPS protects existing regionally significant infrastructure from the adverse effects of climate change coupled with sufficient flexibility to adapt and respond to the challenges (and possibly opportunities e.g. developing localised	Delete reference to “in particular low and zero carbon regionally significant infrastructure” in this policy.	

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(d) significant wind, solar and marine renewable energy resources within the region.		renewable energy generation facilities) climate change will present.		
Proposed Amendment to Chapter 3.4 Freshwater				
<p>Policy 14: <u>Urban Development effects on freshwater and the coastal marine area</u> – Minimising contamination in stormwater from new development – regional plans</p> <p><u>Regional plan objectives, policies, and methods including rules, must give effect to Te Mana o te Wai and in doing so must:</u></p> <p>(a) <u>Enable the active involvement of mana whenua / tangata whenua in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for;</u></p> <p>(b) <u>Adopt an integrated approach, ki uta ki tai, that recognises the interconnectedness of the whole environment to determine the location and form of urban development;</u></p> <p>(c) <u>Require the control of both land use and discharge effects from the use and development of land on freshwater and the coastal marine area;</u></p> <p>(d) <u>Achieve the target attribute states set for the catchment;</u></p> <p>(e) <u>Require the development, including stormwater discharges, earthworks and vegetation clearance meet any limits set in a regional plan;</u></p> <p>(f) <u>Require that urban development is designed and constructed using the principles of Water Sensitive Urban Design;</u></p> <p>(g) <u>Require that urban development located and designed to minimise the extent and volume of earthworks and to follow, to the extent practicable, existing land contours;</u></p> <p>(h) <u>Require that urban development is located and designed to protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries;</u></p> <p>(i) <u>Require riparian buffers for all waterbodies and avoid piping of rivers;</u></p> <p>(j) <u>Require hydrological controls to avoid adverse effects of runoff quantity (flows and volumes) and maintain, to the extent practicable, natural stream flows;</u></p> <p>(k) <u>Require stormwater quality management that will minimise the generation of contaminants, and maximise, to the extent</u></p>	Oppose in part	WIAL is concerned that this policy has applied the National Policy Statement for Freshwater Management 2020 concepts to the coastal marine area. There are separate provisions relating to the management of the coastal environment and coastal marine area in the RPS. It is also confusing to have coastal policies in the Freshwater chapter and has the potential to cause interpretation problems in the future.	Delete reference to the coastal marine area in this policy and explanation. Ensure it only applies to freshwater and is consistent with the National Policy Statement for Freshwater Management 2020.	It is acknowledged that the majority of this provision relates to freshwater management. However, the coastal marine area is not freshwater and should be subject to the Part 1 Schedule 1 process.

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<p><u>practicable, the removal of contaminants from stormwater; and</u></p> <p>(l) <u>Identify and map rivers and wetlands.</u></p> <p>Regional plans shall include policies, rules and/or methods that protect aquatic ecosystem health by minimising ecotoxic and other contaminants in stormwater that discharges into water, or onto or into land that may enter water, from new subdivision and development.</p>				
<p>Policy 42: <u>Effects on freshwater and the coastal marine area from urban development – consideration Minimising contamination in stormwater from development – consideration</u></p> <p>When considering an application for a resource consent the regional council must give effect to Te Mana o te Wai and in doing so must have particular regard to:</p> <p>(a) <u>Adopt an integrated approach, ki uta ki tai, that recognises the interconnectedness of the whole environment to determine the location and form of urban development;</u></p> <p>(b) <u>Protect and enhance mana whenua /tangata whenua freshwater values, including mahinga kai;</u></p> <p>(c) <u>Provide for mana whenua/tangata whenua and their relationship with their culture, land, water, wāhi tapu and other taonga;</u></p> <p>(d) <u>Incorporate the use of mātauranga Māori to ensure the effects of urban development are considered appropriately;</u></p> <p>(e) <u>The effects of use and development of land on water, including the effects on receiving environments (both freshwater and the coastal marine area);</u></p> <p>(f) <u>The target attribute states set for the catchment;</u></p> <p>(g) <u>Require that the development, including stormwater discharges, earthworks and vegetation clearance meets any limits set in a regional plan;</u></p> <p>(h) <u>Require that urban development is located and designed and constructed using the principles of Water Sensitive Urban Design;</u></p> <p>(i) <u>Require that urban development located and designed to minimise the extent and volume of earthworks and to follow, to the extent practicable, existing land contours;</u></p> <p>(j) <u>Require that urban development is located and designed to protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries;</u></p>	Oppose in part	WIAL is concerned that this policy has applied the National Policy Statement for Freshwater Management 2020 concepts to the coastal marine area. There are separate provisions relating to the management of the coastal environment and coastal marine area in the RPS.	Delete reference to the coastal marine area in this policy. Ensure it only applies to freshwater and is consistent with the National Policy Statement for Freshwater Management 2020.	It is acknowledged that the majority of this provision relates to freshwater management. However, it also applies to the coastal marine area. It is clear in the drafting of Section 80A that the FPP does not apply to coastal waters and the areas which are covered by a regional coastal plan. The inclusion of the coastal marine area in this policy and its path through the FPP is therefore problematic.

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)	Consideration of whether the provision should proceed via the FPP / P1S1
<p>(k) <u>Require hydrological controls to avoid adverse effects of runoff quantity (flows and volumes) and maintain, to the extent practicable, natural stream flows;</u></p> <p>(l) <u>Require stormwater quality management that will minimise the generation of contaminants, and maximise, to the extent practicable, the removal of contaminants from stormwater;</u></p> <p>(m) <u>Require riparian buffers for all waterbodies and avoid piping of rivers;</u></p> <p>(n) <u>Daylighting of rivers, where practicable;</u></p> <p>(o) <u>Mapping of rivers and wetlands;</u></p> <p>(p) <u>Efficient end use of water and alternate water supplies for non- potable use;</u></p> <p>(q) <u>protecting drinking water sources from inappropriate use and development; and</u></p> <p>(r) <u>applying an integrated management approach to wastewater networks including partnering with mana whenua as kaitiaki and allowance for appropriately designed overflow points where necessary to support growth and consideration of different approaches to wastewater management to resolve overflow.</u></p> <p>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, the adverse effects of stormwater runoff from subdivision and development shall be reduced by having particular regard to:</p> <p>(a) limiting the area of new impervious surfaces in the stormwater catchment;</p> <p>(b) using water permeable surfaces to reduce the volume of stormwater leaving a site;</p> <p>(c) restricting zinc or copper roofing materials, or requiring their effects to be mitigated;</p> <p>(d) collecting water from roofs for domestic or garden use while protecting public health;</p> <p>(e) using soakpits for the disposal of stormwater;</p> <p>(f) using roadside swales, filter strips and rain gardens;</p> <p>(g) using constructed wetland treatment areas;</p> <p>(h) using in situ treatment devices;</p> <p>(i) using stormwater attenuation techniques that reduce the velocity and quantity of stormwater discharges; and</p> <p>(j) using educational signs, as conditions on resource consents, that promote the values of water bodies and</p>				

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)	Consideration of whether the provision should proceed via the FPP / P1S1
methods to protect them from the effects of stormwater discharges.				
<p>Policy FW.3: Urban development effects on freshwater and the coastal marine area</p> <p>District plans shall include...</p> <p>Explanation:</p> <p>Policy FW.3 requires district plans to manage the effects of urban development on freshwater and the coastal marine area.</p>	Oppose in part	WIAL is concerned that this policy has applied the National Policy Statement for Freshwater Management 2020 concepts to the coastal marine area. There are separate provisions relating to the management of the coastal environment and coastal marine area in the RPS.	Delete reference to the coastal marine area in this policy and explanation. Ensure it only applies to freshwater and is consistent with the National Policy Statement for Freshwater Management 2020. Otherwise delete the policy.	It is acknowledged that the majority of this provision relates to freshwater management. However, it also applies to the coastal marine area. It is clear in the drafting of Section 80A that the FPP does not apply to coastal waters and the areas which are covered by a regional coastal plan. The inclusion of the coastal marine area in this policy and its path through the FPP is therefore problematic.
Proposed Amendment to Chapter 3.6 Indigenous Ecosystems				
<p>Objective 16</p> <p>Indigenous ecosystems and habitats with significant <u>ecosystem functions and services</u> and/or biodiversity values are <u>maintained protected, enhanced,</u> and restored to a healthy functioning state.</p>	Oppose in part	WIAL acknowledges that this objective is generally consistent with section 6 requirements in the RMA relating to indigenous biodiversity outcomes. However when coupled with the ensuing policies and offsetting and compensation limitations, WIAL is concerned that this suite of provisions could significantly impact on infrastructure projects, including those which may be necessary to protect existing infrastructure assets such as maintenance of the seawall surrounding the airport. It may not always be able to enhance and restore existing ecosystems which may be affected by a development or project, however with appropriate offsetting or compensation overall ecosystem health could be improved and protected.	Amend the objective as follows: Indigenous ecosystems and habitats with significant ecosystem functions and services and/or biodiversity values <u>are protected, enhanced, and restored where appropriate and in accordance with an effects management hierarchy in order to achieve an overall healthy functioning state.</u>	<p>It is accepted that indigenous ecosystems can and do include freshwater habitats, however this objective also relates to terrestrial and potentially coastal ecosystems. These relate to areas which are much broader than freshwater habitats and therefore should be subject to the Schedule 1 process.</p> <p>This is supported by the Ministry for the Environment's guidance information and Departmental Report provided on the Amendment Bill that introduced the FPP which appears to suggest that there are defined sections of planning documents that do not relate to freshwater, or give effect to the NPS-FM. This includes land-based rules where their purpose is not to achieve water outcomes, sections on biodiversity, or the coastal part of an integrated plan (Ministry for the Environment, Departmental Report on the Resource Management Amendment Bill (March 2020) at pages 89-90).</p>
<p>Policy 23: Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans</p> <p>By 30 June 2025, Ddistrict and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values; these ecosystems and habitats will be considered significant if they meet one or more of the following criteria:</p> <p>(a) ...</p> <p>(b) ...</p> <p>(c) ...</p> <p>(d) ...</p> <p>(e) <u>Mana whenua / t</u>angata whenua values: the ecosystem or habitat contains characteristics of special spiritual, historical or cultural significance to <u>mana whenua / tangata whenua</u>, identified in accordance with tikanga Māori.</p>	Oppose in part	<p>WIAL is concerned that the broad framing of this significance criteria will likely mean significant areas of the region are identified as being a significant natural area. This criteria could potentially capture highly modified areas which cannot sensibly be identified as significant natural areas.</p> <p>WIAL also notes that the National Policy Statement for Indigenous Biodiversity is pending. It is likely that this will contain criteria that will be different to the RPS. It may therefore be appropriate to await the outcome of this policy document to ensure consistency.</p>	Ensure this provision is consistent with national guidance, or alternatively ensure the criteria is appropriately targeted so that it does not inadvertently capture areas which do not sensibly comprise significant natural areas or delete the policy	<p>It is accepted that indigenous ecosystems can and do include freshwater habitats, however this objective also relates to terrestrial and potentially coastal ecosystems. These relate to areas which are much broader than freshwater habitats and therefore should be subject to the Schedule 1 process.</p> <p>This is supported by the Ministry for the Environment's guidance information and Departmental Report provided on the Amendment Bill that introduced the FPP which appears to suggest that there are defined sections of planning documents that do not relate to freshwater, or give effect to the NPS-FM. This includes land-based rules where their purpose is not to achieve water outcomes, sections on biodiversity, or the coastal part of an integrated plan (Ministry for the Environment, Departmental Report on the Resource Management Amendment Bill (March 2020) at pages 89-90).</p> <p>It is also noted that more specific legislation is anticipated regarding the management of indigenous biodiversity via the NPSIB. This may</p>

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<p>Policy 24: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans</p> <p>By 30 June 2025, District and regional plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development.</p> <p><u>Where the policies and/or rules in district and regional plans enable the use of biodiversity offsetting or biodiversity compensation for an ecosystem or habitat with significant indigenous biodiversity values, they shall:</u></p> <p>(a) <u>not provide for biodiversity offsetting:</u></p> <p>(i) <u>where there is no appropriate site, knowledge, proven methods, expertise or mechanism available to design and implement an adequate biodiversity offset; or</u></p> <p>(ii) <u>when an activity is anticipated to cause residual adverse effects on an area after an offset has been implemented if the ecosystem or species is threatened or the ecosystem is naturally uncommon;</u></p> <p>(b) <u>not provide for biodiversity compensation where an activity is anticipated to cause residual adverse effects on an area if the ecosystem or species is threatened or the ecosystem is naturally uncommon;</u></p> <p>(c) <u>ecosystems and species known to meet any of the criteria in (a) or (b) are listed in Appendix 1A (Limits to biodiversity offsetting and biodiversity compensation);</u></p> <p>(d) <u>require that the outcome sought from the use of biodiversity offsetting is at least a 10 percent net biodiversity gain, or from biodiversity compensation is at least a 10 percent net biodiversity benefit.</u></p>	Oppose	<p>This policy is inappropriate in that it sets out limits and constraints as to when offsetting and compensation are available. These criteria are limiting and are written as a bottom line or hard limit. If they are not met the option of offsetting and/or compensation is no longer available to be used as part of any effects management response. These limits will likely foreclose offsetting and/or compensation even where it is likely to result in beneficial ecological or biodiversity outcomes in the region.</p> <p>The restrictions also depart from RMA section 104(1)(ab) which states that a consent authority “must” have regard to:</p> <p><i>“any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity”.</i></p> <p>Furthermore, RMA section 104(1)(b)(iii) requires that a consent authority “must” have regard to any relevant provisions of a National Policy Statement.</p> <p>While not yet operative, the draft NPSIB provides some direction about when consideration of biodiversity offsetting should be precluded from consideration – being circumstances when:</p> <p>(i) Residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected.</p> <p>(ii) There are no technically feasible or socially acceptable options by which to secure gains within acceptable timeframes.</p> <p>(iii) Effects on indigenous biodiversity are uncertain, unknown or little understood, but potential effects are significantly adverse.</p> <p>This is far more balanced and likely to give rise to good environmental outcomes through offsetting, while avoiding the loss of very important or irreplaceable biodiversity.</p>	Delete the proposed amendments to the policy including the limits associated with offsetting and compensation within this policy (a) – (d).	<p>introduce additional or other matters that will need to be considered as part of the development of the RPS.</p> <p>It is accepted that indigenous ecosystems can and do include freshwater habitats, however this objective also relates to terrestrial and coastal ecosystems. This provision applies to areas which are much broader than freshwater habitats and therefore should be subject to the Schedule 1 process.</p> <p>This is supported by the Ministry for the Environment’s guidance information and Departmental Report provided on the Amendment Bill that introduced the FPP which appears to suggest that there are defined sections of planning documents that do not relate to freshwater, or give effect to the NPS-FM. This includes land-based rules where their purpose is not to achieve water outcomes, sections on biodiversity, or the coastal part of an integrated plan (Ministry for the Environment, Departmental Report on the Resource Management Amendment Bill (March 2020) at pages 89-90).</p> <p>It is also noted that more specific legislation is anticipated regarding the management of indigenous biodiversity via the NPSIB. This may introduce additional or other matters that will need to be considered as part of the development of the RPS.</p> <p>Indigenous vegetation and ecosystems will affect private land ownership, and this will be potentially widespread throughout the region. Such provisions should therefore be subject to the Schedule 1 process and retain access to appeal rights.</p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)	Consideration of whether the provision should proceed via the FPP / P1S1
<p>Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration</p> <p>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values, and in determining whether the proposed activity is inappropriate particular regard shall be given to:</p> <p>(a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna and/or enhancing the connectivity between fragmented indigenous habitats;</p> <p>(b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses;</p> <p>(c) managing wetlands for the purpose of aquatic ecosystem health, <u>recognising the wider benefits, such as for indigenous biodiversity, water quality and holding water in the landscape;</u></p> <p>(d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;</p> <p>(e) providing seasonal or core habitat for indigenous species;</p> <p>(f) protecting the life supporting capacity of indigenous ecosystems and habitats;</p> <p>(g) remedying or mitigating <u>minimising or remedying</u> adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and</p> <p>(h) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats;</p> <p>(i) <u>the limits to, and expected outcomes from biodiversity offsetting and biodiversity compensation set out in Policy 24.</u></p>	Oppose in part	WIAL is concerned that there are inappropriate limits on offsetting and compensation in Policy 24 which is cross referred to in this policy. These reasons are set out above.	Delete subparagraph (i) including the reference to Policy 24 and the limits on offsetting and compensation.	
<p>Proposed insertion of Appendix 1A: Limits to biodiversity offsetting and biodiversity compensation</p> <p><u>Table 17: Ecosystems and species that either meet or exceed the limits to the use of biodiversity offsetting and biodiversity compensation in the Wellington Region (there are some duplicates of ecosystems and species as some habitats relate to more than one ecosystem type).</u></p>	Oppose	WIAL is concerned that the list of species in Table 17 is too broad. This coupled with the limits to offsetting and compensation that are set out in Appendix 1A and associated policies will mean that many projects which include beneficial ecological outcomes involving offsetting and/or compensation will not be able to be considered. For example, Table 17 sets out that “lake margins” meets or exceed Policy 24(b). The explanation set out in the Appendix 1A sets out that ecosystems and species that meet the criteria for Policy 24(b) exceed the limits of	Delete both Appendix 1A and Table 17 in their entirety.	<p>It is accepted that indigenous ecosystems can and do include freshwater habitats, however this objective also relates to terrestrial and coastal ecosystems. This provision applies to areas which are much broader than freshwater habitats and therefore should be subject to the Schedule 1 process.</p> <p>This is supported by the Ministry for the Environment's guidance information and Departmental Report provided on the Amendment Bill that introduced the FPP which appears to suggest that there are defined sections of planning documents that do not relate to freshwater, or give effect to the NPS-FM. This includes land-based</p>

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		<p>biodiversity compensation meaning that applications for compensation cannot be considered. This appears to be very broad for any activity which may affect a broadly defined "lake margin".</p> <p>Giant kelp which is present around the airport coastal area also triggers both Policy 24(a)(i) and NZCPS Policy 11(a) which when read against Appendix 1A appears that any activities which may impact on species would not be able to offer any offsetting or compensation and therefore proposals could not be considered.</p>		<p>rules where their purpose is not to achieve water outcomes, sections on biodiversity, or the coastal part of an integrated plan (Ministry for the Environment, Departmental Report on the Resource Management Amendment Bill (March 2020) at pages 89-90).</p> <p>It is also noted that more specific legislation is anticipated regarding the management of indigenous biodiversity via the NPSIB. This may introduce additional or other matters that will need to be considered as part of the development of the RPS.</p> <p>Indigenous vegetation and ecosystems will affect private land ownership, and this will be potentially widespread throughout the region. Such provisions should therefore be subject to the Part 1 Schedule 1 process and retain access to appeal rights.</p>
Proposed Amendment to Chapter 3.8 Natural Hazards				
<p>Objective 19</p> <p>The risks and consequences to people, communities, their businesses, property, and infrastructure and the environment from natural hazards and the effects of climate change effects are reduced <u>minimised</u>.</p>	Support in part	WIAL supports the intent of this objective, however it is unclear what is meant by the term "minimise" This needs to be defined as per the Council's proposed Natural Resources Plan	Define minimise as per the Council's PNRP namely "Reduce to the smallest amount reasonably practicable. Minimised, minimising and minimisation have the corresponding meaning." Otherwise delete the amendment.	
<p>Objective 20</p> <p><u>Natural hazards and climate change mitigation and adaptation activities minimise the risks from natural hazards and impacts on Te Mana o te Wai, Te Rito o te Harakeke, natural processes, indigenous ecosystems and biodiversity.</u></p>	Support in part.	WIAL submits that it is unclear what is meant by the term "minimise" This needs to be defined as per the Council's proposed Natural Resources Plan	Define minimise as per the Council's PNRP namely "Reduce to the smallest amount reasonably practicable. Minimised, minimising and minimisation have the corresponding meaning." Otherwise delete the amendment.	This objective primarily relates to natural hazards and climate change mitigation and adaptation. While there are some natural hazards which will relate to freshwater (i.e. flooding from rivers) – there are many more which are not in any way specific to or even related to freshwater. This provision is therefore broader than freshwater management and should be subject to the Part 1 Schedule 1 process.
<p>Objective 21</p> <p><u>The resilience of our communities are more resilient to natural hazards, including the impacts and the natural environment to the short, medium, and long-term effects of climate change, and sea level rise is strengthened, and people are better prepared for the consequences of natural hazard events.</u></p>	Support in part	WIAL supports ensuring that communities and the environment are made more resilient to and are better prepared for natural hazard events. This should be extended to also ensure regionally significant infrastructure is similarly managed.	Amend the objective as follows: <u>The resilience of our communities, regionally significant infrastructure, and...</u>	
<p>Policy 29: Avoiding inappropriate Managing subdivision, use and development in areas at risk from natural hazards – district and regional plans</p> <p>Regional and district plans shall:</p> <p>(a) identify areas <u>affected by</u> natural hazards; and</p>	Oppose in part	Many infrastructure providers have a functional or operational requirement to locate in a certain area, even if that area is subject to natural hazard risk. Wellington Airport is located near the coast for example. Such infrastructure providers natural hazard tolerance is therefore inherently different to those without the same operational and functional need to locate in such areas.	Delete this policy or amend as follows: (d) include objectives, policies and rules to avoid subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme, <u>unless there is a functional or operational need locate in such areas.</u>	

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)	Consideration of whether the provision should proceed via the FPP / P1S1
<p>(b) <u>use a risk-based approach to assess the consequences to subdivision, use and development from natural hazard and climate change impacts over a 100 year planning horizon;</u></p> <p>(c) <u>include objectives, polices and rules to manage subdivision, use and development in those areas where the hazards and risks are assessed as low to moderate; and</u></p> <p>(d) <u>include objectives, polices and rules to avoid subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme.</u></p>				
<p>Policy 51: Minimising the risks and consequences of natural hazards – consideration</p> <p>When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to:</p> <p>(a) the frequency and magnitude likelihood and consequences of the range of natural hazards that may adversely affect the proposal or development subdivision, use or development, including residual risk those that may be exacerbated by climate change and sea level rise,</p> <p>(b) the potential for climate change and sea level rise to increase in the frequency or magnitude of a hazard event;</p> <p>(c) whether the location of the subdivision, use or development will foreseeably require hazard mitigation works in the future;</p> <p>(d) the potential for injury or loss of life, social and economic disruption and civil defence emergency management implications – such as access routes to and from the site;</p> <p>(e) whether the subdivision, use or development causes any change in the risk and consequences from natural hazards in areas beyond the application site;</p> <p>(f) minimising effects on the impact of the proposed subdivision, use or development on any natural features that may act as a buffer to or reduce the impacts of a from natural hazards event; and where development should not interfere with their ability to reduce the risks of natural hazards;</p> <p>(g) avoiding inappropriate subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme; in areas at high risk from natural hazards;</p>	Oppose in part	As above, WIAL submits that for certain activities, the risk to natural hazards is inherently different to those activities that do not have the same operational and functional need to locate in areas deemed to be high hazard locations. It would be inappropriate for this policy to constrain the development of the Airport for example on the basis of its proximity to the coast.	Delete this policy or amend to acknowledge that regionally significant infrastructure is not inappropriate development in certain high hazard locations.	

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)	Consideration of whether the provision should proceed via the FPP / P1S1
<p>(h) appropriate hazard risk management and/or adaptation and/or mitigation measures for subdivision, use or development in areas where the hazards and risks are assessed as low to moderate hazard areas, including an assessment of residual risk; and</p> <p>(i) the allowance for floodwater conveyancing in identified overland flow paths and stream corridors; and</p> <p>(j) the need to locate habitable floor areas levels of habitable buildings and buildings used as places of employment above the 1% AEP (1:100 year) flood level, in identified flood hazard areas.</p>				
<p>Policy 52: Minimising adverse effects of hazard mitigation measures – consideration</p> <p>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, for hazard mitigation measures, particular regard shall be given to:</p> <p>(a) the need for structural protection works or hard engineering methods;</p> <p>(b) <u>whether non-structural, soft engineering, green infrastructure, room for the river or Mātauranga Māori options provide a more appropriate or suitably innovative solution;</u></p> <p>(c) <u>avoiding structural protection works or hard engineering methods unless it is necessary to protect existing development, regionally significant infrastructure or property from unacceptable risk and the works form part of a long-term hazard management strategy that represents the best practicable option for the future;</u></p> <p>(d) <u>the long-term viability of maintaining the structural protection works with particular regard to how climate change may increase the risk over time;</u></p> <p>(e) <u>adverse effects on Te Mana o te Wai, mahinga kai, Te Rito o te Harakeke, natural processes, or the local indigenous ecosystem and biodiversity;</u></p> <p>(f) <u>sites of significance to mana/tangata whenua identified in a planning document recognised by an iwi authority and lodged with a local authority or scheduled in a city, district or regional plan;</u></p> <p>(g) <u>a no more than minor increase in risk to nearby areas as a result of changes to natural processes from the hazard mitigation works;</u></p>	<p>Support in part</p>	<p>WIAL generally supports Policy 52(c) in that it recognises that structural protection works and/or hard engineering methods may be necessary to protect regionally significant infrastructure from hazard risk. This is relevant to the seawall which currently exists to protect existing infrastructure from the effects of coastal erosion and storm surges. It is noted however that the first preference in the RPS is to avoid such structures. With respect to the sea wall avoidance cannot practicably be the first preference in such a location. It is also not clear how such requirements as the “long term viability of maintaining the structural protection works” will be measured in the context of this policy. Does it mean that ongoing maintenance has to be avoided? Or does it require that the structure is able to withstand changes as a result of climate change and therefore should be maximised in terms of its engineering and construction.</p> <p>Reference is made to adverse effects on Te Mana o te Wai which is a concept of the NPS FW and not be applicable to the CMA and Te Rito o te Harakeke which as defined is overly broad.</p>	<p>Delete this policy and explanation, or make it clear that in some situations hard engineering methods can be preferred in order to protect existing regionally significant infrastructure assets and limit reference to Te Mana o te Wai and Te Rito o te Harakeke</p>	<p>This provision primarily relates to natural hazards and climate change mitigation and adaptation. While there are some natural hazards which will relate to freshwater (i.e. flooding from rivers) – there are many more which are not in any way specific to or even related to freshwater. This provision is therefore broader than freshwater management and should be subject to the Part 1 Schedule 1 process.</p>

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<p>(h) the cumulative effects of isolated structural protection works;</p> <p>(i) <u>any</u> residual risk remaining after mitigation works are in place,</p> <p>so that they <u>minimise</u> reduce and do not increase the risks <u>from</u> of natural hazards.</p>				
Proposed Amendment to Chapter 3.9: Regional Form, Design and Function				
<p><u>Objective 22 Urban development, including housing and infrastructure, is enabled where it demonstrates the characteristics and qualities of well-functioning urban environments, which:</u></p> <p>(a) <u>Are compact and well designed; and</u></p> <p>(b) <u>Provide for sufficient development capacity to meet the needs of current and future generations; and</u></p> <p>(c) <u>Improve the overall health, well-being and quality of life of the people of the region; and</u></p> <p>(d) <u>Prioritise the protection and enhancement of the quality and quantity of freshwater; and</u></p> <p>(e) <u>Achieve the objectives in this RPS relating to the management of air, land, freshwater, coast, and indigenous biodiversity; and</u></p> <p>(f) <u>Support the transition to a low-emission and climate-resilient region; and</u></p> <p>(g) <u>Provide for a variety of homes that meet the needs, in terms of type, price, and location, of different households; and</u></p> <p>(h) <u>Enable Māori to express their cultural and traditional norms by providing for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga; and</u></p> <p>(i) <u>Support the competitive operation of land and development markets in ways that improve housing affordability, including enabling intensification; and</u></p> <p>(j) <u>Provide for commercial and industrial development in appropriate locations, including employment close to where people live; and</u></p> <p>(k) <u>Are well connected through multi-modal (private vehicles, public transport, walking, micro-mobility and cycling) transport networks that provide for good accessibility for all people between housing, jobs, community services, natural spaces, and open space.</u></p>	Oppose in part	<p>WIAL seeks that the RPS appropriately recognises that in some situations housing developments can be appropriately constrained by the “qualifying matters” that are also set out in the National Policy Statement on Urban Development (NPS-UD) and recognised in sections 771 and 770 of the RMA.</p> <p>WIAL also considers that it would be appropriate for this objective to be clear in that it does not apply to regionally significant infrastructure, and rather it is referring to infrastructure (3 Waters, roading) which supports housing developments.</p>	<p>Amend the objective as follows:</p> <p>Urban development, including housing <u>and its associated infrastructure...</u></p> <p>(L) <u>Protects regionally significant infrastructure and its ability to operate safely and effectively.</u></p> <p><u>Otherwise delete the objective</u></p>	<p>It is acknowledged that part (d) of this objective is specific to freshwater management, the remaining clauses are not however directly relevant to freshwater – for example affordable housing. This provision will therefore have much broader application and impacts on the community, and therefore should be subject to the Schedule 1 process..</p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)	Consideration of whether the provision should proceed via the FPP / P1S1
<p>A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:</p> <ul style="list-style-type: none"> (a) a viable and vibrant regional central business district in Wellington city; (b) an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality; (c) sufficient industrial based employment locations or capacity to meet the region's needs; (d) development and/or management of the Regional Focus Areas identified in the Wellington Regional Strategy; (e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form; (f) strategically planned rural development; (g) a range of housing (including affordable housing); (h) integrated public open spaces; (i) integrated land use and transportation; (j) improved east west transport linkages; (k) efficiently use existing infrastructure (including transport network infrastructure); and (l) essential social services to meet the region's needs. 				
<p><u>Policy 55: Providing for appropriate urban expansion</u></p> <p>When considering an application for a resource consent, or a change, variation or review of a district plan for urban development beyond the region's urban areas (as at March 2009 August 2022), particular regard shall be given to whether:</p> <ul style="list-style-type: none"> (a) the urban proposed development is the most appropriate option to achieve Objective 22 contributes to establishing or maintaining the qualities of a well-functioning urban environment, including: <ul style="list-style-type: none"> (i) the urban development will be well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors; (ii) the location, design and layout of the proposed development shall apply the specific management or protection for values or resources identified by this RPS, including: <p>...</p>	Oppose in part	WIAL submits that in considering urban development particular regard should also be had to whether it is compatible with and does not adversely affect or constrain the ability to operate existing regionally significant infrastructure.	Amend the policy to include (or with similar effect): <u>avoids adverse reverse sensitivity effects on the operation and safety of regionally significant infrastructure.</u>	Urban expansion will have little direct impact on the management of freshwater quality or quantity. It is not clear why this provision has been included in the FPP process. It will have impact on the urban environment and will directly affect how communities live and operate in Wellington. This provision should be subject to the Part 1 Schedule 1 process.

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)	Consideration of whether the provision should proceed via the FPP / P1S1
<p>Policy 57: Integrating land use and transportation – consideration</p> <p>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, for subdivision, use or development, <u>require land use and transport planning within the Wellington Region is integrated in a way which:</u></p> <p>(a) <u>supports a safe, reliable, inclusive and efficient transport network;</u></p> <p>(b) <u>supports connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity;</u></p> <p>(c) <u>minimises private vehicle travel and trip length while supporting mode shift to public transport or active modes and support the move towards low and zero-carbon modes;</u></p> <p>(d) <u>encourages an increase in the amount of travel made by public transport and active modes;</u></p> <p>(e) <u>provides for well-connected, safe and accessible multi modal transport networks while recognising that the timing and sequencing of land use and public transport may result in a period where the provision of public transport may not be efficient or practical;</u></p> <p>(f) <u>supports and enables the growth corridors in the Wellington Region, including:</u></p> <p>(i) <u>Western Growth Corridor – Tawa to Levin;</u></p> <p>(ii) <u>Eastern Growth Corridor – Hutt to Masterton;</u></p> <p>(iii) <u>Let's Get Wellington Moving Growth Corridor.</u></p> <p>to the following matters, in making progress towards achieving the key outcomes of the Wellington Regional Land Transport Strategy:</p> <p>(a) whether traffic generated by the proposed development can be accommodated within the existing transport network and the impacts on the efficiency, reliability or safety of the network;</p> <p>(b) connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity, open spaces or recreational areas;</p> <p>(c) whether there is good access to the strategic public transport network;</p> <p>(d) provision of safe and attractive environments for walking and cycling; and</p>	<p>Support in part</p>	<p>WIAL generally supports the intent of this policy, however this should be directed at the district level (to influence zoning decisions for example) rather than requiring applicant for a resource consent (for example) to have to demonstrate consistency with all of the matters set out in (a) – (f).</p>	<p>This policy should be amended so that it is directed at a higher level rather than as a consideration for each and every resource consent application.</p> <p>Otherwise delete the amendments to the Policy.</p>	

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)	Consideration of whether the provision should proceed via the FPP / P1S1
(e) whether new, or upgrades to existing, transport network infrastructure have been appropriately recognised and provided for.				
<p>Policy 58: Co-ordinating land use with development and operation of infrastructure – consideration</p> <p>When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan for subdivision, use or development, <u>require all new urban development including form, layout, location, and timing is sequenced in a way that:</u></p> <p>(a) <u>the development, funding, implementation and operation of infrastructure serving the area in question is provided for;</u> and</p> <p>(b) <u>all infrastructure required to serve new development, including low or zero carbon, multi modal and public transport infrastructure, is available, or is consented, designated or programmed to be available prior to development occurring.</u></p> <p>particular regard shall be given to whether the proposed subdivision, use or development is located and sequenced to:</p> <p>(a) make efficient and safe use of existing infrastructure capacity; and/or</p> <p>(b) coordinate with the development and operation of new infrastructure.</p>	Oppose	<p>WIAL submits that this policy sets an unduly onerous threshold in that it requires all new urban development to ensure it has all the infrastructure required to serve such development, including that low or zero carbon and public transportation infrastructure is available prior to the development occurring. While it is not clear if this policy would apply to a development within the Airport area, WIAL submits that it would be inappropriate to hold up such a project if for example, there are issues with the public transportation network, which is beyond its control.</p>	<p>Include a clear definition of urban development in the RPS.</p> <p>Delete this policy.</p>	
<p>Policy UD.2: Enable Maori cultural and traditional norms – consideration</p> <p><u>When considering an application for a resource consent, notice of requirement, or a plan change of a district plan for use or development, particular regard shall be given the ability to enable Māori to express their culture and traditions in land use and development, by as a minimum providing for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga.</u></p>	Oppose in part	<p>WIAL is concerned that there may be some practical limitations to the ability to implement this policy, and for this reason there is uncertainty around it. It also does not make grammatical sense as currently drafted.</p>	<p>Amend this policy and explanation to clarify how it will be implemented as follows:</p> <p>When considering an application for a resource consent, notice of requirement, or a plan change of a district plan for use or development, regard shall be had to whether there is any opportunity to support Maori in being able to express their culture and tradition through the proposal. This includes recognising taonga and sites and areas of significance, awa and moana and important places where mana whenua / tangata whenua still practice mātauranga.</p>	This provision is broader than the management of freshwater and therefore should be subject to the Part 1 Schedule 1 process.
<p>Policy UD.3: Responsive planning to developments that provide for significant development capacity – consideration</p> <p><u>When considering a change of a district plan for a development in accordance with clause (d) of Policy 55, particular regard shall be given to whether the following criteria is met:</u></p>	Oppose in part	<p>WIAL seeks that the RPS appropriately recognises that in some situations housing developments can be appropriately constrained by the “qualifying matters” that are also set out in the National Policy Statement on Urban Development (NPS-UD) and recognised in sections 771 and 770 of the RMA.</p>	<p>Amend the policy to include (or with similar effect):</p> <p>(a)</p> <p><u>(iv) avoids adverse reverse sensitivity effects on the operation and safety of regionally significant infrastructure.</u></p>	This provision is significantly more broader than the management of freshwater and therefore should be subject to the Part 1 Schedule 1 process. This provision would also appear to give effect to the NPSUD which is not directly applicable to freshwater management.

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<p>(a) <u>the location, design and layout of the proposal:</u></p> <ul style="list-style-type: none"> (i) <u>contributes to establishing or maintaining the characteristics and qualities of a well-functioning urban environment identified in Policy 55(a)(ii) and Objective 22</u> (ii) <u>is well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors,</u> (iii) <u>for housing will apply a relevant residential zone or other urban zone that provides for high density development or medium density residential development,</u> <p>(b) <u>the proposal makes a significant contribution to meeting a need identified in the latest Housing and Business Development Capacity Assessment, or a shortage identified in monitoring for:</u></p> <ul style="list-style-type: none"> (i) <u>a variety of housing that meets the regional, district, or local shortages of housing in relation to the particular type, size, or format,</u> (ii) <u>business space or land of a particular size or locational type, or</u> (iii) <u>community, cultural, health, or educational facilities, and</u> (iv) <u>the proposal contributes to housing affordability through a general increase in supply or through providing non-market housing, and</u> <p>(c) <u>when considering the significance of the proposal's contribution to a matter in (b), this means that the proposal's contribution:</u></p> <ul style="list-style-type: none"> (i) <u>is of high yield relative to either the forecast demand or the identified shortfall,</u> (ii) <u>will be realised in a timely (i.e., rapid) manner,</u> (iii) <u>is likely to be taken up, and</u> (iv) <u>will facilitate a net increase in district-wide up-take in the short to medium term,</u> <p>(d) <u>required development infrastructure can be provided effectively and efficiently for the proposal, and without material impact on planned development infrastructure provision to, or reduction in development infrastructure capacity available for, other feasible, likely to be realised developments, in the short-medium term.</u></p>				
Definitions				

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)	Consideration of whether the provision should proceed via the FPP / P1S1
<u>Regionally Significant Infrastructure</u> <ul style="list-style-type: none"> <u>Wellington International Airport</u> 	Support in part	WIAL supports the definition of Regionally Significant Infrastructure	Retain the definition and for clarity amend to include all associated supporting infrastructure for the Airport, such as its navigational infrastructure and the sea wall.	<p>This definition has been earmarked for the FPP process on the basis that “the definition has been used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning”. It is not entirely clear what is meant by this statement, but it assumes that the outcomes from the FPP process will be correct and potentially that the outcomes from the Schedule 1 process will not be considered as robust?</p> <p>This definition is also clearly used more frequently in provisions which do not relate to freshwater (i.e. the existing infrastructure provisions in the RPS).</p>
<u>Maintain / maintained/ maintenance (in relation to indigenous biodiversity)</u>	Oppose in part	WIAL seeks to ensure that this definition is consistent with national direction that may be contained in the NPSIB. In its current drafting it also appears to achieve a level of protection, which is arguably higher than a requirement to “maintain”.	Delete this definition.	<p>This definition has been earmarked for the FPP process on the basis that “the definition has been used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning”. It is not entirely clear what is meant by this statement, but it assumes that the outcomes from the FPP process will be correct and potentially that the outcomes from the Schedule 1 process will not be considered as robust?</p> <p>It is also considered that indigenous biodiversity is a region wide issue that will traverse a number of habitats. It is not appropriate to limit the consideration of these provisions to the FPP.</p>
<u>Protect</u>	Oppose in part	WIAL seeks to ensure that this definition is consistent with national direction that may be contained in the NPSIB.	Delete this definition.	<p>This definition has been earmarked for the FPP process on the basis that “the definition has been used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning”. It is not entirely clear what is meant by this statement, but it assumes that the outcomes from the FPP process will be correct and potentially that the outcomes from the Schedule 1 process will not be considered as robust?</p> <p>It is also considered that indigenous biodiversity is a region wide issue that will traverse a number of habitats. It is not appropriate to limit the consideration of these provisions to the FPP.</p>
Other Matters				
<u>Freshwater Planning Process</u>	Oppose in part	WIAL notes that not all of the provisions which have been earmarked for the freshwater planning process are directly related to the maintenance or enhancement of freshwater quality or quantity.	Ensure only those provisions which relate to the maintenance or enhancement of freshwater quality or quantity are subject to the fast-track freshwater planning process.	