

Before the Proposed Natural Resources Plan Hearing Panel

---

*under:* the Resource Management Act 1991

*in the matter of:* a submission by the New Zealand Transport Agency  
(submitter number 146) on the Proposed Natural  
Resources Plan for the Wellington Region

*and in the matter of:* Hearing Stream One

*by:* **New Zealand Transport Agency**  
*Submitter*

Primary Statement of evidence (planning) of **Hywel David Edwards** on  
behalf of the New Zealand Transport Agency

---

Dated: 5 May 2017

Hearing Date: 22 May 2017

## STATEMENT OF EVIDENCE OF HYWEL DAVID EDWARDS ON BEHALF OF THE NEW ZEALAND TRANSPORT AGENCY

### EXECUTIVE SUMMARY

- 1 The Greater Wellington Proposed Natural Resources Plan (*Proposed Plan*) must give effect to the Wellington Regional Policy Statement (*Wellington RPS*) which seeks to recognise the social, economic, cultural and environmental benefits of regionally significant infrastructure and protect its use and ongoing operation from incompatible use and development. At the same time, the Proposed Plan must manage effects on the surrounding environment and community.
- 2 The Proposed Plan must provide a blueprint of an overall outcome and the framework within which that outcome can be achieved. In order for the Proposed Plan to achieve these goals, my view is that amendments are needed to the provisions of the Proposed Plan within Hearing Stream One.
- 3 As explained in the evidence of **Mr Neil Walker**, the transport network is of national significance as it provides for inter-regional connections essential to the social and economic well-being of the country, in particular to support on-going economic activity and growth (through the efficient movement of freight and people).
- 4 For the same reasons, the provision of significant infrastructure is also of regional importance for Wellington. As explained by **Mr Walker**, in Wellington (and throughout New Zealand), there is often a tension between the provision of infrastructure and the protection of natural resources and values, which is exacerbated by the region's physical and topographical constraints.
- 5 In summary, the key points raised in my evidence will:
  - 5.1 Acknowledge the importance and significance (nationally and regionally) of the State highway network, and activities that form part of that network in its entirety;
  - 5.2 Recognise that regionally significant infrastructure, including the State highway network, is critical to support our social and economic well-being, in-line with section 5 of the Resource Management Act 1991 (*RMA*);
  - 5.3 Identify the need for provisions that will acknowledge physical and geographical constraints of Wellington and the linear nature of the State highway network, meaning that transport infrastructure is sometimes (but not always) appropriate where other development may not be. This may include a functional need for significant transport infrastructure to

sometimes locate in / adjacent to coastal and freshwater environments, notable landscapes and Scheduled areas (Proposed Plan Chapter 12); and

- 5.4 Acknowledge the need for provisions that will, not only recognise, but also enable and protect the safe and efficient operation, maintenance, upgrading and development of existing and future significant infrastructure, and in particular the transport infrastructure.

### **QUALIFICATIONS AND EXPERIENCE**

- 6 My full name is Hywel David Edwards.
- 7 I hold the following qualifications from the University of Wales, Cardiff relevant to my evidence:
- 7.1 Diploma in Town Planning (2002); and
- 7.2 Bachelor of Science (Hons) in City and Regional Planning (2000).
- 8 I have approximately 14 years' experience in planning and resource management, 11 of which have been within New Zealand. I have been a Full Member of the New Zealand Planning Institute (*NZPI*) since 2008 and am currently a Committee Member of the NZPI Central Branch.
- 9 I am currently employed by Beca Limited, and hold the position of Associate Planner. In my role at Beca I provide planning and resource management advice (statutory, environmental and strategic policy) to a variety of clients, and have been responsible for the planning inputs on a number of large infrastructure and development projects requiring designations and resource consents. In addition, I have assisted a number of territorial authorities with strategic policy and consenting advice.
- 10 I have been engaged by the New Zealand Transport Agency (*Transport Agency*) to assist in its review of the provisions of the Proposed Plan and the preparation of submissions and further submissions.

### **CODE OF CONDUCT**

- 11 I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in my brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## SCOPE OF EVIDENCE

- 12 My evidence will discuss the following topics:
- 12.1 A general overview of the RMA and planning framework in relation to the Proposed Plan and of particular relevance to the submissions by the Transport Agency;
- 12.2 A specific discussion on key themes for the Transport Agency for Hearing Stream One, being:
- a) The definition of Strategic Transport Network and Regionally Significant Infrastructure;
  - b) Enabling existing regionally significant infrastructure;
  - c) Enabling new regionally significant infrastructure and providing guidance on managing competing policies;
  - d) Protecting regionally significant infrastructure;
  - e) A high level effects management policy for regionally significant infrastructure; and
  - f) Policies 3, 4 and 19.
- 13 In addition to 12.3 above, I attach (*Appendix A*) a full list of provisions under Hearings Stream One which the Transport Agency submitted or has had further submissions made on it. Taking into account the Transport Agency's submission and the Officer's Report assessment contained in the Council's s42A Reports (*Officer's Report*), I have recommended provisions that I consider are appropriate for inclusion in the Proposed Plan.
- 14 **Mr Neil Walker's** evidence provides a strategic overview of the Transport Agency's position with respect to the Proposed Plan and how it relates to the Transport Agency's statutory functions and responsibilities. He confirms the significance of the Proposed Plan to the Transport Agency's statutory and operational functions.

## OVERVIEW OF THE PLANNING FRAMEWORK

### Importance of objectives and policies

- 15 My understanding of the recent case of R J DAVIDSON FAMILY TRUST V MARLBOROUGH DISTRICT COUNCIL (*Davidson*) is that the High Court held that except in limited circumstances<sup>1</sup>, there is no need (or ability) to refer back to Part 2 of the RMA when determining a resource consent application under section 104. This

---

<sup>1</sup> Where there has been invalidity, incomplete coverage or uncertainty of meaning in the planning documents

places a different 'lens' on the traditional process through which resource consent applications have been assessed.

- 16 This decision has, in my opinion, emphasised the importance of ensuring that lower order planning documents properly implement the full range of matters covered in Part 2 of the RMA and national planning standards.
- 17 From a plan content perspective, the Davidson decision has emphasised the importance of objectives and policies in plans and policy statements in assessing resource consent applications as they are seen as 'giving effect' to Part 2.
- 18 Objectives and policies of the Proposed Plan must therefore strike the correct balance between recognising the benefits of (and protecting) regionally significant infrastructure and managing effects on the surrounding environment and community. The objective and policy framework must be sufficiently clear, consistent and complete and 'say what it means'.
- 19 I acknowledge that this is an evolving area of resource management law, and given this, I consider it is even more important that the planning provisions are clear, tailored to the issues of the region, and appropriately give effect to the higher order documents.

### **The Wellington RPS**

- 20 The hierarchy of planning documents under the RMA require that the development of any plan must 'give effect' to any relevant National Policy Statements (*NPS*) or National Environmental Standards (*NES*). The Regional Policy Statement (*RPS*) must be given effect to by the 'lower plans' i.e. the Regional Plan, Regional Coastal Plan and District Plan.
- 21 The operative Wellington RPS 2013 identifies the regionally significant issues around the management of regional resources. It sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods).
- 22 Wellington RPS Objective 10 and Policies 7 and 8 are particularly relevant to Hearing Stream One for the Transport Agency<sup>2</sup>. I have set out these provisions in full in **Appendix B**.

---

<sup>2</sup> Policy 39 directs decision-makers on an application for resource consent, notice of requirement or a change, variation or review of a regional plan to have particular regard to the social, economic, cultural and environmental benefits from regionally significant infrastructure and protecting that infrastructure from incompatible subdivision, use and development. Policy 39 (a) and (b) cease to have effect once Policy 8 and 9 are given effect in a relevant regional plan – there is an anomaly in that these statements fail to refer to Policy 7 (infrastructure) in relation to Policy 39(a)).

- 23 Wellington RPS Objective 10 is to recognise and protect the social, economic, cultural and environmental benefits of regionally significant infrastructure. To achieve Objective 10, the Proposed Plan is directed to:
- 23.1 Policy 7: include policies and/or methods that recognise the social, cultural and environmental benefits of regionally significant infrastructure, including so that people and goods can travel to, from and around the region efficiently and safely; and
  - 23.2 Policy 8: include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure.
- 24 The explanation to Wellington RPS Policy 7 acknowledges that regionally significant infrastructure can provide benefits both within and outside the region while also having adverse effects on the surrounding environment and community. It also explains that these competing considerations need to be weighed on a case by case basis to determine what is appropriate in the circumstances. The Proposed Plan must 'give effect' to these provisions<sup>3</sup>, or in other words must actively implement them. In my view, this effectively means providing a framework for managing competing policies and effects.

### **THE TRANSPORT AGENCY'S SUBMISSIONS**

- 25 The context of the Transport Agency's submission is outlined in **Mr Walker's** evidence and highlights that the Proposed Plan should:
- 25.1 Provide certainty for infrastructure providers to not undermine investment in the State highway network, or the wider transport network;
  - 25.2 Enable infrastructure investment aligned with agreed national, regional and local outcomes;
  - 25.3 Through enablement and protection, recognise the key role that regionally significant infrastructure, including the transport network plays in providing for social, cultural and economic well-being of people and communities; and
  - 25.4 Recognise that the linear nature of State highway infrastructure often limits the nature and location of infrastructure improvements.
- 26 **Mr Walker** refers to the requirements of the Land Transport Management Act 2003 and the revised Government Policy Statement on land transport<sup>4</sup> (I understand the Transport Agency is

---

<sup>3</sup> Section 67(3) of the RMA.

<sup>4</sup> Revised Government Policy Statement (GPS) on land transport 2015/16-2024/25

now required to provide for walking/cycling/shared paths as part of its mandate) through which the importance of the transport network, including the State highway network, to both the regional and national economy is evident. This has a flow on effect to the social and economic well-being of the region's people.

- 27 Transportation networks are therefore essential both intra-regionally and inter-regionally for communities and business. Secure, safe and efficient transport routes are arteries for the economy and business (including rural production, manufacturing and commerce). Transport networks also provide essential links for emergency services, social, cultural, community and educational needs. However, the location of existing networks in the region (including within urban centres with minimal space), its topography and coastline creates constraints for linear transport infrastructure. These features also contribute significantly to resilience risks.
- 28 **Mr Walker** explains that the Transport Agency has responsibility in particular for the State highway network but also has a significant role to play in supporting other transport modes including public transport, cycling<sup>5</sup> and walking.
- 29 The ability to maintain and operate transport infrastructure and develop planned (and future) connections to the network is a critical part of enabling social and economic well-being. In my opinion this linkage needs to be strengthened and more directive in the provisions of the Proposed Plan, particularly in light of competing protective and direct policy directions.
- 30 The Proposed Plan has both regionally significant infrastructure recognition policies and protective policies (that minimise, protect and avoid effects on certain values). In identifying objectives and policies to respond to the issues facing the Wellington region there is a risk that the Proposed Plan produces competing policies without a clear plan to help navigate and balance the consideration of these. This issue is expressly acknowledged in the explanation to Wellington RPS Policy 7.
- 31 The Proposed Plan as notified, is, from my perspective as a planner, 'tilted' in its balance towards those direct and protective environmental and cultural policies which, at times, are difficult to reconcile with the enabling policies for regionally significant infrastructure. It is my opinion that amendments to the regionally significant infrastructure provisions are appropriate so that a more enabling regionally significant infrastructure framework is embedded into the Proposed Plan, together with a clearer and more coherent framework for the management of potentially competing policies. If

---

<sup>5</sup> The Urban Cycleways Programme forms part of roading projects including the Roads of National Significance.

the subsequent objectives and policies “do not talk to each other”, or substantially conflict, this affects the ability of the document to effectively function as a future-focused framework, and this will cause administration and implementation difficulties and inefficiencies.

- 32 In any planning process there is an acknowledged tension between use and development, and protection. To be effective, the Proposed Plan should provide a cohesive and workable framework within which we can evaluate and weigh any tensions or competing interests to address the issues and achieve the identified outcomes, whilst achieving the purpose and principles of the RMA.<sup>6</sup>
- 33 Transportation infrastructure that is needed to support Wellington often has strategic and national value as it connects to national networks (as in the case of the State highway network) or provides services beyond the Wellington regional boundaries (e.g. freight connections via ferry to the south and the State highway network north). It therefore plays a critical role in enabling social and economic wellbeing. However, major upgrading and development of regionally significant infrastructure such as the State highway and wider transport network will inevitably compete with natural environment values.
- 34 The provisions recommended in my evidence below, and summarised clearly in **Appendix A** attached to my evidence will, in my opinion, close the existing policy gaps and help achieve a clearer and consistent framework to balance these competing demands.

### **KEY THEMES AND RECOMMENDATIONS**

- 35 I have refrained from providing evidential commentary on each of the Transport Agency’s submission points. A complete list of the Transport Agency’s submission points, and relief sought, is provided in **Appendix A**. My evidence focuses on what I consider to be the key and critical themes for the Transport Agency.

#### **Definition – Strategic Transport Network**

- 36 While not ideal, my view is that a definition can cross reference to another document. However, I do not support a definition that is not future-proofed, and by this I mean whereby any changes to the document cross referenced would necessitate a change to the Proposed Plan definition. By way of example, the definition of regionally significant infrastructure in the Wellington RPS is outdated in that it refers to the Strategic Transport Network as defined in the Wellington Regional Land Transport Strategy 2007-2016.

---

<sup>6</sup> Section 5 RMA

- 37 Plans by their very nature are forward thinking. Therefore, the definition needs to contemplate future assets which may form part of the Strategic Transport Network as opposed to being 'set in time' meaning that the definition will inevitably become outdated and not fit for purpose. The consequence of a 'set in time' definition is that future regionally significant transport infrastructure may fall outside of the definition of the Strategic Transport Network, and therefore not be considered as Regionally Significant Infrastructure under the Proposed Plan. This could result in future regionally significant infrastructure having to navigate a consent process without the benefit of the enabling provisions in the Proposed Plan.
- 38 In my view, to avoid this scenario, the definition needs to be amended so as to capture future regionally significant infrastructure.
- 39 I therefore recommend the following amendment to the definition:

"The **Strategic Transport Network** comprises the following existing and proposed 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 2015, and
- (b) All 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 2015, and
- (c) Any other road classified as a high productivity motor vehicle (HPMV) route identified in the Regional Land Transport Plan 2015, and
- (d) All sections of the regional cycling network classified as having a combined utility and recreational focus identified in the Regional Land Transport Plan 2015.

*The **Strategic Transport Network** at the time of writing this Proposed Plan* is mapped in the Regional Land Transport Plan 2015.

#### **Definition – Regionally Significant Infrastructure**

- 40 My view is that the definition of Regionally Significant Infrastructure in the Proposed Plan should be amended to acknowledge enabling and ancillary activities (as sought in the Transport Agency's relief pertaining to the Strategic Transport Network). Regionally Significant Infrastructure cannot be constructed and operated without these activities. For example, a State highway itself does not require consent under this Proposed Plan, rather it is the activities required to construct that State highway (e.g. enabling earthworks and construction and operational related discharges to land and water and air) that do.

- 41 I acknowledge the definition of Regionally Significant Infrastructure is based on the Wellington RPS and that this list is not exhaustive (i.e. it uses the term 'including'). However, the Proposed Plan must give effect to the RPS, or in other words give substance to it. In my view, a 'fleshing out' of the RPS definition in the Proposed Plan is appropriate in a regulatory context to provide certainty and clarity for those implementing the Plan.
- 42 I note that while the definition of the Strategic Transport Network as Regionally Significant Infrastructure is limited explicitly to that infrastructure, other Regionally Significant Infrastructure is defined to include reference to 'facilities', 'systems', 'networks' and 'land used in association' which apply a broader context. I consider it appropriate to take a consistent approach, and to also apply a broader context to the Strategic Transport Network in light of the benefits that this infrastructure delivers, and also acknowledge that such infrastructure needs to be viewed holistically and as an overall package.
- 43 I recommend the following wording:

*the Strategic Transport Network, including enabling and ancillary infrastructure and activities required to operate, maintain, upgrade and develop that network*

#### **Beneficial Use and Development – Policy Linkages**

- 44 The Officer's Report provides a useful overview on how the beneficial use and development provisions in the Proposed Plan are intended to work<sup>7</sup>. I understand the 'front-end' policies (12, 13 and 14) provide the overall direction for the benefits and protection of regionally significant infrastructure, while the 'back-end' policies (102, 135, 137, 138, 143, 144 and 145) deal with effects of those activities (to be considered in separate Hearing streams).
- 45 The 'front-end' / overall direction policies need to provide a clear platform for decision-makers to recognise and provide for the benefits of, and protect regionally significant infrastructure when having to balance competing policies (i.e. the 'back-end' policies referred to above as well as minimise, protect and avoid focused policies) and effects.
- 46 This is required to give effect to Wellington RPS Policy 7. I consider the 'front-end' policy framework for Regionally Significant Infrastructure requires amendment as discussed below. These policies need to recognise regionally significant infrastructure across the region and contemplate it being located in all environments.

---

<sup>7</sup> Paragraph 77 onwards

### **Beneficial Use and Development – Objective 12**

47 To give effect to Wellington RPS Objective 10<sup>8</sup> (and Policy 7), and in light of Davidson, my view is that Objective 12 of the Proposed Plan needs to go further than merely repeating the Wellington RPS Objective. Objective 12 should 'provide for' regionally significant infrastructure. 'Recognising' the benefits of regionally significant infrastructure, as required by Policy 7 of the RPS (both existing and new) is, in my view, dependent on providing an enabling platform for that infrastructure.

48 In addition, I am of the view that reference to 'within the region (and beyond)' in Objective 12 is appropriate to recognise the potential national benefits that may be delivered by regionally significant infrastructure in the Wellington region. The explanation to Wellington RPS Policy 7, to which the Proposed Plan must give effect, provides clarity on this.

49 As such, I recommend the following amendment to Objective 12:

"The social, economic, cultural and environmental benefits of regionally significant infrastructure and renewable energy generation activities *within the region (and beyond)* are recognised and provided for."

### **Benefits of Regionally Significant Infrastructure - Policy 12**

50 My understanding of Policy 12 is that it is intended to set a broad framework to enable regionally significant infrastructure. In combination with other policies, this provides the 'balancing' against the 'back-end' minimise, protect and avoid focused policies. Accordingly, Policy 12 needs to provide a strong direction (i.e. 'must be' recognised and provided for) to enable a counter balancing of the directive protective policies, and set a framework for determining when and in what circumstances, regionally significant infrastructure may constitute appropriate development.

51 In my view, Policy 12 needs to contemplate regionally significant infrastructure in all environments, and by this I mean the coastal marine area, the coastal environment, scheduled sites and the beds of lakes and rivers. This is not to say regionally significant infrastructure will always be appropriate in those environments.

52 Accordingly, I recommend the following amendment to Policy 12:

The benefits of regionally significant infrastructure and renewable energy generation activities *must be* recognised and provided for by ~~having regard to~~ taking into account:

---

<sup>8</sup> To the extent it recognises regionally significant infrastructure while noting it also seeks to protect that infrastructure.

- (a) the strategic integration of infrastructure and land use, and
- (b) the investment in, and the location of existing infrastructure and structures, and
- (c) the need for renewable energy generation activities to locate where the renewable energy resources exist, and
- (d) ~~the functional needs for port activities and other~~ regionally significant infrastructure to be located within the coastal marine area, the coastal environment, Scheduled sites or over, under, within and adjacent the beds of rivers and lakes, and
- (e) operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities.

**Use operation, maintenance and upgrade of existing Regionally Significant Infrastructure - Policy 13**

- 53 Through definition of the terms 'maintenance' and 'upgrade', the effects generated by existing regionally significant infrastructure able to benefit from Policy 13 are in my view limited. On that basis, they are, in my view, generally acceptable when considering the benefits they deliver.
- 54 While generally aligned with the Officer Report view, my view is that the Proposed Plan should provide a clearer and stronger policy direction on this, especially in light of Davidson and the 'back-end' directive protective policy framework.
- 55 Accordingly, I recommend the following amendment to Policy 13:

The use, operation, maintenance and upgrade of existing regionally significant infrastructure and renewable energy generation activities are beneficial and generally appropriate and shall be enabled.

**Development of Regionally Significant Infrastructure - Policy 'Z'**

- 56 Noting the view expressed in the Officer's Report that Policy 12 provides for replacement and development of regionally significant infrastructure, I consider there is currently a gap in the policy framework in respect of providing an enabling framework for the development (including major upgrades) of regionally significant infrastructure.
- 57 My view of Policy 12 is that it sets a broad framework for recognising and providing for the benefits of regionally significant infrastructure. By this, I mean it lists matters to assist the balancing of competing demands, and determining if the development of regionally significant infrastructure is appropriate in a particular case. Policy 12 does not explicitly provide a strong enabling framework for new regionally significant infrastructure which recognises the benefits of that infrastructure to the region's social and economic well-being. My view is the Proposed Plan needs to do this, especially in light of Davidson and the evolving approach(es) to

the application of Plan provisions and the 'back-end' directive protective policy framework.

- 58 Therefore, I recommend the following new Policy (referred to as 'Z') be inserted to achieve the outcome I explain above:

Enable the development (including major upgrade) of beneficial Regionally Significant Infrastructure, while considering social, environmental, economic and cultural effects by taking into account:

- a) The nature and scale of the receiving environment, and in particular natural and physical resources that have been Scheduled in Chapter 12; and
- b) The functional, locational and operational needs of the RSI, including enabling and ancillary activities and its ability to integrate with other infrastructure and with land uses.

### **Beneficial Use and Development – Objective 13**

- 59 In light of the benefits delivered by regionally significant infrastructure, my view is that Objective 13 needs to set an 'up-front', complete and strong objective for protecting regionally significant infrastructure in all locations regulated by the Proposed Plan. I consider that the Proposed Plan needs a clear and direct objective in this respect, rather than introducing uncertainty and dilution through reference to only the coastal marine area.
- 60 Wellington RPS Policy 8, to which the Proposed Plan must give effect, directs that plans must include policies and rules to protect regionally significant infrastructure. Wellington RPS Policy 8 is not location specific in this regard; rather my reading is that it must be protected wherever it is located. For example, the linear State highway and wider transport network traverses many waterways and to exclude such environments from the objective is not appropriate in giving effect to the RPS.
- 61 I therefore recommend the following amendment to Objective 13:
- "The use and ongoing operation of regionally significant infrastructure and renewable energy generation activities ~~in the coastal marine area~~ are protected from new incompatible use and development occurring under, over, or adjacent to the infrastructure or activity."
- ### **Incompatible activities – Policy 14**
- 62 The explanation to Wellington RPS Policy 8 refers to the efficient operation, maintenance and upgrading of regionally significant infrastructure. My view is that the Policy 14 will benefit from including reference to these activities for reasons of certainty.

63 The Transport Agency's submission sought amendments to Policy 14 to protect new regionally significant infrastructure<sup>9</sup>. My view is that Policy 14 is intended to protect existing infrastructure, meaning infrastructure that is built or approved via an RMA process (i.e. forms part of the existing environment). Once new regionally significant infrastructure is authorised through an RMA process, it then benefits from protection under the Policy 14. I consider this appropriate.

64 For clarity, I recommend the following amendments to Policy 14:

*The use, maintenance and upgrade of Rregionally significant infrastructure and renewable energy generation activities shall be protected from new incompatible use and development occurring under, over or adjacent to it, by locating and designing any new use and development to avoid remedy or mitigate any reverse sensitivity effects.*

#### **Other Policies**

##### ***Precautionary Approach – Policy 3***

65 The Transport Agency's submissions sought that the application of a precautionary approach be limited to where the effects of the proposed activity are uncertain, unknown or little understood, but have potentially significant adverse effects. I agree with this application and the Transport Agency's proposed wording, which I note aligns with NZCPS Policy 3. In my view, applying a precautionary approach is not specific to the coastal marine area and therefore its broader application to the region is appropriate.

66 I note the Officer's Report<sup>10</sup> generally agrees with this and recommends an amendment to better give effect to the NZCPS and achieve the purpose of the RMA. The Officer recommends inclusion of the words 'limited information' as opposed to 'uncertain, unknown or little understood'.

67 Noting the NZCPS Policy 3 wording is direct and broader ranging, I recommend the relief sought in the Transport Agency's submission be adopted, which replicates NZCPS Policy 3, being:

Use and development shall be managed with a precautionary approach where *the effects of proposed activities are uncertain, unknown or little understood, but potentially significantly adverse.* ~~there is limited information regarding the receiving environment and the adverse effects the activity may have on this environment.~~

---

<sup>9</sup> Refer Officer Report paragraph 374.

<sup>10</sup> Paragraph 333 onwards

**Minimising Effects – Policy 4**

- 68 Policy 4 contains the overall direction and criteria for implementing policies that require the minimisation of adverse effects. There are a substantial number (42) of objectives and policies which require minimisation of effects<sup>11</sup>.
- 69 Irrespective of criteria, my reading is that Policy 4 requires the minimisation of effects to the smallest amount practicable. Policy 4 continues by listing the matters which assist with interpreting what minimise entails. Notably, this includes:
- 69.1 Consideration of alternative locations and methods for undertaking the activity that would have less adverse effects; and
- 69.2 Locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity).
- 68 The Officer’s Report contends<sup>12</sup> that Policy 4 b) is clear that minimisation does not apply in areas identified in the listed schedules, and that the Proposed Plan contains other more specific provisions (i.e. the directive and protective provisions) which are relevant to managing adverse effects in those areas.
- 69 On my reading of Policy 4, the criteria infer that minimising means avoiding (i.e. locating away from) those scheduled areas. Further, I have a concern that the policy places a requirement on plan users to go ‘over and above’ what is required by the RMA. For large infrastructure projects, consent processes most often require a balancing of effects to the degree they are acceptable (or in some cases the provision of offsets). Fundamentally, this is my understanding of sustainable management, as opposed to minimising all effects to the smallest amount practicable.
- 70 I am of the view that the policy framework needs to contemplate regionally significant infrastructure locating in all environments and then needs to provide a framework for deciding whether, in the particular circumstances of the case, the application is appropriate. To apply a blanket avoidance or ‘minimise to the smallest amount practicable’ requirement is not appropriate in my view, and does not represent sustainable management.
- 71 I therefore recommend the following amendments to Policy 4:

---

<sup>11</sup> Listed in the Officer Report footnote on page 124.

<sup>12</sup> Paragraph 554

Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable taking into account the operational and functional needs of Regionally Significant Infrastructure, and shall include:

- (a) consideration of alternative locations and methods for undertaking the activity that would have less adverse effects, and
- (b) if practicable when taking into account the operational and functional needs of Regionally Significant Infrastructure, locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and
- (c) timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and
- (d) using good management practices for reducing the adverse effects of the activity, and
- (e) designing the activity so that the scale or footprint of the activity is as small as practicable.

**Cascading Approach Policy – Policy ‘Y’**

- 72 The Transport Agency’s submission sought the inclusion of a new policy outlining a generic cascading effects approach to managing effects (avoid, remedy and mitigate). The relief sought included a reference to offsets. The submission comments that this approach acknowledges the RMA not being a no effects statute. I agree with this.
- 73 I consider that regionally significant infrastructure should be contemplated in all environments. The amendments recommended in my evidence set out what I consider to be a suitable framework for making decisions as to when regionally significant infrastructure may be appropriate. I also consider an ‘up-front’ effects related policy is required to assist plan users and decision makers in an effects context for regionally significant infrastructure.
- 74 I therefore recommend the inclusion of the following policy, which would seek to achieve Proposed Plan Objective 12 and work alongside Policies 12 and the recommended Policy Z:

In managing adverse environmental effects arising from the operation, maintenance, upgrading and development (including major upgrades) of regionally significant infrastructure:

- a) Recognise and provide for the operation, maintenance and upgrading of such activities once they have been established;
- b) Allow minor adverse effects from the development (including major upgrades) of regionally significant infrastructure;
- c) Avoid remedy or mitigate more than minor effects, taking into account the matters listed in Policies 12 and Z; and
- d) Consider whether any more than minor adverse effects that cannot be adequately avoided, remedied or mitigated can be appropriately offset.

### **Maori Values - Policy 19**

- 75 The Transport Agency's submission supported Policy 19 but raised concern the policy introduces an on-going requirement to minimise effects whereas for large infrastructure projects the focus is on reaching an acceptable and balanced level of effects between different and competing values. The Transport Agency's submission therefore sought that the term 'minimise' be replaced with 'avoid, remedy or mitigate'.
- 76 Policy 19 is in my view direct and requires, as per the meaning of minimise in Proposed Policy 4, the minimising of effects on maori values to the smallest amount practicable. In my experience, the Transport Agency works to develop good relationships with Mana Whenua and works closely with local interests in the development and implementation of its projects. My view is that seeking to understand Maori values through working with Mana Whenua, and to address concerns about effects on those values on a case by case basis, is appropriate. In my view the planning provisions need to accommodate this approach.
- 77 The recommendations I make above in respect of Policy 4, address my concerns in respect of Policy 19.

### **CONCLUSIONS**

- 78 The Proposed Plan must provide a blueprint of an overall outcome and the framework within which that outcome can be achieved. My view is that amendments, as recommended in my evidence, are needed to the provisions of the Proposed Plan within Hearing Stream One to achieve these goals.
- 79 Objectives and policies of the Proposed Plan must strike the correct balance between recognising the benefits of, enabling and protecting regionally significant infrastructure, and managing effects

of that infrastructure on the surrounding environment and community. To achieve this, especially in light of Davidson, the objective and policy framework must be certain, consistent and complete.

- 80 There will always be tension between use and development and protection. The Proposed Plan should provide a cohesive and workable framework within which we can evaluate and weigh any tensions or competing interests to address the issues and achieve the identified outcomes, whilst achieving the purpose and principles of the RMA.
- 81 The Proposed Plan as notified, is, from my perspective as a planner, 'tilted' in its balance towards directive, environmental policies (minimise, protect, avoid) which, at times are, difficult to reconcile with the enabling policies for regionally significant infrastructure. It is my opinion that amendments to the regionally significant infrastructure provisions, and the effects management policies, are appropriate so that a clearer and more coherent framework is established within the Proposed Plan.
- 82 The provisions recommended in my evidence above and in **Appendix A** attached to my evidence will, in my opinion, help achieve a clearer and consistent framework to balance competing demands.

**Hywel David Edwards**

5 May 2017

## APPENDIX A:

## List of Recommended changes by Hywel David Edwards

Proposed Plan Provision / Wording	NZTA Submission Relief / Wording	Relief sought in Evidence	Reasons for relief sought
<b>Definitions</b>			
<b>Offset definition</b>	Amend definition: A measurable positive outcome resulting from an action designed to compensate for the significant residual adverse effects on the environment arising from an activity after avoidance, remediation and <i>at source</i> mitigation measures have been taken.	No change from Transport Agency relief	<ul style="list-style-type: none"> <li>Reflects my understanding of offsets how offsets work.</li> </ul>
<b>Regionally Significant Infrastructure definition</b> Regionally significant infrastructure includes: ..... -The Strategic Transport Network	Retain definition	Amend definition: Regionally significant infrastructure includes: ..... - The Strategic Transport Network ( <i>including ancillary infrastructure and activities required to operate, maintain, upgrade and develop that network</i> )	<ul style="list-style-type: none"> <li>Refer main body of evidence.</li> </ul>
<b>Reverse sensitivity definition</b>	Amend definition: The vulnerability of an existing lawfully-established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activities, thereby creating the potential for the operation, <i>maintenance, upgrade and development</i> of such existing activity to be constrained.	Amend definition: The vulnerability of an existing lawfully-established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activities, thereby creating the potential for the operation, <i>maintenance and upgrade</i> of such existing activity to be constrained.	<ul style="list-style-type: none"> <li>The ability to protect existing infrastructure in relation to maintenance and upgrade activities is appropriate, as defined by those terms in the Plan.</li> <li>The recommendation does not include development i.e. new infrastructure.</li> </ul>
<b>Strategic Transport Network definition</b>	Amend the definition: The Strategic Transport Network comprises 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 2015, and  (b) All 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 2015, and  (c) Any other road classified as a high productivity motor vehicle (HPMV) route identified in the Regional Land Transport Plan 2015, <del>and</del>  (d) All sections of the regional cycling network classified as having a combined utility and recreational focus identified in the Regional Land Transport Plan 2015;  (e) <i>All other road, cycling and walking transportation corridors and routes, including ancillary infrastructure such as stormwater infrastructure, which are owned and managed by the NZ Transport Agency</i>  The <i>current</i> Strategic Transport Network is mapped in the Regional Land Transport Plan 2015.	Amend definition: The Strategic Transport Network comprises the following <i>existing and proposed</i> parts of the Wellington Region's transport network:  (e) All railway corridors and 'core' bus routes as part of the region's public transport network identified in the Regional Land Transport Plan <del>2015</del> , and  (f) All 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 <del>2015</del> , and  (g) Any other road classified as a high productivity motor vehicle (HPMV) route identified in the Regional Land Transport Plan <del>2015</del> , and  (h) All sections of the regional cycling network classified as having a combined utility and recreational focus identified in the Regional Land Transport Plan <del>2015</del> .  The Strategic Transport Network <i>at the time of writing this Proposed Plan</i> is mapped in the Regional Land Transport Plan 2015.	<ul style="list-style-type: none"> <li>Refer main body of evidence.</li> </ul>
<b>Upgrade definition</b>	Retain definition (further submission)	No change from Transport Agency relief	
<b>Proposed new definition for "Maintenance"</b>	Add a definition for maintenance (further submission):	No change from Transport Agency relief	<ul style="list-style-type: none"> <li>Provide certainty for plan users.</li> </ul>

Proposed Plan Provision / Wording	NZTA Submission Relief / Wording	Relief sought in Evidence	Reasons for relief sought
	<i>Maintenance means the replacement, repair or renewal of existing infrastructure and where the effects of that infrastructure remain the same or similar in character, intensity and scale.</i>		<ul style="list-style-type: none"> <li>Provides for core maintenance activities, subject to an effects, intensity and scale qualifier which is appropriate.</li> </ul>
<b>Objectives</b>			
<b>Objective 3: Mauri</b> Mauri is sustained and enhanced, particularly the mauri of fresh and coastal waters.	Reword objective to require enhancement of mauri where it is degraded (further submission)	Amend Objective 3: Mauri is sustained and enhanced <i>where degraded</i> , particularly the mauri of fresh and coastal waters.	<ul style="list-style-type: none"> <li>Enhancement should be required where the mauri is degraded to the extent is sustaining.</li> </ul>
<b>Objective 10: Beneficial Use and Development</b>	Retain objective.  Further submission : amend objective: Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced <i>where appropriate</i> .	No change from Transport Agency relief	<ul style="list-style-type: none"> <li>Retain, but there is a need to acknowledge the access will not always be appropriate, mainly for health and safety reasons. This is acknowledged in Policy 9.</li> </ul>
<b>Objective 12: Beneficial Use and Development</b>	Amend Objective O12: The social, economic, cultural and environmental benefits of regionally significant infrastructure and renewable energy generation activities are recognised <i>within the region and beyond</i> .	Amend Objective 12 The social, economic, cultural and environmental benefits of regionally significant infrastructure and renewable energy generation activities <i>within the region (and beyond) are recognised and provided for</i> .	<ul style="list-style-type: none"> <li>Refer main body of evidence.</li> </ul>
<b>Objective 13: Beneficial Use and Development</b>	Amend Objective O13: The use and ongoing operation of regionally significant infrastructure and renewable energy generation activities <del>in the coastal marine area</del> are protected from new incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.	No change from Transport Agency relief	<ul style="list-style-type: none"> <li>Refer main body of evidence.</li> </ul>
<b>Proposed new objective</b>	Add new objective: <i>The safe, effective and efficient use, operation, maintenance, upgrade and development of regionally significant infrastructure is provided for</i>	Retain current objective framework (O12 and O13) subject to recommended amendments to those objectives.	<ul style="list-style-type: none"> <li>Provide for regionally significant infrastructure under Objective 12</li> </ul>
<b>Proposed new objective</b>	Add new objective: <i>To recognise that regionally significant infrastructure represents appropriate use and development in all environments where there are functional needs or operational requirements</i>	Retain current objective framework (O12 and O13) subject to recommended amendments to those objectives.	<ul style="list-style-type: none"> <li>Recognise and provide for regionally significant infrastructure under the policy framework.</li> </ul>
<b>Objective 15: Kaitiakitanga</b>	Retain Objective 15	No change from Transport Agency relief	
<b>Objective 16: Nga Taonga Nui a Kiwa</b>	Retain Objective 16	No change from Transport Agency relief	
<b>Objective 33 Sites with significant values</b>	Amend Objective O33: Sites with significant mana whenua values are protected <i>from inappropriate use and development</i> and restored <i>where degraded</i> .	No change from Transport Agency relief	<ul style="list-style-type: none"> <li>There is a need to recognise that some form of development may be acceptable.</li> <li>Interpretation of what is appropriate in the context of the objective is dependent on the policy.</li> </ul>
<b>Policies</b>			

Proposed Plan Provision / Wording	NZTA Submission Relief / Wording	Relief sought in Evidence	Reasons for relief sought
Policy P1 Ki uta ki tai and integrated catchment management	Retain Policy 1	No change from Transport Agency relief	
Policy P3: Precautionary approach	Amend Policy 3 Use and development shall be managed with a precautionary approach where <i>the effects of proposed activities are uncertain, unknown or little understood, but potentially significantly adverse</i> . there is limited information regarding the receiving environment and the adverse effects the activity may have on this environment.	No change from Transport Agency relief	<ul style="list-style-type: none"> <li>■ Refer main body of evidence.</li> <li>■ (Note: officer report suggested alternative wording to reflect submission point)</li> </ul>
Policy 4: Minimising adverse effects	<p>Replace the policy to focus on achieving the best practicable option:</p> <p><del>Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall include:</del></p> <p><del>(a) — consideration of alternative locations and methods for undertaking the activity that would have less adverse effects, and</del></p> <p><del>(b) — locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and</del></p> <p><del>(c) — timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and</del></p> <p><del>(d) — using good management practices for reducing the adverse effects of the activity, and</del></p> <p><del>designing the activity so that the scale or footprint of the activity is as small as practicable.</del></p> <p><i>In sensitive locations, regionally significant infrastructure and other activities, shall consider the best practicable option to determine whether the proposed use and development is appropriate. In this context, the best practicable option means considering which site, route or method is the most appropriate for preventing or minimising effects on the environment while taking into account:</i></p> <p><i>(a) the nature and location of the activity, especially for regionally significant infrastructure, and the sensitivity of the receiving environment to adverse effects; and</i></p> <p><i>(b) the presence of existing development and whether the activity or development can effectively and efficiently utilise existing physical resources; and</i></p> <p><i>(c) the functional and locational needs and operational requirements associated with the activity; and</i></p> <p><i>(d) the financial implications of that option when compared to other options; and</i></p> <p><i>(e) the effects on the environment of that option when compared with</i></p>	<p>Amend Policy 4</p> <p>Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable <i>taking into account the operational and functional needs of Regionally Significant Infrastructure</i>, and shall include:</p> <p>(a) consideration of alternative locations and methods for undertaking the activity that would have less adverse effects, and</p> <p>(b) <i>if practicable when taking into account the operational and functional needs of Regionally Significant Infrastructure</i>, locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and</p> <p>(c) timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and</p> <p>(d) using good management practices for reducing the adverse effects of the activity, and</p> <p>(e) designing the activity so that the scale or footprint of the activity is as small as practicable.</p>	<ul style="list-style-type: none"> <li>■ Refer main body of evidence.</li> </ul>

Proposed Plan Provision / Wording	NZTA Submission Relief / Wording	Relief sought in Evidence	Reasons for relief sought
	<p><i>other options; and</i></p> <p>(f) <i>the current state of technical knowledge and the likelihood that the option can be successfully applied</i></p>		
<p>Proposed new policy 'Y'</p>	<p>Add a new cascading effects policy:</p> <p><i>Adverse effects shall generally be managed by:</i></p> <p>(a) <i>Avoiding effects;</i></p> <p>(b) <i>Where effects cannot be practically avoided, remedying them;</i></p> <p>(c) <i>Where effects cannot be practically remedied, mitigating them; and,</i></p> <p>(d) <i>Where residual adverse effects remain, it may be appropriate to consider the use of off-sets.</i></p>	<p>Add new policy (Policy 'Y')</p> <p><i>In managing adverse environmental effects arising from the operation, maintenance, upgrading and development (including major upgrades) of regionally significant infrastructure:</i></p> <p>e) <i>Recognise and provide for the operation, maintenance and upgrading of such activities once they have been established;</i></p> <p>f) <i>Allow minor adverse effects from the development (including major upgrades) of regionally significant infrastructure;</i></p> <p>g) <i>Avoid remedy or mitigate more than minor effects, taking into account the matters listed in Policies 12 and Z; and</i></p> <p>h) <i>Consider whether any more than minor adverse effects that cannot be adequately avoided, remedied or mitigated can be appropriately offset.</i></p>	<ul style="list-style-type: none"> <li>■ Refer main body of evidence.</li> </ul>
<p>Policy P5: Review of existing consents</p>	<p>Delete Policy 5</p> <p><del>The conditions of existing resource consents to discharge contaminants to fresh water or coastal water, and to take and use water, may be reviewed pursuant to section 128 of the Resource Management Act 1991 in respect of future changes to the Plan.</del></p>	<p>No change from Transport Agency relief</p>	<ul style="list-style-type: none"> <li>■ This is set in statute and adds no value to the Plan.</li> <li>■ It is more appropriately imposed as a condition of consent.</li> </ul>
<p>Proposed new policy</p>	<p>Add a new policy to provide direction on the duration of operational consents for infrastructure of regional significance.</p> <p><i>Resource consent durations for regionally significant infrastructure applications required under ss13, 14 and 15 of the RMA will generally be granted for the maximum period of time unless reasons are identified during the consent process that make this inappropriate.</i></p>	<p>Add a new policy to provide direction on the duration of operational consents for infrastructure of regional significance.</p> <p><i>Resource consent durations for regionally significant infrastructure applications required under ss13, 14 and 15 of the RMA will generally be granted for the maximum period of time unless reasons are identified during the consent process that make this inappropriate when having regard to:</i></p> <p>(a) <i>the extent to which an activity is carried out in accordance with a recognised code of practice, environmental standard or good practice guideline;</i></p> <p>(b) <i>the most appropriate balance between environmental protection and investment by the applicant; and</i></p> <p>(c) <i>any common catchment expiry dates;</i></p> <p>(d) <i>the provision of s128 review opportunities to enable matters of contention to be periodically reviewed in light of monitoring and compliance information.</i></p>	<ul style="list-style-type: none"> <li>■ Recognises the benefits that regionally significant infrastructure provides.</li> <li>■ Provides for operational activities and not construction.</li> <li>■ Activities to be assessed against the criteria as to whether maximum term consent is appropriate.</li> </ul>

Proposed Plan Provision / Wording	NZTA Submission Relief / Wording	Relief sought in Evidence	Reasons for relief sought
<p><b>Policy P6: Synchronised expiry and review dates</b></p>	<p>Amend Policy 6</p> <p>Resource consents may be granted with a common expiry or review date within a whaitua or sub-catchment, if:</p> <p>(a) the affected resource is fully allocated or over-allocated, or</p> <p>(b) <del>the exercise of the resource consent may impede the ability to implement an integrated solution to manage water quality, quantity or habitat within that whaitua or sub-catchment.</del></p>	<p>No change from Transport Agency relief</p>	<ul style="list-style-type: none"> <li>■ I do not consider (b) to be appropriate in the context of regionally significant infrastructure.</li> <li>■ The operation of regionally significant infrastructure will provide benefits to the region which should not be jeopardised during the exercise of that consent to the potential detriment of the social and economic well-being of the region.</li> <li>■ My understanding is that such a change would need to be implemented via plan change during which the effects would be assessed on existing users.</li> </ul>
<p><b>Policy P7: Uses of land and water</b></p>	<p>Amend Policy 7:</p> <p>The cultural, social and economic benefits of using land and water for:</p> <p>(a) Aquaculture, and</p> <p>(b) Treatment, dilution, <u>conveyance</u> and disposal of wastewater and stormwater, and</p> <p>(c) industrial processes and commercial uses associated with the potable water supply network, and</p> <p>(d) community and domestic water supply, and</p> <p>(e) electricity generation, and</p> <p>(f) food production and harvesting, and</p> <p>(g) gravel extraction from rivers for flood protection and control purposes, and</p> <p>(h) irrigation and stock water, and</p> <p>(i) firefighting, and</p> <p>(j) contact recreation and Māori customary use, and</p> <p>(k) Transport <u>over, under, adjacent</u>, along, and access to, water bodies</p> <p>(l) <u>Construction and operational water supply for regionally significant infrastructure.</u></p> <p>shall be recognised.</p>	<p>Retain Policy 7 (as notified).</p>	<ul style="list-style-type: none"> <li>■ The recommendations I make in respect of Objective 12 and Policies 12, 13, Y and Z specifically address benefits of regionally significant infrastructure.</li> </ul>
<p><b>Policy P9: Public access to and along the coastal marine area and the beds of lakes and rivers</b></p>	<p>Retain Policy 9</p>	<p>No change from Transport Agency relief</p>	
<p><b>Policy 12: Benefits of regionally significant infrastructure and renewable energy generation facilities:</b></p>	<p>Amend Policy 12:</p> <p>The benefits of regionally significant infrastructure and renewable energy generation activities are recognised <u>and provided for by having regard to taking into account:</u></p> <p>(a) . . .</p> <p>(b) the <u>investment in, and the</u> location of existing infrastructure and structures, and</p> <p>(c) .....</p> <p>(d) the functional need for port activities <u>and other regionally significant infrastructure</u> to be located within the coastal marine area <u>and the coastal area</u>, and</p> <p>(e) <u>the functional need for regionally significant infrastructure to be located over, under, within and adjacent the beds of rivers and lakes, and</u></p>	<p>Amend Policy 12:</p> <p>The benefits of regionally significant infrastructure and renewable energy generation activities <u>must be</u> are recognised <u>and provided for by having regard to taking into account:</u></p> <p>(f) the strategic integration of infrastructure and land use, and</p> <p>(g) the <u>investment in, and the</u> location of existing infrastructure and structures, and</p> <p>(h) the need for renewable energy generation activities to locate where the renewable energy resources exist, and</p> <p>(i) the functional needs for port activities <u>and other regionally significant infrastructure</u> to be located within the coastal marine area, <u>the coastal environment, Scheduled sites or over, under, within and adjacent the beds of rivers and lakes, and</u></p>	<ul style="list-style-type: none"> <li>■ Refer main body of evidence.</li> </ul>

Proposed Plan Provision / Wording	NZTA Submission Relief / Wording	Relief sought in Evidence	Reasons for relief sought
	<p>(f) operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities.</p> <p>(g) <u>The safe, efficient and effective use of the Strategic Transport Network</u></p>	<p>(j) operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities.</p>	
<b>Proposed new policy 'Z'</b>	[Refer relief sought under Policy 13 below]	<p>New Policy – Policy Z</p> <p><u>Enable the development (including major upgrade) of beneficial Regionally Significant Infrastructure, while considering social, environmental, economic and cultural effects by taking into account:</u></p> <p>c) <u>The nature and scale of the receiving environment, and in particular natural and physical resources that have been Scheduled in Chapter 12; and</u></p> <p>d) <u>The functional, locational and operational needs of the RSJ, including enabling and ancillary activities and its ability to integrate with other infrastructure and with land uses.</u></p>	<ul style="list-style-type: none"> <li>Refer main body of evidence.</li> </ul>
<b>Policy 13: Existing regionally significant infrastructure and renewable electricity generation facilities</b>	<p>Amend Policy 13:</p> <p>The use, operation, maintenance, and upgrade <u>and development</u> of existing regionally significant infrastructure and renewable energy generation activities are beneficial and generally appropriate.</p> <p>Or</p> <p>Retain Policy 13 (i.e. excluding 'development') and add a new policy to enable new development:</p> <p><u>The development of new regionally significant infrastructure and renewable energy generation activities to meet the needs of the community are beneficial and are generally appropriate.</u></p>	<p>Amend Policy 13:</p> <p>The use, operation, maintenance and upgrade of existing regionally significant infrastructure and renewable energy generation activities are beneficial and generally appropriate <u>and shall be enabled.</u></p>	<ul style="list-style-type: none"> <li>Refer main body of evidence.</li> </ul>
<b>Policy P14: Incompatible activities</b>	<p>Amend Policy 14:</p> <p>Regionally significant infrastructure and renewable energy generation activities shall be protected from new incompatible use and development occurring under, over or adjacent to it, by locating and designing any new use and development to avoid, remedy or mitigate any reverse sensitivity effects <u>which may compromise the efficient and effective use, maintenance, upgrading or development of that infrastructure.</u></p>	<p>Amend Policy 14:</p> <p><u>The use, maintenance and upgrade</u> of Regionally significant infrastructure and renewable energy generation activities shall be protected from new incompatible use and development occurring under, over or adjacent to it, by locating and designing any new use and development to avoid, remedy or mitigate any reverse sensitivity effects.</p>	<ul style="list-style-type: none"> <li>Refer main body of evidence.</li> </ul>
<b>Policy P19: Maori values</b>	<p>Amend Policy P19:</p> <p>The cultural relationship of Maori with air, land and water shall be recognised and the adverse effects on this relationship and their values shall be <u>avoided, remedied, or mitigated</u> <del>minimised</del>.</p>	<p>Retain Policy 19 (as notified).</p> <p>The cultural relationship of Māori with air, land and water shall be recognised and the adverse effects on this relationship and their values shall be minimised.</p>	<ul style="list-style-type: none"> <li>Refer main body of evidence.</li> <li>Policy 4 recommendations clarify what minimisation requires for regionally significant infrastructure providers.</li> </ul>
<b>Policy P44: Protection and restoration of sites with significant mana whenua values</b>	<p>Amend Policy 44:</p> <p>Sites with significant mana whenua values identified in Schedule C (mana whenua) shall be protected <u>from inappropriate use and development</u> and/or restored.</p>	<p>Amend Policy 44:</p> <p>Sites with significant mana whenua values identified in Schedule C (mana whenua) shall be protected <u>from inappropriate use and development</u> and/or restored.</p>	<ul style="list-style-type: none"> <li>To reflect that regionally significant infrastructure as an activity may be deemed acceptable development –this should be considered on a case by case basis.</li> </ul>
<b>Policy P45: Managing adverse effects on sites with significant mana whenua values</b>	<p>Amend Policy 45:</p> <p>In the first instance, activities in sites with significant mana whenua values identified in Schedule C (mana whenua) shall be avoided <u>where practicable.</u></p>	No change from Transport Agency relief.	<ul style="list-style-type: none"> <li>The policy as worded is contradictory in the language it uses (avoid).</li> <li>The policy needs to contemplate development of regionally significant</li> </ul>

Proposed Plan Provision / Wording	NZTA Submission Relief / Wording	Relief sought in Evidence	Reasons for relief sought
	<p>If the site cannot be avoided, more than minor adverse effects on the significant mana whenua values must be evaluated through a cultural impact assessment undertaken by the relevant iwi authority or iwi authorities. The adverse effects of activities shall be managed in accordance with tikanga and kaupapa Māori <i>and, where practicable, shall take into consideration any recommendations</i> <del>ed</del> in the cultural impact assessment by:</p> <ul style="list-style-type: none"> <li>(a) avoiding more than minor adverse effects, and</li> <li>(b) where more than minor adverse effects cannot be avoided, remedying them, and</li> <li>(c) where more than minor adverse effects cannot be remedied, mitigating them, and</li> <li>(d) receiving written consent of the iwi authority.</li> </ul> <p><del>Where more than minor adverse effects on significant mana whenua values identified in Schedule C (mana whenua) cannot be avoided, remedied or mitigated, the activity is inappropriate. Offsetting of effects in sites with significant mana whenua values is inappropriate.</del></p>		<p>infrastructure.</p> <ul style="list-style-type: none"> <li>■ The requirement to obtain the written consent of the iwi authority is not appropriate.</li> </ul>

**APPENDIX B:**

**Wellington RPS Objectives and Policies (Regionally Significant Infrastructure)**



