

**Proposed Change 1 to the Regional Policy
Statement for the Wellington Region**

**Section 42A Hearing Report
Hearing Stream 3 – Climate Change – Energy, Waste
and Industry**

**Topic: Climate Change – Energy, Waste and Industry
Process: Freshwater Planning Process and Schedule 1, Part 1
Process
Prepared by: Jerome Wyeth
Report Date: 31 July 2023
Hearing Date: 28 August to 6 September 2023**

Contents

Executive Summary.....	1
Interpretation	1
1.0 Introduction	1
2.0 Statutory Considerations	4
2.1 Resource Management Act 1991.....	4
2.2 National Direction	4
2.3 Section 32AA	6
2.4 Trade Competition	7
3.0 Consideration of Submissions and Further Submissions	7
3.1 Overview	7
3.2 Report Structure	8
3.3 Format for Consideration of Submissions.....	9
3.4 Categorisation of provisions into the Freshwater Planning Instrument.....	9
3.5 General comments and Chapter 3.3 introduction	11
3.6 Policy 2	12
3.7 Policy 7	16
3.8 Policy 11	23
3.9 Policy 39	27
3.10 Policy 65	34
3.11 Method 17.....	37
3.12 Method 33.....	39
3.13 Method 56.....	40
3.14 Definitions	40
4.0 Conclusions	45

Executive Summary

1. This report considers submissions received by Greater Wellington Regional Council ('the Council') in relation to the relevant provisions of Proposed Change 1 to the Regional Policy Statement for the Wellington Region ('Change 1') as they apply to the Climate Change – Energy, Waste and Industry topic.
2. This topic is primarily following the Schedule 1, Part 1 Process of the Resource Management Act 1991 (RMA) with two provisions following the Freshwater Planning Process (FPP), being Policy 65 and the definition of 'organic waste'.
3. A total of approximately 136 original submission points and 126 further submission points were received on this topic. The submissions on this topic were wide ranging and seek a range of different outcomes from strengthening the provisions as notified to withdrawing the climate change provisions from Change 1. The following key issues were raised in submissions and are covered in this report:
 - Whether the provisions are sufficient to enable an increase in renewable energy generation (REG) capacity to support greenhouse gas (GHG) emission reduction targets and give effect to relevant national direction.
 - Concerns about the introduction of new terms (low and zero-carbon regionally significant infrastructure), that these terms are unclear and potentially create a third tier of infrastructure.
 - General concerns that the amendments lack clarity or are not sufficiently directive.
4. Other issues raised by submitters in relation to this topic are also covered in the report along with a range of consequential amendments I recommend in response to those submissions.
5. As a result of analysing the submissions and key issues, I have recommended a number of amendments to the Change 1 provisions to address concerns raised. The key amendments are as follows:
 - Deleting/withdrawing the amendments to Policy 2 relating to industrial GHG emissions on the basis these have been largely superseded by recently gazetted national direction.
 - Strengthening and refining the policy direction in Policy 7, 11 and 39 to better align with existing and proposed national direction and better give effect to the climate change objectives in Change 1.
 - Amendments to Policy 7 and Policy 39 to clarify the intent and remove uncertain and problematic terms.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Climate Change – Energy, Industry and Waste provisions in Change 1 be amended as set out in **Appendix 1** of this report.

Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Hearing Stream: 3

Officer's Report: Climate Change – Energy, Waste and Industry

7. I have also undertaken a Section 32AA evaluation for the amendments I have recommended, which is included within the analysis of submissions in this report.
8. For the reasons outlined in the Section 32AA evaluation and this report, I consider that the proposed provisions, with the recommended amendments, will be the most appropriate means to achieve the purpose of Change 1 and the relevant objectives of the RPS.

Interpretation

9. This report utilises a number of abbreviations as set out in the table below.

Table 1: Abbreviations of terms

Abbreviation	Means
RMA	Resource Management Act 1991
Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
CCRA	Climate Change Response Act 2002
Council	Greater Wellington Regional Council
ERP	Emission Reduction Plan, May 2022
FPI	Freshwater Planning Instrument
FPP	Freshwater Planning Process
GHG emissions	Greenhouse gas emissions
NAP	National Adaptation Plan, August 2022
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-REG	National Policy Statement on Renewable Electricity Generation 2011
NPS-UD	National Policy Statement on Urban Development 2020
NRP	Operative Natural Resources Plan for the Wellington Region
NZ ETS	New Zealand Emission Trading Scheme
P1S1	Part 1, Schedule 1 process
REG	Renewable energy generation
RPS	Operative Regional Policy Statement for the Wellington Region 2013

Section 32 Report	Section 32 Report for Proposed Change 1 to the Regional Policy Statement for the Wellington Region
-------------------	--

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
Ātiawa	Ātiawa ki Whakarongotai Charitable Trust
CDC	Carterton District Council
Forest and Bird	Royal Forest and Bird Protection Society of New Zealand Inc.
Fish and Game	Wellington Fish and Game Council
Hort NZ	Horticulture New Zealand
Kāinga Ora	Kāinga Ora Homes and Communities
KCDC	Kāpiti Coast District Council
Muaūpoko	Muaūpoko Tribal Authority
MDC	Masterton District Council
Ngāti Toa	Te Rūnanga o Toa Rangatira
PCC	Porirua City Council
Rangitāne	Rangitāne O Wairarapa Inc
SEANZ	Sustainable Energy Association of New Zealand
SWDC	South Wairarapa District Council
Te Tumu Paeroa	Te Tumu Paeroa – Office of the Māori Trustee
UHCC	Te Kaunihera o Te Awa Kairangi ki Uta, Upper Hutt City Council
WCC	Wellington City Council
WFF	Wairarapa Federated Farmers

1.0 Introduction

1.1 Purpose

10. This report is prepared under section 42A of the RMA. The purpose of this report is to provide the Hearing Panels with a summary and evaluation of the original and further submissions received on the Climate Change – Energy, Waste and Industry topic and make recommendations as to whether those submissions should be accepted or rejected, either in full or in part. It concludes with recommended amendments to the Change 1 provisions.
11. The recommendations in this report are informed by technical evidence provided by Jake Roos, Team Leader, Climate Change at Council, and the analysis and evaluation that I have undertaken. I have also considered the section 42A reports for Hearing Stream One being the 'Overview Report' and 'General Submissions Report' which provide the background to Change 1 and administrative matters relating to Change 1. I was also the author of the Climate Change – General Section 42A Report. These section 42A reports should be read in conjunction with this report.

1.2 Scope of this report

12. Change 1 has been notified via two plan-making processes under Schedule 1 of the RMA:
 - The FPP under section 80A and Part 4, Schedule 1 for the provisions that form the Freshwater Planning Instrument. These provisions are marked in the Change 1 document with the freshwater icon.
 - The standard plan-making process in P1S1.
13. This report addresses provisions which are being considered under the P1S1, with the exception of Policy 65 and the definition of 'organic waste' which were notified in Change 1 under the FPP. The categorisation of these provisions in the FPP is discussed in this report below.
14. The provisions in Change 1 addressed in this topic across both processes are:
 - Introduction text Chapter 3.3 – Energy, infrastructure and waste
 - Policy 2: Reducing adverse effects of the discharge of odour, smoke, dust and fine particulate matter, and reducing greenhouse gas emissions – regional plans
 - Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans
 - Policy 11: Promoting and enabling energy efficient design and small-scale renewable energy generation – district plans
 - Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration
 - Policy 65: Supporting and encouraging efficient use and conservation of resources – non-regulatory

- Method 17: Reducing waste and greenhouse gases emissions from waste streams
- Method 33: Identify sustainable energy programmes (delete)
- Method 56: Assist the community to reduce waste and use water and energy efficiently (delete)
- Energy, waste and industry definitions (large-scale generator and organic waste).

1.3 Author

15. My name is Jerome Geoffrey Wyeth and I am employed by 4Sight Consulting – Part of SLR (4Sight), a planning and environmental consultancy. I hold the qualifications of Bachelor of Science (Geography) and Masters of Science (Geography), with First Class Honours. I am a Full member of the New Zealand Planning Institute.
16. I have over 18 years of experience in resource management and planning with roles in central government, local government and the private sector. My primary area of work at 4Sight is policy planning for local and central government and I am 4Sight's National Policy Sector Lead. I have worked on a number of district and regional plans at various stages of the RMA Schedule 1 process and have prepared planning evidence for local authority and Environment Court hearings on a range of resource management issues.
17. I have been closely involved in the development and implementation of numerous national direction instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance. This includes close involvement in national direction instruments relating to highly productive land, climate change, renewable electricity generation and transmission, indigenous biodiversity and plantation forestry.
18. My involvement, with the Ministry for the Environment, in developing national direction on climate change mitigation includes being closely involved in proposed national direction on industrial process heat which was released on 29 June 2023 and is of direct relevance to provisions within this topic (discussed further below). I am also working with the Ministry of Business, Innovation and Employment on the proposed amendments to the National Policy Statement on Renewable Electricity Generation 2011 (NPS-REG) and National Policy Statement on Electricity Transmission 2008 (NPS-ET), which are directly relevant to provisions in this topic.
19. I was not directly involved in the development of the provisions for Change 1, although I did have some involvement in the Section 32 Report prior to notification, focused on the climate change provisions that are being considered in Hearing Stream 3. I have now familiarised myself with the process that was followed to develop Change 1, the provisions addressed in this topic, and the relevant sections of the Section 32 Report.

20. I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court in December 2023. I have complied with that Code when preparing this written statement of evidence and I agree to comply with it when I give any oral evidence.
21. The scope of my evidence relates to the Climate Change – Energy, Industry and Waste topic. I confirm that the issues addressed in this statement of evidence are within my area of expertise.
22. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
23. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.4 Supporting Evidence

24. The evidence which I have used or relied upon in support of the analysis and opinions expressed in this report includes the Section 32 Report for Change 1 and the technical evidence of Mr Roos outlined above.

1.5 Key Issues

25. A number of submitters raised issues with the range of provisions relating to the Climate Change – Energy, Industry and Waste topic. A total of approximately 136 original submission points and 126 further submission points were received on the provisions relating to this topic.
26. The following are considered to be the key issues in contention:
 - Whether the provisions are sufficient to enable an increase in renewable energy (REG) capacity to support GHG emission reduction targets and give effect to relevant national direction.
 - Concerns about the introduction of new terms (low and zero-carbon regionally significant infrastructure), that these terms are unclear, and potentially create a third tier of infrastructure.
 - General concerns that the amendments lack clarity or are not sufficiently directive.
27. This report addresses each of these key issues, as well as other issues raised by submissions.

1.6 Pre-hearing Meetings

28. At the time of writing this report there have not been any pre-hearing meetings, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

2.0 Statutory Considerations

2.1 Resource Management Act 1991

29. Change 1 has been prepared in accordance with the RMA and in particular, the requirements of:
- Section 61 - Matters to be considered by regional council (policy statements)
 - Section 62 - Contents of regional policy statements

2.2 National Direction

30. The Climate Change – General Section 42A Report provides an overview of national direction relevant to climate change and is not repeated here. This section outlines RMA national direction of direct relevance to the Climate Change - Energy, Waste and Industry topic.

National Policy Statement on Electricity Transmission

31. The National Policy Statement on Electricity Transmission 2008 (NPS-ET) recognises the national significance of the National Grid and has an objective of facilitating the operation, maintenance and upgrade of the transmission network to meet the needs of present and future generations while managing the adverse effects of the network, and the adverse effects of other activities on the network. The NPS-ET includes a range of policies which broadly seek to recognise and provide for the national, regional and local benefits of secure and efficient electricity transmission, provide for the effective development, operation, maintenance and upgrading of the electricity transmission network, while managing the adverse effects of the transmission network. The NPS-ET also requires decision makers to manage the adverse effects of third parties on the transmission network.
32. In April – May 2023, the Government undertook public consultation on a range of proposals for “*Strengthening national direction on renewable electricity generation and electricity transmission*”. These proposals include amendments to the NPS-ET which include a ‘proposed NPS-ET 2023’ released alongside the consultation document. The Government is the process of analysing submissions, and the intent is that amendments to the NPS-ET will come into effect in late 2023.
33. The proposed amendments to the NPS-ET (alongside the amendments to the National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG) and other proposals in the consultation document) broadly seek to enable a significant increase in renewable electricity generation and transmission capacity to support New Zealand’s emission reduction targets.

National Policy Statement for Renewable Electricity Generation

34. The NPS-REG was gazetted in 2011 and has an overarching objective of providing for the development, operation, maintenance and upgrading of REG activities to

meet or exceed New Zealand's target for REG. The NPS-REG includes a range of policies which broadly require decision-makers to recognise and provide for the national significance of renewable electricity generation, have particular regard to the practical implications of achieving New Zealand's renewable electricity target, have particular regard to the practical constraints associated with the development of renewable electricity generation, and manage reverse sensitivity effects.

35. The Government is proposing amendments to the NPS-REG, which were publicly consulted on in April – May 2023 alongside the proposed amendments to the NPS-ET discussed above. The proposed amendments to the NPS-REG seek to address a number of limitations with the existing NPS-REG, including a lack of clear direction on how to provide for the national significance of REG and manage interactions with other important values. To achieve this, the proposed amendments to the NPS-REG seek to provide more enabling direction for REG and better manage interactions between the development of renewable electricity generation with other Part 2 RMA matters and other national direction.
36. While the proposed amendments to the NPS-REG and NPS-ET do not have any legal weight as yet, I consider that this proposed national policy direction is relevant to the consideration of submissions of the Climate Change – Energy, Waste and Industry topic, particularly as this proposed policy direction is broadly aligned with the Climate Change objectives in Change 1. In my view, it is also effective and efficient to align the policy direction in Change 1 with these proposals where relevant and appropriate while noting that the legal obligation is for the RPS to give effect to national policy statements that are in force under section 62(3) of the RMA.

National Direction on Industrial Process Heat

37. The Government recently gazetted the National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023 and the Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023 (NES). The NPS and NES for GHG emissions from industrial process heat came into force on 27 July 2023.
38. The NPS and NES for GHG emissions from industrial process heat are broadly aimed at reducing greenhouse gas emissions from industrial process heat¹ and are intended to support the amendments to the RMA to remove the barriers to regional councils considering the effects of greenhouse gas emissions on climate change.
39. The NPS and NES for GHG emissions from industrial process heat are intended to work together and reduce greenhouse gas emissions from industrial process heat by:

¹ Defined in the NES as "**industrial process heat**—(a) means thermal energy that is used— (i) in industrial processes, including in manufacturing and in the processing of raw materials; or (ii) to grow plants or other photosynthesising organisms indoors; but (b) does not include thermal energy used in the warming of spaces for people's comfort (for example, heating of commercial offices)".=

- Prohibiting discharges of greenhouse gases from new heat devices² burning coal and phasing out coal in existing heat devices by 2037.
- Providing nationally consistent policies and regulations to enable consistent assessment of resource consent applications for discharges of greenhouse gases from industrial process heat.
- Requiring regional councils to include a policy in their regional plans to consider the cumulative effects of industrial greenhouse gas emissions when assessing resource consent applications.
- Requiring resource consent applicants to submit an 'emissions plan' with a consent application that demonstrates how they will effectively manage greenhouse gas emissions.
- Ensuring the best practicable option is applied to prevent or minimise any actual or likely adverse climate change effects from the discharge of greenhouse gases.
- Providing nationally consistent resource consent conditions, including monitoring and reporting requirements.

The NPS and NES for GHG emissions from industrial process heat therefore provide comprehensive, nationally consistent policy direction and regulations to manage greenhouse gas emissions from industrial process heat. The NES does not expressly allow regional plan rules to be more stringent or lenient.

2.3 Section 32AA

40. I have undertaken an evaluation of my recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA of the RMA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations (1) *A further evaluation required under this Act—*

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

² Defined in the NES as "**heat device**—(a) means a device that produces industrial process heat (for example, a boiler, furnace, engine, or other combustion device); but (b) does not include a device used for the primary purpose of—(i) generating electricity, including a generator used for back-up electricity or for maintaining the electricity network; or (ii) transmitting electricity, including in mobile and fixed substations".

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

41. The section 32AA evaluation for recommended amendments to provisions as a result of consideration of submissions is included within this report.

2.4 Trade Competition

42. Trade competition is not considered relevant to the Climate Change - Energy, Industry and Waste topic within Change 1. There are no trade competition issues raised within the submissions that I am aware of.

3.0 Consideration of Submissions and Further Submissions

3.1 Overview

43. This topic consists of introductory text for Chapter 3.3, five amended policies, one amended method, two deleted methods, and two definitions. The proposed provisions addressed in the Climate Change - Energy, Industry and Waste topic are as follows:

- Introduction text Chapter 3.3 – Energy, infrastructure and waste
- Policy 2: Reducing adverse effects of the discharge of odour, smoke, dust and fine particulate matter, and reducing greenhouse gas emissions - regional plans.
- Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure - regional and district plans.
- Policy 11: Promoting and enabling energy efficient design and small-scale renewable energy generation - district plans.
- Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration.
- Policy 65: Supporting and encouraging efficient use and conservation of resources - non-regulatory.
- Method 17: Reducing waste and greenhouse gases emissions from waste streams.
- Method 33: Identify sustainable energy programmes (delete).

- Method 56: Assist the community to reduce waste and use water and energy efficiently (delete).
- Definitions – 'large scale generators' and 'organic waste'.

44. In terms of the sources GHG emissions in the region addressed in this topic, this includes GHG emissions from industrial process and product use (approx. 4% regional GHG emissions), waste (approx. 5% of regional GHG emissions), and stationary energy (approx. 17% of regional GHG emissions)³.

45. The total number of submissions and further submissions on this topic are broadly allocated across these provisions as set out in the table below.

Provision	Original submissions	Further submissions
Introduction and general	11	18
Policy 2	14	10
Policy 7	29	32
Policy 11	22	7
Policy 39	24	37
Policy 65	16	12
Method 17	9	5
Method 33	5	2
Method 56	4	1
Definitions	2	2

3.2 Report Structure

46. The issues raised in submissions are addressed by the provisions they relate to within this report. Some submissions cross several sub-topics and are therefore addressed under more than one sub-topic heading.

47. Clause 49(4)(c) of Schedule 1, Part 4 of the RMA allows the Freshwater Hearings Panel to address submissions by grouping them either by the provisions to which they relate, or the matters to which they relate. Clause 10(3) of Schedule 1, Part 1 of the RMA also specifies that the Council is not required to address each submission individually. On this basis, I have undertaken my analysis and evaluation on a provisions-based approach, rather than a submission-by-submission approach.

48. This report should be read in conjunction with the submissions and the summary of those submissions. **Appendix 2** sets out my recommendations on whether to accept or reject submission points based on the analysis contained within the body of this report.

³ Greater Wellington Region Emissions Inventory 2021/22, prepared by AECOM, 9 June 2023.

49. Where I have recommended amendments to provisions as a result of relief sought by submitters, I have set this out in this report along with a further evaluation in accordance with Section 32AA of the RMA. I have also provided a marked-up version of the provisions with recommended amendments in response to submissions in **Appendix 1**.

3.3 Format for Consideration of Submissions

50. For each sub-topic, my analysis of submissions is set out in this report as follows:

- Matters raised by submitters
- Analysis
- Section 32 evaluation (where applicable)
- Recommendations

3.4 Categorisation of provisions into the Freshwater Planning Instrument

51. Section 80A of the RMA provides the relevant tests for determining which parts of Change 1 should form part of the Freshwater Planning Instrument (FPI):

(1) The purpose of this subpart is to require all freshwater planning instruments prepared by a regional council to undergo the freshwater planning process.

(2) A freshwater planning instrument means—

(a) a proposed regional plan or regional policy statement for the purpose of giving effect to any national policy statement for freshwater management:

(b) a proposed regional plan or regional policy statement that relates to freshwater (other than for the purpose described in paragraph (a)):

(c) a change or variation to a proposed regional plan or regional policy statement if the change or variation—

(i) is for the purpose described in paragraph (a); or

(ii) otherwise relates to freshwater.

(3) A regional council must prepare a freshwater planning instrument in accordance with this subpart and Part 4 of Schedule 1. However, if the council is satisfied that only part of the instrument relates to freshwater, the council must—

(a) prepare that part in accordance with this subpart and Part 4 of Schedule 1; and

(b) prepare the parts that do not relate to freshwater in accordance with Part 1 of Schedule 1 or, if applicable, subpart 5 of this Part.

52. Council undertook a process to categorise Change 1 provisions between the FPP and standard Schedule 1 process when Change 1 was notified in August 2022. This process applied the High Court decision on the Proposed Regional Policy

Statement for the Otago Region - *Otago Regional Council v Royal Forest & Bird Protection Society of NZ Inc* [2022] NZHC 1777.

53. The scope of the FPI as notified in Change 1 is identified through the use of the **≈FW** symbol next to the relevant provision. Justification for the allocation of each provision to the FPP is provided in Appendix E of the Section 32 Report. The Section 80A(2)(c) tests were specified in paragraphs 202 and 192 of the above High Court decision as:

- Give effect to parts of the NPS-FM that regulate activities because of their effect on the quality or quantity of freshwater, or
- Relate directly to matters that will impact on the quality or quantity of freshwater.

54. Council applied these tests to determine whether a provision was in the FPI or not. The categorisation process was undertaken at a provision level without splitting provisions. Therefore, if part of a provision met either of the tests above, the whole provision was included in the FPI even if it related to other matters. Each provision was also assessed independently and its relationships to other provisions did not form the basis for whether or not it was included in the FPI.

55. Change 1 was drafted in an integrated way, and many provisions therefore contribute to the purpose for which section 80A was enacted; to address freshwater quality. The fundamental concepts of Te Mana o Te Wai and an integrated approach - ki uta ki tai informed how the objectives, policies and methods of Change 1 have been drafted.

56. A number of submitters on Change 1 have raised concerns regarding the categorisation of provisions to the FPI. Winstone Aggregates, Forest and Bird, WIAL and WFF also attended Hearing Stream 1 to speak to their concerns regarding categorisation of Change 1 provisions to the FPI. The primary concerns raised are that too many provisions were notified in Change 1 as part of the FPI and that the justification for inclusion in the FPI was not clear enough in light of the High Court Decision outlined above.

3.4.1 Matters raised in submissions

57. There were no submissions received on the categorisation of Policy 65 and the definition of organic waste as part of the FPI.

3.4.2 Analysis

58. I have assessed each provision addressed in this report according to the two tests that were applied to categorise each provision in Change 1 to either the FPP or to standard Schedule 1 process at the time of notification. The result of my assessment is shown in Table 2.

Provision in FPI	S32 report justification	S42A assessment on notified provision
-------------------------	---------------------------------	--

Policy 65	Clause (e) and (f) seek efficient water use, and the policy contributes to Objective 14 on efficient water allocation. It is therefore directly related to protecting and enhancing freshwater quantity.	I agree with the section 32 report assessment that Policy 65 addresses the efficient use of water and management of wastewater and therefore matters that impact on water quality and quantity. However, in my opinion, Policy 65 is primarily focused on reducing waste and greenhouse gas emissions and efficient use of resources more generally. I therefore consider that Policy 65 does not have a direct enough association to matters that impact on water quality or quantity to be included in the FPI.
Organic waste – definition	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning.	The definition of organic waste is used in Policy 65 (discussed above) and Method 17 (notified under standard Schedule 1 process). As I recommend that Policy 65 is moved from the FPP to the standard Schedule 1 process I also recommend that this applies to the definition of organic waste.

3.4.3 Recommendation

59. As a result of the assessment undertaken in Table 2, I recommend that Policy 65 and the definition of organic waste are moved from the FPP into the standard Schedule 1 process.

3.5 General comments and Chapter 3.3 introduction

60. Change 1 proposes to delete the eighth paragraph in the introduction to Chapter 3.3 (energy, infrastructure and waste) to remove references to out-of-date national direction. Consequential amendments to Table 3 are also proposed.

3.5.1 Matters raised by submitters

61. There are approximately 11 original submission points and 18 further submission points on the changes to the introduction to Chapter 3.3 and general submissions on Chapter 3.3. Forest and Bird [S165.011/S165.012] and Meridian [S100.008] support the amendments to remove references to out-of-date national direction from the introduction to Chapter 3.3. WFF [S163.021] opposes the amendments to the introduction of Chapter 3.3 on the basis that no changes should occur to this chapter until the full review of the RPS scheduled for 2024.

62. In terms of the general submissions on Chapter 3.3, Guardians of the Bays Inc [S94.009] supports the proposed amendments to Chapter 3.3 in full and requests that these are retained as notified. UHCC [S34.053] supports the intent of the proposed amendments, but also requests amendments to the policies in Chapter 3.3 (discussed further below).

63. Taranaki Whānui [S167.027] and Ngāti Toa [S170.013] both request amendments to the introduction to Chapter 3.3 to better address infrastructure and waste issues

impacting mana whenua/tangata whenua and acknowledge partnership opportunities for addressing these issues.

64. WFF [S163.020] and Anders Crofoot [S80.003] oppose any changes to Chapter 3.3 on the basis that the issues should be reviewed as part of the full review of the RPS scheduled for 2024.

3.5.2 Analysis

65. Submitters generally support the deletion of references to out-of-date national direction in the introduction of Chapter 3.3 and I recommend that these submissions are accepted. I can see no reason why references to superseded energy strategies should be retained within this introduction section. I therefore recommend that the submission of WFF is rejected in that respect.
66. I do not recommend any amendments in response to the general submissions of Taranaki Whānui and Ngāti Toa on Chapter 3.3. While I accept that energy, waste, industry and infrastructure are all important issues for mana whenua/tangata whenua, in my view this does not need to be specifically referenced in the introduction in Chapter 3.3. I also note that the Integrated Management topic includes a new overarching resource management issue relating to mana whenua/tangata whenua values and that there are a number of issue statements relating to mana whenua/tangata whenua values in Chapter 3.10 of the RPS.

3.5.3 Recommendations

67. I recommend the proposed amendments to the introduction of Chapter 3.3 are retained as notified. Accordingly, I recommend that the general original and further submissions points relating to Chapter 3.3 and the introduction to Chapter 3.3 are accepted or rejected as set out in **Appendix 2**

3.6 Policy 2

3.6.1 Matters raised by submitters

68. Change 1 proposed to amend operative RPS Policy 2 as follows:

Policy 2: Reducing adverse effects of the discharge of odour, smoke, dust and fine particulate matter, and reducing greenhouse gas emissions – regional plans

Regional plans shall include policies, ~~and/or~~ rules and/or methods that:

- (a) protect or enhance the amenity values of neighbouring areas from discharges of odour, smoke and dust; and
- (b) protect people's health from discharges of dust, smoke and fine particulate matter; and
- (c) support industry to reduce greenhouse gas emissions from industrial processes, and

(d) phase-out coal as a fuel source for domestic fires and large-scale generators by 2030.

Explanation: Policy 2 seeks to protect neighbouring areas and people's health from discharges of contaminants into the air. In addition, it seeks to support industry to reduce discharges of greenhouse gas emissions from industrial processes, and to phase out coal as a fuel source for domestic fires and large-scale industrial boilers by 2030⁴.

69. There were approximately 14 original submission points and 10 further submission points on the proposed amendments to RPS Policy 2 requesting a range of different outcomes and amendments. A number of submitters support Policy 2 and request that it be retained as notified, including UHCC [S34.028], KCDC [S16.031], Ātiawa [S131.046], Muaūpoko [S133.055], Forest and Bird [S165.033] and Taranaki Whānui [S167.060].
70. Some submitters support the amendments to Policy 2, but request minor amendments to clarify the intent, particularly in relation to phasing out coal. For example, PCC [S30.024] requests minor amendments to make Policy 2 clearer and more directive, specifically by amending clause (d) as follows "~~phase-out by 2030, avoid the ongoing use of coal as a fuel source for domestic fires and large-scale generators by 2030~~".
71. HortNZ requests a number of amendments in relation to coal usage, including:
- Amending clause (d) to replace 2030 with 2037 to be consistent with proposed national direction [S128.021]
 - A new clause (e) to "avoid new coal boilers or the use of coal as a fuel source for domestic fires and large-scale generators" [S128.020].
72. Additionally, HortNZ suggests that, rather than amending Policy 2, issues relating to GHG emissions from industrial processes would be better addressed as a stand-alone policy in the RPS linked to proposed climate change Objective CC.3 [S128.019].
73. Other submitters request amendments to strengthen or broaden the proposed amendments to Policy 2 and address other matters of concern. For example, Outdoor Bliss [S11.013] requests that the explanation of Policy 2 explicitly states that the policy "*seeks to protect neighbouring areas which includes our natural environment, indigenous wildlife and vegetation, and people's health from...*". Rangitāne [S168.0136] requests that clause (c) of Policy 2 be strengthened to include reference to supporting industry reductions that are consistent with national targets in the CCRA. Rangitāne also requests that the amendments to Policy 2 to support reductions in industrial GHG emissions are consistent with national GHG emissions reduction targets.
74. Ngāti Toa [S170.020] supports the intent of Policy 2 but is concerned about the impact of the amendments to the policy on Māori communities, particularly during

⁴ Operative explanation for Policy 2 is proposed to be deleted entirely.

the short transition period to phase out coal in 2030 due to the current reliance on coal for domestic fires. Ngāti Toa requests further consideration in the proposed amendments to Policy 2, or supporting explanation, as to how implementation (monitoring and compliance) will happen and what the impacts on Māori communities might be.

75. WFF opposes the proposed amendments to Policy 2 [S163.043] on the basis that one region adopting new regulatory settings (over and above the NZ ETS) may result in perverse consequences, including activities moving to another region with less controls on GHG emissions (i.e. “regional emission leakage”).

3.6.2 Analysis

76. As noted in the Section 32 Report, the intent of the proposed amendments to Policy 2 is to reduce GHG emissions from industrial processes. The Section 32 Report states that the amendments to Policy 2 “... is expected to translate into regulatory methods to avoid new discharges of greenhouse gas emissions from industry, and to take steps to reduce greenhouse gas emissions from existing industrial discharges at the resource consent renewal stage”⁵.

77. The Section 32 Report also states that this approach is consistent with national direction on industrial process heat which is discussed above. Since Change 1 was notified, this national direction has been gazetted and came into force on 27 July 2023. It comprises both a NPS (with provisions to be directly inserted into a regional plans) and a NES with comprehensive rules to regulate GHG emissions from industrial process heat. In this respect, it is important that Change 1 does not require rules that duplicate or conflict with the NES, as the NES does not expressly enable more stringent or lenient rules, and any such rules would therefore be contrary to section 44A of the RMA.

78. In this respect, the direction to phase out coal by 2030 through proposed new clause (d) in Policy 2 is more stringent than the NES on industrial process heat, which sets a phase out date of 2037. I therefore agree with HortNZ that this conflict needs to be addressed in relation to GHG emissions from industrial processes.

79. In terms of domestic coal use, the Section 32 Report notes that there is only approximately 0.3% of households in the region that use coal for heating (compared with 1.3% nationally), although this is more concentrated in rural locations (e.g. 0.6% in Masterton compared to 0.2% in Wellington and Hutt City)⁶. Domestic coal-use therefore represents a fraction of GHG emissions in the region. I understand from discussions with Council staff that coal use is gradually being phased out without need for regulatory intervention, due to its cost and availability of more efficient forms of domestic heating.

80. Given these issues and limitations with the proposed amendments to Policy 2, I consider that there are two main options for responding to submissions:

⁵ Section 32 Report, pg.164.

⁶ Section 32 Report, pg.167. Stats were drawn from 2018 census and some errors in the domestic heating data are acknowledged.

- Recommend that the amendments to Policy 2 are withdrawn/deleted; or
- Retain and reframe the amendments to Policy 2 to address GHG emissions from industrial processes not regulated through recently gazetted national direction and from domestic coal use.

81. I recommend that the amendments to Policy 2 are withdrawn/deleted as:

- These have largely been superseded by more comprehensive national direction which largely replace the need for regional plan provisions to address GHG emissions from industrial processes.
- The remaining GHG emissions from industrial processes are very small in terms of regional GHG emissions and difficult to regulate through regional plan controls.
- It is unclear how regional plans can 'support' industry to reduce GHG emissions from industrial processes. In my view, this 'support' would likely be best delivered through non-regulatory support from Council which does not warrant specific changes to the Natural Resources Plan for the Wellington Region (NRP) which sets out the regulatory framework for managing discharges to air.

82. I consider that there is scope within the submission of WFF to make this recommendation and it also recognises the relationship between regional plan rules and NES provisions in section 44A of the RMA.

83. I note that my recommended amendments mean that there would be no regulatory policies in the RPS that support the GHG emission reduction targets in Objective CC.3 as these relate to industrial GHG emissions. In my view, this is not an issue given the nature of the Objective CC.3 to 'contribute' to the GHG emission reduction targets and the fact that comprehensive national direction on industrial GHG emissions came into effect after Change 1 was notified.

3.6.3 Section 32AA evaluation

84. In accordance with section 32AA, I consider that my recommended amendments to Policy 2 are the most appropriate way to achieve the relevant RPS objectives for the following reasons:

- Withdrawing the proposed amendments will not be any less effective in achieving the relevant RPS objectives and reducing industrial GHG emissions. This is because national direction has come into force after Change 1 that provides a comprehensive, nationally consistent policy and rule framework to reduce GHG emissions from industrial process heat.
- The amendments will avoid direction to regional plans that would largely duplicate or conflict with the recently gazetted NPS and NES on GHG emissions from industrial process heat. This will avoid unnecessary costs for all Council and industry and therefore be more efficient.

3.6.4 Recommendations

85. I recommend that the proposed amendments to Policy 2 are withdrawn/deleted as shown below with some of the amendments to the explanation retained.

Policy 2: Reducing adverse effects of the discharge of odour, smoke, dust and fine particulate matter, ~~and reducing greenhouse gas emissions~~ – regional plans

Regional plans shall include policies, ~~and/or~~ rules and/or methods that:

(a) protect or enhance the amenity values of neighbouring areas from discharges of odour, smoke and dust; and

(b) protect people's health from discharges of dust, smoke and fine particulate matter. ~~;~~ ~~and~~

~~(c) support industry to reduce greenhouse gas emissions from industrial processes, and~~

~~(d) phase out coal as a fuel source for domestic fires and large-scale generators by 2030.~~

Explanation: Policy 2 seeks to protect neighbouring areas and people's health from discharges of contaminants into the air. ~~In addition, it seeks to support industry to reduce discharges of greenhouse gas emissions from industrial processes, and to phase out coal as a fuel source for domestic fires and large-scale industrial boilers by 2030⁷.~~

86. Accordingly, I recommend that general original and further submissions points on Policy 2 are accepted or rejected as set out in **Appendix 2**.

3.7 Policy 7

3.7.1 Matters raised by submitters

87. Change 1 proposed to amend Policy 7 as follows:

Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – district and regional plans

District and regional plans shall include policies and/or methods that recognise:

(a) the social, economic, cultural and environmental benefits of regionally significant infrastructure, and in particular low and zero carbon regionally significant infrastructure including:

(i) people and goods can travel to, from and around the region efficiently and safely and in ways that support transitioning to low or zero carbon multi modal travel modes;

⁷ Operative explanation for Policy 2 is proposed to be deleted entirely.

- (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;
 - (iii) people have access to energy, and preferably low or zero carbon energy, so as to meet their needs; and
 - (iv) people have access to telecommunication services.
- (b) the social, economic, cultural and environmental benefits of energy generated from renewable energy resources including:
- (i) security of supply and diversification of our energy sources;
 - (ii) reducing dependency on imported energy resources; and
 - (iii) reducing greenhouse gas emissions.

Explanation: Notwithstanding that renewable energy generation and regionally significant infrastructure can have adverse effects on the surrounding environment and community, Policy 7 recognises that these activities can provide benefits both within and outside the region, in particular if regionally significant infrastructure is a low or zero carbon development⁸.

88. There are approximately 29 original and 32 further submission points on the proposed amendments to Policy 7 requesting a range of different outcomes and amendments. A number of submitters support Policy 7 and request that it be retained as notified, including CentrePort Limited [S83.002], HCC [S115.033], KiwiRail [S124.005], Waka Kotahi [S129.017], Muaūpoko [S133.056], WCC [S140.035], Rangitāne [S168.0138] and Taranaki Whānui [S167.070]. Reasons that these submitters support the proposed amendments to Policy 7 include the recognition of the benefits of regionally significant infrastructure and the contribution of this infrastructure to climate change outcomes.
89. Ātiawa [S131.056] supports the amendments to Policy 7 in part, but requests a minor amendment to clarify that regionally significant infrastructure has regional and national benefits, as opposed to wording 'both within and outside the region' in the proposed explanation for Policy 7.
90. A number of submitters request that Policy 7 be strengthened on the basis that the proposed wording is too passive and would simply enable the status quo to continue. For example, Genesis considers that the amendments to Policy 7 (and Policy 39) are too weak to deliver the climate change objectives sought by Change 1. To address these concerns and limitations, Genesis [S99.001] requests amendments to Policy 7 to (among other wording changes) replace words like 'recognise' with 'promote, enable and protect' and remove less directive, qualifying words like 'preferably'. Genesis also requests an additional clause to protect "*the social, economic, cultural and environmental benefits of renewable energy and regionally significant infrastructure from reverse sensitivity effects*".

⁸ Operative explanation for Policy 7 is to be deleted entirely.

91. Meridian [S100.014] raises similar concerns and seeks similar relief to Genesis. More specifically, Meridian considers that, to give effect to Objective CC.1 and CC.3 in Change 1, Policy 7 needs to explicitly enable the development of additional REG to facilitate the transition from fossil fuel dependence to REG. Meridian requests a number of amendments to Policy 7 to achieve this, including more directive policy wording e.g. to recognise and enable “*the contribution of regionally significant infrastructure to the transition from fossil fuel dependence to reliance on renewable energy*”. Meridian also requests significant amendments to the explanation for Policy 7 to focus less on the adverse effects of regionally significant infrastructure and REG.
92. Other submitters requesting that Policy 7 is strengthened include SEANZ [S117.003] who expresses a preference for the Option 3 package outlined in the Section 32 Report (Alternative with additional measures⁹) on the basis that it aims to ‘increase the stringency of provisions’ and that it would achieve the ‘greatest benefit to society’. Ngāti Toa [S170.021] raises similar concerns that the proposed amendments to Policy 7 will simply enable the status quo, that it is not encouraging enough to transition to new or innovative systems, and that it is not ambitious enough to transition to no landfills.
93. Another key theme in submissions on the proposed amendments to Policy 7 is a concern about the use of the term ‘low and zero carbon energy’ and ‘low and zero carbon regionally significant infrastructure’ in clause (a). Numerous submitters raise questions and concerns about what is intended to be captured by these terms, that the terms are unclear and/or the terms should be defined, including Transpower [S10.001], CDC [S25.021], PCC [S30.034], UHCC [S34.030], Chorus, Spark and Vodafone [S49.002], SWDC [S79.026] and Forest and Bird [S165.043].
94. Other submitters are more critical of the term ‘low and zero carbon’ in relation to regionally significant infrastructure and request that these words be deleted. Broadly, the key concern from submitters is that this term will create a ‘third tier’ of infrastructure to be prioritised above other types of regionally significant infrastructure, which is inappropriate and not supported by higher order documents. Submitters expressing these concerns include KCDC [SS16.033], Meridian [S100.014], Wellington Water [S113.015], Powerco Limited [S134.009], WIAL [S148.031] and the Fuel Companies [S157.011]. UHCC also raises concerns that low and zero carbon infrastructure is outside the control of district plans to achieve and recommend a number of amendments to Policy 7 to clarify the policy.
95. Other submitters request specific recognition of their industry/sector as part of the proposed amendments to Policy 7 as follows:

⁹ The Option 3 Policy Package in the Section 32 Report includes the same proposals as Change 1 but these would be more directive and require implementation in the medium-term, including a timeframe by which a targeted quantity of REG needs to be provided within the region. Refer pg. 155 of Section 32 Report.

- Transpower [S10.001] requests a specific reference to transmission infrastructure.
 - Winstone Aggregates [S162.037] requests specific recognition of significant mineral resources and the need for a secure supply of aggregate for the region.
 - WIAL [S148.031] requests a specific reference to the Wellington International Airport.
96. WFF [S163.050] opposes the proposed amendments to Policy 7 in full, on the basis that climate change issues should be deferred to the full review of the RPS scheduled for 2024. WFF is also concerned that Policy 7 and the definition of regionally significant infrastructure recognises municipal water supply and drinking water, but does not recognise the critical role of water supply infrastructure across all regional sectors (including industry and primary production) and at all scales (regional, municipal, community, farm-scale).

3.7.2 Analysis

97. The intent of the amendments to Policy 7 (and Policy 11 and 39) as the 'climate change and energy policy package' are articulated in the Section 32 Report as seeking to "*further encourage and enable small and community scale renewable electricity generation where appropriate to give better effect to Policy F of the NPS-REG, and better recognise the benefits of regionally significant infrastructure that contributes to reducing emissions. The policy package supports increased energy resilience security by supporting local generation*"¹⁰.
98. In my opinion, the general intent of these proposed amendments is generally sound. However, I share the concerns and views of some submitters that Policy 7 can and should be more directive, given the importance of significantly increasing REG capacity to electrify the economy and help meet national and regional GHG emission reduction targets (including Objective CC.3). As addressing climate change is one of the key issues sought to be addressed through Change 1, I consider that it is appropriate to recommend amendments to strengthen Policy 7 to better recognise and provide for REG as requested by submitters thereby contributing to achieving the climate change objectives, in particular Objective CC.3
99. As climate change is one of the key issues sought to be addressed through Change 1, I consider that this provides scope to recommend amendments to provisions relating to REG where this has been requested by submitters (in particular the submissions of Meridian, and Genesis).
100. As noted above, the Government is also proposing to strengthen the NPS-REG and NPS-ET to enable a significant increase in REG capacity and I consider that the Change 1 provisions in this topic should align with that direction where relevant and appropriate.

¹⁰ Section 32 Report, pg.154.

101. To achieve this and respond to the submissions of Meridian and Genesis, I recommend amendments to clause b) of Policy 7 to “recognise and provide for” the benefits of renewable energy generation, which I note is consistent with Clause 3.2 in the proposed NPS-REG 2023¹¹ and Policy C of the existing NPS-REG. I also recommend amendments to the list of benefits in clause b) of Policy 7 to be more aligned with the NPS-REG (existing and proposed). Additionally, I recommend that the explanation of the policy be amended to refer to the ‘local, regional and national’ benefits of REG to better align with the NPS-REG (existing and proposed) and to respond to the submission of Ātiawa.
102. I agree that Change 1 should recognise the national and regional significance¹² and benefits of the electricity transmission network, including facilitating the development of REG. I therefore recommend that the submission point from Transpower is accepted and clause a) of Policy 7 is amended to include the following clause “the provision of an efficient, effective and resilient electricity transmission network”.
103. I also agree with submitters that the term “low and zero carbon regionally significant infrastructure” is unclear and that the proposed wording could be interpreted as creating a third tier of infrastructure, which is not the intent. My understanding is that the intent of this amendment was to ensure that the GHG emission reduction benefits of regionally significant infrastructure are recognised as appropriate through regional and district plan provisions. I therefore recommend that “low and zero carbon regionally significant infrastructure” is deleted from clause (a) and new clause (c) is added to Policy 7 to recognise “*the benefits of regionally significant infrastructure that helps to reduce greenhouse gas emissions*”. In my view, this amendment will be clearer and more effective in recognising these benefits while avoiding the perceived risk of creating a third category of infrastructure consistent with the relief sought by Meridian, Wellington Water, Powerco Limited [S134.009], WIAL and the Fuel Companies.
104. I also recommend that “*preferably low or zero carbon energy*” in Policy 7 is replaced with “*preferably renewable energy generation*” to better align with national direction and other RPS provisions and to avoid unnecessary interpretation issues highlighted in submissions. I have not recommended any amendments to the term ‘low or zero carbon multi modal travel modes’ in clause (a)(i) as this term is used in other transport provisions in Change 1. The Climate Change – Transport Section 42A Report discusses this term in more detail and the rationale for retaining it without a supporting definition.
105. I do not recommend that Policy 7 is amended to include an additional clause to protect the benefits of REG and regionally significant infrastructure as requested

¹¹ I acknowledge that the intent is that Clause 3.2 (and other NPS-REG provisions) will be directly inserted into regional policy statements, regional plans and district plans under section 55(2) of the RMA without using the Schedule 1 process. The recommended amendments to Policy 7 are intended to make that process more streamlined and also recognise that it is not certain that these amendments will be gazetted.

¹² The existing and proposed definition of regionally significant infrastructure in the RPS includes “facilities for the generation and/or transmission of electricity where it is supplied to the National grid and/or the local distribution network”.

by Meridian. This is because Policy 7 in the RPS is focused on recognising benefits of these activities and Policy 8 in the RPS is focused on protecting regionally significant infrastructure.

106. I also do not recommend any amendments in response to the submissions of WIAL and Winstone Aggregates. WIAL is clearly included within the definition of regionally significant infrastructure (operative and proposed) and therefore, in my opinion, it is unnecessary to specifically single out this infrastructure within Policy 7. I also do not consider it appropriate to recognise mineral and aggregate extraction and supply within Policy 7, as the policy is focused on the benefits of REG and regionally significant infrastructure and mineral extraction is not included within the definition of regionally significant infrastructure. I also note Chapter 3.11 of the RPS includes specific provisions relating to mineral extraction and supply in the region.

107. I do not agree with WFF that water storage infrastructure is inadequately provided for in Policy 7 and other provisions in the RPS. The definition of regionally significant infrastructure in Change 1 includes “the local authority water supply network (including intake structures) and water treatments plants” and “the local authority wastewater and stormwater networks and systems, including treatment plants and storage and discharge facilities”. The benefits of this water infrastructure are also clearly recognised in Policy 7(a)(ii) as essential services (the supply of potable water). For these reasons, I do not recommend any changes in response to this submission from WFF.

3.7.3 Section 32AA evaluation

108. In accordance with section 32AA, I consider that my recommended amendments to Policy 7 are the most appropriate way to achieve the relevant RPS objectives for the following reasons:

- The amendments seek to better enable REG which is essential to achieving the climate change objectives and in particular Objective CC.3. The amendments will also be more effective in achieving existing RPS Objective 9 and 10 in my opinion.
- The amendments seek to address interpretation issues with the proposed amendments to provide certainty and clarity to local authorities, industry and other relevant stakeholders in the region. The proposed amendments also seek to better recognise the benefits of REG and regionally significant infrastructure which may result in more efficient planning and consenting processes.
- On that basis, it is my opinion that my proposed amendments to Policy 7 are more effective and efficient in achieving the relevant RPS objectives than those notified in Change 1.

3.7.4 Recommendations

109. I recommend that Policy 7 is amended as follows:

Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – district and regional plans

District and regional plans shall include policies and/or methods that ~~recognise~~:

(a) ~~recognise~~ the social, economic, cultural and environmental benefits of regionally significant infrastructure, ~~and in particular low and zero carbon regionally significant infrastructure~~ including:

(i) people and goods can travel to, from and around the region efficiently and safely ~~and in ways that support the transition~~ing to low or zero carbon multi modal ~~transport travel~~ modes;

(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;

(iii) people have access to energy, ~~and preferably low or zero carbon renewable energy~~, so as to meet their needs;

(iv) ~~the provision of an efficient, effective and resilient electricity transmission network~~; and

(iv) people have access to telecommunication services.

(b) ~~recognise and provide for~~ the social, economic, cultural and environmental benefits of energy generated from renewable energy resources including:

(i) ~~avoiding, reducing and displacing greenhouse gas emissions~~¹³;

(ii) ~~contributing to the~~ security of supply, ~~resilience, independence~~ and diversification of ~~our~~ energy sources;

(iii) reducing dependency on imported energy resources; ~~and~~

(iiiiv) ~~reducing greenhouse gas emissions using renewable resources rather than finite resources~~; and

(v) ~~the reversibility of the adverse effects on the environment of some renewable electricity generation technologies~~.

(c) ~~recognise the benefits of regionally significant infrastructure to reduce greenhouse gas~~.

Explanation: ~~Notwithstanding that renewable energy generation and regionally significant infrastructure can have adverse effects on the surrounding environment and community, Policy 7 recognises that renewable energy generation and regionally significant infrastructure these activities can provide a range of local, regional and national benefits both within and outside the region, including helping to reduce greenhouse gas emissions and provide essential services for the well-being of people and communities particular if regionally significant infrastructure is a low or zero carbon development.~~

¹³ Note the Climate Change – General Section 42A Report recommends a new definition of ‘greenhouse gas emissions’ to replace the two definitions of ‘emissions’ and ‘greenhouse gases’ proposed in Change 1.

110. Accordingly, I recommend that general original and further submissions points relating to Policy 7 are accepted, accepted in part or as set out in **Appendix 2**.

3.8 Policy 11

3.8.1 *Matters raised by submitters*

111. Change 1 proposed to amend Policy 11 in the RPS as follows:

Policy 11: Promoting and enabling energy efficient design and small scale renewable energy generation – district plans

District plans shall include policies and/or rules and other methods that:

(a) promote energy efficient design and ~~the~~ energy efficient alterations to existing buildings;

(b) enable the installation and use of domestic scale (up to 20 kW) and small scale distributed renewable energy generation (up to 100 kW); ~~and provide for energy efficient alterations to existing buildings;~~

Explanation: Policy 11 promotes energy efficient design, energy efficient alterations to existing buildings, and enables installation of domestic scale and renewable energy generation (up to 100kW).

Energy efficient design and alteration to existing buildings, can reduce total energy costs (i.e., heating) and reliance on non-renewable energy supply.

Small scale distributed renewable electricity generation means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network. (from NPS-REG 2011)¹⁴.

112. There are approximately 22 original submission points and seven further submission points on the proposed amendments to RPS Policy 11 which request a range of different outcomes and amendments. The majority of submitters support the proposed amendments to Policy 11 and request that these be retained as notified or with minor amendments. This includes CDC [S25.022], CentrePort Limited [S83.001], Genesis [S99.002], Meridian [S100.015], Forest and Bird [S165.045], MDC [S166.025] and WIAL [S148.033]. Reasons for supporting the proposed amendments to Policy 11 from these submitters include recognition that all forms of renewable energy generation must be enabled to achieve the proposed climate change objectives in Change 1.

113. Consistent with its submission on the proposed amendments to Policy 7, SEANZ [S117.003] expressed a preference for the Option 3 policy package outlined in the Section 32 Report (and explained above) on the basis that it aims to 'increase the stringency of provisions' and that it would achieve the 'greatest benefit to society'. SEANZ also considers that the Option 3 policy package in the

¹⁴ Operative explanation for Policy 11 is proposed to be deleted entirely.

Section 32 Report will be more effective in giving effect to the proposed climate change objectives in Change 1.

114. There was strong support from iwi for the proposed amendments to Policy 11, with Ātiawa [S131.059], Muaūpoko [S133.058], Taranaki Whānui [S167.073] and Rangitāne [S168.0142] all requesting that the proposed amendments be retained as notified. Ngāti Toa [S170.025] supports the intent of the proposed amendments to Policy 11 but considers that the policy wording needs to be more directive to require energy efficient designs for all development.
115. Some submitters support Policy 11 but request specific amendments to address their concerns. For example, Outdoor Bliss [S11.002] requests amendments to Policy 11 to provide more support for off-grid tiny homes. Mary Beth Taylor [S63.009 and S63.013] and Tony Chad [S95.008 and S95.013] request that Policy 11 include references to personal resource audits and other tools to raise awareness and use to create a Personal Resource Management Plan, as well as a requirement to consider all Council-owned buildings as renewable energy generation sites.
116. Several territorial authorities raise concerns about Policy 11(a) in terms of how energy efficient design in buildings can be regulated and implemented through district plans and whether implementation through non-regulatory methods would be more appropriate. For example, KCDC [S16.036] raises concerns that district plans have limited ability to promote and enable energy efficient design in buildings. Similarly, UHCC [S34.029] is concerned about the practicality of applying Policy 11 to alterations of existing buildings.
117. SWDC [S79.027] raises concerns that the wording of Policy 11 does not align with the wording of the NPS-REG, by referring to the kw output of domestic and small-scale REG. SWDC requests that Policy 11 be amended to be consistent with the definition of small and community-scale REG in the NPS-REG.
118. There were no original submission points opposing Policy 11.

3.8.2 Analysis

119. The proposed amendments to Policy 11 in Change 1 largely retain the intent of Operative RPS Policy 11. The main changes are to update the explanation to better align with the NPS-REG 2011 definition of small and community scale and a supporting definition. Minor amendments are also proposed in Change 1 to improve drafting (i.e. including all direction relating to energy efficient buildings within the same clause) and to clarify that Policy 7 enables both the installation and use of small scale REG.
120. The Section 32 Report states that the amendments to Policy 11 seek to further encourage and enable small and community scale renewable electricity generation where appropriate to give better effect to Policy F of the NPS-REG. The Section 32 Report also notes that the development of small and community - scale renewable electricity has been limited since 2013, but this has the potential to increase in coming years.

121. While I support the general intent of these amendments, I agree with certain submitters that there are elements of Policy 11 that could be refined further to clarify intent and to better align with the NPS-REG (existing and proposed). These are outlined below in relation to small and community scale REG activities (clause b) and energy efficient design in buildings (clause a).

Small and community scale REG activities

122. As noted above, the Government is proposing amendments to the NPS-REG which are expected to be gazetted this year. These amendments include stronger and clearer direction to enable small and community-scale REG activities, to have regard to the benefits of those activities, and new definitions for these activities¹⁵. While these amendments are still to be gazetted and therefore do not yet have any legal weight, in my opinion it is appropriate for Policy 11 to be better aligned with this proposed national direction. This is because there are some known issues and limitations with the existing NPS-REG provisions relating to small and community scale REG¹⁶ and there are also issues current wording of Policy 11. I therefore recommend that Policy 11 is amended to:

- Replace reference to domestic scale and small-scale with small-scale and community-scale REG activities.
- Remove references to generation output thresholds (i.e. 20 and 100 kW), as neither the existing nor proposed NPS-REG use thresholds to define what is a small-scale or community-scale REG activity and I am not aware of any district plan in the region adopting this approach¹⁷.
- Replace 'installation and use' with 'development, operation, maintenance and upgrading' to be more consistent wording in the NPS-REG (existing and proposed).

123. In respect of submissions requesting that Policy 11 be expanded to provide for all REG activities (not just small and community scale), I agree that REG activities of all scales need to be enabled to meet national and regional GHG emission reduction targets. However, consistent with the existing and proposed NPS-REG, I consider that it is appropriate to retain specific provisions in the RPS targeted at small and community-scale REG activities. This complements the broader direction in the RPS relating to REG activities, as discussed in relation to Policy 7

¹⁵ In particular, Policy 6 and Clause 8. The proposed definition of **community-scale REG** is "*means renewable electricity generation supplied to a community where: (a) the primary purpose is to provide benefits to that community; and (b) there is community collective ownership or management of the REG assets used to generate the electricity*" and proposed definition of small-scale REG is "*means renewable electricity generation where the primary purpose is to provide electricity for on-site residential or on-site commercial use, at an individual site or landholding level*".

¹⁶ For example, Part B, Section 7.2 of the Consultation Document '*Strengthening national direction on renewable electricity generation and electricity transmission*' states that small and community-scale REG projects face resource consent requirements and costs that are disproportionate to the adverse effects of these projects, resource consent requirements for these projects are often applied inconsistently, and these problems have been attributed to inadequate national direction.

¹⁷ For example, neither the proposed Porirua District Plan or proposed Wellington City Plan define small and community-scale REG activities in this way.

above and Policy 39 below. For this reason, I do not recommend any amendments to Policy 11 to expand the scope of the policy beyond small and community-scale REF in response to these submissions.

Energy efficient design in buildings

124. A number of submitters request changes to how Policy 11 promotes and enables energy efficient design within existing buildings. I do not agree with Ngāti Toa that the policy should **require** energy efficient design, as there are often significant challenges and costs associated with retrofitting existing buildings to be energy efficient. In my view, it is appropriate that Policy 11 continue to provide direction for district plans to **promote** (rather than require) energy efficiency in existing buildings. However, I consider the policy could be more effective through a minor amendment to **promote and enable** energy efficiency in buildings which responds to the submission of Ngāti Toa in part for Policy 11 to be more directive.
125. I also do not agree with KCDC and UHCC that promoting energy efficient designs of existing buildings is a matter that cannot, or should not, be addressed by district plans. Policy 11 provides territorial authorities with sufficient flexibility in how they promote energy efficient design in buildings through district plan provisions. Territorial authorities could also give effect to Policy 11 through the use of non-regulatory measures to support energy efficient design within existing buildings if desired. Further, I note that there is no change in the intent or wording of the Operative RPS Policy 11 in relation to energy efficient design in buildings – it is simply a structural change to the policy wording. As such, I do not recommend any amendments in response to the submissions of KCDC and UHCC.
126. Several submitters request amendments to Policy 11 that, in my opinion, are outside the scope of what Policy 11 is intended to achieve and are too detailed for the RPS. This includes the requested amendments of Outdoor Bliss, Mary Beth Taylor and Tony Chad. Accordingly, I do not recommend any amendments to Policy 11 in response to these submissions.

3.8.3 Section 32AA evaluation

127. In accordance with section 32AA of the RMA, I consider that my recommended amendments to Policy 11 are an appropriate way to achieve the relevant RPS objective as these are largely focused on clarifying the policy and supporting definitions and better alignment with the NPS-REG without change the policy intent. On this basis, it is my opinion that my recommended amendments to Policy 11 are more effective and efficient in achieving the relevant RPS objectives than those notified in Change 1.

3.8.4 Recommendations

128. I recommend that Policy 11 is amended as follows:

Policy 11: Promoting and enabling energy efficient design and small and community scale renewable energy generation – district plans

District plans shall include policies and/or rules and other methods that:

(a) promote and enable energy efficient design and ~~the~~ energy efficient alterations to existing buildings;

(b) enable the development, operation, maintenance and upgrading of installation and use of domestic scale (up to 20 kW) and small and community scale distributed renewable energy generation. ~~(up to 100 kW); and provide for energy efficient alterations to existing buildings.;~~

Explanation: Policy 11 promotes energy efficient design, energy efficient alterations to existing buildings, and enables the development of installation of domestic-small and community scale and renewable energy generation (up to 100kW).

Energy efficient design and alteration to existing buildings can reduce total energy costs (i.e., heating) and reliance on non-renewable energy supply.

Small scale distributed renewable electricity generation means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network. (from NPS-REG 2011).

Small and community-scale renewable energy generation provides a range of benefits, including increasing local security of supply, energy and community resilience, and providing for the well-being of people and communities. Small and community-scale renewable energy generation also plays an important role in reducing greenhouse gas emissions and meeting national and regional emission reduction targets.

129. I recommend that the proposed definition of 'small-scale' is amended as follows:

Small scale and community scale renewable energy (in relation to electricity generation)

Has the same meaning as in the National Policy Statement for Renewable Energy Generation 2011: small and community scale distributed electricity generation. Means renewable energy electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.

130. Accordingly, I recommend that general original and further submissions points on Policy 11 are accepted, accepted in part, or rejected as set out in **Appendix 2.**

3.9 Policy 39

3.9.1 Matters raised by submitters

131. Change 1 proposes to amend Policy 39 in the RPS as follows:

Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration

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:

- (a) 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
- (b) protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure; and
- (c) the need for renewable electricity generation facilities to locate where the renewable energy resources exist; and
- (d) significant wind, solar and marine renewable energy resources within the region.

Explanation

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.

132. There are approximately 24 original and 37 further submission points on Policy 39 seeking a range of different outcomes and amendments. A number of submitters support the proposed amendment to Policy 39 and request that this be retained as notified. This includes KiwiRail [S124.007], Ātiawa [131.088], WCC [S140.066], Taranaki Whānui [S167.0104] and Rangitāne [S168.0139]. Reasons for supporting the amendments to Policy 39 identified by these submitters include the recognition of cultural benefits of renewable energy generation by iwi groups and the recognition of the GHG emission reduction benefits of regionally significant infrastructure.
133. Some submitters support Policy 39 but request minor amendments or clarifications. For example, KCDC [S16.038] requests the words 'particular regard' be replaced with 'consideration' to make the wording consistent with other 'consideration' policies in Chapter 4.2 of the RPS. This is consistent with a number of general submissions relating to the 'consideration' policies in Chapter 4.2 of the RPS which I have addressed in the Integrated Management Section 42A Report.
134. Forest and Bird [S165.068] supports the proposed amendments to Policy 39, but requests an explicit reference to achieving the GHG emission reduction targets in Objective CC.3. HCC [S115.064] requests clarification that the amendment to Policy 39 will not require REG projects and regionally significant infrastructure projects to conduct a GHG emission assessment at resource consent stage, unless the applicant is relying on GHG emissions reduction benefits to justify the project. Chorus, Spark and Vodafone [S49.004] request clarification as to what the

proposed wording *'in particular where it contributes to reducing greenhouse gas emissions'* is intended to mean in practice. Chorus, Spark and Vodafone also raise concerns that this wording will (intentionally or unintentionally) elevate regionally significant infrastructure that reduces GHG emissions over other types of regionally significant infrastructure.

135. Wellington Water [S113.029] and WIAL [S148.035] raise similar concerns as Chorus, Spark and Vodafone and similar to their concerns on Policy 7 discussed above. Both submitters oppose the amendments to Policy 39(a) on the basis that it will create a 'third tier' of infrastructure to be prioritised above other types of regionally significant infrastructure, which is inappropriate in their view and not supported by higher order documents.

136. Other submitters request that the amendments to Policy 39 are strengthened and be more directive, particularly as this relates to REG. For example, Genesis [S99.003] requests the use of stronger wording in Policy 39 (i.e. 'promoting, enabling, protecting') and requests that Policy 39 is expanded to also apply to new renewable energy sources that may be identified as technology develops. Consistent with its submission on Policy 7 and 11, SEANZ [S117.004] expressed a preference for the Option 3 policy package outlined in the Section 32 Report as an alternative to the amendments to Policy 39.

137. A related theme in submissions is some concern over how the benefits of REG and regionally significant infrastructure are expressed in Policy 39, the new explanation, and whether Policy 39 fully gives effect to the NPS-REG. This was raised as an issue by PCC [S30.063], Meridian [S100.018], Powerco [S134.014] and the Fuel Companies [S157.017]. Recommended amendments by these submitters to address this issue include:

- Stronger support for the benefits of REG through more directive language (Meridian).
- Ensuring the benefits of REG in the policy align with the NPS-REG (PCC).
- Splitting of the policy into two – one focusing on benefits of REG and the other focusing on recognising and providing for REG activities (PCC).
- Concerns that the explanation is too focused on adverse effects and requests to reframe this explanation to better recognise and list the benefits of REG and regionally significant infrastructure (Meridian PowerCo, Fuel Companies).

138. Other submitters generally support the intent of the proposed amendments to Policy 39 but request specific amendments to address their concerns. For example:

- Transpower [S10.004] requests explicit recognition of the electricity transmission network in clause (d).
- Fulton Hogan [S114.003] requests a new clause (e) to recognise the need for quarrying activities to locate where aggregate resources exist.

- Winstone Aggregates [S162.010, S162.011 and 162.012] requests changes to clause (b) and (c) in Policy 39 to recognise significant mineral resources and quarrying activities.

139. Ngāti Toa [S170.048] requests recognition of the fact that regionally significant infrastructure is often located where iwi have sites of significance or cultural redress in their Treaty Settlement Claims Act and that regionally significant infrastructure must recognise these rights and interests.

140. WFF [S163.068] opposes the proposed amendments to Policy 39 on the basis that these do not provide for the social, economic, cultural, and environmental benefits of water storage infrastructure, in particular where it contributes to security of supply for municipal, industrial and primary production uses.

3.9.2 Analysis

141. The general intent of Policy 39 is sound in my view, as recognising the benefits of REG and regionally significant infrastructure is important and necessary to give effect to national direction, in particular the NPS-REG and NPS-ET which recognise the national significance and benefits of renewable electricity generation and electricity transmission. Policy 39 also provides important direction to protect regionally significant infrastructure and to recognise the need for REG activities to be located where the renewable energy resource exists.

142. Change 1 proposes a minor amendment to clause a) in Policy 39 to have particular regard to benefits of REG and regionally significant infrastructure “*particularly where it contributes to reducing greenhouse gas emissions*”. I understand and agree with the general intent of this amendment to ensure the GHG emission reduction benefits of a particular project are given more recognition in decision-making. However, the proposed wording presents a number of issues in my opinion:

- All REG helps to reduce GHG emissions, so this statement is limited to other regionally significant infrastructure, but the proposed wording does not make that clear.
- It could create the risk of creating a third tier of infrastructure as discussed above in relation to Policy 7.
- The direction to ‘have particular regard’ to the benefits of REG and regionally significant infrastructure ‘particularly’ where it supports GHG emission reductions is unclear and potentially confusing in my opinion.
- It could create some uncertainty as to whether the GHG emissions benefits of a proposed REG or regionally significant infrastructure project need to be assessed at resource consent stage (or only when applicants rely on these benefits to support the application).

143. These general concerns with the amendments to Policy 39(a) were shared by a number of submitters, Wellington Water, WIAL and Chorus, Spark and Vodafone. As such, I recommend that these submissions are accepted in part and

the words in Policy 39(a) are amended to read “~~in particular,~~ including where it contributes to reducing greenhouse gas emissions”. This amendment still ensures the GHG emission reduction benefits of regionally significant infrastructure is considered where relevant and appropriate for the proposal, without implying more weight is to be given to these benefits in all circumstances over the other benefits of that infrastructure (e.g. providing essential services to communities).

144. The other main theme in submissions on Policy 39 is a concern that the policy direction and wording is too weak in relation to REG, and that this should be better aligned with the NPS-REG and give better effect to the climate change objectives in Change 1. I agree with these submissions and recommend the following amendments to Policy 39 to strengthen the policy direction in relation to REG consistent with the relief sought by Meridian and Genesis and SEANZ:

- Amending clause a) to “recognise and provide” for the benefits of REG, consistent with my recommended amendments to Policy 7 and the policy direction in the proposed NPS-REG.
- Amending clause c) to more broadly recognise and provide for the operational need and functional need of REG activities to be at particular locations, including where the renewable resource is located. This again aligns with the policy direction in the proposed NPS-REG, and the definitions of ‘operational need’ and ‘functional need’¹⁸ in the national planning standards.
- Amending clause d) to more specifically recognise the benefits of utilising significant renewable resources in the region, rather than just ‘having particular regard to’ the fact these resources exist.

145. As a consequential amendment to the first amendment above, I also recommend the chapeau of Policy 7 is amended to remove the words “particular regard shall be given to” consistent with my recommendation to Policy IM.1 in Hearing Stream 2. I discuss some of the issues with this wording in relation to general submissions on the Chapter 4.2 ‘consideration’ policies in the Integrated Management Section 42A Report and consider the same issues and reasoning apply here. As a result, I recommend that new clause b) now refers to “recognise” the benefits of regionally significant infrastructure to be consistent with Policy 7 rather than “have particular regard to”.

146. Consistent with my recommendations to Policy 11, I recommend that the proposed explanation for Policy 39 is amended to be less focused on adverse effects of REG and regionally significant infrastructure and more focused on the benefits of this infrastructure in accordance with the purpose and intent of the policy.

¹⁸ The two terms are defined in the national planning standards as follows: **functional need** means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment and **operational need** means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

147. I do not recommend any amendments to Policy 39 to provide specific recognition of quarrying activities and regionally significant mineral resources as requested by Fulton Hogan and Winstone Aggregates. As per my reasoning in relation to Policy 7, Policy 39 is focused on REG and regionally significant infrastructure and I consider that it should retain this focus. I also note that Chapter 3.11 of the RPS includes specific provisions relating to mineral extraction and supply in the region which are not within the scope of Change 1.
148. With respect to a direct reference to Objective CC.3 requested by Forest and Bird, I do not consider this necessary. There are numerous provisions in Change 1 that collectively work to achieve Objective CC.3 and a specific reference in each would not add value or assist with implementation in my opinion. I also note that Table 1A in the new climate change chapter outlines the policies and methods to achieve the objectives and this clearly identifies Policy 39 as one of the relevant policies to achieve Objective CC.3. However, I do consider that a reference to Objective CC.3 could useful be incorporated into the explanation and make that recommendation below.
149. While I appreciate that Ngāti Toa have concerns about the impact of REG and regionally significant infrastructure projects on sites of significance or cultural redress in their Treaty Settlement Claims Act, I consider that this matter is best addressed by other RPS provisions relating to sites of significance to Māori and Te Tiriti o Waitangi. As such I do not recommend any amendments to Policy 39 changes in response to this submission.
150. I do not agree with WFF that water storage infrastructure is not adequately provided for by Policy 39 for the same reasons outlined in relation to Policy 7. As such, I do not recommend any amendments in response to this submission from WFF.

3.9.3 Section 32AA evaluation

151. In accordance with section 32AA, I consider that my recommended amendments to Policy 39 are the most appropriate way to achieve the relevant RPS objectives for the following reasons:
- The amendments seek to better enable REG which is essential to achieving the climate change objectives and in particular Objective CC.3. The amendments will also be more effective in achieving existing RPS Objective 9 and 10 in my opinion.
 - The amendments seek to address interpretation issues with the proposed amendments to provide certainty and clarity to local authorities, industry and other relevant stakeholders in the region. The proposed amendments also seek to better recognise the benefits of REG and regionally significant infrastructure which may result in more efficient planning and consenting processes. My proposed amendments also seek to better align Policy 39 with the NPS-REG (existing and proposed) which will lead to implementation efficiencies.

- On that basis, it is my opinion that my proposed amendments to Policy 39 are more effective and efficient in achieving the relevant RPS objectives than those notified in Change 1.

3.9.4 Recommendations

152. I recommend that Policy 39 is amended as follows:

Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration

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:~~

- (a) recognise and provide for the social, economic, cultural, and environmental benefits of energy generated from renewable energy resources; and
- (b) recognise the social, economic, cultural, and environmental benefits of other and/or regionally significant infrastructure, in particular including where it contributes to reducing greenhouse gas emissions; and
- (~~bc~~) have particular regard to protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure; and
- (~~ed~~) I recognise and provide for the operational need and functional ~~the~~ need ~~for of~~ renewable electricity generation activities to be in particular locations, including the need to facilities to locate where the renewable energy resources exist; and
- (~~de~~) recognise the benefits of utilising the significant wind, solar and marine renewable energy resources within the region.

Explanation

~~Notwithstanding that renewable energy generation and regionally significant infrastructure can have adverse effects on the surrounding environment and community,~~ Policy 39 recognises that renewable energy generation and regionally significant infrastructure these activities can provide a range of environmental, economic, social and cultural benefits locally, regionally and nationally, particularly to contribute to reducing greenhouse gas emissions as sought by Objective CC.3. These benefits are outlined in Policy 7.

153. Accordingly, I recommend that general original and further submission points relating to Policy 39 are accepted, accepted in part, or rejected as set out in **Appendix 2.**

3.10 Policy 65

3.10.1 Matters raised by submitters

154. Change 1 proposes to amend Policy 65 in the RPS as follows:

Policy 65: Supporting and encouraging Promoting efficient use and conservation of resources – non-regulatory

To ~~promote~~ support and encourage conservation and efficient use of resources by:

(a) applying the 5 Rs (Reducing, Reusing, Recycling, Recover, recycling and Residual waste management);

(b) reducing organic waste at source from households and commercial premises;

I increasing the diversion of wastewater sludge from wastewater treatment plants before deposition to municipal landfills;

(d) requiring efficient municipal landfill gas systems;

~~(be)~~ using water and energy efficiently; and

~~(ef)~~ conserving water and energy.

Explanation: Policy 65 promotes the efficient use of resources to reduce emissions. The policy endorses the waste hierarchy and also promotes similar principles for efficient water and energy use.

155. There are approximately 16 original and 12 further submission points on the proposed amendments to Policy 65, requesting a range of different outcomes and amendments. Several submitters support the proposed amendments to Policy 65 and request that these be retained as notified. This includes KCDC [S16.044], Tony Chad [S95.007], WCC [S140.086], Fish and Game [S147.079], MDC [S166.041] and Taranaki Whānui [S167.0129]. Reasons given in support of the proposed amendments to Policy 65 by these submitters include that these are necessary to give effect to the NPS-FM and that the amendments are consistent with Climate Action Plans prepared by territorial authorities.

156. Other submitters support the intent of the proposed amendments to Policy 65 but request minor amendments or clarifications to address their concerns. For example:

- PCC [S30.083] requests that Policy 65 clarifies who is responsible for each of the listed initiatives.
- Muaūpoko [S133.015] supports the proposed amendments to Policy 65 in part, but requests that the freshwater components of the policy are reviewed further to ensure that they effectively incorporate local expressions of Te Mana o te Wai.

- Forest and Bird [S165.086] requests a better link between the policy wording and the explanation, so that the explanation reflects the broader intent of Policy 65, being waste reduction, not just emissions reduction.
157. Other submitters request that the amendments to Policy 65 are strengthened. This includes Outdoor Bliss [S11.005] who requests that Policy 65 use stronger action words like 'incentivise' rather than 'promote' or 'support'. Rangitāne [S168.054] also requests stronger wording with respect to efficient use of water, stating that it should be a 'requirement', not something to be just supported or encouraged, in line with Policy 11 of the NPS-FM.
158. Consistent with their submission on Policy 11, Ngāti Toa [S170.015] requests that Policy 65 is a regulatory policy rather than non-regulatory with respect to landfills. Ātiawa [S131.0111] supports Policy 65 in part but requests that clause (a) be strengthened so that it places more emphasis on reducing waste first over the other '4 R's'.
159. Genesis [S99.004] and Meridian [S100.022] both request specific recognition of renewable energy generation as part of the proposed amendments to Policy 65. The amendment requested by both submitters is to insert a new clause I to recognise 'increasing the proportion of electricity generated from renewable sources' as another way of supporting and encouraging conservation and efficient use of resources. The submitters also request an associated change to the explanation to reference the new clause.
160. The only submitter to oppose Policy 65 in part was HCC [S115.085] on the basis that Change 1 should not include non-regulatory policies that apply to territorial authorities.

3.10.2 Analysis

161. Most submitters support the proposed amendments to Policy 65, either in full or in part. The Section 32 Report evaluates the 'Climate Change and Organic Waste' policy package which includes amendments to Policy 65 and Method 17. The Section 32 Report states: "*This policy package is to work towards achieving Climate Change Objective CC.3 by reducing emissions from the waste sector. Some cities and districts do have systems in place to reduce organic waste entering landfills to reduce emissions. This policy package will attempt to intervene into the existing waste system for organic waste to further reduce this type of waste entering landfills where feasible, as once this waste is in landfills, it is too late in the process to effectively reduce emissions. The intent is to apply the waste hierarchy with a focus on reducing this waste stream.*"¹⁹
162. On this basis, I consider that the intent of Policy 65 is sound as it aims to support and encourage efficient use of resources and reduce waste and associated GHG emissions from waste in the region. There was also broad support for Policy 65 from submitters, so I recommend that it is largely retained as notified.

¹⁹ Section 32 Report, pg. 147-153.

163. In terms of specific requests to amend Policy 65, I do not recommend that each clause needs to list the local authority responsible for the initiative as requested by PCC. This is too specific for the policy in my view, and I expect there will be some overlapping responsibilities for the different clauses in Policy 65.
164. I recommend that the submission of Forest and Bird is accepted and I have recommended amendments to the explanation of Policy 65 to clarify that the policy relates to reducing waste and GHG emissions. I also recommend that the submissions of Genesis and Meridian are accepted, given the importance of transitioning to renewable energy sources and energy efficiency to help reduce GHG emissions in the region as discussed above.
165. I do not recommend any amendments in response to the submissions of Rangitāne, Ngāti Toa, or Ātiawa. Broadly these submissions seek to make Policy 65 more directive and a regulatory method with specific requirements which is not the intent of this non-regulatory policy to support and encourage efficient use of resources, reduce waste and GHG emissions. In my view, this non-regulatory approach is appropriate for the support and initiatives listed in Policy 65 and there is no evidence in submissions to demonstrate a regulatory approach would be more efficient and effective.
166. I also disagree with HCC that is inappropriate for the RPS include non-regulatory policies that apply to territorial authorities given the statutory function of a RPS to set out methods to implement policies and assign responsibility as appropriate.

3.10.3 Section 32AA evaluation

167. In accordance with section 32AA of the RMA, I consider that my recommended amendments to Policy 65 are an appropriate way to achieve the relevant RPS objective as these are largely minor amendments to clarify intent and provide more specific recognition of the importance of increasing use of renewable energy.

3.10.4 Recommendations

168. I recommend that Policy 65 is amended as follows:

Policy 65: Supporting and encouraging ~~Promoting~~ efficient use and conservation of resources – non-regulatory

~~To promote~~ Support and encourage the conservation and efficient use of resources by:

(a) applying the 5 Rs (Reduceing, Reuseing, Recycling, Recover, recycling and Residual waste management);

(b) reducing organic waste at source from households and commercial premises;

(c) increasing the diversion of wastewater sludge from wastewater treatment plants before deposition to municipal landfills;

(d) requiring efficient municipal landfill gas systems;

(e) increasing the portion of energy used from renewable sources;

(be) using water and energy efficiently; and

(ef) conserving water and energy.

Explanation: Policy 65 supports and encourages promotes the efficient use of resources to waste and to reduce greenhouse gas emissions. The policy endorses the waste hierarchy and also promotes similar principles for efficient water and energy use.

169. Accordingly, I recommend that general original and further submission points relating to Policy 65 are accepted, accepted in part or rejected as set out in **Appendix 2**.

3.11 Method 17

3.11.1 *Matters raised by submitters*

170. Change 1 proposed to amend Method 17 in the RPS as follows:

Method 17: Reducing waste and greenhouse gases emissions from waste streams ~~Information about waste management~~

Work in partnership with mana whenua / tangata whenua and with city and district councils, the waste management sector, industry groups and the community to:

(a) reduce organic matter at source, and

(b) work towards implementing kerbside recovery of organic waste from households and commercial premises, and

(c) encourage development opportunities for increasing the recovery of biogas from municipal landfills, and

(d) increase the diversion of organic waste (sludge) from the waste stream before deposition to municipal landfills.

Implementation: Wellington Regional Council, iwi authorities, city and district councils.

~~Prepare and disseminate information about how to reduce, reuse, or recycle, residual waste~~

~~Implementation: Wellington Regional Council and city and district councils*~~

171. There are approximately nine original and five further submission points on Method 17 seeking a range of different outcomes and amendments. A number of submitters support the proposed amendments to Method 17 and request that these be retained as notified. This includes MDC [S166.066], WCC [S140.0103] and Forest and Bird [S165.0106]. MDC supports Method 17 on the basis that waste minimisation is included as part of the MDC Climate Action Plan and Waste

Management and Minimisation Plan and the actions covered in the method will be useful for MDC staff and the community.

172. There was a high degree of interest in Method 17 from iwi submitters. For example, Ngāti Toa [S170.068] requests that Method 17 be strengthened, with a particular focus on promoting and assisting actions on waste management targeted to specific activities. Ngāti Toa also requests clarification of territorial authority responsibilities in relation to Method 17. Taranaki Whānui [S167.0153] and Ātiawa [S131.0166] support Method 17, particularly the requirement to partner with mana whenua. However, both submitters request clearer statements in Method 17 in relation to the resourcing/funding and capability building of mana whenua partners.
173. Rangitāne [S168.0147] requests that Method 17 is strengthened and expanded to provide for Kaupapa Māori approaches to reducing waste and monitoring and express a preference for nature-based solutions to waste minimisation and household composting. Rangitāne also requests that Method 17 explicitly support the use of Mātauranga Māori to design, manage and monitor waste reduction and management solutions, particularly where these involve municipal landfills.
174. The only submitter to oppose Method 17 in part was HCC [S115.100] on the basis that Change 1 should not include non-regulatory methods that apply to territorial authorities. This is a general submission point from HCC in relation to non-regulatory methods in Change 1 that apply to territorial authorities.

3.11.2 Analysis

175. Most submissions supported the proposed amendments to Method 17, either in full or in part, although a number of amendments were sought, particularly from iwi submitters.
176. I do not recommend any amendments to Method 17 to be more specific with regard to responsibilities for implementation. I understand from Council that Method 17 (and other Change 1 methods) was deliberately drafted in way that provides some flexibility in which agency is responsible for different aspects of the method while making it clear that councils, industry, mana whenua/tangata whenua and the community all play a role.
177. In terms of requests from iwi for clearer statements about funding and resourcing Method 17, I understand that the Council acknowledges its role as a Crown partner to the mana whenua and tangata whenua of the Wellington Region. I also understand that since the notification of Change 1, funding for work programmes where Council and mana whenua/tangata whenua are working as partners is supplied through Kaupapa Funding Agreements. These Agreements provide resourcing for mana whenua/tangata whenua, enabling them to work with Council. Accordingly, I do not recommend any amendments to Method 17 in relation to funding.
178. I do not recommend any amendments to Method 17 to make it more direct and specific in response to the submissions of Ngāti Toa and Rangitāne. Method 17 already directs Council to work in partnership with mana whenua/tangata whenua

and I expect that this will provide opportunities to use mātauranga Māori to inform waste management where appropriate. However, this level of detail does not need to be specified in Method 17 in my view.

3.11.3 Recommendations

179. I recommend that Method 17 is retained as notified. Accordingly, I recommend that general original and further submission points relating to Method 17 are accepted, accepted in part or rejected as set out in **Appendix 2**.

3.12 Method 33

3.12.1 Matters raised by submitters

180. Change 1 proposes to delete Method 33 (Identify Sustainable Energy Programmes) from the RPS as set out below.

~~Method 33: Identify sustainable energy programmes~~

~~Identify sustainable energy programmes, to improve energy efficiency and conservation, reduce emissions of carbon dioxide and minimise the region's vulnerability to energy supply disruptions or shortages.~~

~~Implementation: Wellington Regional Council* and city and district councils~~

181. There were 5 original submissions and 2 further submissions on Method 33. All submissions support the deletion of Method 33, except for Ātiawa [S131.0130] who requests that the method is retained on the basis that, without Method 33, it is unclear how sustainable energy use will be provided for and implemented.

3.12.2 Analysis

182. The Section 32 Report does not explain the reasons for deleting Method 33 through Change 1. I assume that it has been deleted as Change 1 includes a more comprehensive package of provisions aimed at improving resilience and reducing GHG emissions. It may also relate to a lack of commitment and funding to identify sustainable energy programmes, particularly with the range of new non-regulatory methods proposed through Change 1. I also note that Method 33 in the RPS implements Policy 65 which has been significantly amended through Change 1 as set out above. Accordingly, there is no clear reason to retain Method 33 and I recommend that the submission from Ātiawa to delete the method is rejected.

3.12.3 Recommendations

183. I recommend that Method 33 is deleted as proposed by Change 1 and the submission of Ātiawa is rejected as set out in **Appendix 2**.

3.13 Method 56

3.13.1 Matters raised by submitters

184. Change 1 proposes to delete Method 56 'Assist the community to reduce waste and use water and energy efficiently' from the RPS as follows:

~~**Method 56: Assist the community to reduce waste and use water and energy efficiently**~~

~~Assist the community to adopt sustainable practices to:~~

~~(a) reduce, reuse or recycle waste;~~

~~(b) use water and energy efficiently; and~~

~~1 conserve water and energy.~~

~~Implementation: Wellington Regional Council and city and district councils~~

185. There were four original submissions and one further submission on Method 56. All submissions support the deletion of Method 56 or were neutral, with no clear reasons for their position given.

3.13.2 Analysis

186. All submissions were in support of, or neutral, to the proposal to delete Method 56 and there are no requests from submitters or supporting rationale to retain it.

3.13.3 Recommendations

187. I recommend that Method 56 is deleted as proposed by Change 1 and submissions on this provision are accepted either in full or part.

3.14 Definitions

3.14.1 Matters raised by submitters

188. Change 1 proposes the following definitions of direct relevance to the Climate Change – Energy, Waste and Industry topic.

Large scale generators

Any boiler, furnace, engine or other device designed to burn for the primary purpose of energy production having a net heat or energy output of more than 40Kw, but excluding motor vehicles, trucks, boats and aircraft. This definition excludes domestic fires.

Organic waste

Wastes containing carbon compounds that are capable of being readily biologically degraded, including by natural processes, such as paper, food residuals, wood wastes, garden and plant wastes, but not inorganic materials such as metals and glass or plastic. Organic wastes can be decomposed by microorganisms into methane, carbon dioxide, nitrous oxide, and simple

organic molecules (plastic contains carbon compounds and is theoretically organic in nature, but generally is not readily biodegradable).

189. There was one submission point and one further submission point on the definition of large scale generator in Change 1. The original submission from Meridian Energy [S100.025] supports the definition in part and requests an amendment to make it clear that the definition applies to devices burning fossil fuels so that it doesn't unintentionally apply to devices fuelled by renewable electricity. Rangitāne [FS2.37] supports this submission.
190. There was one submission point and one further submission point on the definition of organic waste in Change 1. Winstone Aggregates [S162.029] raises concerns with a number of definitions in Change 1 that it is unclear where the definitions have come from, that some proposed definitions do not appear to reflect up-to-date case law, the RMA or national direction, while others appear to reflect NRP definitions but this is not clear. Winstone Aggregates also raises concerns that the definitions take an overly restrictive approach and seeks amendments to ensure that there is a viable and workable pathway to undertake/consent quarrying activities. This submission point primarily relates to definitions relating to the indigenous biodiversity topic but also includes organic waste. Ātiawa [FS20.297] opposes this submission point to the extent that the relief sought is inconsistent with national direction.

3.14.2 Analysis

191. The definition of 'large-scale generators' is relevant to the proposed amendments to Policy 2 above which refer to phasing out coal use in large-scale generators. The definition in Change 1 is the same as that in the NRP and I consider that these should be aligned as a general principle (with the NRP being the more recent document). However, I am recommending that the amendments to Policy 2 are deleted. If this recommendation is accepted, then I recommend that the definition of large-scale generator is removed from Change 1 as it will serve no purpose. If this recommendation is not accepted, then I recommend the submission from Meridian is accepted.
192. The definition of 'organic waste' in Change 1 is intended to assist with the interpretation and implementation of the proposed amendments to Policy 65 and Method 17 discussed above. In my view, there is no risk that this definition would result in an overly restrictive approach for quarry activities and/or an unviable consenting pathway for these activities. Accordingly, I do not recommend any changes to the definition for organic waste in response to the submission of Winstone Aggregates.

3.14.3 Recommendations

193. I recommend the definition of 'large scale generators' is deleted if my recommendations to Policy 2 is accepted and the definition of 'organic waste' is retained as notified. I recommend that the submissions from Meridian Energy and Winstone Aggregates requesting changes to these definitions are rejected.

3.15 Remaining general submissions

194. There are a number of general submissions on Change 1 that relate to each topic at a broad level and these general submissions are being considered as appropriate within each section 42A report. Many of these general submissions are broad in nature with wide-ranging relief, including opposing Change 1 in its entirety and requests to review Change 1 provisions from legal and plan drafting perspective. Where appropriate, these have been analysed alongside individual provisions in the earlier sections of this report. This section of the report addresses the key issues raised in these remaining general submissions as relevant to this topic.

3.15.1 Matters raised in submissions

195. KCDC [S16.0104] made a general submission point requesting deletion of all unnecessary explanatory text, stating that these explanations have no legal status and therefore should be used sparingly and only when appropriate in the RPS. KCDC also consider that some of the policy explanations contain content that should be included in the relevant policies.

196. A number of territorial authorities made general submissions raising concerns about the scope of Change 1 provisions in achieving the purpose of the RMA and the role of RPS, and in relation to the requirements in Change 1 for territorial authorities. For example:

- KCDC [S16.0103] consider that several of the provisions in Change 1 set requirements for district plans to regulate 'free-market activities' (e.g. transportation mode choice, restoration and enhancement activities). KCDC is concerned that certain Change 1 provisions require actions or changes in behaviour that district plans cannot regulate, and therefore these should be pursued by Council through non-regulatory methods.
- KCDC [S16.0106] raise general concerns that the Change 1 provisions are not supported by the RMA, statutory planning documents or a robust evidence base, particularly where regulatory methods are proposed. KCDC request that provisions in Change 1 are deleted where these do not meet this test.
- PCC [S30.116] raise general concerns that Change 1 is not fulfilling the role of the RPS with respect to national direction. PCC consider that the role of a RPS is to provide policy direction that either does not exist at a national level or exists at a national level but needs to be articulated further at a regional level. The concern is that Change 1 contains provisions that are either inconsistent with, or duplicate, matters that are now comprehensively addressed by national direction.
- PCC [S30.0117] raise general concerns that Change 1 includes requirements for territorial authorities that are beyond their section 31 RMA functions and more consideration needs to be given as to how Change 1 provisions are allocated in the context of the respective

functions of regional councils and territorial authorities under sections 30 and 31 of the RMA.

197. There are also a number of general submission points relating to the drafting of Change 1 provisions and the language used – some of which has been considered in relation to specific provisions above. Additional general submission points and requests from submitters relating to the drafting of Change 1 provisions include:
- Outdoor Bliss [S110.023] requests that stronger language is used throughout Change 1, including replacing words such as “encourage” and “non-regulatory” with “implement”.
 - KCDC [S16.0100] requests that verbs in the policies should be replaced with verbs used within the RMA and other higher order planning documents.
198. UHCC [S34.0111/0116/0117/0120] made general comments that there are fundamental issues with the Change 1 provisions that require significant revision or deletion to ensure the Change 1 is legally robust and practical to implement. To address these concerns, UHCC requests that Council undertake a full legal and planning review of the Change 1 provisions to ensure these give effect to higher order documents and are supported by sufficient evidence. UHCC also requests that Council should further consider the practicalities associated with threshold-based provisions, to determine if these are the most appropriate method to achieve a policy.
199. PCC [S30.099] notes that clear and concise definitions are critical to assist in interpretation and implementation of the RPS. PCC requests that further definitions are provided where terms are unclear and where this would assist in interpretation and implementation. No specific examples were provided by PCC.
200. Another general issue raised in submissions relates to the Section 32 Report supporting the Change 1 provisions. In particular, KCDC [S16.0106] and UHCC [S34.0118] have raised concerns regarding the sufficiency of the Section 32 Report. A key issue raised by these submitters is that the Section 32 Report is not sufficiently evidenced and does not evaluate whether many of the regulatory provisions are the most appropriate method of achieving the objectives sought.
201. PCC [S30.0123], WCC [S140.002] and Kāinga Ora [S158.001/044] all made general comments opposing the ‘consideration’ policies in Chapter 4.2 in the RPS. PCC opposes consideration policies on the basis that they often duplicate or conflict with ‘regulatory’ policies and represent overreach without sufficient section 32 analysis or evidence. PCC are concerned the ‘consideration policies’ will result in unnecessary regulatory costs due to their drafting. WCC raise concerns about the inconsistent weighting afforded to the consideration policies (i.e. consider v have particular regard). Kāinga Ora question the role of the consideration policies in a RPS given that they read like assessment criteria and are not associated with any rules.
202. Forest and Bird [S165.060] have raised concerns with the introduction wording above the table in Chapter 4.2, stating that the introduction wording incorrectly

states that the listed policies need to be 'given particular regard' when changing or varying regional and district plans, noting instead that the correct wording is 'given effect to'.

3.15.2 Analysis

203. In relation to the request by KCDC to delete unnecessary explanations, I note that section 62(1)(d) of the RMA requires that RPS includes explanations of policies. A RPS may also include an explanation of objectives and methods. In the context of this topic, I do not consider that there are unnecessary or lengthy explanations. The amended explanations for Policy 2, 7, 11, 39 and 65 are all concise (and generally much more concise than the operative explanations) and at an appropriate level of detail for each policy in my opinion.
204. I have considered the issues of scope of the Change 1 provisions in terms of the purpose of the RMA and the RMA functions of regional councils and territorial authorities raised by several submitters and consider the provisions in this topic are all appropriate in that regard. In relation to other scope issues raised by submitters, I consider that the provisions are achievable under the RMA within the functions of regional councils and territorial authorities as outlined above. I therefore recommend that these general submissions from KCDC and PCC are accepted in part noting that other section 42A authors may make different recommendations in relation to these general submission points.
205. In relation to the general submission points relating to the drafting of Change 1 provisions, I consider that the wording of provisions in this topic is appropriate. I have also recommended a number of amendments to policies and methods to help clarify intent and assist with effective interpretation and implementation. I have also recommended amendments to align with wording used in national direction where appropriate (e.g. references to small and community scale REG activities in Policy 11 to better align with the NPS-REG).
206. In relation to the sufficiency of the Section 32 Report and evidence for the Change 1 provisions, I have considered these submissions in the context of the broader context of proposed climate change provisions in the Climate Change – General Section 42A Report as well as the specific provisions in this topic. At a broad level I consider that there is sufficient analysis in the Section 32 Report and the Section 32AA analysis within this report to justify the provisions and my recommended amendments. There is also clear direction in Part 2 of the RMA and in higher order documents to enable renewable energy generation (at all scales) and associated electricity infrastructure, which provides clear justification for the proposed amendments. I therefore recommend the submissions of KCDC and PCC are accepted in part, noting that this general submission point will also be addressed in other section 42A reports.
207. I have considered the general submission points from Kāinga Ora, PCC and WCC on the 'consideration' policies in Chapter 4.2 of the RPS in some detail in paragraph 145 to 150 of my section 42A report and will not repeat that analysis and recommendations here. In relation to this topic, I recommended amendments

to the one consideration policy (Policy 65) so that the wording is clearer and more direct in my opinion. I therefore recommend that these general submission points on the consideration policies are accepted in part..

3.15.3 Recommendations

208. I recommend that general submissions are accepted, accepted in part or rejected as set out in **Appendix 2**.

4.0 Conclusions

209. A range of submissions have been received in support of, and in opposition to the provisions relating to Climate Change – Energy, Waste and Industry topic of Change 1.

210. After considering all the submissions and reviewing all relevant statutory and non-statutory documents, I recommend that Change 1 should be amended as set out in **Appendix 1** of this report.

211. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of Change 1 and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.

Recommendations:

I recommend that:

- a) Change 1 is amended in accordance with the changes recommended in **Appendix 1** of this report; and
- b) The Independent Hearings Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix 2** of this report.