

# SUBMISSION BY POWERCO LIMITED 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](mailto:regionalplan@gw.govt.nz)

Name of submitter: Powerco Limited  
Private Bag 2061  
New Plymouth 4340  
*(Note that this is not the address for service.)*

1. This is a submission by Powerco Limited (**Powerco**) on Proposed Change 1 to the Regional Policy Statement for the Wellington Region.
2. Powerco could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that the submission relates to, the submission points, reasons and decisions sought are detailed in the attached table. Powerco seeks that the decisions sought as set out in the attached table are adopted, or any other such relief and/or consequential amendments that achieves an equivalent outcome.
4. In summary, this submission seeks to ensure recognition, protection and continued operation of Powerco's gas and electricity distribution networks within the Greater Wellington Region.
5. Powerco wishes to be heard in support of this submission.
6. If others make a similar submission, Powerco would be prepared to consider presenting a joint case at any hearing.



Signature of person authorised to sign on behalf of Powerco Limited:

A handwritten signature in blue ink, appearing to read "G. Scholfield".

**Gary Scholfield**  
Environmental Planner

**POWERCO**

Dated at Tauranga this 14th day of October 2022.

Address for Service:      Powerco Limited  
   PO Box 13 075  
   Tauranga 3141  
   Attention: Gary Scholfield

Phone: (07) 928 5659  
Email: [planning@powerco.co.nz](mailto:planning@powerco.co.nz)

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

Powerco owns and operates gas and electricity distribution networks within the Greater Wellington Region. This comprises an electricity network within the Wairarapa, covering the area from south of Eketahuna to Cape Palliser and a gas network covering Wellington City, Hutt Valley and Porirua. These submissions are made to ensure that there is a practical and workable planning regime for gas and electricity distribution infrastructure and associated customer connections in the Greater Wellington Region. The submission requests that either:

- i. The specific relief as set out in the table below; or
- ii. Such other relief to similar effect to address the matters outlined in the submission to the submitter's satisfaction; and
- iii. In relation to i and ii above, any consequential amendments necessary as a result of the amendments to grant the relief sought.

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
<b>Objective A</b>	<b>Oppose</b>	<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><b>Objective A:</b> <i>Integrated management of the region's natural and built environments <del>is guided by Te Ao Māori and:</del></i></p> <p>(a) <i><u>is guided by Te Ao Māori and incorporates mātauranga Māori; and</u></i></p> <p>(b) <i><u>recognises ki uta ki tai – the holistic nature and interconnectedness of all parts of the natural environment; and</u></i></p> <p>(c) <i><u>protects and enhances mana whenua / tangata whenua values, in particular mahinga kai, and the life-supporting capacity of ecosystems; and</u></i></p> <p>(d) <i><u>protects and enhances the life-supporting capacity of ecosystems; and</u></i></p> <p>(e) <del><i><u>recognises the dependence of humans on a healthy natural environment; and</u></i></del></p> <p>(f) <i><u>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</u></i></p> <p>(g) <i><u>responds effectively to the current and future pressures of climate change, population growth and development.</u></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 Maōri 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"> <li>• Air quality</li> <li>• Coastal environment, including public access</li> <li>• Energy, infrastructure and waste</li> <li>• Fresh water, including public access</li> <li>• Historic heritage</li> <li>• Indigenous ecosystems</li> <li>• Landscape</li> <li>• Natural hazards</li> <li>• Regional form, design and function</li> <li>• Resource management with tangata whenua</li> <li>• Soils and minerals</li> </ul> <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 Powerco's 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><b>Objective CC.6</b>  <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></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>
Chapter 3.6 Indigenous Ecosystems			
Objective 16	Oppose	<p>Amend Objective 16 to recognise that enhancement and restoration of indigenous ecosystems and habitats may not be appropriate in all circumstances. This could be achieved by making changes along the following lines:</p> <p><b>Objective 16</b>  <i>Indigenous ecosystems and habitats with significant ecosystem functions and services and/or biodiversity values are maintained protected and, where appropriate, enhanced, and or restored to a healthy functioning state.</i></p>	<p>A requirement to enhance and restore, as well as protect, significant indigenous ecosystems and habitats in all situations is onerous and does not recognise the need to provide for regionally significant infrastructure. It is more onerous than the direction set in the exposure draft of the NPS Indigenous Biodiversity around the interface between specific infrastructure and indigenous biodiversity, which recognises there may be situations in which there are no practicable alternatives to locating in areas of significant indigenous vegetation or significant habitats of indigenous fauna, and effects are to be managed in accordance with an effects management hierarchy. This is particularly in the context that the definition of 'restoration' sets a clear expectation that the condition of the environment should be returned to a former state.</p> <p>In the Operative RPS, Objective 16 provides for the 'maintenance' of indigenous ecosystems and habitats. The proposed shift from 'maintaining' to 'protecting' indigenous ecosystems and habitats creates the potential for the Objective to be interpreted as a proxy avoidance Objective and is opposed.</p> <p>The objective should be amended to reflect the provisions for specific infrastructure in the NPS Indigenous Biodiversity, which is currently anticipated for gazettal in December 2022. At a minimum, the objective should be amended to recognise that enhancement and restoration will not be the only, or the appropriate, response in all situations.</p>
Objective 16A	Oppose	<p>Amend Objective 16A to recognise that enhancement and restoration of indigenous ecosystems and habitats may not be appropriate in all circumstances. This could be achieved by making changes along the following lines:</p> <p><b>Objective 16A</b>  <i>The region's indigenous ecosystems are maintained and, where appropriate, enhanced, and or restored to a healthy functioning state, improving their resilience to increasing environmental pressures, particularly climate change, and giving effect to Te Rito o te Harakeke.</i></p>	<p>As per Objective 16, a requirement to enhance and restore, as well as maintain, indigenous ecosystems and habitats in all situations is onerous and does not recognise the need to provide for regionally significant infrastructure. It is more onerous than the direction set in the exposure draft of the NPS Indigenous Biodiversity around the interface between specific infrastructure and indigenous biodiversity.</p> <p>Further, it is unclear why specific reference is made in Objective 16A to improved resilience to environmental pressures and Te Rito o te Harakeke in relation to indigenous ecosystems and not in relation to <i>significant</i> indigenous ecosystems, which are addressed in Objective 16. Nor is it clear that improved resilience to environmental pressures will be able to be</p>

			<p>achieved in relation to all development proposals affecting indigenous ecosystems, for example where maintenance or minor upgrade of existing regionally significant infrastructure is required.</p> <p>The objective should be amended to reflect the provisions for specific infrastructure in the NPS Indigenous Biodiversity, which is currently anticipated for gazettal in December 2022. At a minimum, the objective should be amended to recognise that enhancement and restoration will not be the only, or the appropriate, response in all situations.</p>
<b>Chapter 3.8 Natural Hazards</b>			
<b>Objective 20 – Natural hazards</b>	<b>Oppose</b>	<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><b>Objective 20</b>  <del><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></del>  <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"> <li>1. There is no increase in the risk from natural hazards as a result of subdivision, use or development (including mitigation works).</li> <li>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.</li> </ol> <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>
<b>Chapter 3.9 Regional Form, Design and Function</b>			
<b>Objective 22</b>	<b>Support subject to amendment</b>	<p>Retain the intent of Objective 22, but delete clause (e) as follows:</p> <p><b>Objective 22</b>  <i>Urban development, including housing and infrastructure, is enabled where it demonstrates the characteristics and qualities of well-functioning urban environments, which:</i></p> <ol style="list-style-type: none"> <li><i>(a) Are compact and well designed; and</i></li> <li><i>(b) Provide for sufficient development capacity to meet the needs of current and future generations; and</i></li> <li><i>(c) Improve the overall health, well-being and quality of life of the people of the region; and</i></li> <li><i>(d) Prioritise the protection and enhancement of the quality and quantity of freshwater; and</i></li> <li><del><i>(e) Achieve the objectives in this RPS relating to the management of air, land, freshwater, coast, and indigenous biodiversity; and</i></del></li> <li><i>(f) Support the transition to a low-emission and climate-resilient region; and</i></li> <li><i>(g) Provide for a variety of homes that meet the needs, in terms of type, price, and location, of different households; and</i></li> </ol>	<p>Objective 22 appropriately recognises the development of infrastructure as key to achieving well-functioning urban environments and the intent is supported. 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>

		<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>	
<b>Objective 22B</b>	<b>Support</b>	<p>Retain Objective 22B, as notified:</p> <p><u>Objective 22B</u> <u>Development in the Wellington Region's rural area is strategically planned and impacts on significant values and features identified in this RPS are managed effectively.</u></p>	Objective 22B appropriately recognises the need for strategic planning of development in rural areas and is supported.
<b>Chapter 4.1 Regulatory Policies</b>			
<b>Policy CC.7</b>	<b>Oppose</b>	<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><b><u>Policy CC.7: Protecting, restoring, and enhancing ecosystems and habitats that provide nature-based solutions to climate change – district and regional plans</u></b></p> <p><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, <del>where practicable.</del></u></p> <p><b><u>Explanation</u></b></p> <p><u>Development and infrastructure planning and design should include nature-based solutions <del>where practicable as standard practice</del>, 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 <del>assist in perform the roles of traditional infrastructure, while also</del> building resilience to the impacts of climate change and providing benefits for indigenous biodiversity and community well-being.</u></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 Powerco's gas and electricity distribution networks.</p>
<b>Policy 7</b>	<b>Oppose</b>	<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><b><u>Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans</u></b></p> <p><u>District and regional plans shall include policies and/or methods that recognise:</u></p> <p>(a) <u>the social, economic, cultural and environmental benefits of regionally significant infrastructure; <del>and in particular low and zero carbon regionally significant infrastructure</del> including:</u></p> <p>(i) <u>people and goods can travel to, from and around the region efficiently and safely <del>and in ways that support transitioning to low or zero carbon multi modal travel modes;</del></u></p> <p>(ii) <u>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;</u></p> <p>(iii) <u>people have access to energy, <del>and preferably including</del> low or zero carbon energy, so as to meet their needs; and</u></p> <p>(iv) <u>people have access to telecommunication services.</u></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 Powerco's gas distribution network. 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>



		<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>	
<p><b>Policy 18</b></p>	<p><b>Oppose in part</b></p>	<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><i>Policy 18: Protecting and restoring aquatic ecological function health of water bodies – regional plans</i></p> <p><i>Regional plans shall include policies, rules and/or methods that protect and restore the ecological health of water bodies, including:</i></p> <p>(a) <u>managing freshwater in a way that gives effect to Te Mana o te Wai;</u></p> <p>(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></p> <p><del>(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></del></p> <p>(d) <u>achieving environmental outcomes, target attribute states and environmental flows and levels;</u></p> <p><del>(e) <u>avoiding the loss of river extent and values;</u></del></p> <p>(f) <u>protecting the significant values of outstanding water bodies;</u></p> <p>(g) <u>protecting the habitats of indigenous freshwater species are protected;</u></p> <p>(h) <u>Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided;</u></p> <p>(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></p> <p>(j) <u>promoting the retention of natural flow regimes – such as flushing flows;</u></p> <p>(k) <u>promoting the protection and reinstatement of riparian habitat;</u></p> <p>(l) <u>promoting the installation of off-line water storage;</u></p> <p>(m) <u>measuring and evaluating water takes;</u></p> <p>(n) <del>discourage restricting</del> <u>the reclamation, piping, straightening or concrete lining of rivers;</u></p> <p>(o) <del>discourage restricting</del> <u>stock access to estuaries, rivers, lakes and wetland;</u></p> <p>(p) <del>discourage restricting</del> <u>the diversion of water into or from wetlands – unless the diversion is necessary to restore the hydrological variation to the wetland;</u></p> <p>(q) <del>discourage restricting</del> <u>the removal or destruction of indigenous plants in wetlands and lakes; and</u></p> <p>(r) <u>restoring and maintaining fish passage.</u></p> <p><del>(s) <u>appropriate provision is made for temporary dewatering activities necessary for construction or maintenance.</u></del></p> <p><b>Explanation</b></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</i></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> <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>

		<i>parts of the ecosystem may be permanently affected with consequent effects elsewhere in the ecosystem.</i>	
<b>Policy 24</b>	<b>Oppose</b>	<p>In lieu of the NPS Indigenous Biodiversity being gazetted, amend Policy 24 to ensure the requirements around offsetting are no more onerous than those set out in the Proposed Natural Resources Plan (PNRP), which sets an outcome of no net biodiversity loss. This could be achieved by making changes as follows or to the same effect:</p> <p><b>Policy 24: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans</b></p> <p><i>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.</i></p> <p><i>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:</i></p> <p>(a) <i>not provide for biodiversity offsetting:</i></p> <p>(i) <i>where there is no appropriate site, knowledge, proven methods, expertise or mechanism available to design and implement an adequate biodiversity offset; or</i></p> <p>(ii) <i>when an activity is anticipated to causes 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;</i></p> <p>(b) <i>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;</i></p> <p>(c) <i>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);</i></p> <p>(d) <i>require that the outcome sought from the use of biodiversity offsetting <del>is at least a 10 percent net biodiversity gain, or from biodiversity compensation is at least a 10 percent net biodiversity benefit.</del> achieves no net biodiversity loss.</i></p> <p><b>Explanation</b></p> <p>Policy 24 applies to provisions in regional and district plans.</p> <p>The policy provides clarity about the limits to, and expected outcomes from, biodiversity offsetting and biodiversity compensation for an ecosystem or habitat with significant indigenous biodiversity values. Ecosystems and species known to meet the criteria in clauses (a and b) are listed in Appendix 1A (Limits to biodiversity offsetting and biodiversity compensation).</p> <p><del>Calculating a 10 percent net biodiversity gain (offsetting) or a 10 percent net biodiversity benefit (compensation) employs the same or a similar calculation methodology used to determine 'no net loss or preferably net gain' under a standard offsetting approach. The distinction between 'net gain' and 'net benefit' is to recognise that the outcomes achievable through the use of offsetting and compensation are different.</del> An offsetting 'net biodiversity gain' outcome is expected to achieve an objectively verifiable increase in biodiversity values while a compensation 'net biodiversity benefit' outcome is more subjective and less preferable.</p>	<p>The requirement for a minimum 10% net biodiversity gain or benefit is not clear and is not justified in the section 32 report. This is more onerous than the direction set in the exposure draft of the NPS Indigenous Biodiversity around biodiversity gains or benefits. It is also more onerous than the requirement set by the Proposed Natural Resources Plan (PNRP), which sets an outcome of no net biodiversity loss. In lieu of clear direction being set through a gazetted NPS Indigenous Biodiversity, the RPS should be amended to adopt the approach set by the PNRP.</p>
<b>Policy 29</b>	<b>Oppose</b>	<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, 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 following changes or to the same effect:</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. Under the Proposed Porirua District Plan, stream corridors and areas in the current coastal hazard inundation and erosion overlays are considered high risk. There is existing development in these areas, which will need to be</p>



		<p><b>Policy 29: Avoiding inappropriate Managing subdivision, use and development in areas at risk from natural hazards – district and regional plans</b></p> <p>Regional and district plans shall:</p> <p>(a) identify areas <u>affected by</u> natural hazards; and</p> <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 new subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme, and to appropriately manage risk to new and existing regionally significant infrastructure and to existing subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme.</u></p> <p><b>Explanation</b></p> <p>Policy 29 establishes a framework to:</p> <ol style="list-style-type: none"> <li>1. <u>identify natural hazards that may affect the region or district; and then</u></li> <li>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></li> <li>3. <u>develop provisions to manage subdivision, use and development in those areas.</u></li> </ol> <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>maintained. 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>
<b>Chapter 4.2 Regulatory Policies – Matters to be considered</b>			
<b>Policy IM.2</b>	<b>Oppose</b>	<p>Delete Policy IM.2 in its entirety, as follows:</p> <p><b><u>Policy IM.2: Equity and inclusiveness – consideration</u></b></p> <p><del><u>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:</u></del></p> <p><del>(a) <u>avoiding compounding historic grievances with iwi/Māori; and</u></del></p> <p><del>(b) <u>not exacerbating existing inequities, in particular but not limited to, access to public transport, amenities and housing; and</u></del></p> <p><del>(c) <u>not exacerbating environmental issues; and</u></del></p> <p><del>(d) <u>not increasing the burden on future generations.</u></del></p> <p><b><u>Explanation</u></b></p> <p><del><u>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.</u></del></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>
<b>Policy 39</b>	<b>Oppose</b>	<p>Amend Policy 39 by retaining the wording used in the operative RPS, as follows:</p> <p><b><u>Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration</u></b></p>	<p>Not all regionally significant infrastructure is, itself, able to contribute to a reduction in greenhouse gases. Powerco’s electricity and gas distribution networks, for example, convey energy from its source and/or another provider, to where it is used, irrespective of the way in which that energy</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> <p>(d) significant wind, <u>solar</u> and marine renewable energy resources within the region.</p> <p><b>Explanation</b></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"> <li>• <u>Security of and the diversification of our energy sources</u></li> <li>• <u>Reducing our dependency on imported energy resources – such as oil, natural gas and coal</u></li> <li>• <u>Reducing greenhouse gas emissions</u></li> <li>• <u>Contribution to the national renewable energy target</u></li> </ul> <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"> <li>• <u>People and goods can efficiently and safely move around the region, and to and from</u></li> <li>• <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></li> <li>• <u>People have access to energy to meet their needs</u></li> <li>• <u>People have access to telecommunication services</u></li> </ul> <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>generated. 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><b>Policy 40</b></p>	<p><b>Oppose</b></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><b>Policy 40: <del>Maintaining Protecting and enhancing</del> the health and well-being of water bodies and freshwater ecosystems aquatic ecosystem health in water bodies – consideration</b></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</p>

		<p>When considering an application for <u>a regional resource consent</u>, particular regard shall be given to:</p> <p>(a) <del>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;</del></p> <p>(b) <del>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</del></p> <p>(c) <del>managing water bodies and the water quality of coastal water for other purposes identified in regional plans.</del></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) <del>discouraging restricting stock access to estuaries rivers, lakes and wetlands; and</del></p> <p>(n) <del>discouraging avoiding the removal or destruction of indigenous wetland plants in wetlands.</del></p> <p><b>Explanation</b></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>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' specifically excludes water located within the coastal marine area. Clause b should be deleted.</p>
<p><b>Policy 41</b></p>	<p><b>Oppose</b></p>	<p>Amend Policy 41 by retaining the wording used in the operative RPS, as follows:</p> <p><b>Policy 41: <u>Controlling Minimising the effects of earthworks and vegetation disturbance – consideration</u></b></p> <p><del>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan,</del> 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) <del>(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</del></p> <p>(b) <del>avoiding discharges to water bodies, and to land where it may enter a waterbody, where limits for suspended sediment are not met.</del></p> <p><b>Explanation</b></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</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 as appropriate, subject to appropriate conditions and management approaches, across the country. Complete avoidance of such discharges is unlikely to be practicable.</p>

		<p>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.</p> <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><b>Policy 51</b></p>	<p><b>Oppose</b></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><b>Policy 51: Minimising the risks and consequences of natural hazards – consideration</b>  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) <del>the frequency and magnitude</del> <u>likelihood and consequences</u> of the range of natural hazards that may adversely affect the <del>proposal or development</del> <u>subdivision, use or development, including residual risk</u> those that may be exacerbated by climate change and sea level rise;</p> <p>(b) <del>the potential for climate change and sea level rise to increase in the frequency or magnitude of a hazard event;</del></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) <u>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;</u></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 regionally significant infrastructure is required to traverse areas of high or extreme risk, such as stream and river corridors, to deliver services to communities on the other side.</p> <p>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 assessed as high to extreme, such as stream corridors and areas in the current coastal hazard inundation and erosion overlays.</p>



		<p>(g) <del>avoiding inappropriate new subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme, and appropriately managing risk to new and existing regionally significant infrastructure and to existing subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme;</del> <u>in areas at high risk from natural hazards;</u></p> <p>(h) <del>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</del></p> <p>(i) <del>the allowance for floodwater conveyancing in identified overland flow paths and stream corridors; and</del></p> <p>(j) <del>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.</del></p> <p><b>Explanation</b>  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><b>Policy 58</b></p>	<p><b>Oppose</b></p>	<p>Amend Policy 58 and the explanatory statement to clarify that the policy applies to all infrastructure needed to support new urban development, not just three waters and transport infrastructure. This could be achieved by making changes along the following lines:</p> <p><b>Policy 58: Co-ordinating land use with development and operation of infrastructure – consideration</b></p> <p><i>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></i></p> <p>(a) <del>the development, funding, implementation and operation of infrastructure serving the area in question is provided for; and</del></p> <p>(b) <del>all infrastructure required to serve new development, including low or zero carbon, multi modal, and public transport infrastructure, energy and telecommunications infrastructure is available, or is consented, designated or programmed to be available prior to development occurring.</del></p> <p><del>particular regard shall be given to whether the proposed subdivision, use or development is located and sequenced to:</del></p> <p>(a) <del>make efficient and safe use of existing infrastructure capacity; and/or</del></p> <p>(b) <del>coordinate with the development and operation of new infrastructure.</del></p> <p><b>Explanation</b>  Policy 58 requires development to be sequenced such that infrastructure that is necessary to service the development will be provided before the development occurs. This includes <del>both</del> <u>three waters</u></p>	<p>Powerco’s interpretation of Policy 58 is that the requirement for new development to be sequenced in a way that ensures the availability of infrastructure prior to development occurring will apply in relation to Powerco’s electricity and gas distribution networks, which fall within the RMA definition of ‘infrastructure’. This is supported as infrastructure capacity and security of supply are significant resource management issues. Intensification, urbanisation and population growth continually place demands on energy resources, in particular electricity. While Powerco invests considerable resources in forward planning to meet future demand, the layout and delivery of its network is significantly influenced by the scale and pattern of development that results from individual subdivision and development proposals. In some situations, significant infrastructure upgrades may be required to meet the demand for electricity created by new development.</p> <p>The explanation to the policy suggests that the policy will apply just to three waters infrastructure and transport infrastructure. While case law is clear that it is the objectives and policies of a planning document, rather than explanatory statements, that hold statutory weight, Powerco does not support the wording of the explanatory statement and seeks that it be amended to avoid any suggestion that it may narrow the scope of the policy.</p> <p>For the avoidance of doubt, Powerco also seeks to amend the wording of Policy 58 to clearly acknowledge the need to coordinate the provision of energy infrastructure with urban development.</p>

		<p><i>infrastructure, <del>and</del> transport infrastructure, energy and telecommunications infrastructure that would be necessary to support the development.</i></p> <p>Subdivision, use and development, (including infrastructure) decisions have a direct bearing upon or relationship to the sequencing and development of new infrastructure, including new infrastructure for the electricity transmission network and the region's strategic transport network. The region's strategic transport network is described in the Wellington Regional Land Transport Strategy 2007-2016.</p>	
<b>Definitions</b>			
<p><b>Definitions:</b> <b>Maintain /maintained /maintenance</b></p>	<p><b>Oppose</b></p>	<p>Amend the definition of maintain / maintained / maintenance by deleting the reference to restoration and enhancement, as follows:</p> <p><b><u>Maintain /maintained /maintenance</u></b> (in relation to indigenous biodiversity)</p> <p><u>At least no reduction in the following:</u></p> <ul style="list-style-type: none"> <li>(a) <u>the size of populations of indigenous species</u></li> <li>(b) <u>indigenous species occupancy across their natural range</u></li> <li>(c) <u>the properties and function of ecosystems and habitats</u></li> <li>(d) <u>the full range and extent of ecosystems and habitats</u></li> <li>(e) <u>connectivity between and buffering around, ecosystems</u></li> <li>(f) <u>the resilience and adaptability of ecosystems.</u></li> </ul> <p><del>The maintenance of indigenous biodiversity may also require the restoration or enhancement of ecosystems and habitats.</del></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>
<p><b>Definitions:</b> <b>Regionally significant infrastructure</b></p>	<p><b>Support</b></p>	<p>Retain the definition of Regionally Significant Infrastructure to the extent it applies to Powerco's gas and electricity distribution networks, as follows:</p> <p><b><u>Regionally significant infrastructure includes:</u></b></p> <ul style="list-style-type: none"> <li>• <u>pipelines for the distribution or transmission of natural or manufactured gas or petroleum, including any associated fittings, appurtenances, fixtures or equipment</u></li> <li>• <u>...</u></li> <li>• <u>facilities for the generation and/or transmission of electricity where it is supplied to the National grid and/or the local distribution network</u></li> <li>• <u>facilities for the electricity distribution network, where it is 11kV and above. This excludes private connections to the local distribution network</u></li> </ul>	<p>The definition of Regionally Significant Infrastructure appropriately recognises Powerco's gas and electricity distribution networks and reflects the definition recently agreed through mediation as part of the PNRP.</p>