

Part B: Section 7

Hearing Stream 7 - Small Topics, Wrap-Up

1. Executive Summary

1. The provisions in Hearing Stream 7 (HS7) that are considered through the Part 1 Schedule 1 (P1S1) process relate to consequential amendments, natural character, definitions of *Regionally Significant Infrastructure*, *National Grid* and *Strategic Transport Network*, and omitted submission points.
2. The recommendations on the merits of submissions on the HS7 provisions, were made by the P1S1 Panel and are to be read with the attached submission analysis table.
3. The Officers' recommendations on the HS7 provisions were modified in the course of the submissions and hearing process. The P1S1 Panel agrees with all of the Officers' recommendations on the merits of submissions.
4. Having heard submitters and considered evidence, legal submissions and hearing presentations, the P1S1 Panel recommends Council adopt the HS7 provisions as recommended by the Reporting Officers.
5. The only issue on which we take a differing view, is the categorisation of provisions. The Officers recommended that Variation 1 and Methods 1, 2, 4 and 5 in the 'Consequential amendments' subtopic be assessed as part of the Freshwater Planning Instrument (FPI) as they implement policies that give effect to parts of the NPS-FM, or relate directly to matters that will impact on the quality or quantity of freshwater.
6. As discussed in Part A, the view of the P1S1 Panel and Freshwater Hearings Panel (FHP) is that Variation 1 is appropriately categorised as part of the FPI, but all Methods in HS7 should progress through the P1S1 process as they relate to a broad range of resource management matters.

2. Overview

7. This Chapter covers the following topics:
 - a. Consequential Amendments
 - b. Definitions - *Regionally Significant Infrastructure, National Grid and Strategic Transport Network*
 - c. Natural Character, and
 - d. Omitted Submission Points.
8. As noted above, Variation 1 was also coded to HS7 but is being considered under Part C as part of the FPI.

2.1 Statutory Framework

9. Part A of our Report outlines the purpose of a RPS and the matters it must include. Sections 61 and 61 of the RMA state that an RPS must be prepared in accordance with, among other matters, the provisions of Part 2 of the RMA, and it must also give effect to national policy statements.
10. The key aspects of the regulatory framework relating to this Chapter are sections 6 and 7 of the RMA, the New Zealand Coastal Policy Statement (NZCPS), National Policy Statement on Electricity Transmission 2008 (NPS-ET) and the National Policy Statement for Renewable Electricity Generation (NPS-REG) 2011.
11. Part 2, s 6 of the RMA contains a list of matters of national importance that includes coastal natural character. Section 6(a) requires RMA functionaries to recognise and provide for, as a matter of national importance:
 - the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.
12. Section 6(b) requires:
 - the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.

13. While landscape and natural character are both matters of national importance in s 6, they are distinct, and each have their own attributes and considerations as recognised in the NZCPS (discussed below).
14. Section 7 of the RMA provides that particular regard must be had to the maintenance and enhancement of amenity values, and the quality of the environment in achieving the RMA's sustainable management purpose.
15. Section 7 also requires particular regard to be had to the efficient use and development of natural and physical resources, which is also relevant in terms of the infrastructure definitions in HS7.

2.1.1 National Policy Statements

16. The NPSET recognises the national significance of the National Grid. The objective of the NPSET is to facilitate 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. Policy 1 of the NPSET requires decision-makers to recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission.
17. Clause 3 of the NPSET includes definitions of "National grid" which means "the assets used or owned by Transpower NZ Limited". It also has a definition for "Electricity transmission network, electricity transmission and transmission activities/assets/infrastructure/resources/system".
18. The NPS-REG recognises the national significance of renewable electricity generation. The overarching objective of the NPS-REG is to provide for the development, operation, maintenance and upgrading of REG activities to meet or exceed New Zealand's target for REG.
19. The NZCPS is a national policy statement mandated under the RMA that guides the management of New Zealand's coastal environment. It provides direction on how local authorities and decision makers should approach the management and protection of coastal resources in regional policy statements and regional plans and district plans.
20. Objective 2 of the NZCPS says:

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

21. Policy 1 is about the extent and characteristics of the coastal environment, and Policy 13 contains direction on preserving the natural character of the coastal environment and protecting it from inappropriate subdivision, use, and development. The s 42A Report on Natural Character in HS7 says that to achieve this direction, local authorities are required to:

assess the natural character of the coastal environment by mapping or otherwise identifying at least areas of high natural character.

22. In addition, RPS' and regional and district plans, are to identify areas where preserving natural character requires objectives, policies and rules, and include those provisions in the planning documents.
23. Policy 13(2) says that natural character is not the same as natural features and landscapes or amenity values. Policy 13(2) sets out a non-exhaustive list of matters that are relevant to assessing natural character including natural elements and processes, biophysical, ecological and geological elements, and experiential attributes. The focus is on natural attributes and not social and cultural values.
24. Policy 14 contains direction on restoring natural character.

2.1.2 National Planning Standards

25. The National Planning Standards are also relevant to HS7 for the Omitted Submissions subtopic. The National Planning Standards provide direction on the structure and formatting of planning documents to improve efficiency and effectiveness of the planning system. The Standards include direction for both RPS' and District Plans.

3. Provision by Provision Analysis

3.1 Consequential Amendments

26. Proposed Change 1 includes consequential amendments to Methods 1 – 5 of the Operative RPS. Methods 1, 2, 4 and 5 were notified as part of the FPI. As discussed in Part A and in the Executive Summary above, the Panels consider that these provisions should progress through the P1S1 process because although they do reference some policies that directly relate to protecting and enhancing freshwater quality or quantity, most of the policies relate to non-freshwater matters that are included in the P1S1 process.


3.1.1 Key Issues raised

27. The key issues in this subtopic were whether implementation deadlines should be included in Methods 1 and 2, whether Method 3 should contain explicit direction for treaty partner involvement, and whether Method 5 should be deleted. In addition, queries were raised regarding whether any consequential amendments had been missed as a result of other amendments made through the various Hearing Streams.
28. Many of the submissions received on consequential amendments to Methods 1, 2 and 4 sought to ensure the Methods are consistent with amendments proposed to other policies throughout Proposed Change 1.
29. In Minute 23 we asked the Council to provide the Panels with a consolidated list of regulatory, non-regulatory and consideration policies. This was useful in reviewing the consequential amendments in Methods 1, 2 and 4.¹

¹ Wellington Regional Council Response to Request for Information in Minute 23, Hearing Stream 7 – Integration, Appendix 1 – Consolidated table of policies, 8 April 2024.

3.2 Method 1: District plan implementation

30. The notified Method stated:

Method 1: District plan implementation	
<p>The process to amend district plans to implement policies 1, <u>CC.1, CC.2, CC.3, CC.4, CC.7, CC.8</u>, 3, 4, 7, 11, 15, <u>FW.2, FW.3, FW.4</u>, 21, 22, 23, 24, <u>IE.1</u>, 25, 26, 27, 28, 29, 30, 31, 32, <u>UD.1</u>, 34, will commence as soon as reasonably practicable, unless otherwise specifically directed within the policy, or before, the date on which the relevant council commences the <u>ten-year</u> review of its district plan, or a provision in a district plan, pursuant to section 79 of the Resource Management Act 1991.</p> <p><i>District and city councils that will implement method 1 are:</i></p> <ul style="list-style-type: none">• Wellington City Council• Porirua City Council• Kāpiti Coast District Council• Hutt City Council• Upper Hutt City Council• South Wairarapa District Council	

<ul style="list-style-type: none">• Carterton District Council• Masterton District Council• <u>Tararua</u> District Council for land within the Wellington region. <p>Policies 3 and 4 with respect to the <i>coastal environment</i> do not apply to Upper Hutt City Council.</p> <p>Only a small portion of rural land in the <u>Tararua</u> District is within the Wellington region. The rest of the district is within the Manawatu-Wanganui region. <u>The following Policies do not apply to Tararua District Council: 1, CC.1, CC.2, CC.3, CC.4, 3, 4, 7, 8, 11, 15, 21, FW.2, FW.3, FW.4 22, 25, 26, 29, 30, 31, 32, do not apply to Tararua District Council so as not to create conflict with the policy direction in the One Plan for the Manawatu-Wanganui region.</u></p>

3.2.1 Submissions, Evidence and Analysis

31. There were 8 submission points and 4 further submission points received on Method 1.
32. Forest and Bird [S165.092] and Rangitāne [S168.0182] supported the Method but proposed an implementation deadline. HCC [S115.091] and WCC [S140.021] stated that consequential amendments may be needed where the policies referred to had been deleted in other recommendations. Fish and Game [S147.084] noted amendments had been sought elsewhere to particular Policies referred to in the Method.
33. HCC and WCC requested the deletion of Policy FW.4 in the HS5 - Freshwater and Te Mana o te Wai Topic. The Reporting Officer for HS5

agreed with these submissions² and the FHP also recommends in Part C of its Report that Policy FW.4 is deleted. It is appropriate therefore that this amendment is reflected in Method 1.

34. The notified version of Method 1 requires implementation “as soon as reasonably practicable, unless otherwise specifically directed within the policy”. In response to Forest and Bird and Rangitāne submissions, the HS7 Officer recommended an implementation deadline be included in Method 1. While the Officer thought that this should be a measurable timeframe, he did not consider it appropriate to include a specific end date. Instead, the Officer recommended that implementation occur by the next relevant plan change or full plan review. This would allow the city and district councils flexibility to implement the Policies into their existing work programmes.³
35. During the Hearing, we raised with the Officer some possible omissions in the referenced policies. In Minute 27, we asked the Officer to review the Method and confirm whether it contained all the relevant regulatory policies, including those recommended in the Reporting Officers’ Reply Evidence in the different Hearing Streams. We queried for instance, whether Policies 24B and 24C were inadvertently missing.
36. In his Reply Evidence, the HS7 Officer confirmed that he had reviewed the policies referenced in the Method, and recommended further amendments to align with the regulatory policies in the various Hearing Streams.⁴ The Officer confirmed that Policy FW.4 should have been shown with strikethrough formatting and this had not occurred in the s 42A Report in error.
37. In Minute 27 we also informed Council that we thought the chapeau could be drafted in a clearer way. We suggested alternative wording in Minute 27 and asked the Officer to provide his advice to us in his Reply Evidence. The Officer provided recommended wording in Reply that he considered would better capture the policy intent.
38. We agree with the Officer’s recommendations.

² Section 42A report of Kate Pascall for Hearing Stream 5 – Freshwater and Te Mana o te Wai, dated 20 October 2023, paragraphs 770-771


³ Section 42A Hearing Report, Hearing Stream 7 – Small Topics, Wrap up and Variation 1 - Consequential Amendments, para 61.

⁴ Reporting Officer Right of Reply of Louis Schwer on behalf of Wellington Regional Council, Hearing Stream 7 – Small Topics, Wrap Up and Variation 1 – Consequential Amendments, para 13.

3.2.2 Finding


39. We agree with the Reporting Officer's recommendations on Method 1 for the reasons above, and otherwise as set out in the Officer's s 42A Report, and Reply Evidence.

3.2.3 Recommendation

Method 1: District plan implementation	
<p>The process to amend district plans to implement policies 1, <u>CC.1, CC.2, CC.2A, CC.3, CC.4, CC.7, CC.8, 3, 4, 7, 11, 15, FW.2, FW.3, FW.4, FWXXA, 21, 22, 23, 24, 24A, 24B, 24C, 24CC, 24D, IE.1, 25, 26, 27, 28, 29, 30, 31, 32, UD.1, UD.4, 34</u>, will commence as soon as reasonably practicable, unless otherwise specifically directed within the policy, and be notified in the next relevant plan change or full plan review unless, an alternative timeframe for notification is specifically directed within the policy. must be given effect to through the next relevant plan change or full plan review, or before, the date on which the relevant council commences the ten-year review of its district plan, or a provision in a district plan, pursuant to section 79 of the Resource Management Act 1991.</p> <p><i>District and city councils that will implement method 1 are:</i></p> <ul style="list-style-type: none">• Wellington City Council• Porirua City Council• Kāpiti Coast District Council• Hutt City Council• Upper Hutt City Council• South Wairarapa District Council• Carterton District Council• Masterton District Council• Tararua District Council for land within the Wellington region. <p>Policies 3 and 4 with respect to the coastal environment do not apply to Upper Hutt City Council.</p> <p>Only a small portion of rural land in the Tararua District is within the Wellington</p>	
<p>region. The rest of the district is within the Manawatu-Wanganui region. The following Policies do not apply to Tararua District Council: 1, <u>CC.1, CC.2, CC.2A, CC.3, CC.4, 3, 4, 7, 8, 11, 15, 21, FW.2, FW.3, FW.4, FWXXA, 22, 25, 26, 29, 30, 31, 32, and UD.4</u>, do not apply to Tararua District Council so as not to create conflict with the policy direction in the One Plan for the Manawatu-Wanganui region.</p>	

3.3 Method 2: Regional Plan implementation

40. The notified Method read:

Method 2: Regional plan implementation	
<p>The process to amend regional plans to implement policies 2, <u>CC.1, CC.4, CC.5, CC.6, CC.7, CC.8, 3, 5, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, FW.1 21, 22, 23, 24, IE.1, 25, 26, 27, 28 and 29</u> will commence as soon as reasonably practicable unless otherwise specifically directed within the policy, or before, the date on which the relevant council commences the ten-year review of its district plan, or a provision in a district plan, pursuant to section 79 of the Resource Management Act 1991.</p>	

3.3.1 Submissions, Evidence and Analysis


41. There were 6 submission points and 4 further submission points received on Method 2.
42. Some submitters supported Method 2 and sought it be retained. Similar to their relief on Method 1, Forest and Bird [S165.093] supported Method 2 but proposed an implementation deadline. Fish and Game [S147.085] noted amendments had been sought elsewhere to particular Policies referred to in the Method.
43. As with Method 1, the HS7 Reporting Officer supported the inclusion of an implementation deadline, with similar wording to his recommendation for Method 1, that is, tagged to the next relevant plan change or full plan review to allow some flexibility with existing work programmes.
44. During the Hearing, we raised with the Officer some possible omissions in the referenced policies. In Minute 27, we asked the Officer to review the Method and confirm whether it contained all the relevant regulatory policies, including those recommended in the Reporting Officers' Reply Evidence in the different Hearing Streams.
45. In his Reply Evidence, the HS7 Officer confirmed that he had reviewed the policies referenced in the Method, and recommended further amendments to align with the regulatory policies in the various Hearing Streams.⁵ We agree with the recommendations provided in the Officer's Reply Evidence, including to delete the reference to Policy CC.7 as the P1S1 Panel agrees with the recommendation of the HS3 Reporting Officer that this Policy be amended to be a non-regulatory Policy that is relocated to Chapter 4.4.
46. In Minute 27 we also informed Council that we thought the chapeau could be drafted in a clearer way. We suggested alternative wording in Minute 27 and asked the Officer to provide his advice to us in his Reply Evidence. The Officer provided recommended wording in Reply that he considered would better capture the policy intent.
47. We agree with the Officer's recommendations.

⁵ Reporting Officer Right of Reply of Louis Schwer on behalf of Wellington Regional Council, Hearing Stream 7 – Small Topics, Wrap Up and Variation 1 – Consequential Amendments, para 13.

3.3.2 Finding

48. We agree with the Reporting Officer’s recommendations on Method 2 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, and Reply Evidence.

3.3.3 Recommendation

Method 2: Regional plan implementation	
<p>The process to amend regional plans to implement policies 2, CC.1, CC.4, CC.4A, CC.5, CC.6, CC.7-CC.8, 3, 5, 6, 7, 8, 12-13, 14, 15, 16, 17, 18, 18A, 18B, 19, 20, FW.1, FWXXA, FW.X, 21, 22, 23, 24, 24A, 24C, 24CC, 24D, IE.1, 25, 26, 27, 28-and, 29 and UD.4 will commence as soon as reasonably practicable unless otherwise specifically directed within the policy, and be notified in the next relevant plan change or full plan review, unless an alternative timeframe for notification is specifically directed within the policy. must be given effect to through the next relevant plan change or full plan review. or before, the date on which the relevant council commences the ten year review of its district plan, or a provision in a district plan, pursuant to section 79 of the Resource Management Act 1991.</p>	

3.4 Method 3: Wellington Regional Land Transport Plan Strategy implementation

49. The notified Method read:

Method 3: Wellington Regional Land Transport <u>Plan Strategy</u> implementation
<p>The process to amend the Wellington Regional Land Transport <u>Plan Strategy</u> to implement policies 9, EIW.1, 10 and 33 will commence on, or before, the date on which Wellington Regional Council commences the review pursuant to section 74 of the Land Transport Management Act 2003.</p>

50. Method 3 identifies the RPS policies that are specifically relevant to Wellington Regional Land Transport Plan (RLTP) implementation, and sets the timing for implementation of those policies. The Method is amended in Proposed Change 1 to include Policy EIW.1 (included in the HS3 provisions) regarding the promotion of affordable, high quality active mode and public transport mode services.

3.4.1 Submissions, Evidence and Analysis

51. There were 6 submission points and 2 further submission points received on Method 3.
52. Various submitters including Waka Kotahi [S129.031], WCC [S140.093] and Rangitāne [S168.0185] supported the Method and sought it be

retained as notified. Taranaki Whanui [S167.0138] requested the method be re-drafted to include explicit direction for treaty partner involvement.

53. As we understand the relief sought, the submitter is requesting representation on the Regional Transport Committee (RTC) or otherwise direct involvement in the RLTP. The Reporting Officer says that providing this direction in Method 3 is inconsistent with the intention of the Method which is about the implementation of RPS policies that are relevant to the RLTP.
54. The Officer refers to the Reply Evidence of Ms Allwood, the Reporting Officer for the HS 3 – Transport subtopic⁶ which says that while there is no mana whenua representation on the RTC, there are other opportunities for Māori to contribute to land transport decision-making processes including through the RLTP as occurred in 2021, and is currently being actively considered for the RLTP 2027. Ms Allwood says that mana whenua that the Council have engaged with have all indicated an interest in partnering in the development of the RLTP 2027.
55. We agree with the Officer that no amendments are required to Method 3 as Method 3 cannot direct mana whenua / tangata involvement in the RLTP. However, we heard evidence from Council that active engagement of mana whenua / tangata whenua is underway in the development of the next RLTP.

3.4.2 Finding

56. We agree with the Reporting Officer’s recommendations on Method 3 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, and Reply Evidence.

3.4.3 Recommendation


Method 3: Wellington Regional Land Transport Plan Strategy implementation

The process to amend the Wellington Regional Land Transport Plan Strategy to implement policies 9, EIW.1, ~~10~~ and 33 will commence on, or before, the date on which Wellington Regional Council commences the review pursuant to section 74 of the Land Transport Management Act 2003.

⁶ Reporting Officer Right of Reply of Louise Allwood on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change, Transport, 19 October 2023, paras 23 – 25.

3.5 Method 4: Consideration – resource consents, notices of requirements and when changing, varying or reviewing plans

57. The notified Method stated:

Method 4: Consideration – resource consents, notices of requirement and when changing, varying or reviewing plans	
<p>Policies 35 to 60, IM.1, IM.2, CC.9, CC.10, CC.11, CC.12, CC.13, CC.14, FW.5, IE.2, UD.2 and UD.3 will be implemented, where relevant, when considering a resource consent, notice of requirement, or when changing, varying or reviewing a district or regional plan.</p> <p><i>District and City councils that will implement method 4 are:</i></p> <ul style="list-style-type: none">• <i>Wellington City Council</i>• <i>Porirua City Council</i>	

58. Proposed Change 1 proposes the addition of references to the new consideration policies incorporated through the Change proposal.

3.5.1 Submissions, Evidence and Analysis

59. There were 13 submission points and 9 further submission points received on Method 4.

60. Some submitters sought the Method is retained as notified. Others, including HCC [S115.093] and PCC sought consequential amendments to reflect the deletion of policies in other Hearing Streams, noting Policy IM.2 in HS2 in particular. Fish and Game [S147.086] noted amendments had been sought elsewhere to particular Policies referred to in the Method. Kāinga Ora [S158.032] sought that references to resource consents and NoRS be deleted from the Method. Outdoor Bliss [S11.010] sought that community should also implement the Method.

61. The Reporting Officer recommended a consequential amendment to delete Policy IM.2 based on the recommendation of the HS2 Officer (a recommendation which the P1S1 Panel also agrees with).

62. HCC and PCC also sought the deletion of Policy CC.12 as a consequential change. The Reporting Officer for the Climate-Resilience and Nature-Based Solutions subtopic recommended Policy CC.12 be deleted as it was provided for through the revised CC.4 suite. The P1S1 Panel agrees with this recommendation therefore it is also appropriate that Policy CC.12 be deleted from Method 4. PCC similarly requested the deletion of Policy CC.13, which was also supported by the HS3 Reporting Officer in

the Agriculture subtopic, and the P1S1 Panel agreed. Policy CC.13 should therefore also be removed from Method 4.

63. In Minute 27, we asked the Officer to review the Method and confirm whether it contained all the relevant consideration policies, including those recommended in the Reporting Officers' Reply Evidence in the different Hearing Streams.
64. In his Reply Evidence, the HS7 Officer confirmed that he had reviewed the policies referenced in the Method and recommended further amendments.⁷ We have reviewed these and agree with the recommendations.
65. The Officer said he did not agree with deleting reference to resource consent and NoR from Method 4 as they provide additional direction in situations where there is a policy gap, or the relevant regional and/or district plan has not yet been amended to give effect to the policies in Chapter 4.1.⁸ We agree with this and provide further comment on Consideration policies in Part B: Section 1 (General Submissions) of our Report.

3.5.2 Finding

66. We agree with the Reporting Officer's recommendations on Method 4 for the reasons above, and otherwise as set out in the Officer's s 42A Report, and Reply Evidence.

⁷ Reporting Officer Right of Reply of Louis Schwer on behalf of Wellington Regional Council, Hearing Stream 7 – Small Topics, Wrap Up and Variation 1 – Consequential Amendments, para 13.

⁸ Section 42A Hearing Report, Hearing Stream 7 – Small Topics, Wrap up and Variation 1 - Consequential Amendments, para 84.

3.5.3 Recommendation

Method 4: Consideration – resource consents, notices of requirement and when changing, varying or reviewing plans



Policies 35 to 60, ~~IM.1, IM.2~~, CC.9, CC.10, CC.11, ~~CC.12, CC.13~~, CC.14, ~~CC.14A~~, FW.5, ~~FWXXB~~, IE.2, ~~IE.2A~~, UD.2 ~~and~~, UD.3 and UD.5 will be implemented, where relevant, when considering a resource consent, notice of requirement, or when changing, varying or reviewing a district or regional plan.

Local authorities ~~District and City councils~~ that will implement method 4 are:

- Wellington Regional Council
- Wellington City Council
- Porirua City Council
- Kāpiti Coast District Council
- Hutt City Council
- Upper Hutt City Council
- South Wairarapa District Council

- Carterton District Council
- Masterton District Council

Tararua District Council where a proposal relates to land within the Wellington region

3.6 Method 5: Allocation of Responsibilities

67. The notified Method stated:

Method 5: Allocation of responsibilities



Local authorities are responsible for the land use control for *biological diversity*, natural hazards, ~~and~~ hazardous substances, and freshwater, as described in policies 61, 62, ~~and~~ 63 and FW.6.

District and city councils that will implement method 5 are:

- Wellington Regional Council
- Wellington City Council
- Porirua City Council
- Kāpiti Coast District Council
- Hutt City Council
- Upper Hutt City Council
- South Wairarapa District Council
- Carterton District Council
- Masterton District Council

Tararua District Council for land within the Wellington region

3.6.1 Submissions, Evidence and Analysis

68. There were 5 submission points and 4 further submission points received on Method 5.
69. PCC [S30.090] sought the deletion of Method 5 on the basis it did not allocate responsibilities and was unnecessary. This was supported by PPFL.
70. Te Tumu Paeroa [S102.073], Fish and Game [S147.087], Forest and Bird [S165.096], and Taranaki Whānui [S167.0140] supported the Method 5 and sought it be retained as notified.
71. The Reporting Officer considered that Method 5 is necessary to comply with s 62(1)(i) of the RMA which requires the RPS to state the local authorities responsible in the region for specifying the objectives, policies, and methods for the control of the use of land to avoid or mitigate natural hazards or any group of hazards, and to maintain indigenous biological diversity.⁹ We agree with this recommendation.

3.6.2 Finding

72. We agree with the Reporting Officer's recommendations on Method 5 for the reasons above, and otherwise as set out in the Officer's s 42A Report, and Reply Evidence.

⁹ Section 42A Hearing Report, Hearing Stream 7 – Small Topics, Wrap up and Variation 1 - Consequential Amendments, para 92.

3.6.3 Recommendation

Method 5: Allocation of responsibilities



Local authorities are responsible for the land use control for *biological diversity*, natural hazards, ~~and~~ hazardous substances, and freshwater, as described in policies 61, 62, ~~and~~ 63 and FW.6.

Local authorities ~~District and City councils~~ that will implement method 5 are:

- *Wellington Regional Council*
- *Wellington City Council*
- *Porirua City Council*
- *Kāpiti Coast District Council*
- *Hutt City Council*
- *Upper Hutt City Council*
- *South Wairarapa District Council*
- *Carterton District Council*
- *Masterton District Council*

Tararua District Council for land within the Wellington region

3.7 Definitions

3.7.1 National Grid

73. The notified definition stated:

National Grid

National grid as defined by the Electricity Industry Act 2010.

3.7.2 Submissions, Evidence and Analysis

74. Transpower [S10.007] was the sole submitter on the definition. It sought that the definition is consistent with NPSET rather than the Electricity Industry Act.

75. The Electricity Industry Act defines “National Grid” as “the lines and associated equipment used or owned by Transpower to convey electricity”.

76. The Reporting Officer said in the s 42A Report that the Electricity Industry Act is not related to the RMA and instead has a commercial purpose of providing a framework for the regulation of the electricity industry. The Officer recommended that the definition of “National Grid” align with the NPSET, an RMA planning document, also noting that the definition of “electricity transmission network” is being considered as part of HS 6.¹⁰ The Officer commented that including the NPSET definition in the RPS would create an inconsistency with the definition of “National Grid” in the NRP (which is aligned with the Electricity Industry Act definition) and that this may be something that needs addressing in a future change to the NRP.

77. Ms Eng provided a hearing statement on behalf of Transpower supporting the Officer’s s 42A recommendation.¹¹

3.7.3 Finding

78. We agree with the Officer’s recommendation to align the definition of “National Grid” with the definition in the NPSET for the reasons above and as set out in the s 42A Report.

¹⁰ Section 42A Hearing Report, Hearing Stream 7 – Definitions, 11 March 2023, para 66.


¹¹ Hearing Stream Seven – Statement by Transpower NZ Limited (Submitter reference S10 and FS23), 26 March 2024, prepared by Ms Eng, Technical Lead – Policy.

3.7.4 Recommendation

National Grid: ~~as defined by the Electricity Industry Act 2010~~ as defined by the National Policy Statement for Electricity Transmission 2008.

3.8 Regionally Significant Infrastructure

79. The notified definition read:

Regionally significant infrastructure	
<p>Regionally significant infrastructure includes:</p> <ul style="list-style-type: none">• <u>pipelines for the distribution or transmission of natural or manufactured gas or petroleum, including any associated fittings, appurtenances, fixtures or equipment</u>• <u>a network operated for the purposes of telecommunications, as defined in section 5 of the Telecommunications Act 2001</u>• <u>a network operated for the purpose of radiocommunications, as defined in section 2(1) of the Radio Communications Act 1989</u>• <u>the <i>National grid</i></u>• <u>facilities for the generation and/or transmission of electricity where it is supplied to the <i>National grid</i> and/or the local distribution network</u>• <u>facilities for the electricity distribution network, where it is 11kV and above. This excludes private connections to the local distribution network</u>• <u>the local authority water supply network (including intake structures) and water treatments plants</u>• <u>the local authority wastewater and stormwater networks and systems, including treatment plants and storage and discharge facilities</u>• <u>the Strategic Transport Network (including ancillary structures required to operate, maintain, upgrade and develop that network)</u>	

- The following local arterial routes: Masterton-Castlepoint Road, Blairlogie-Langdale/Homewood/Riversdale Road and Cape Palliser Road in Wairarapa, Tīhahi Bay Road and Grays Road in Porirua, and Kāpiti Road, Marine Parade, Mazengarb Road, Te Moana Road, Akatārawa Road, Matatua Road, Rimu Road, Epiha Street, Paekakariki Hill Road, The Parade [Paekakariki] and The Esplanade [Raumati South] in Kāpiti
- Wellington City bus terminal and Wellington Railway Station terminus
- Wellington International Airport
- Masterton Hood Aerodrome
- Kapiti Coast Airport
- Commercial Port Areas and infrastructure associated with Port related activities in the Lambton Harbour Area within Wellington Harbour (Port Nicholson) and adjacent land used in association with the movement of cargo and passengers and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines
- Silverstream, Spicer and Southern landfills

- pipelines for the distribution or transmission of natural or manufactured gas or petroleum
- strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001
- strategic radio communications facilities, as defined in section 2(1) of the Radio Communications Act 1989
- the national electricity grid, as defined by the Electricity Governance Rules 2003
- facilities for the generation and transmission of electricity where it is supplied to the network, as defined by the Electricity Governance Rules 2003
- the local authority water supply network and water treatment plants
- the local authority wastewater and stormwater networks, systems and wastewater treatment plants
- the Strategic Transport Network, as defined in the Wellington Regional Land Transport Strategy 2007-2016
- Wellington City bus terminal and Wellington Railway Station terminus
- Wellington International Airport
- Masterton Hood Aerodrome
- Paraparaumu Airport
- Commercial Port Areas within Wellington Harbour and adjacent land used in association with the movement of cargo and passengers and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines

3.8.1 Submissions, Evidence and Analysis

80. Transpower [S10.008], Chorus NZ Limited, Spark NZ Trading Limited, Vodafone NZ [S49.008], Meridian [S100.028], Powerco [S134.020] and other submitters supported the notified definition as it related to radio and telecommunications and generation and transmission of electricity.
81. Other submitters sought a range of amendments to include new activities in the definition or to increase the scope of those activities in the notified definition. For instance, KCDC [S16.093] supported the definition in part but requested a number of new roads be included once the State Highway 1 revocation process occurs. Fulton Hogan [S114.007] requested that specific reference to aggregate extraction where it provides at least a regional benefit, be included to align with the NPS-HPL and NES-F.

82. Kiwirail [S124.013] sought an amendment to include the Interislander Ferry Terminal. WIAL [S148.056] requested an amendment to include “all associated supporting infrastructure for the Airport, such as its navigational infrastructure and the sea wall”.
83. The Fuel Companies [S157.048] asked for the reference to “the Lambton Harbour Area” to be removed as they considered this includes the bulk fuel supply infrastructure located at Seaview and Kaiwharawhara. Wellington Water [S113.053] sought an amendment to include provision for infrastructure, assets or interventions to give effect to Te Mana o te Wai.
84. The Officer stated that the notified definition was the same definition in the NRP. The Officer supported the rationale in the Proposed NRP Decision Report to not include aggregate extraction activities in the definition, particularly given that quarries or mineral resource use, are not “infrastructure” as defined in the RMA, nor RSI as defined in the RPS. National direction such as the NPS-HPL provides a consenting pathway for aggregate extraction but does not recognise the activity as “specified infrastructure”.
85. We agree that Fulton Hogan’s submission be rejected for the reasons stated in the s 42A Report.¹² We also agree with deleting “in the Lambton Harbour Area” as this could be interpreted as requiring bulk fuel supply infrastructure and storage tanks to be located in this Area, which would exclude activities located elsewhere, which we understand is not the policy intent.¹³ The Officer also recommends deleting “and” to improve the readability and we also agree with this change.
86. We agree that an amendment is not required for the relief sought by Kiwirail and Rangitāne regarding the Interislander Ferry Terminal. This infrastructure is captured as RSI through the reference to “adjacent land used in association with the movement of cargo and passengers”. We agree with the Officer’s reasoning in the s 42A Report.¹⁴
87. WFF [S163.0113] opposed the amendments to the definition of RSI, including for the reason that it does not provide for municipal, community and rural water storage infrastructure. We acknowledge that “water storage infrastructure” is included in the definition of “specified infrastructure” in the NPS-FM and this provides policy support (clause

¹² Section 42A Hearing Report, Hearing Stream 7 – Definitions, 11 March 2023, paras 83 – 85.

¹³ Section 42A Hearing Report, Hearing Stream 7 – Definitions, 11 March 2023, para 86.

¹⁴ Section 42A Hearing Report, Hearing Stream 7 – Definitions, 11 March 2023, paras 87 – 88.

3.22 of the NPS-FM), and a consent pathway for the infrastructure within, or near to natural inland wetlands under the NES-FM. However, we agree with the Officer that this does not require water storage infrastructure to be identified as RSI in a plan or policy statement.¹⁵ The Officer accepts that water storage infrastructure can reduce the demand on finite water resources and contribute to alleviating water supply issues, but notes that not all water storage infrastructure will have region wide benefits. Also, there is policy direction in the RPS to encourage off-line water storage (Policy 18), and this gives appropriate effect to the NPS-FM.¹⁶

88. Templeton Kapiti Limited [S126.001] sought removal of Kāpiti Coast Airport (KCA), and this submission was opposed by Ātiawa [FS20.055]. We agree with the Officer's reasons in the s 42A Report for retaining KCA in the RSI definition.¹⁷ Among other things, Air Chathams flies daily between Auckland and KCA and in the Officer's view, this provided justification for its inclusion as RSI. Further, as the Officer explains, the inclusion of KCA in the definition does not prevent use and development of the land for other purposes, and the constraints Templeton Kapiti Limited identify in their submission relate to reasons why "the land is difficult to develop while it is an operational airport, rather than issues related to the definition of RSI and its influence on the ability to use or develop the land".¹⁸ Also, the Officer advised he had discussed this matter with KCDC who advised that, from a regulatory perspective, if KCA stopped operating, it would no longer be considered RSI and therefore would not have the same protections applying and it would be "unlikely that the policy direction would inhibit consenting or a plan change process to enable new use of the land".¹⁹ We agree with the Officer's recommendation to retain KCA in the definition of RSI.

3.8.1.1 WIAL's infrastructure

89. The issue of most contention with the definition of RSI related to WIAL's relief. The wording finally recommended in the Officer's Reply Evidence was supported by WIAL and also addressed the questions we posed in Minute 27, and we recommend Council adopt it. However, given that this issue may come up in a future change to the NRP, we summarise the evolution of this issue through the Hearing stages.

¹⁵ Section 42A Hearing Report, Hearing Stream 7 – Definitions, 11 March 2023, para 110.

¹⁶ Section 42A Hearing Report, Hearing Stream 7 – Definitions, 11 March 2023, para 112.

¹⁷ Section 42A Hearing Report, Hearing Stream 7 – Definitions, 11 March 2023, paras 99 – 105.

¹⁸ Section 42A Hearing Report, Hearing Stream 7 – Definitions, 11 March 2023, para 103.

¹⁹ Section 42A Hearing Report, Hearing Stream 7 – Definitions, 11 March 2023, para 105.

90. In the s 42A Report, the Officer supported including navigational infrastructure, but not specific reference to the seawall as WIAL sought, on the basis that a seawall is not consistent with the definition of an “airport” in the Airport Authorities Act 1996 (AAA), and was therefore not “infrastructure” as defined in the RMA.
91. Ms Hunter, providing planning evidence for WIAL agreed with the conclusion in the s 42A Report to include WIAL’s navigational infrastructure in the definition. However, Ms Hunter said that a broader definition was appropriate in line with other elements and drafting in the definition (for example, the Port component included “infrastructure associated with Port related activities ... and adjacent land used in association with the movement of cargo and passengers”). Ms Hunter was concerned that the Officer’s recommendation “could be interpreted to restrict infrastructure associated with or ancillary to the airport’s operation to “navigational aids only” and therefore exclude other ancillary infrastructure or activities that were also critical to the airport’s functionality.²⁰
92. Ms Lester, WIAL’s Planning Manager, provided evidence about how WIAL’s seawall functions to protect the Airport from the effects of coastal erosion and storm surges, and its importance to WIAL’s operations. Ms Lester also described the maintenance and upgrade activities required for the safe and effective functioning of the seawall, as well as WIAL’s future plans for its upgrade or renewal, which will require a consenting process.²¹
93. In light of Ms Lester’s technical evidence, Ms Hunter maintained that it was appropriate for the RSI definition of “Wellington International Airport” to be amended to include “all associated infrastructure and structures (for the avoidance of doubt, this includes navigational aids and the sea wall between Lyall Bay and Moa Point.)”²²
94. Ms Dewar’s legal submissions for WIAL also pointed out the inconsistent references in the RSI definition to ancillary structures and activities, and said that the definition of “airport” in the AAA “includes any buildings, installations and equipment on or adjacent to any such area used in connection with the airport or its administration”.²³ Ms Dewar said that a

²⁰ Statement of Evidence by Claire Hunter, Hearing Stream 7, 28 March 2023, para 10.

²¹ Statement of Evidence of Jo Lester for Wellington International Airport Limited, 28 March 2024, sections 4 – 7.

²² Statement of Evidence by Claire Hunter, Hearing Stream 7, 28 March 2023, para 13.

²³ Summary of Legal Submissions on behalf of Wellington International Airport Ltd, Hearing Stream 7 – RSI Definition, 30 January 2024, para 1.9.

seawall meets the definition of a “structure” in the RMA and also a “building” in the Building Act 2004, and the RSI definition should include supporting infrastructure that is integral to the functioning of the Airport.²⁴

95. In his Rebuttal Evidence, the Reporting Officer largely accepted WIAL’s evidence and legal submissions (although for different reasons) and recommended the definition be amended to state:

Wellington International Airport including all supporting navigational infrastructure including its infrastructure and any buildings, installations, and equipment on or adjacent to any such area used in connection with the airport or its administration.

This includes infrastructure, buildings, installations and equipment not located on airport land.

96. Counsel for the Council lodged legal submissions on the definition of “building” saying that the definition in the National Planning Standards was the appropriate definition to refer to and that a seawall does not fall within this definition. However, Counsel did state that a seawall may come within the meaning of “installation” as used in the definitions of “aerodrome” and “navigation installation” in the Civil Aviation Act 2023, provided it was used in connection with the area used for landing, departure or surface movement of the aircraft.²⁵ This was something that was more appropriate to determine as part of a resource consent process in the context of a specific project.²⁶

97. We agree with the Council’s legal submissions that it is not appropriate, and could create uncertainty, for an RPS to include reference to specific components only of “Wellington International Airport” and not other components; or to approach the definition of the Airport in a different way to other listed items of RSI.²⁷ Further, as the Officer stated in his Rebuttal, if activities required to protect infrastructure (such as a seawall) are

²⁴ Summary of Legal Submissions on behalf of Wellington International Airport Ltd, Hearing Stream 7 – RSI Definition, 30 January 2024, paras 1.12 – 1.13, 1.16.

²⁵ Rebuttal legal submissions on behalf of Wellington Regional Council, Hearing Stream 7, 8 April 2024, para 19.

²⁶ Rebuttal legal submissions on behalf of Wellington Regional Council, Hearing Stream 7, 8 April 2024, para 20.

²⁷ Rebuttal legal submissions on behalf of Wellington Regional Council, Hearing Stream 7, 8 April 2024, para 21.

included as part of the definition of infrastructure, this could lead to planning or scope creep.²⁸

98. Following the Hearing, we asked the Officer in Minute 27 to confer with Ms Dewar and/or Ms Hunter on the definition and advise whether it could be clarified so it was clear that the buildings, installations, equipment referred to had to be owned or operated by WIAL. We gave the hypothetical example of a car rental business on airport land, potentially seeking to argue that it came within the definition of RSI. The Officer conferred with Ms Hunter and recommended amendments to clarify that activities must be required to operate, maintain, upgrade or develop the airport, rather than just be “associated” with the airport and its activities. The Officer advised that there are third parties that own and operate assets that are critical to the operational integrity of the airport, such as Airways, which owns and operates navigational infrastructure, buildings and equipment on and outside airport land, therefore he did not support the definition being limited to assets owned or operated by WIAL.

3.8.2 Finding

99. We agree with the Reporting Officer’s recommendations on the definition of *regionally significant infrastructure* for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

3.8.3 Recommendation

Regionally significant infrastructure includes:

- pipelines for the distribution or transmission of natural or manufactured gas or petroleum, including any associated fittings, appurtenances, fixtures or equipment
- a network operated for the purposes of telecommunications, as defined in section 5 of the Telecommunications Act 2001
- a network operated for the purpose of radiocommunications, as defined in section 2(1) of the Radio Communications Act 1989
- the National Grid
- facilities for the generation and/or transmission of electricity where it is supplied to the National Grid and/or the local distribution network
- facilities for the electricity distribution network, where it is 11kV and above. This excludes private connections to the local distribution network
- the local authority water supply network (including intake structures) and water treatment plants

²⁸ Statement of Rebuttal Evidence of Shannon Watson on behalf of Wellington Regional Council, Hearing Stream 7 – Definitions, 8 April 2024, paras 25 – 26.


- the local authority wastewater and stormwater networks and systems, including treatment plants and storage and discharge facilities
- the *Strategic Transport Network* (including ancillary structures required to operate, maintain, upgrade and develop that network)
- The following local arterial routes: Masterton-Castlepoint Road, Blairlogie/Langdale/Homewood/Riversdale Road and Cape Palliser Road in Wairarapa, Titahi Bay Road and Grays Road in Porirua, and Kāpiti Road, Marine Parade, Mazengarb Road, Te Moana Road, Akatārawa Road, Matatua Road, Rimu Road, Epiha Street, Paekakariki Hill Road, The Parade [Paekakariki] and The Esplanade [Raumati South] in Kāpiti
- Wellington City bus terminal and Wellington Railway Station terminus
- Wellington International Airport ~~including all supporting navigational infrastructure including its infrastructure and any buildings, installations, and equipment required to operate, maintain, upgrade and develop~~ the airport located on, or adjacent to ~~any such area~~, land and water used in connection with the airport or its administration.

This includes infrastructure, buildings, installations and equipment not located on airport land.

- Masterton Hood Aerodrome
- Kapiti Coast Airport
- Commercial Port Areas and infrastructure associated with Port related activities ~~in the Lambton Harbour Area~~ within Wellington Harbour (Port Nicholson) and adjacent land used in association with the movement of cargo and passengers, ~~and~~ including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines
- Silverstream, Spicer and Southern landfills

3.9 Strategic Transport Network

100. The proposed amendments to the notified definition stated:

Strategic public transport network		
<u>The Strategic Transport Network includes the following parts of the Wellington Region's transport network:</u>		
(a)	<u>All railway corridors and 'core' bus routes as part of the region's public transport network identified in the Regional Land Transport Plan 2021, and</u>	
(b)	<u>All existing and proposed state highways, and</u>	
(c)	<u>Any other strategic roads that are classified as a National High Volume Road, National Road, or Regional Road as part of the region's strategic road network identified in the Regional Land Transport Plan 2021, and</u>	
(d)	<u>Any other road classified as a high productivity motor vehicle (HPMV) route identified in the Regional Land Transport Plan 2021, and</u>	
(e)	<u>All sections of the regional cycling network classified as having a combined utility and recreational focus identified in the Regional Land Transport Plan 2021 and</u>	
(f)	<u>Any other existing and proposed cycleway and/or shared paths for which the New Zealand Transport Agency and/or a local authority is/was the requiring authority or is otherwise responsible.</u>	
<u>The strategic public transport network is those parts of the region's passenger transport network that provide a high level of service along corridors with high demand for public transport. It connects the region's centres with the central business district in Wellington city. It includes the rail network and key bus corridors within Wellington region.</u>		

3.9.1 Submissions, Evidence and Analysis

101. Kiwirail [S124.014] supported the definition as notified. UHCC [S34.0108] said that the definition did not appear to be linked to any provision and Method 16 referred to the “strategic public transport network” and therefore may need to be amended for consistency.
102. The Reporting Officer said in the s 42A Report that Method 16 and the definition of “Strategic Transport Network” are not related, and in any event, amendments to Method 16 were outside the scope of Proposed Change 1.
103. Ms Rushmere, Senior Planner (Policy) for UHCC disagreed with the Officer’s position and said that the definition and Method 16 are “inherently connected to each other” (with essentially the word “public” removed from the definition).²⁹ Ms Rushmere said that the “Strategic Transport Network” definition includes “All railway corridors and ‘core’ bus routes as part of the region’s public transport network identified in the

²⁹ Statement of evidence of Suzanne Rushmere on behalf of Upper Hutt City Council (Planning), 28 March 2024, para 30.

Regional Land Transport Plan 2021”, so it is not necessary to refer to a strategic public transport network in Method 16.

104. Ms Rushmere did not think that her request for consistency with Method 16 was out of scope, but instead was a consequential amendment.
105. In his Rebuttal and Reply Evidence, the Officer agreed to amend Method 16 by deleting the word “public”, and italicising the term, both as consequential changes.

3.9.2 Finding

106. We agree with the Officer’s recommendations to retain the definition of “Strategic Transport Network” as notified, and to make consequential amendments to Method 16 as shown below, for the reasons above and as set out in the Officer’s s 42A Report, and Rebuttal and Reply Evidence.

3.9.3 Recommendation

The Strategic Transport Network includes the following parts of the Wellington Region’s transport network:

- (a) All railway corridors and ‘core’ bus routes as part of the region’s public transport network identified in the Regional Land Transport Plan 2021, and
- (b) All existing and proposed state highways, and
- (c) Any other strategic roads that are classified as a National High Volume Road, National Road, or Regional Road as part of the region’s strategic road network identified in the Regional Land Transport Plan 2021, and
- (d) Any other road classified as a high productivity motor vehicle (HPMV) route identified in the Regional Land Transport Plan 2021, and
- (e) All sections of the regional cycling network classified as having a combined utility and recreational focus identified in the Regional Land Transport Plan 2021 and
- (f) Any other existing and proposed cycleway and/or shared paths for which the New Zealand Transport Agency and/or a local authority is/was the requiring authority or is otherwise responsible.

The strategic public transport network is those parts of the region’s passenger transport network that provide a high level of service along corridors with high demand for public transport. It connects the region’s centres with the central business district in Wellington city. It includes the rail network and key bus corridors within Wellington region.

Method 16: Information about locations with good access to the *strategic public transport network*

Prepare and disseminate information to support the identification of locations with good access to the **strategic public transport network**.

3.10 Natural Character

3.10.1 Policy 3: Protecting high natural character in the coastal environment – district and regional plans

107. The notified amendments stated:

Policy 3: Protecting high natural character in the <i>coastal environment</i> – district and regional plans	
District and regional plans shall include policies, rules and/or methods to protect high natural character in the <i>coastal environment</i> from inappropriate subdivision, development and/or use. Natural character should be assessed considering the following matters, with a site determined as having high natural character when the landscape is slightly modified or unmodified, the land-cover is dominated by indigenous vegetation and/or the vegetation cover is natural and there are no apparent buildings, structures or infrastructure:	
(a)	The extent to which natural elements, patterns and processes occur, including: <ul style="list-style-type: none">(i) natural elements: the products of natural processes – such as landforms, water forms, vegetation and land cover;(ii) natural processes: the ecological, climatic and geophysical processes that underlie the expression and character of the place, site or area;(iii) natural patterns: the visual expression or spatial distribution of natural elements which are, or which appear to be, a product of natural processes; and/or(iv) surroundings: the setting or context, such that the place, site or area contributes to an understanding of the natural history of the wider area.
(b)	The nature and extent of modifications to the place, site or area, including, but not limited to: <ul style="list-style-type: none">(i) physical alterations by people to the landscape, its landforms, waterforms water forms, vegetation, land cover and to the natural patterns associated with these elements;(ii) the presence, location, scale and density of buildings and structures, including infrastructure, whether appearing to be interconnected or isolated, and the degree of intrusiveness of these structures on the natural character of the place;(iii) the temporal character of the modification – such as, whether it is fleeting or temporary, transitory, transitional or a permanent alteration to the character of the place, site or area; and/or(iv) any existing influences or pressures on the dynamic ecological and geophysical processes contributing to the presence and patterns of natural elements, such that these may <u>change</u> and the natural elements and/or patterns may become threatened over time.
(c)	Social values: the place, site or area has meaning for a particular community or communities, including: <ul style="list-style-type: none">(i) sentimental: the natural character of a place, site or area has a strong or special association with a particular community; and/or

(ii) — recognition: the place, site or area is held in high public esteem for its natural character value, or its contribution to the sense of identity of a particular community.

Explanation

Although it is a matter of national importance to preserve the natural character of the coastal environment, the Resource Management Act does not preclude appropriate use and development in the coastal environment.

The New Zealand Coastal Policy Statement further establishes a requirement to define what form of subdivision, use, development or occupation would be appropriate in the coastal environment and where it would be appropriate. Policy 3 supports these requirements, along with policies 55 and 56, which promote a compact, well designed and sustainable regional form.

Case law⁷ has established that 'natural character' does not necessarily mean pristine or completely unmodified character. Natural character occurs on a continuum, from pristine to totally modified. Most of the coastal environment has some element of natural character and, conversely, some degree or element of modification.

Policy 3 implements the New Zealand Coastal Policy Statement by requiring requires district and regional plans to protect areas considered to have 'high' natural character from inappropriate subdivision, use and development. Councils must assess land in the coastal environment to ascertain which areas have high natural character, in order to protect these areas, and to determine what would be inappropriate activities on this land, depending on the attributes associated with an area's high natural character.

The policy lists the matters to be considered when assessing natural character. Policy 3 (a) contains factors which contribute 'natural' attributes to an area, while the factors within clause (b) are about people's influence in or upon the area, which can compromise, modify, or otherwise diminish the natural character of the area.

When making a determination as to whether the degree of natural character is high in a particular location, an area of high natural character is likely to be dominated by natural elements rather than by the influence of human activities, and/or the natural elements will be out of the ordinary or otherwise regarded as important in terms of one or more of the factors outlined within policy 36(a) and (c). Alternatively, an area of high natural character may be regarded as having qualities which are relatively uncompromised by human activities and influence, as specified within 36(b).

Policy 36 will need to be considered alongside policy 3 when changing, varying or reviewing a district or regional plan

Related policies within this Regional Policy Statement direct regional and district plans to identify and protect historic heritage places, sites and areas (policies 21 and 22), ecosystems with significant biodiversity value (policies 23 and 24), outstanding

natural features and landscapes (policies 25 and 26), and special amenity landscape values (policies 27 and 28) — using the criteria outlined in each policy, and guidance that will be developed to assist with implementation of the Regional Policy Statement (method 7).

108. Policy 3 directs district and regional plans to include policies, rules and/or methods to protect high natural character in the coastal environment from inappropriate subdivision, development and/or use. The Policy then provides a list of matters to be considered in a natural character assessment. Proposed Change 1 amends Policy 3 by deleting clause (c) to

align with Policy 13 of the NZCPS. Clause (c) includes elements of social and cultural values that are not included in Policy 13 of the NZCPS therefore deleting clause (c) gives better effect to Policy 13.

109. There were 45 submission and further submission points on this topic.

3.10.2 Submissions, Evidence and Analysis

110. The submissions focussed on providing clarity on how to interpret natural character, providing recognition of Te Ao Māori values and partnership opportunities for mana whenua, and questions on the scope of the Change 1 amendments.

111. In addition to Policy 13 of the NZCPS, Policy 3 is also directed by several provisions in Part 2 of the RMA, namely coastal natural character as a matter of national importance that must be recognised and provided for by functionaries (s 6(a); and ss 7(c) and 7(f) which require particular regard to be had to the maintenance and enhancement of amenity values and the quality of the environment).

112. During the Hearing and in Minute 27, we asked the Officer, Dr Dawe, to clarify the natural character policy hierarchy in the RPS and how it gives effect to Policy 13 of the NZCPS for areas of the coastal environment that are considered to have an appreciable level of natural character, but not considered high or outstanding. Dr Dawe responded in his Reply Evidence to set out the requirements of Policy 13.³⁰ He said that it required a two-step process. First, to assess the natural character of the coastal environment by mapping or identifying, at a minimum, areas of high natural character (although typically this assessment will also identify areas that have low to moderate natural character values as well). The second step involves using the natural character assessment and determining whether provisions are required to “preserve the natural character” of the coastal environment.

113. Dr Dawe said that the RPS provides appropriate direction to regional and district plans to undertake this process.³¹ Policy 3 addresses the protection of areas identified as having “high” natural character, and requires that provisions be included in plans to protect these areas in the coastal environment from inappropriate subdivision, use and

³⁰ Right of Reply Evidence of Dr Iain Dawe on behalf of Wellington Regional Council, Hearing Stream 7: Small Topics, Wrap-Up and Variation 1 – Natural Character, 30 May 2024, paras 13 – 18.

³¹ Right of Reply Evidence of Dr Iain Dawe on behalf of Wellington Regional Council, Hearing Stream 7: Small Topics, Wrap-Up and Variation 1 – Natural Character, 30 May 2024, para 18.

development. The Policy gives partial effect to Policy 13 of the NZCPS by focussing on the protection of areas with the highest natural character.

114. Dr Dawe explained that Policy 36 of the RPS directs the management of all other areas of the coastal environment for natural character, including those considered to have low or moderate natural character values or where coastal natural character has not been assessed, mapped, identified or otherwise included in plans.³² Policy 35 addresses the preservation aspect of Policy 13 of the NZCPS.
115. Some submitters supported the amendments to Policy 3 and sought they be retained as notified. The DGC [S32.010] supported the amendments as they give better effect to Policy 13 of the NZCPS. The DGC noted that some elements of the explanation were deleted that could have been helpfully retained or reworded but said this did not affect the intent of the Policy. Ātiawa [S131.055] sought that the chapeau of the Policy be amended to specify that the Council partners with mana whenua when identifying natural character. Taranaki Whānui [S167.069] made a similar submission but also referred to “protecting” high natural character.
116. Forest and Bird [S165.042] supported the amendments in part but requested Policy 3 also include protection for all areas of natural character in the coastal environment in accordance with the requirements of Policy 13 of the NZCPS. Meridian [S100.013] opposed the proposed deletion of part of the Explanation text and sought it be reinstated and refer to s 6(a) of the RMA and the requirement to preserve the natural character of the coastal environment from “inappropriate use and development”.
117. In the s 42A Report, the Officer recommended re-inserting some parts of the Explanation to the Policy to provide greater clarity on the concept and implementation of natural character, including reference to the Department of Conservation guidance note to Policy 13 describing coastal natural character. This responded to relief sought by MDC [S166.021] and DGC [S32.010]. The Officer also supported reinstating reference to s 6(a) to satisfy Meridian’s relief. Mr Brass on behalf of the DGC confirmed support for these amendments to the explanatory text which he thought

³² Right of Reply Evidence of Dr Iain Dawe on behalf of Wellington Regional Council, Hearing Stream 7: Small Topics, Wrap-Up and Variation 1 – Natural Character, 30 May 2024, paras 19 – 20.

provide clear links to the higher order documents and also to relevant guidance material.³³

118. In relation to Forest and Bird’s submission, the Officer rejected the request for further amendments to include all natural character areas as Policies 35 and 36 in the Operative RPS already provide for this.³⁴ In his Rebuttal Evidence, the Officer agrees with submissions and Ms Burns’ evidence (on behalf of Rangitāne) to add “partnership with mana whenua / tangata whenua” to the chapeau³⁵ even though, as he stated in the s 42A Report, Method 32 and other provisions also provide for engagement with mana whenua / tangata whenua when undertaking the type of work that is involved in identifying and assessing natural character.³⁶ The Officer also notes that a partnership approach is also strongly advised in guidelines such as *Te Tangi a te Manu-Aotearoa* New Zealand Landscape Assessment Guidelines, NZ Institute of Landscape Architects, 2022.³⁷ In light of the amendments the Officer proposed to the chapeau of Policy 3 (which then made the Policy “self-contained” regarding natural character assessments), the Officer did not support Ms Burns’ request for Method 32 to also refer to partnering with mana whenua / tangata whenua when assessing natural character.³⁸
119. KCDC [S16.0102] made a general submission seeking that the use of “and/or” terminology only be used in Proposed Change 1 where appropriate, as the wording implies a choice can be made and this may not always be the case. The Officer has accepted this relief in relation to Policy 3, and recommended in the s 42A Report that “/or” be deleted both times it occurs as the Policy lists a number of matters that all need to be considered as part of a natural character assessment.³⁹ Mr Brass on

³³ Evidence of Murray Brass on behalf of the Director-General of Conservation, Hearing Stream 7 – Small topics, wrap up and Variation 1, 27 March 2024, para 14.

³⁴ Section 42A Hearing Report – Hearing Stream 7: Small topics, wrap-up and Variation 1 – Natural Character, 11 March 2024, para 112.

³⁵ Statement of Rebuttal Evidence of Dr Iain Dawe on behalf of Wellington Regional Council, Hearing Stream 7 – Small Topics, Wrap-Up and Variation 1, Natural Character, 8 April 2024, para 15.

³⁶ Section 42A Hearing Report – Hearing Stream 7: Small topics, wrap-up and Variation 1 – Natural Character, 11 March 2024, para 114.

³⁷ Statement of Rebuttal Evidence of Dr Iain Dawe on behalf of Wellington Regional Council, Hearing Stream 7 – Small Topics, Wrap-Up and Variation 1, Natural Character, 8 April 2024, para 14.

³⁸ Right of Reply Evidence of Dr Iain Dawe on behalf of Wellington Regional Council, Hearing Stream 7: Small Topics, Wrap-Up and Variation 1 – Natural Character, 30 May 2024, para 31.

³⁹ Section 42A Hearing Report – Hearing Stream 7: Small topics, wrap-up and Variation 1 – Natural Character, 11 March 2024, para 84.

behalf of the DGC confirmed support for this amendment in his evidence.⁴⁰

120. In his Reply Evidence, Dr Dawe recommended various amendments to the explanation to Policy 3 to clarify that it implements Policy 13 in part, and setting out the linkages to Policies 35 and 36 of the RPS. We support these amendments as they provide useful clarification and also acknowledge aspects of Forest and Bird's relief.

3.10.3 Finding

121. We recommend the amendments proposed by the Officer in the s 42A Report to Policy 3 are accepted by Council for the reasons above and as set out in the Officer's s 42A Report, Rebuttal and Reply Evidence.

3.10.4 Recommendation

District and regional plans shall include policies, rules and/or methods to protect high natural character in the coastal environment from inappropriate subdivision, development and/or use. [In partnership with mana whenua/tangata whenua](#), Natural Natural character should be assessed considering the following matters, with a site determined as having high natural character when the landscape is slightly modified or unmodified, the land-cover is dominated by indigenous vegetation and/or the vegetation cover is natural and there are no apparent buildings, structures or *infrastructure*:

- (a) The extent to which natural elements, patterns and processes occur, including:
- (i) natural elements: the products of natural processes – such as landforms, water forms, vegetation and land cover;
 - (ii) natural processes: the ecological, climatic and geophysical processes that underlie the expression and character of the place, site or area;
 - (iii) natural patterns: the visual expression or spatial distribution of natural elements which are, or which appear to be, a product of natural processes; and/or
 - (iv) surroundings: the setting or context, such that the place, site or area contributes to an understanding of the natural history of the wider area.
- (b) The nature and extent of modifications to the place, site or area, including, but not limited to:
- (i) physical alterations by people to the landscape, its landforms, ~~water forms~~ water forms, vegetation, land cover and to the natural patterns associated with these elements;
 - (ii) the presence, location, scale and density of buildings and structures, including *infrastructure*, whether appearing to be interconnected or isolated, and the degree of intrusiveness of these structures on the natural character of the place;
 - (iii) the temporal character of the modification – such as, whether it is fleeting or temporary, transitory, transitional or a permanent alteration to the character of the place, site or area; and/or

⁴⁰ Evidence of Murray Brass on behalf of the Director-General of Conservation, Hearing Stream 7 – Small topics, wrap up and Variation 1, 27 March 2024, para 15.

(iv) any existing influences or pressures on the dynamic ecological and geophysical processes contributing to the presence and patterns of natural elements, such that these may change and the natural elements and/or patterns may become threatened over time.

(c) ~~Social values: the place, site or area has meaning for a particular community or communities, including:~~

~~(i) sentimental: the natural character of a place, site or area has a strong or special association with a particular community; and/or~~

~~(ii) recognition: the place, site or area is held in high public esteem for its natural character value, or its contribution to the sense of identity of a particular community:~~

Explanation

Section 6(a) of the Resource Management Act 1991 requires that the preservation of the natural character of the coastal environment and the protection of it from inappropriate use and development is recognised and provided for.

~~Although it is a matter of national importance to preserve the natural character of the coastal environment, However, the Resource Management Act it does not preclude appropriate use and development in the coastal environment.~~

~~The New Zealand Coastal Policy Statement further establishes a requirement to define what form of subdivision, use, development or occupation would be appropriate in the coastal environment and where it would be appropriate. Policy 3 supports these requirements, along with policies 55 and 56, which promote a compact, well designed and sustainable regional form.~~

Policy 3 implements in part Policy 13 of the New Zealand Coastal Policy Statement by requiring ~~requires~~ district and regional plans to protect areas considered to have 'high' natural character from inappropriate subdivision, use and development. Councils must assess land in the coastal environment to ascertain which areas have high natural character, in order to protect these areas, and to determine what would be inappropriate activities on this land, depending on the attributes associated with an area's high natural character.

The policy lists the matters to be considered when assessing natural character. Policy 3 (a) contains factors which contribute 'natural' attributes to an area, while the factors within clause (b) are about people's influence in or upon the area, which can compromise, modify, or otherwise diminish the natural character of the area.

~~Case law⁷ has established that 'natural character'~~ Natural Character does not necessarily mean pristine or completely unmodified character. Natural character occurs on a continuum, from pristine to totally modified. Most of the coastal environment has some element of natural character and, conversely, some degree or element of modification.

The Department of Conservation guidance note to Policy 13 of the New Zealand Coastal Policy Statement describes coastal natural character as including patterns and processes that are the products of nature, both living and non-living, but not those that are human-made. Natural character also includes the perception of these elements but does not specifically consider social and cultural values. Social and cultural values are considered

within Policy 25 - identifying outstanding natural features and landscapes, of which natural character values are a component.

When making a determination as to whether the degree of natural character is high in a particular location, an area of high natural character is likely to be dominated by natural elements rather than by the influence of human activities, and/or the natural elements will be out of the ordinary or otherwise regarded as important in terms of one or more of the factors outlined within policy 36(a) and (c). Alternatively, an area of high natural character may be regarded as having qualities which are relatively uncompromised by human activities and influence, as specified within 36(b):

Policy 36 will need to be considered alongside policy 3 when changing, varying or reviewing a district or regional plan:

Related policies within this Regional Policy Statement direct regional and district plans to identify and protect historic heritage places, sites and areas (policies 21 and 22), ecosystems with significant biodiversity value (policies 23 and 24), outstanding natural features and landscapes (policies 25 and 26), and special amenity landscape values (policies 27 and 28) – using the criteria outlined in each policy, and guidance that will be developed to assist with implementation of the Regional Policy Statement (method 7):

In situations where coastal natural character is considered less than high, has not been assessed, mapped, identified or otherwise included in regional or district plans, Policy 36 is used to assess and manage the effects of activities for resources consents, notices of requirement or regional or district plan changes, variations or reviews to avoid, remedy or mitigate adverse effects of activities on natural character in the coastal environment.

Policies 3 and 36 address management of activities that may have effects on coastal natural character. Related to these two provisions is Policy 35 that gives effect to the preservation of natural character elements of Policy 13 of the New Zealand Coastal Policy Statement. Policy 35 is used when considering resources consents, notices of requirement or regional or district plan changes, variations or reviews.

3.11 Omitted Submission Points

122. The Reporting Officer Ms Zöllner advised that 13 original submissions were inadvertently omitted during the course of the hearings. These submission points relate to:

- Hearing Stream 2- Integrated Management
- Hearing Stream 5 – Freshwater/Te Mana o Te Wai
- Hearing Stream 6 – Indigenous Ecosystems
- General submissions.

3.11.1 Integrated Management provisions (HS2)

123. Ātiawa ki Whakarongotai Charitable Trust (Ātiawa) provided a comprehensive submission on the Chapter 3 provisions supporting them as they set the high-level policy framework for the changes. Among other things, Ātiawa said the concept of integrated management aligns with te tirohanga Māori/Māori worldview of understanding te ao Tūroa, the natural world as an interconnected, interdependent whole. Ātiawa supported the provisions as they enable mana whenua values and provide for mātauranga Māori to be applied to resource management.⁴¹ Ātiawa [S131.009] noted that specific amendments were sought in relation to the regionally significant issues in Chapter 3.

124. The HS2 Reporting Officer considered the amendments Ātiawa sought through other submission points including the Chapter 3 introductory text, Objective A and overarching issues but did not specifically address the submission point above. We are satisfied that the relief sought has been assessed and incorporated as appropriate.

125. DGC [S32.001] supported the additions to Chapter 3 and sought that they are retained as notified except where amendments have otherwise been requested by DGC. Again, this relief was considered through other submission points.

126. Fish and Game [S147.001] supported the overarching resource management issues for the Region as necessary to give effect to the NPS-FM and sought they be retained as notified. This relief has been assessed and incorporated as appropriate through other submission points.

⁴¹HS2, S131 Ātiawa ki Whakarongotai Charitable Trust, page 2

3.11.2 Freshwater / Te Mana o te Wai provisions (FPI / HS5)

127. There were 5 omitted submissions points in the freshwater/Te Mana o Te Wai stream.
128. Ātiawa [S131.016] submitted in partial support of the definition of Te Mana o Te Wai and noted that they will include local context and interpretation of Te Mana o Te Wai through Te Whaitua o Kāpiti and seek that their expression of Te Mana o Te Wai is included in the RPS at the appropriate time through the Freshwater Planning Process.
129. Kahungunu ki Wairarapa [S169.013] made a general submission expressing support for the iwi expressions of Te Mana o Te Wai. Underpinning this support is the view that Te Mana o Te Wai fulfils the tenets of both ss 5, 6(e), 7(a) and 8 of the RMA and the NPS-FM. The theme of this relief has been incorporated into the Change 1 provisions and agreed to by the FHP (see for instance its recommendations on new Policies FW.XXA and FW.XXB). The FHP notes that not all mana whenua / tangata whenua expressions of Te Mana o Te Wai have been included in the through Change 1, and that it understands Council intends to insert further mana whenua / tangata whenua expressions of Te Mana o Te Wai into the RPS through future changes, as part of giving effect to the NPS-FM.
130. Forest and Bird [S165.0140] supported the definition of Te Mana o Te Wai and sought that it be retained. Ms Bolstad [S64.003] made a general submission seeking that the provisions uplifting Te Mana o Te Wai are retained, refined and enhanced. Ms Bolstad did not make specific suggestions as what the refinements and/or enhancements should state.
131. Proposed Change 1 notified a definition of Te Mana o te Wai cross-referencing to clause 1.3 of the NPS-FM. In section 3.48 of the FPI Report (Part C), the FHP recommends a definition be included for the NPS-FM and also Te Mana o te Wai. Forest and Bird's relief is therefore agreed to by the FHP. We also note that the HS7 Reporting Officer recommends that 'NPS-FM' in the notified definition of Te Mana o te Wai is instead referred to as "the National Policy Statement for Freshwater Management 2020". The FHP agreed with this amendment in their Report (Part C).
132. WCC [S140.0129] sought a definition of 'undeveloped state' to support hydrological controls in Policy FW.X. The relief sought for amendments to Policy FW.X is discussed in the FPI Report as is the definition of

‘undeveloped state’ (para 3.45.2). We agreed in that recommendation to include a definition therefore WCC’s relief is accepted.

3.11.3 Indigenous Ecosystems provisions (HS6)

133. Ātiawa [131.031] submitted in support of Objective 16 and sought that it be retained as notified. They sought to be involved in a process to identify significant sites to ensure mana whenua are part of decision making that could involve land held by Māori.
134. Muaūpoko [133.016] submitted in partial support of the indigenous ecosystems provisions, and requested that a policy, method or both is added to provide for the development of a regional and local expression of Te Rito o Te Harakeke, to be co-designed with tangata whenua including Muaūpoko.
135. We recommended in the HS6 chapter that Objective 16 be retained with some amendments, therefore the submission of Ātiawa is accepted in part. Their request to be involved in identification of significant sites is provided for through Method 32 and Policy IE.1 therefore this relief is also addressed in chapter HS6 of our Report.
136. The relief sought by Muaūpoko is agreed to in part through this Panel’s recommendations on Method IE.1 (in chapter HS6) which is about partnering with mana whenua / tangata whenua to give effect to the decision-making principles. As we have previously noted, it is not for the Panel to make recommendations regarding mana whenua status. The Reporting Officer for HS6 has recommended that “Te Rito o Te Harakeke” is replaced with “decision-making principles for indigenous biodiversity” in various HS6 provisions to provide better alignment with the gazetted NPS-IB⁴² and we have agreed with that recommendation in our Report on the HS6 provisions.

3.11.4 General submissions

137. Various submitters made general submissions in relation to the wording of consideration policies (WCC [140.003]), amendments to definitions to align with relevant NPS’ or the National Planning Standards (Kāinga Ora [S15.038], and a general submission in partial opposition to Change 1 provisions seeking amendments to give effect to the matters raised in their

⁴² Response to request for information in Minute 23, paragraph 6(b), Iain Dawe and Pam Guest on behalf of Wellington Regional Council, Hearing Stream 7, 8 April 2024; see also s 42A Hearing Report for Hearing Stream 6, 11 December 2023, para 101.

submission (WIAL [S148.011]). The Officer stated that WIAL's submissions did not seek specific relief and amendments it sought through its submission have been considered in the various hearing reports. We agree and make no recommendation on their general submission point.

138. Elsewhere in our Report (for instance Chapter HS1 – General submissions) we have assessed submitters' concerns regarding the consideration policies. This has also been considered through Hearing Streams 2 to 6. The HS7 Officer noted that WCC's relief has not been assessed against all consideration policies in Chapter 4.2 of the RPS. We have considered the Officer's comments and assessment of consideration policies in the HS7 s 42A Report, in Chapter HS1. WCC's relief is accordingly considered in HS1 and we make no further comment here.
139. In terms of Kāinga Ora's general relief on definitions, we note the Officer's assessment in the s 42A Report and conclusion that all definitions in Proposed Change 1 are either already consistent with the relevant NPS or the National Planning Standards, or if not defined through these documents, they have already been assessed against other national or relevant regional direction by the relevant Reporting Officer. The FHP has made a recommendation in Part C regarding the definitions of Te Mana o te Wai and the NPS-FM.

3.11.5 Finding in relation to omitted submission points

140. We agree with the Officer's recommendations on the omitted submissions points discussed above in relation to HS1, HS2, HS5 and HS6 provisions for the reasons above and as set out in the Officer's s 42A Reports, and Rebuttal and Reply Evidence (including the Reports from the topic specific Officers for HS2, HS5 and HS6). We note the FHP has made a recommendation in Part C regarding the definitions of Te Mana o te Wai and the NPS-FM and this addresses the omitted submission point of Forest and Bird [S165.0140]. Other submission points that were omitted have been addressed in the various respective Hearing Reports.