

SECTION 32AA ASSESSMENT

Amended Provision (deleted text struck through added text underlined)	General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective		
<p><u>Objective 17A</u></p> <p><u>Avoid adverse effects of activities on natural character in areas of the coastal environment, in rivers, lakes and their margins and in natural wetlands with outstanding natural character.</u></p>	<ul style="list-style-type: none"> ➤ Section 6(a) requires the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision use and development. Policy 13 of the NZCPS promotes a cascading approach to the management of natural character in the coastal environment. This cascade requires the avoidance of adverse effects on areas exuding outstanding natural character, and the avoidance of significant adverse effects and an approach which avoids, remedies or mitigates other adverse effects of activities on natural character in all other areas of the coastal environment. The proposed objective is intended to work alongside Objectives 17, 17B and 17C to better reflect the cascading management approach promoted by Policy 13 of the NZCPS. ➤ The proposed objective provides greater specificity as to how activities within areas of outstanding natural character are to be managed, therefore giving effect to section 6(a) of the Act, as well as Policy 13 of the NZCPS. ➤ The proposed objective gives effect to the NPSFWM which requires the protection of the significant values of outstanding freshwater bodies and the protection of the significant values of wetlands. 		
	<p>Environmental, Economic, Social and Cultural Benefits</p> <ul style="list-style-type: none"> ➤ Areas of outstanding natural character will be appropriately managed according to the cascade inherent in Policy 13 NZCPS and the natural character values of freshwater bodies and wetlands will be afforded protection, accordant with the natural values that are present. 	<p>Environmental, Economic, Social and Cultural Costs</p> <ul style="list-style-type: none"> ➤ The use of the term “avoid” could effectively preclude certain activities occurring in circumstances where natural character values are highest. ➤ In other areas, there will likely be costs incurred if remediation or mitigation is deemed necessary to manage effects. 	<p>Effectiveness & Efficiency</p> <ul style="list-style-type: none"> ➤ Provides greater certainty as to expected outcomes within areas of outstanding natural character and the appropriate management approach to manage adverse effects on natural character more generally. ➤ It is consistent with higher order planning documents including the NZCPS, the NPSFWM and the Wellington RPS.

- › Provides better guidance and linkage to Policy P24 of the PNRP.

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<p><u>Objective 17B</u></p> <p><u>Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment and in rivers, lakes and their margins and in natural wetlands.</u></p>	<ul style="list-style-type: none"> › Section 6(a) requires the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision use and development. Policy 13 of the NZCPS promotes a cascading approach to the management of natural character in the coastal environment. This cascade requires the avoidance of adverse effects on areas exuding outstanding natural character, and the avoidance of significant adverse effects and an approach which avoids, remedies or mitigates other adverse effects of activities on natural character in all other areas of the coastal environment. The proposed objective is intended to work alongside Objectives 17, 17A and 17C to better reflect the cascading management approach promoted by Policy 13 of the NZCPS. › The proposed objective provides greater specificity as to how activities outside areas of outstanding natural character are to be managed, therefore giving effect to section 6(a) of the Act, as well as Policy 13 of the NZCPS. › The proposed objective gives effect to the NPSFWM which requires the protection of the significant values of outstanding freshwater bodies and the protection of the significant values of wetlands. 		
	<p>Environmental, Economic, Social and Cultural Benefits</p>	<p>Environmental, Economic, Social and Cultural Costs</p>	<p>Effectiveness & Efficiency</p>
	<ul style="list-style-type: none"> › Significant adverse effects on natural character values will be avoided. › All other adverse effects on such areas are required to be avoided, remedied or mitigated. › Areas which contain significant or high natural character values will be provided sufficient protection in accordance with the NZCPS as a result of the implementation of this policy. › Recognises that in some locations development can be appropriate 	<ul style="list-style-type: none"> › The use of the term “avoid” could effectively preclude certain activities occurring in circumstances where natural character values are highest. › In other areas, there will likely be costs incurred if remediation or mitigation is deemed necessary to manage effects. 	<ul style="list-style-type: none"> › Provides greater certainty as to expected outcomes outside areas of outstanding natural character and the appropriate management approach to manage effects on natural character more generally. › It is consistent with higher order planning documents including the NZCPS, the NPSFWM and the Wellington RPS. › Provides better guidance and linkage to Policy P24 of the PNRP.

provided the adverse effects are avoided, remedied or mitigated.

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<p><u>Objective 17C</u></p> <p><u>Areas of the coastal environment and rivers, lakes and their margins, and natural wetlands with high natural character (including areas which are outstanding) are shown on the planning maps.</u></p>	<ul style="list-style-type: none"> ➤ Section 6(a) requires the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision use and development. Policy 13 of the NZCPS promotes a cascading approach to the management of natural character in the coastal environment. This cascade requires the avoidance of adverse effects on areas exuding outstanding natural character, and the avoidance of significant adverse effects and an approach which avoids, remedies or mitigates other adverse effects of activities on natural character in all other areas of the coastal environment. The proposed objective is intended to work alongside Objectives 17, 17A and 17B to better reflect the cascading management approach promoted by Policy 13 of the NZCPS. ➤ Provides certainty as to the areas of the Wellington Region which contain high and outstanding natural character and therefore gives effect to section 6(a). ➤ Policy 13(c) and Policy 13(d) NZCPS requires an assessment of the natural character of the coastal environment of the region, by mapping or otherwise identifying at least areas of high natural character; and ensuring that regional plans, identify areas where preserving natural character requires objectives, policies and rules and include those provisions. Mapping areas of at least high natural character in the Wellington region gives effect to this requirement. 		
	<p>Environmental, Economic, Social and Cultural Benefits</p> <ul style="list-style-type: none"> ➤ Provides the community and plan users certainty as to where areas of high or outstanding natural character exist within the Wellington region. ➤ Assists in understanding the values that exist within such areas without the need to undertake further assessment on a case by case basis. ➤ Assists in protecting areas of outstanding natural character and gives better effect to the cascading 	<p>Environmental, Economic, Social and Cultural Costs</p> <ul style="list-style-type: none"> ➤ Costs associated with commissioning a region wide assessment. There may also be additional process costs if inclusion of such measures necessitates a further Plan promulgation process such as a variation. 	<p>Effectiveness & Efficiency</p> <ul style="list-style-type: none"> ➤ Policy 13 NZCPS requires Councils to identify (at least within the coastal environment) areas of outstanding and high natural character in order to provide appropriate levels of protection. ➤ Gives effect to the obligations inherent within Policy 13(c) and (d). ➤ A region wide assessment is considered more efficient and adds greater consistency of approach than

management approach promoted by Policy 13 NZCPS and the NPSFWM.

piecemeal assessments undertaken on a case by case basis.

- Potentially avoids litigation as it is clear which areas of the region are of high / outstanding natural character and the management response required in accordance with Objectives 17A and 17B.

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<p>Objective 19</p> <p>The interference from use and development on natural processes is minimised.</p>	<ul style="list-style-type: none"> ➤ The intent of this objective is vague. The term “interference” is not defined in the Proposed Plan or the Act, and could arguably extend to a very wide range of influences, however small. There is also concern with the use of the term “minimise” in the context of this objective. ➤ Arguably any activity which is going to be located in an environment where there are natural processes present will “interfere” at least to a certain degree with those processes. There will be difficulty in implementing and achieving this objective. ➤ The objective in its current form adds little value as there are a good number of other objectives which relate to the management of effects on natural processes which are more specific as to the intended outcome. It therefore creates unnecessary duplication and uncertainty. ➤ Natural processes are a component part of natural character. Objective 17 and the suggested additions to this Objective (above) set out a more comprehensive approach to assist the management of natural character values. 		
	<p>Environmental, Economic, Social and Cultural Benefits</p>	<p>Environmental, Economic, Social and Cultural Costs</p>	<p>Effectiveness & Efficiency</p>
	<ul style="list-style-type: none"> ➤ Avoids uncertainty and unnecessary assessment in order to demonstrate that “interference” with a natural process does not necessarily equate to an adverse effect which might necessitate “minimisation” as a management response. 		<ul style="list-style-type: none"> ➤ Reduces uncertainty and duplication within the Proposed Plan. ➤ Natural processes are a component part of natural character. Objective 17 and the suggested additions to this Objective (above) set out a more comprehensive approach to assist the

management of natural character values.

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<p>Policy P25</p> <p>Use and development shall avoid significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and of lakes and rivers <u>and natural wetlands</u>, and avoid, remedy or mitigate other adverse effects of activities, taking into account:</p> <p>a) the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and</p> <p>b) the presence or absence of structures and buildings, and</p> <p>c) the particular elements, features and experiential values that contribute significantly to the natural character value of the area, and the extent to which they are affected, and</p> <p>d) alternative locations, design or form of development that have less adverse effects, and</p>	<ul style="list-style-type: none"> ➤ Section 6(a) requires the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision use and development. Policy 13 of the NZCPS promotes a cascading approach to the management of natural character in the coastal environment. This cascade requires the avoidance of adverse effects on areas exuding outstanding natural character, and the avoidance of significant adverse effects and an approach which avoids, remedies or mitigates other adverse effects of activities on natural character in all other areas of the coastal environment. ➤ Assessing what might be “inappropriate” is heavily influenced by context and should be assessed by reference to what is sought to be protected. Whether an activity is “inappropriate” will depend upon the extent to which a location can absorb the proposed activity without generating adverse effects on the natural character qualities that prevail. This will turn on both the characteristics of the area and the nature of the proposed activity. This policy seeks to achieve this outcome by requiring all significant adverse effects to be avoided, and avoiding, remedying or mitigating all other adverse effects and in doing so taking into account the environment and nature of the activity that is proposed. ➤ The amendments to this policy address the concern, in light of <i>King Salmon</i>, that directive language used in policy can effectively trump other more broadly expressed enabling provisions. The NZCPS (e.g. Policy 6), the Wellington RPS (Policy 36(a)(i)) and Objectives O12 and O13 recognise the benefits that accrue from the provision of regionally significant infrastructure and renewable energy generation. These are supported by Policies P14 and P15. The amendments add balance to the Policy so that these benefits can be considered when natural character matters are at issue. 	<p>Environmental, Economic, Social and Cultural Benefits</p>	<p>Environmental, Economic, Social and Cultural Costs</p>	<p>Effectiveness & Efficiency</p>
	<ul style="list-style-type: none"> ➤ Requires significant adverse effects of activities on natural character values to be avoided and all other effects to be avoided, remedied or mitigated. However appropriately recognises that this assessment will be guided by the existing environment, the values 	<ul style="list-style-type: none"> ➤ None foreseen. 	<ul style="list-style-type: none"> ➤ The amendments acknowledge the strategic significance of infrastructure and provide a better-balanced policy framework that is consistent with other objectives of the Proposed Plan (e.g. Objectives O12 and O13), the Wellington RPS and the NZCPS. 	

- e) the extent to which the activity is an existing use that has a functional need or operational requirement to be located in the coastal marine area that limits location and development options, and
- f) the extent to which the activity has a functional need or operational requirement to be located in the coastal marine area that limits location and development options, and
- g) the benefits associated with the use, operation, maintenance, upgrade or growth of existing regionally significant infrastructure and renewable energy generation activities, and
- h) the ecosystems, natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in natural wetlands, and river and lakes and their margins.
- present and nature of the proposed activity.
- The amendments to this policy address the concern that in light of *King Salmon*, directive language used in policy can effectively trump other more broadly expressed enabling provisions. The NZCPS, the Wellington RPS (Policy 36(a)(i)) and Objectives O12 and O13 recognise the benefits that accrue from the provision of regionally significant infrastructure and renewable energy generation. These are supported by Policies P14 and P15. The amendments add balance to the Policy so that these benefits can be considered when natural character matters are at issue.
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