

**SUBMISSION ON PROPOSED CHANGE 1 TO THE REGIONAL POLICY
STATEMENT FOR THE WELLINGTON REGION**

To: Greater Wellington Regional Council
Environmental Policy
PO Box 11646, Manners St
Wellington 6142
ATT: Hearings Adviser

Via email: regionalplan@gw.govt.nz

Submitter: BP Oil New Zealand Limited Mobil Oil New Zealand Limited
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Hereafter referred to as The Fuel Companies

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A. INTRODUCTION

Greater Wellington Regional Council (GWRC) has notified Proposed Change 1 to the Regional Policy Statement for the Wellington Region (*RPS Change 1*). The focus of RPS Change 1 is to implement and support the National Policy Statement on Urban Development 2020 (NPS-UD) and to start the implementation of the National Policy Statement for Freshwater Management 2020 (NPS-FM). RPS Change 1 also addresses issues related to climate change, indigenous biodiversity and high natural character, and makes other minor amendments to align with recent updates to the Natural Resources Plan and national direction.

The key topics being addressed in RPS Change 1 are:

- Lack of urban development capacity and implementation of the National Policy Statement on Urban Development (NPS-UD) and Wellington Regional Growth Framework
- Degradation of freshwater and partial implementation of the National Policy Statement for Freshwater Management (NPS-FM)
- Loss and degradation of indigenous biodiversity including regional policy to implement central government strategy and draft RMA national policy direction
- The impacts of climate change including regional policy to complement central government policy direction.

BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (*The Fuel Companies*) receive, store and distribute refined petroleum products around New Zealand. In the Wellington Region, the Fuel Companies' business relates to retail fuel outlets including service stations and truck stops, and supply to commercial facilities. The Fuel Companies also have aviation facilities and bulk fuel supply infrastructure, including bulk storage tanks and associated wharflines, at port areas within Wellington Harbour (Port Nicholson). This bulk fuel supply infrastructure is defined as regionally significant infrastructure in the operative RPS and the Natural Resources Plan.

B. THE SPECIFIC PROVISIONS OF RPS CHANGE 1 THAT THE FUEL COMPANIES' SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS

The specific provisions submitted on, the rationale for the Fuel Companies' submission on each of these matters, and the relief sought is contained in the schedule below. Specific changes sought to the provisions are in red text with deletions in ~~striketrough~~ and additions in underline. The Fuel Companies support alternative relief that achieves the same outcome(s).

In addition to the specific outcomes and relief sought, the following general relief is sought:

- a) Achieve the following:

- i. The purpose and principles of the Resource Management Act 1991 (*RMA*) and consistency with the relevant provisions in Sections 6 - 8 *RMA*;
 - ii. Give effect to National Policy Statements, Environmental Standards and Regulations, including the National Policy Statement for Freshwater Management (*NPSFM*) and the National Policy Statement for Urban Development(*NZCPS*);
 - iii. Assist the Council to carry out its functions under Section 30 *RMA*;
 - iv. Meet the requirements of the statutory tests in section 32 *RMA*; and
 - v. Avoid, remedy or mitigate any relevant and identified environmental effects;
- b) Make any alternative or consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of *RPS Change 1* that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the documents; and
 - c) Any other relief required to give effect to the issues raised in this submission.
- C. THE FUEL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION.**
- D. IF OTHERS MAKE SIMILAR SUBMISSIONS THE FUEL COMPANIES MAY BE PREPARED TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING.**
- E. THE FUEL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.**
- F. THE FUEL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT –**
- I. ADVERSELY AFFECTS THE ENVIRONMENT; AND**
 - II. DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.**

Signed on behalf of Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited

Georgina McPherson
Principal Planning and Policy Advisor

Date this 14th day of October 2022

Proposed Change 1 to the Regional Policy Statement for the Wellington Region – Submission Table

| Provision (i.e. issue, objective, policy, method, definition) | Support/Oppose | Decision Sought What changes you would like to see? | Reasons Please provide reasons for your views |
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| Objective A | Oppose | <p>Amend Objective A to clearly provide for the characteristics and qualities of well-functioning urban environments and to provide for regionally significant infrastructure, as follows:</p> <p>Objective A: <i>Integrated management of the region’s natural and built environments is guided by Te Ao Māori and:</i></p> <p>(a) <i>is guided by Te Ao Māori and incorporates mātauranga Māori; and</i></p> <p>(b) <i>recognises ki uta ki tai – the holistic nature and interconnectedness of all parts of the natural environment; and</i></p> <p>(c) <i>protects and enhances mana whenua / tangata whenua values, in particular mahinga kai, and the life-supporting capacity of ecosystems; and</i></p> <p>(d) <i>protects and enhances the life-supporting capacity of ecosystems; and</i></p> <p>(e) <i>recognises the dependence of humans on a healthy natural environment; and</i></p> <p>(f) <i>recognises the role of both natural and physical resources in providing for the provides for and enhances characteristics and qualities of well-functioning urban environments which are supported by both natural and physical resources, including regionally significant infrastructure; and</i></p> <p>(g) <i>responds effectively to the current and future pressures of climate change, population growth and development.</i></p> | <p>Objective A fails to provide for the characteristics and qualities of well functioning urban environments and fails to provide for regionally significant infrastructure. The life supporting capacity of ecosystems is considered to be a stand-alone consideration, rather than a subset of mana whenua values.</p> <p>In addition, the objective establishes Te Ao Māori as the pre-eminent concept for delivering integrated management with no guidance on how to achieve it. There are no supporting methods, policies or methods about what integrated management guided by Te Ao Māori is.</p> <p>There is a broader concern that Objective A does not fully reflect the diversity of resource management issues and objectives currently provided for in the operative RPS and presented under the following topic headings:</p> <ul style="list-style-type: none"> • Air quality • Coastal environment, including public access • Energy, infrastructure and waste • Fresh water, including public access • Historic heritage • Indigenous ecosystems • Landscape • Natural hazards • Regional form, design and function • Resource management with tangata whenua • Soils and minerals <p>The objective, therefore, potentially prioritises some issues over others that are not referenced in the wording of Objective A, or the three new overarching resource management issues proposed by Proposed Change 1 and appears to pre-empt upcoming legislative change. Including gazettal of the NPS-Indigenous Biodiversity.</p> <p>At a minimum, the changes sought in the Fuel Companies’ submission should be made.</p> |
| Proposed new Chapter 3.1A: Climate Change | | | |
| Objective CC.6 | Support subject to amendments | <p>Amend Objective CC.6 to acknowledge the need for increased resilience of infrastructure, including regionally significant infrastructure, against the adverse effects of climate change. This could be achieved by making the following changes:</p> <p>Objective CC.6</p> | <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 is particularly vulnerable to climate change effects and represents considerable financial investment that is critical to the resilience of communities. It warrants explicit mention in Objective CC.6.</p> |

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| | | <i>Resource management and adaptation planning increase the resilience of communities, infrastructure (including regionally significant infrastructure) and the natural environment to the short, medium, and long-term effects of climate change.</i> | |
| Chapter 3.8 Natural Hazards | | | |
| Objective 20 – Natural hazards | Oppose | <p>Amend proposed Objective 20 to provide greater certainty as to the scope and intent, as described in the Anticipated Environmental Results for the objective. This could be achieved by retaining the wording of existing Objective 20 as follows, or making changes to the same effect:</p> <p>Objective 20 <u><i>Natural hazard and climate change mitigation and adaptation activities minimise the risks from natural hazards Hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events and seek to minimise impacts on Te Mana o te Wai, Te Rito o te Harakeke, natural processes, indigenous ecosystems and biodiversity.</i></u> <i>Hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events.</i></p> | <p>The anticipated environmental results for Objective 20 are identified as being:</p> <ol style="list-style-type: none"> 1. There is no increase in the risk from natural hazards as a result of subdivision, use or development (including mitigation works). 2. Where hazard mitigation and climate change measures are employed, there is a greater number and range of soft engineered measures used, that achieve integrated management and broad environmental outcomes. <p>The Objective focuses on ‘natural hazard and climate change mitigation and adaptation activities’. There is significant uncertainty in the definitions of ‘climate change mitigation’ and ‘climate change adaptation’ and the types of activities that will fall into these categories. However, they appear unlikely to apply to all subdivision, use or development, in which case the Objective will not achieve the first anticipated environmental result. The wording of existing Objective 20 appears likely to be more effective at achieving the first anticipated environmental result and provides greater certainty of the scope and intent of the objective.</p> <p>The term ‘minimise’ is considered to be too strong unless it is defined as per the pNRP.</p> |
| Chapter 3.9 Regional Form, Design and Function | | | |
| Objective 22 | Support subject to amendment | <p>Retain the intent of Objective 22, but delete clause (e) as follows:</p> <p>Objective 22 <u><i>Urban development, including housing and infrastructure, is enabled where it demonstrates the characteristics and qualities of well-functioning urban environments, which:</i></u></p> <ol style="list-style-type: none"> <u><i>Are compact and well designed; and</i></u> <u><i>Provide for sufficient development capacity to meet the needs of current and future generations; and</i></u> <u><i>Improve the overall health, well-being and quality of life of the people of the region; and</i></u> <u><i>Prioritise the protection and enhancement of the quality and quantity of freshwater; and</i></u> <u><i>Achieve the objectives in this RPS relating to the management of air, land, freshwater, coast, and indigenous biodiversity; and</i></u> <u><i>Support the transition to a low-emission and climate-resilient region; and</i></u> <u><i>Provide for a variety of homes that meet the needs, in terms of type, price, and location, of different households; and</i></u> <u><i>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</i></u> <u><i>Support the competitive operation of land and development markets in ways that improve housing affordability, including enabling intensification; and</i></u> <u><i>Provide for commercial and industrial development in appropriate locations, including employment close to where people live; and</i></u> | <p>Objective 22 appropriately recognises the development of infrastructure as key to achieving well-functioning urban environments as well as the need to provide for commercial and industrial development in appropriate locations. Clause (e), however, is unnecessary as places additional weight on the objectives of the RPS relating to air, land, freshwater, coast and biodiversity, giving them additional weight for urban development proposals over and above other RPS objectives that are not listed.</p> |

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| | | (k) <i>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.</i> | |
| Chapter 4.1 Regulatory Policies - direction to district and regional plans and the Regional Land Transport Plan | | | |
| Policy CC.7 | Oppose | <p>Amend Policy CC.7 to recognise the nature-based solutions may not be practicable in all situations and will not necessarily be able to perform the role of regionally significant infrastructure. This could be achieved by making changes along the following lines:</p> <p><u>Policy CC.7: Protecting, restoring, and enhancing ecosystems and habitats that provide nature-based solutions to climate change – district and regional plans</u></p> <p><i>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>where practicable.</u></i></p> <p><u>Explanation</u></p> <p><i>Development and infrastructure planning and design should include nature-based solutions <u>where practicable as standard practice</u>, including green infrastructure, green spaces, and environmentally friendly design elements, to manage issues such as improving water quality and natural hazard protection. Nature-based solutions can <u>assist in perform the roles of traditional infrastructure, while also</u> building resilience to the impacts of climate change and <u>providing</u> benefits for indigenous biodiversity and community well-being.</i></p> | <p>Nature based solutions are not always viable in Wellington due to its topography and spatially constrained urban environment.</p> <p>Nor is it clear how nature-based solutions could perform the role of ‘traditional infrastructure’ such as the Fuel Companies’ regionally significant bulk fuel supply infrastructure.</p> |
| Policy 7 | Oppose | <p>Amend Policy 7 to ensure appropriate recognition and provision for all types of regionally significant infrastructure. This could be achieved by making changes along the following lines:</p> <p><u>Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans</u></p> <p><i>District and regional plans shall include policies and/or methods that recognise:</i></p> <p><i>(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:</i></p> <p><i>(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></i></p> <p><i>(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;</i></p> <p><i>(iii) people have access to energy, <u>and preferably including</u> low or zero carbon energy, so as to meet their needs; and</i></p> <p><i>(iv) people have access to telecommunication services.</i></p> <p><i>(b) the social, economic, cultural and environmental benefits of energy generated from renewable energy resources including:</i></p> <p><i>(i) security of supply and diversification of our energy sources;</i></p> <p><i>(ii) reducing dependency on imported energy resources; and</i></p> <p><i>(iii) reducing greenhouse gas emissions.</i></p> | <p>The reference to ‘low and zero carbon regionally significant infrastructure’ creates a third tier of infrastructure, which potentially undermines the term regionally significant infrastructure and is not supported.</p> <p>Recognition and provision needs to be made for investment in all existing regionally significant infrastructure, including infrastructure that is not low or zero carbon, such as the Fuel Companies’ regionally significant bulk fuel supply infrastructure. There will continue to be a role for such infrastructure, including in terms of diversity in energy sources, at least during a transition to low carbon energy provision. The preference for low or zero carbon energy provision in clause (a)(iii) could potentially undermine the ability to maintain the security of supply provided by existing carbon based infrastructure networks and this wording is not supported.</p> |
| Policy 18 | Oppose in part | <p>Amend Policy 18 to ensure it is no more restrictive than the NPS-FM in relation to the loss of extent and values of wetlands and rivers and to ensure appropriate provision is made for essential temporary construction dewatering takes, including in over-allocated catchments. This could be achieved by making changes along the following lines:</p> <p><u>Policy 18: Protecting and restoring aquatic ecological function health of water bodies – regional plans</u></p> | <p>The intent of the policy is supported. However, clauses (c) and (e) are opposed to the extent that they do not recognise the exceptions provided in the NPS-FM to the policy direction relating to the loss of extent of wetlands and rivers. These exceptions should be carried over into Policy 18, or clauses (c) and (e) deleted, noting that Regional Plans must give effect to the NPS-FM in any case.</p> |

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| | | <p><i>Regional plans shall include policies, rules and/or methods that <u>protect and restore the ecological health of water bodies, including:</u></i></p> <p><i>(a) <u>managing freshwater in a way that gives effect to Te Mana o te Wai;</u></i></p> <p><i>(b) <u>actively involve mana whenua / tangata whenua in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for;</u></i></p> <p><i>(c) <u>there is no further loss of extent of natural inland wetlands and coastal wetlands, their values are protected, and their restoration is promoted;</u></i></p> <p><i>(d) <u>achieving environmental outcomes, target attribute states and environmental flows and levels;</u></i></p> <p><i>(e) <u>avoiding the loss of river extent and values;</u></i></p> <p><i>(f) <u>protecting the significant values of outstanding water bodies;</u></i></p> <p><i>(g) <u>protecting the habitats of indigenous freshwater species are protected;</u></i></p> <p><i>(h) <u>Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided;</u></i></p> <p><i>(i) <u>promoting the retention of in-stream habitat diversity by retaining natural features – such as pools, runs, riffles, and the river’s natural form;</u></i></p> <p><i>(j) <u>promoting the retention of natural flow regimes – such as flushing flows;</u></i></p> <p><i>(k) <u>promoting the protection and reinstatement of riparian habitat;</u></i></p> <p><i>(l) <u>promoting the installation of off-line water storage;</u></i></p> <p><i>(m) <u>measuring and evaluating water takes;</u></i></p> <p><i>(n) <u>discourage restricting the reclamation, piping, straightening or concrete lining of rivers;</u></i></p> <p><i>(o) <u>discourage restricting stock access to estuaries, rivers, lakes and wetland;</u></i></p> <p><i>(p) <u>discourage restricting the diversion of water into or from wetlands – unless the diversion is necessary to restore the hydrological variation to the wetland;</u></i></p> <p><i>(q) <u>discourage restricting the removal or destruction of indigenous plants in wetlands and lakes; and</u></i></p> <p><i>(r) <u>restoring and maintaining fish passage.</u></i></p> <p><i>(s) <u>appropriate provision is made for temporary dewatering activities necessary for construction or maintenance.</u></i></p> <p>Explanation</p> <p><i>Policy 18 lists a range of actions that will protect and restore the ecological health of water bodies. Habitat diversity, which is described in clauses (a), (b) and (c), is essential for aquatic ecosystems to survive and be self-sustaining. When areas of habitat in one part of the river, lake or wetland are degraded or destroyed by activities described in clauses (e), (f), (g) and (h), critical parts of the ecosystem may be permanently affected with consequent effects elsewhere in the ecosystem.</i></p> | <p>In addition, amendments are required to recognise the potential need for essential temporary construction dewatering takes, for instance to facilitate the safe and timely replacement/installation of underground infrastructure. Such takes can be required in over allocated catchments and will not necessarily be considered non consumptive, for instance where dewatering water is discharged to a reticulated stormwater or wastewater system. If this policy is retained as drafted, there is a risk that any such takes will be prohibited in over allocated catchments, despite not affecting the stated outcomes and limits.</p> |
| <p>Policy 29</p> | <p>Oppose</p> | <p>Amend Policy 29 to recognise that it will not be possible or necessary to entirely avoid all subdivision, use or development in areas where hazards and risks are assessed as high to extreme, particularly where there is existing development or a need for infrastructure to locate in high hazard areas, such as stormwater outfalls to the coast or stream corridors. This could be achieved by making following changes or to the same effect:</p> <p>Policy 29: Avoiding inappropriate <u>Managing subdivision, use and development in areas at risk from natural hazards – district and regional plans</u></p> <p><i>Regional and district plans shall:</i></p> <p><i>(a) <u>identify areas at high risk from affected by natural hazards; and</u></i></p> | <p>It will not be possible or necessary to entirely avoid all subdivision, use or development in areas where hazards and risks are assessed as high to extreme. For example, under the PNRP, all areas in the coastal marine area and the beds of lakes and rivers are considered high hazard risk areas. There is existing development in these areas, for which provision needs to be made, at least, for its continued operation and maintenance. Of particular relevance to the Fuel Companies are stormwater outfalls to the coast and stream corridors, and wharflines between port facilities in the CMA and bulk storage tanks, which traverse locations meeting the PNRP definition of ‘high hazard risk areas’.</p> |

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| | | <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 avoid inappropriate 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 inappropriate subdivision, use of development and hazard sensitive activities where the hazards and risks are assessed as high to extreme.</u></p> <p>Explanation</p> <p><u>Policy 29 establishes a framework to:</u></p> <ol style="list-style-type: none"> 1. <u>identify natural hazards that may affect the region or district; and then</u> 2. <u>apply a risk-based approach for assessing the potential consequences to new or existing subdivision, use and development in those areas; and then</u> 3. <u>develop provisions to manage subdivision, use and development in those areas.</u> <p><u>The factors listed in Policies 51 and 52 should be considered when implementing Policy 29 and when writing policies and rules to manage subdivision, use and development in areas identified as being affected by natural hazards.</u></p> | <p>Further, provision is made in both plans for certain new activities to occur in these locations. It is inappropriate to prevent any and all further development in high hazard areas. In the case of regionally significant infrastructure networks, there will be a need for infrastructure to cross areas identified as high or extreme hazard, such as stream and river corridors, in order to deliver services to communities on the other side.</p> |
| <p>Chapter 4.2 Regulatory Policies – Matters to be considered</p> | | | |
| <p>Policy IM.2</p> | <p>Oppose</p> | <p>Delete Policy IM.2 in its entirety, as follows:</p> <p>Policy IM.2: Equity and inclusiveness – consideration</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> <p>(a) avoiding compounding historic grievances with iwi/Māori; and</p> <p>(b) not exacerbating existing inequities, in particular but not limited to, access to public transport, amenities and housing; and</p> <p>(c) not exacerbating environmental issues; and</p> <p>(d) not increasing the burden on future generations.</p> <p>Explanation</p> <p>This policy requires that equity and inclusiveness are at the forefront of resource management and decision making to prevent any increase in existing inequities, to ensure intergenerational equity, and to improve the overall wellbeing of people and communities.</p> | <p>There is significant uncertainty in the wording of policy IM.2 and how many of the terms might be interpreted in any given situation. For example, it is unclear how this may be applied in a situation where consent is required for maintenance or upgrade of existing regionally significant infrastructure located in an environmentally or culturally sensitive area. The policy should be deleted on the basis of uncertainty and an inability to apply on a consistent basis.</p> |
| <p>Policy 39</p> | <p>Oppose</p> | <p>Amend Policy 39 by retaining the wording used in the operative RPS, as follows:</p> <p>Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration</p> <p><i>When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, particular regard shall be given to:</i></p> <p>(a) <i>the social, economic, cultural, and environmental benefits of energy generated from renewable energy resources and/or regionally significant infrastructure, in particular where it contributes to reducing greenhouse gas emissions; and</i></p> <p>(b) <i>protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure; and</i></p> <p>(c) <i>the need for renewable electricity generation facilities to locate where the renewable energy resources exist; and</i></p> | <p>Not all regionally significant infrastructure is, itself, able to contribute to a reduction in greenhouse gases. While the broader objective of moving towards a carbon neutral economy is acknowledged, there will be continued reliance on the Fuel Companies’ regionally significant bulk fuel supply infrastructure, during that transition and the role it plays in ensuring security of energy supply and diversity in energy sources. Opportunities may be available for transitioning the Fuel Companies’ existing infrastructure away from hydrocarbons and towards lower-carbon options such as biofuels. However, in the interim, the critical role of the Fuel Companies’ infrastructure in supporting the regional economy needs to be recognised and appropriate provision made for the ongoing</p> |

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| | | <p>(d) <i>significant wind, solar and marine renewable energy resources within the region.</i></p> <p>Explanation</p> <p><u>Notwithstanding that renewable energy generation and regionally significant infrastructure can have adverse effects on the surrounding environment and community, Policy 39 recognises that these activities can provide benefits both within and outside the region, particularly to contribute to reducing greenhouse gas emissions.</u></p> <p><u>The benefits of energy generated from renewable energy resources include:</u></p> <ul style="list-style-type: none"> • <u>Security of and the diversification of our energy sources</u> • <u>Reducing our dependency on imported energy resources – such as oil, natural gas and coal</u> • <u>Reducing greenhouse gas emissions</u> • <u>Contribution to the national renewable energy target</u> <p><u>The benefits are not only generated by large scale renewable energy projects but also smaller scale, distributed generation projects.</u></p> <p><u>The benefits of regionally significant infrastructure include:</u></p> <ul style="list-style-type: none"> • <u>People and goods can efficiently and safely move around the region, and to and from</u> • <u>Public health and safety is maintained through the provision of essential services – such as potable water and the collection and transfer of sewage or stormwater</u> • <u>People have access to energy to meet their needs</u> • <u>People have access to telecommunication services</u> <p><u>Energy generation from renewable energy and regionally significant infrastructure (as defined in Appendix 3) can provide benefits both within and outside the region.</u></p> <p><u>Renewable energy generation and regionally significant infrastructure can also have adverse effects on the surrounding environment and community. These competing considerations need to be weighed on a case by case basis to determine what is appropriate in the circumstances.</u></p> <p><u>When considering the benefits from renewable energy generation, the contribution towards national goals in the New Zealand Energy Strategy (2007) and the National Energy Efficiency and Conservation Strategy (2007) will also need to be given regard.</u></p> <p><u>Potential significant sites for development of Wellington region’s marine and wind resources have been identified in reports ‘Marine Energy – Development of Marine Energy in New Zealand with particular reference to the Greater Wellington Region Case Study by Power Projects Ltd, June 2008’ and ‘Wind Energy – Estimation of Wind Speed in the Greater Wellington Region, NIWA, January 2008’.</u></p> <p><u>Policy 39(a) shall cease to have effect once policy 9 is given effect in a relevant district or regional plan.</u></p> <p><u>Policy 39(b) shall cease to have effect once policy 8 is given effect in a relevant district or regional plan.</u></p> | <p>operation, maintenance and upgrade of infrastructure. The policy already specifically recognises energy generated from renewable sources. It is unnecessary to create a further distinction between regionally significant infrastructure on the basis that it is able to contribute to a reduction in greenhouse gas emissions. The addition to clause (a) is, therefore, opposed.</p> <p>The wording of the policy explanation as it currently appears in the operative RPS appropriately recognises the benefits of renewable energy and regionally significant infrastructure and its role in enabling communities to provide for their social, economic, cultural and environmental wellbeing. In contrast, the wording proposed through Change 1 focuses on the adverse effects of renewable energy and regionally significant infrastructure and is opposed.</p> |
| <p>Policy 40</p> | <p>Oppose</p> | <p>Amend Policy 40 to recognise that enhancement of water bodies and freshwater ecosystems may not be necessary or practicable in all cases and that the policy focus is on the quality of fresh water rather than coastal water. This could be achieved by making changes along the following lines:</p> <p>Policy 40: Maintaining Protecting and enhancing the health and well-being of water bodies and freshwater ecosystems aquatic ecosystem health in water bodies – consideration</p> <p>When considering an application for a regional resource consent, particular regard shall be given to:</p> <p>(a) requiring that water quality, flows and water levels and aquatic habitats of surface water bodies are managed in a way that gives effect to Te Mana o Te Wai and protects and enhances the health and well-being of waterbodies and the health and wellbeing of freshwater ecosystems for the purpose of safeguarding aquatic ecosystem health;</p> | <p>A requirement to enhance as well as protect the health and well-being of waterbodies and freshwater ecosystems in all situations is onerous and does not recognise the need to provide for regionally significant infrastructure. In the Operative RPS, Policy 40 provides for the ‘maintenance’ of aquatic ecosystem health in water bodies. The proposed shift from ‘maintaining’ to ‘protecting’ the health and well-being of water bodies and freshwater ecosystems creates the potential for the Policy to be interpreted as a proxy avoidance policy and is opposed. ‘Maintenance’ should be retained in the policy heading, noting that this reflects the direction provided in many of the policy clauses. Clause b relating to water quality in the coastal marine area does not appear to fit within a policy relating to protecting ‘the health and well-being of water bodies and freshwater ecosystems’, noting that the RMA definition of ‘water body’</p> |

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| | | <p>(b) that, requiring as a minimum, water quality in the coastal marine area is to be managed in a way that protects and enhances the health and well-being of waterbodies and the health and wellbeing of marine ecosystems; for the purpose of maintaining or enhancing aquatic ecosystem health; and</p> <p>(c) managing water bodies and the water quality of coastal water for other purposes identified in regional plans.</p> <p>(c) <u>providing for mana whenua / tangata whenua values, including mahinga kai;</u></p> <p>(d) <u>maintaining or enhancing the functioning of ecosystems in the water body;</u></p> <p>(e) <u>maintaining or enhancing the ecological functions of riparian margins;</u></p> <p>(f) <u>minimising the effect of the proposal on groundwater recharge areas that are connected to surface water bodies;</u></p> <p>(g) <u>maintaining or enhancing the amenity and recreational values of rivers and lakes, including those with significant values listed in Table 15 of Appendix 1;</u></p> <p>(h) <u>protecting the significant indigenous ecosystems and habitats with significant indigenous biodiversity values of rivers and lakes, including those listed in Table 16 of Appendix 1;</u></p> <p>(i) <u>maintaining natural flow regimes required to support aquatic ecosystem health;</u></p> <p>(j) <u>maintaining or enhancing space for rivers to undertake their natural processes;</u></p> <p>(k) <u>maintaining fish passage;</u></p> <p>(l) <u>protecting and reinstating riparian habitat, in particular riparian habitat that is important for fish spawning;</u></p> <p>(m) discouraging restricting stock access to estuaries rivers, lakes and wetlands; and</p> <p>(n) discouraging avoiding the removal or destruction of indigenous wetland plants in wetlands.</p> <p>Explanation</p> <p><u>Policy 40 provides criteria for considering regional consents to protect the health and wellbeing of waterbodies, particularly during the transition period before regional plans are changed to give effect to the NPS-FM.</u></p> | <p>specifically excludes water located within the coastal marine area. Clause b should be deleted.</p> |
| <p>Policy 41</p> | <p>Oppose</p> | <p>Amend Policy 41 by retaining the wording used in the operative RPS, as follows:</p> <p>Policy 41: Controlling Minimising the effects of earthworks and vegetation disturbance – consideration</p> <p>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 controlling earthworks and vegetation disturbance <u>by to minimise:</u></p> <p>(a) <u>erosion; and</u></p> <p>(a) (b) considering whether the activity will achieve environmental outcomes and target attribute states; silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained; and</p> <p>(b) avoiding discharges to water bodies, and to land where it may enter a waterbody, where limits for suspended sediment are not met.</p> <p>Explanation</p> <p><u>An area of overlapping jurisdiction between Wellington Regional Council and district and city councils is the ability to control earthworks and vegetation disturbance, including clearance. Large scale earthworks and vegetation disturbance on erosion prone land in rural areas and many small scale earthworks in urban areas – such as driveways and retaining walls – can cumulatively contribute large amounts of silt and sediment to stormwater and water bodies. This policy is intended to minimise erosion and silt and sedimentation effects associated with these activities.</u></p> | <p>The implications of the proposed policy wording are unclear as the environmental outcomes, target attribute states and suspended sediment limits referred to have not been set. It is uncertain whether those thresholds will be appropriate in the context of short term activities such as construction earthworks, particularly in the context that clause b sets an avoidance approach. For example, dewatering discharges can result in a short term exceedance of suspended sediment thresholds during the first flush, even where best practice is applied to the management of dewatering activities. This is commonly accepted across the country as appropriate, subject to appropriate conditions and adoption of best practice management approaches. Complete avoidance of such discharges is unlikely to be practicable.</p> |

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| | | <p><u>Minimisation requires effects to be reduced to the extent reasonably achievable whilst recognising that erosion, siltation and sedimentation effects can not always be completely avoided.</u></p> <p><u>This policy provides for consideration of earthworks and vegetation disturbance to minimise erosion and sediment runoff prior to plan controls being adopted by regional and district plans in accordance with policy 15. This policy shall cease to have effect once method 31 is implemented and policy 15 is given effect to in regional and district plans.</u></p> <p><u>Policies 15 and 41 are to ensure that Wellington Regional Council and district and city councils integrate the control earthworks and vegetation disturbance in their regional and district plans. Method 31 is for Wellington Regional Council and district and city councils to develop a protocol for earthworks and erosion from vegetation disturbance. The protocol will assist with implementation of policies 15 and 41.</u></p> <p><u>Some activities – such as major road construction – are likely to require resource consents from both Wellington regional council and district or city councils, which will work together to control the effects of the activity.</u></p> <p><u>Vegetation disturbance includes harvesting plantation forestry.</u></p> | |
| <p>Policies 14, FW.3 and 42</p> | <p>Oppose</p> | <p>Amend Policies 14, FW.3 and 42 to recognise that the absolute thresholds set within the policy will not necessarily be achievable in all situations and there is a need for an element of discretion. This could be achieved by making changes along the following lines:</p> <p>Policy 14: Urban development effects on freshwater and the coastal marine area Minimising contamination in stormwater from new development – regional plans</p> <p><i>Regional plan objectives, policies, and methods including rules, must give effect to Te Mana o te Wai and in doing so must:</i></p> <ul style="list-style-type: none"> (a) <i>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;</i> (b) <i>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;</i> (c) <i>Require the management control of both land use and discharge effects from the use and development of land on freshwater and the coastal marine area;</i> (d) <i><u>Identify how to</u> Achieve the target attribute states set for the catchment;</i> (e) <i>Require the development, including stormwater discharges, earthworks and vegetation clearance meet any limits set in a regional plan <u>to the extent practicable</u>;</i> (f) <i>Require that urban development is designed and constructed using the principles of Water Sensitive Urban Design <u>applicable to the development type</u>;</i> (g) <i>Require that urban development <u>is</u> located and designed to minimise the extent and volume of earthworks <u>to the extent practicable</u> and to follow, to the extent practicable, existing land contours;</i> (h) <i>Require that urban development is located and designed to <u>reduce the potential for adverse effects on-protect and enhance</u> gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries;</i> (i) <i>Require riparian buffers for all waterbodies and avoid piping of rivers;</i> | <p>Policies 14 and FW.3 require that regional and district plans, respectively, give effect to Te Mana o te Wai, including by addressing a number of matters listed in each of the policies. Policy 42 sets similar requirements with respect to the consideration of resource consent applications by regional councils.</p> <p>Each of the three policies contain clauses setting directive requirements that urban development must achieve in relation to:</p> <ul style="list-style-type: none"> - meeting regional plan limits for stormwater discharges, earthworks and vegetation clearance; - Water Sensitive Urban Design; - Minimising the extent and volume of earthworks and following existing land contours; - Protecting and enhancing enhance gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries; - Riparian buffers and avoiding the piping of rivers; - Hydrological controls; - Stormwater quality management to minimise the generation of contaminants and maximum the removal of contaminants. <p>While the intent is supported, the wording of these provisions as a whole is both too absolute and too uncertain.</p> <p>The policies set strict requirements to be achieved, that do not incorporate the level of discretion provided for in the NPS-FW. For example, the <u>requirement</u> that development, stormwater discharges, earthworks and vegetation clearance meet any limits set in a regional plan is opposed. If such limits were met there would, presumably, be no need for a resource consent to be sought in the first place. Nor is it currently known what those limits might be and if they will appropriately provide for all types of</p> |

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| | | <p>(j) Require hydrological controls to avoid reduce adverse effects of runoff quantity (flows and volumes) and maintain, to the extent practicable, natural stream flows;</p> <p>(k) Require subdivision, use and development to adopt stormwater quality management measures that will minimise the generation of contaminants; and maximise, to the extent practicable, the removal of contaminants from stormwater <u>to the extent practicable</u>; and</p> <p>(l) Identify and map rivers and wetlands.</p> <p>Policy FW.3: Urban development effects on freshwater and the coastal marine area – district plans</p> <p>District plans shall include objectives, policies, and methods including rules, that give effect to Te Mana o te Wai and section 3.5(4) of the NPS-FM, and in doing so must:</p> <p>(a) Partner with mana whenua / tangata whenua in the preparation of district plans;</p> <p>(b) Protect and enhance Māori freshwater values, including mahinga kai;</p> <p>(c) Provide for mana whenua / tangata whenua and their relationship with their culture, land, water, wāhi tapu and other taonga;</p> <p>(d) Incorporate the use of mātauranga Māori to ensure the effects of urban development are considered appropriately;</p> <p>(e) 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;</p> <p>(f) Integrate planning and design of stormwater management to achieve multiple improved outcomes – amenity values, recreational, cultural, ecological, climate, vegetation retention;</p> <p>(g) Consider the effects on freshwater and the coastal marine area of subdivision, use and development of land;</p> <p>(h) Consider the use and development of land in relation to target attribute states and any limits set in a regional plan;</p> <p>(i) Require that Water Sensitive Urban Design principles and methods are applied during consideration of subdivision, the extent of impervious surfaces and in the control of stormwater infrastructure;</p> <p>(j) Require that urban development is located and designed to minimise the extent and volume of earthworks <u>to the extent practicable</u> and to follow, to the extent practicable, existing land contours;</p> <p>(k) Require that urban development is located and designed to <u>reduce the potential for adverse effects on</u> protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries;</p> <p>(l) Require riparian buffers for all waterbodies and avoid piping of rivers;</p> <p>(m) Require hydrological controls to avoid reduce adverse effects of runoff quantity (flows and volumes) and maintain, to the extent practicable, natural stream flows;</p> <p>(n) Require efficient use of water;</p> <p>(o) Manage land use and development in a way that will minimise the generation of contaminants, including building materials, and the extent of impervious surfaces;</p> <p>(p) Consider daylighting of streams, where practicable; and</p> <p>(q) Consider the effects of land use and development on drinking water sources.</p> | <p>discharges. There may be situations in which small scale and/or short-term exceedances of limits are acceptable, for example elevated sediment levels during the first flush of a construction dewatering discharge.</p> <p>A requirement that the extent and volume of earthworks be minimised, may not be achievable in all situations, for example in the event of the unexpected discovery of contaminated soil, which requires subsequent remediation work.</p> <p>The requirement in each of the policies to avoid all adverse effects from stormwater runoff volumes, through the use of hydrological controls, is opposed. It is unclear what adverse effects the policies seek to avoid, and complete avoidance of all adverse effects in all circumstances is unlikely to be achievable. This is particularly the case in the context of the definition of ‘hydrological control’, which is uncertain and, for brownfield and infill development contains discretion around the extent to which the mean annual runoff volume should be reduced. In many cases natural stream flows will be affected by a range of factors (other stormwater discharges, modification of stream channels etc), such that it will not be possible for a single development to ‘maintain natural stream flows’.</p> <p>Stormwater quality are typically <i>generated</i> by the way in which land is used or developed, not by stormwater quality management.</p> <p>A requirement to avoid piping of rivers is supported in principle, provided provision is made for culverts (as distinct to piping) which are likely to remain appropriate in some situations.</p> |
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Policy 42: Effects on freshwater and the coastal marine area from urban development – consideration ~~Minimising contamination in stormwater from development – consideration~~

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:

- (a) 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;
- (b) Protect and enhance mana whenua /tangata whenua freshwater values, including mahinga kai;
- (c) Provide for mana whenua/tangata whenua and their relationship with their culture, land, water, wāhi tapu and other taonga;
- (d) Incorporate the use of mātauranga Māori to ensure the effects of urban development are considered appropriately;
- (e) The effects of use and development of land on water, including the effects on receiving environments (both freshwater and the coastal marine area);
- (f) The target attribute states set for the catchment;
- (g) The ability for ~~Require that the~~ development, including stormwater discharges, earthworks and vegetation clearance ~~to meets~~ any limits set in a regional plan ~~and the effects of any exceedances;~~
- (h) The extent to which ~~Require that~~ urban development is located and designed and constructed using the principles of Water Sensitive Urban Design;
- (i) The extent to which ~~Require that~~ urban development ~~is~~ located and designed to minimise the extent and volume of earthworks and to follow, to the extent practicable, existing land contours;
- (j) The extent to which ~~Require that~~ urban development is located and designed to protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries;
- (k) The extent to which ~~Require~~ hydrological controls ~~to avoid reduce~~ adverse effects of stormwater runoff quantity (flows and volumes) ~~and maintain, to the extent practicable, on natural stream flows;~~
- (l) The extent to which ~~Require~~ subdivision, use and development stormwater quality management ~~that will~~ minimises the generation of contaminants ~~in stormwater~~, and maximises, to the extent practicable, the removal of contaminants from stormwater;
- (m) ~~Require~~ The provision of riparian buffers for all waterbodies and avoid piping of rivers;
- (n) Daylighting of rivers, where practicable;
- (o) Mapping of rivers and wetlands;
- (p) Efficient end use of water and alternate water supplies for non- potable use;
- (q) protecting drinking water sources from inappropriate use and development; and
- (r) 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.

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| <p>Policy 44</p> | <p>Oppose in part</p> | <p>Amend Policy 44 to ensure appropriate provision is made for essential temporary construction dewatering takes, including in over-allocated catchments, and for editorial correctness. This could be achieved by making changes along the following lines:</p> <p><i>Policy 44: Managing water takes and use to give effect to Te Mana o te Wai – ensure efficient use – consideration</i></p> <p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional plan to take and use water, Te Mana o te Wai must be given effect to so that:</i> particular regard shall be given to:</p> <p>(a) <u>Māori freshwater values, including mahinga kai are provided for;</u></p> <p>(b) <u>sites of significance, wāhi tapu and wāhi tupuna are protected;</u></p> <p>(c) <u>Environmental flows and levels, including variability of flows, are achieved;</u></p> <p>(d) <u>Take limits are achieved that provide for flow or level variability, safeguard ecosystem health, provide for the life cycle needs of aquatic life, and take into account environmental outcomes;</u></p> <p>(e) whether <u>the applicant has demonstrated that the volume of water sought is reasonable and justifiable for the intended use, including consideration of soil and crop type when water is taken for irrigation purposes;</u></p> <p>(f) requiring the <u>consent holders are required</u> to measure and report the actual amount of water taken; and</p> <p>(g) requiring the <u>consent holders are required</u> to adopt water conservation and demand management measures and demonstrate how water will be used efficiently; and</p> <p>(h) <u>there is consideration of alternate water supplies such as storage or capture of rainwater for use during the drier summer months; and</u></p> <p>(i) <u>appropriate provision is made for temporary dewatering activities necessary for construction or maintenance.</u></p> <p>Explanation</p> <p><i>Efficient water use relies on people taking only the amount of water that is needed and having systems in place to avoid waste. The amount of water taken should be measured and reported on to allow assessment as to whether allocation limits and permissible low flows have been set at appropriate levels. Appropriate consideration of mana whenua values has been added. Consideration of alternative water supplies is also required.</i></p> | <p>The intent of the policy is supported. However, amendments are required to recognise the potential need for essential temporary construction dewatering takes, for instance to facilitate the safe and timely replacement/installation of underground infrastructure. Such takes can be required in over allocated catchments and will not necessarily be considered non consumptive, for instance where dewatering water is discharged to a reticulated stormwater or wastewater system. If this policy is retained as drafted, there is a risk that any such takes will be prohibited in over allocated catchments, despite not affecting the stated outcomes and limits.</p> <p>Editorial changes are required to the wording of clauses (f) and (g) to ensure they relate appropriately to the amended chapeau, which requires Te Mana o te Wai to ‘be given effect to’.</p> |
| <p>Policy 51</p> | <p>Oppose</p> | <p>Amend Policy 51 to recognise that it will not be possible or necessary to entirely avoid all subdivision, use or development in areas where hazards and risks are assessed as high to extreme, and to ensure appropriate provision is made for regionally significant infrastructure to be maintained and to traverse such locations. This could be achieved by making the following changes or to the same effect:</p> <p><i>Policy 51: Minimising the risks and consequences of natural hazards – consideration</i></p> <p><i>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:</i></p> | <p>As with Policy 29, the direction in clause (g) to avoid subdivision, use or development in areas where hazards and risks are assessed as high to extreme is opposed. It will not be possible or necessary to entirely avoid all subdivision, use or development such areas, particularly where maintenance or minor upgrade type work is required to existing activities in these areas or where there is an operational or functional need for an activity to locate in or traverse an area at risk from natural hazards. Further, the acceptability of risk for some activities will vary depending on the hazard involved e.g. flooding, coastal erosion, rockfall, earthquake etc. This is recognised in the PNRP and district plans where provision is made for certain activities to occur in areas where natural hazards and risks are</p> |

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| | | <p>(a) the frequency and magnitude <u>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;</u></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) <u>whether the location of the subdivision, use or development will foreseeably require hazard mitigation works in the future;</u></p> <p>(d) <u>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;</u></p> <p>(e) <u>whether the subdivision, use or development causes any change in the risk and consequences from natural hazards in areas beyond the application site;</u></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) <u>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;</u></p> <p>(h) <u>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</u></p> <p>(i) <u>the allowance for floodwater conveyancing in identified overland flow paths and stream corridors; and</u></p> <p>(j) <u>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.</u></p> <p>Explanation Policy 51 aims to minimise the risk and consequences of natural hazards events through sound preparation, investigation and planning prior to development. This policy reflects a need to employ a precautionary, risk-based approach, taking into consideration the likelihood of the hazard and the vulnerability of the development.</p> | <p>assessed as high to extreme, such as stream corridors and areas in the current coastal hazard inundation and erosion overlays.</p> |
| Definitions | | | |
| <p>Definitions: Hazard sensitive activity</p> | <p>Oppose</p> | <p>Amend the definition of hazard sensitive activity to remove ‘hazardous facilities and major hazardous facilities’, on the basis that these terms are not defined and it is uncertain what types of facilities will be considered ‘hazard sensitive activities’ and that the policy framework as currently drafted, requires complete avoidance of such activities and does not make appropriate provision for existing facilities, or activities that may have an operational or functional need to locate in a hazard sensitive area, as follows:</p> <p>Hazard sensitive activity Means any building that contains one or more of the following activities:</p> <ul style="list-style-type: none"> • community facility • early childhood centre | <p>The terms ‘hazardous facilities and major hazardous facilities’ are not defined. It is, therefore, uncertain what types of facilities will be considered ‘hazard sensitive activities’ and subject to the proposed policy framework, which as currently drafted, requires complete avoidance of such activities in areas identified as at high or extreme risk of natural hazard. An avoidance approach is not appropriate, particularly where:</p> <ul style="list-style-type: none"> - the acceptability of risk will vary depending on the hazard involved e.g. flooding, coastal erosion, rockfall, earthquake etc; - there is a need to continue to operate, maintain or upgrade existing facilities; or |

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| | | <ul style="list-style-type: none"> • educational facility • emergency service facilities • hazardous facilities and major hazardous facilities • healthcare activity • kōhanga reo • marae • residential activity • retirement village • research activities • visitor accommodation | <p>- there is an operational or functional need for an activity to locate in or traverse an area at risk from natural hazards.</p> <p>Many District Council's within the region have now removed provisions relating to hazardous facilities from their district plans, consistent with RLLA 2017, which removed the control of hazardous substances as an explicit function for councils. This reflects the high degree of control already in place in relation to these activities under other legislation, including under the Hazardous Substances and New Organisms Act, the Health and Safety and Work Act and WorkSafe regulations. This includes with respect to managing natural hazard risk.</p> <p>Underground fuel storage tanks, for example, are not generally at risk during a flood event and compliance with industry best practice would, in any case, require the design of service station or truck stop facilities to maintain their integrity and function during natural hazard events. Further, the resilience of these facilities through the 2010 and 2011 Christchurch earthworks, with no simultaneous compartment failures and no significant product losses, demonstrates the resilience of these structures to earthquake risk.</p> |
| Definitions: Maintain /maintained /maintenance | Oppose | <p>Amend the definition of maintain / maintained / maintenance by deleting the reference to restoration and enhancement, as follows:</p> <p>Maintain /maintained /maintenance (in relation to indigenous biodiversity)</p> <p>At least no reduction in the following:</p> <ul style="list-style-type: none"> (a) <u>the size of populations of indigenous species</u> (b) <u>indigenous species occupancy across their natural range</u> (c) <u>the properties and function of ecosystems and habitats</u> (d) <u>the full range and extent of ecosystems and habitats</u> (e) <u>connectivity between and buffering around, ecosystems</u> (f) <u>the resilience and adaptability of ecosystems.</u> <p>The maintenance of indigenous biodiversity may also require the restoration or enhancement of ecosystems and habitats.</p> | <p>Distinct definitions of restoration and enhancement are included and infer improvement of the existing state. It is inappropriate to incorporate these terms in the defined concept of 'maintenance'. If restoration or enhancement are appropriate in relation to development within a certain ecosystem or habitat that should be addressed at a policy level.</p> |
| Definitions: Regionally significant infrastructure | Support | <p>Retain the definition of Regionally Significant Infrastructure to the extent it applies to petroleum pipelines and associated fittings, appurtenances, fixtures or equipment, but amend that part of the definition relating to commercial port areas to ensure the Fuel Companies' bulk fuel supply infrastructure where it is associated with port activities is clearly recognised as regionally significant infrastructure, as follows:</p> <p>Regionally significant infrastructure includes:</p> <ul style="list-style-type: none"> • <i>pipelines for the distribution or transmission of natural or manufactured gas or petroleum, including any associated fittings, appurtenances, fixtures or equipment.</i> • ... • <u>Commercial Port Areas and infrastructure associated with Port related activities—in the Lambton Harbour Area—within Wellington Harbour (Port Nicholson) and adjacent land used in association with the movement of cargo and passengers and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines</u> | <p>That part of the definition of Regionally Significant Infrastructure relating to petroleum pipelines and associated fittings, appurtenances, fixtures or equipment will apply to the Fuel Companies wharflines and bunkerlines and associated equipment and bulk storage tanks and is supported.</p> <p>The clause relating to commercial port areas should, however, be amended to remove the reference to 'the Lambton Harbour Area'. This reference was not included in the mediated wording of the definition of regionally significant infrastructure in the PNRP as confirmed by Environment Court consent order dated 1 July 2021. It effectively excludes the Fuel Companies' bulk fuel supply infrastructure located at Seaview in Lower Hutt and those located at Kaiwharawhara and is opposed.</p> |
| Definitions: New definition – Transport Infrastructure | New definition | <p>Insert a new definition of Transport Infrastructure to provide clarity around the scope and application of the proposed new policies that apply to Transport Infrastructure. This could be</p> | <p>RPS Change 1 proposes to introduce a number of policies relating to 'transport infrastructure' and its role in contributing to a reduction in greenhouse gas emissions. The term 'transport infrastructure' is not</p> |

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| | | <p>achieved by inserting a new definition along the following lines, or by amending policies CC.1, CC.9 and CC.11 in a way that clarifies the policies do not apply to service stations, truck stops or bulk fuel supply infrastructure:</p> <p><i>Transport Infrastructure</i></p> <p><i>Structures for transport on land by cycleways, rail, roads, walkways, or any other means.</i></p> | <p>defined, such that it is unclear what activities will be subject to the associated policy framework. The Fuel Companies' expectation is that these provisions will apply to 'structures for transport on land by cycleways, rail, roads, walkways, or any other means', as per the wording of the RMA definition of 'infrastructure'. The Fuel Companies would not support the application of the 'transport infrastructure' policies to service stations, truck stops or bulk fuel supply infrastructure. As such, and to improve certainty around the scope and application of the 'transport infrastructure' policies, the Fuel Companies seek the inclusion of a new definition of 'transport infrastructure'. Alternatively, the Fuel Companies seek consequential amendments to the 'transport infrastructure' policies (being policies CC.1, CC.9 and CC.11) to clarify that they do not apply to service stations, truck stops or bulk fuel supply infrastructure.</p> |
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