

**Proposed Natural Resources Plan for the Wellington Region**

**Right of Reply**

**For Hearing Stream 2**

**Report date: 11 August 2017**

**Topic: Beneficial use and development**

**Report prepared by: Paul Denton**

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## **1. Introduction and scope**

1. My name is Paul Anthony Denton. I wrote the s42A Officer's Report: Beneficial use and development dated 19 April, released in advance of Hearing Stream 1. My qualifications and experience are set out in section 2 and 3 of that report.
2. This Right of Reply responds to matters raised by submitters and the Panel in relation to beneficial use and development since the s42A Officer's Report: Beneficial use and development was released. Where I include recommendations in this Right of Reply, they replace the recommendations I made in my s42A Officer's Report; otherwise, I stand by the recommendations made in my s42A Officer's Report.
3. A table (in Appendix B) lists each provision submitted on, my recommended amendments, if any, and an assessment under s32AA. Changes that I recommend as a result of this Right of Reply are shown in blue text that is underlined or ~~struck-out~~. Original recommendations from the s42A Report that I continue to support are shown in red text that is underlined or ~~struck-out~~.

## **2. Update on activity since the s42A report was prepared**

4. The following documents (in Appendix A) relevant to this topic have been prepared for the Hearing Panel since the hearings began:
  - Minutes of a Joint Conferencing Statement on the definition of Regionally Significant Infrastructure.

## **3. Response to Enfocus review**

5. I refer to Pam Guest's report on Mr Willis's report. I concur with these comments.
6. The following are my specific comments relating to the beneficial use and development objectives referenced in Mr Willis's report.
7. Table 1 of Mr Willis's report (pages 8 and 9), makes reference to the beneficial use and development objectives. Mr Willis includes a group of beneficial use objectives that are recognised by the proposed Plan and these are Objective O2, O8, O11 and O12. I have no issue with this grouping. The remaining beneficial use objectives as described in my s42A report are in Mr Willis's grouping 'Use and development of resources for people's well-being. As Mr Willis states in Table 1 of his report, Table 1 is an initial grouping of objectives and refinements can be made, which he develops later on in his report.
8. Mr Willis on page 12 examines linkages and the deletion of objectives. He suggests that Objective O2 and O8 can be combined into one new objective. On this combination of objectives, I do not agree. Mr Willis has left out a vital part of Objective O8 that water

allocation is to be provided for by the proposed Plan. I consider this point to be important to decision makers for the allocation of water. His proposed objective does not provide for any contribution of land and water. I therefore do not consider that these objectives should be combined in any way.

9. On page 15, Mr Willis suggests another combination of objectives, in this case Objective O12 and O13. Whilst there is some minor duplication in having two objectives on similar subjects, there is no benefit of combining them, in my view. In Mr Willis's example, the words 'use and ongoing operation' are left out, and replaced with 'use and development' I consider this change is not within the intent of the objective and do not recommend such a combination.
10. On page 31, Appendix B is a summary of Mr Willis's assessment. The beneficial use objectives are not present and are replaced with just two objectives – a combination of Objective O2 and O8 and O12 and O13. As I have mentioned above, in my view, both combinations are not recommended.
11. Overall, I do not consider that Mr Willis's review provides any substance to change the beneficial use objectives. For other non-beneficial use objectives, combining and rearranging might be better placed and Council s42A reporting officers need to provide their views for their respective s42A topics.

#### **4. Right of reply for the beneficial use and development provisions**

12. After preparing my s42A report, I have read the hearing evidence for Hearing 1 on beneficial use and development. The following are my replies to questions raised by submitters in their statements of expert planning or legal evidence and questions raised by the Hearing Panel during Hearing 1.

#### **5. Definitions**

##### **5.1 Regionally significant infrastructure (RSI)**

13. To begin, I refer to the Joint Conferencing Statement on the definition of Regionally Significant Infrastructure, a copy of the statement is in Appendix A below, and my s42A assessment of this matter is in Issue 4.1 (page 57).
14. Section 2 of the conferencing note concerns 'Points of Agreement'.
15. It was generally agreed (see point 2) that the definition of RSI in the proposed Plan is not limited to the RPS definition of the same; however the definition cannot be narrower but could be broader depending on the nature of submissions.

16. On these agreed points, it was agreed that the definition of the National Grid should change to the definition in the Electricity Industry Act 2010. On this point I agree, and I recommend the definition of RSI reflect this outcome of the meeting, and my recommended change is in Appendix B below.
17. Further changes were expressed for the local authority supply network and the wastewater and stormwater networks, I refer to bullets 6 and 7 of the RSI definition.
18. The inclusion of 'intake structures' into bullet 6 is acceptable. As the submitter, Wellington Water Ltd states the intake structure is integral to the supply of water to the treatment plant. I agree with the submitter on this point and have included these words into the definition in Appendix B below.
19. On the question of wastewater and stormwater further refinement was suggested and these are included on the second bullet of point 6, page 3 of the conference note. I do not have an issue with the added wording. My assessment is in Appendix B.
20. Finally, on matters of consensus, a change is made to the name of Paraparaumu Airport to Kāpiti Coast Airport. This change is assessed in Appendix B.
21. There are no other points of agreement with submitters from the expert conference.
22. I now turn to unresolved points, see page 3 of the conference note.
23. One of the unresolved issues is the use of the word 'networks' in the definition of RSI, in particular the telecommunication network, radio communications network, and electricity networks.
24. With regard to the telecommunication and radio communication networks, Mr Anderson for Spark and Chorus did not offer any alternative wording other than deletion of the word 'strategic'. I did not agree, as this option would mean every part of the network is significant, and this is not the intention of the definition. Mr Anderson did not offer any other method or way the telecommunication and radio communication networks could be treated as significant.
25. Ms Foster for Meridian Ltd suggested additional wording for the electricity distribution network. Her relief sought (see paragraph 10 of the conference notes) changes the intent of the RSI definition by including the distribution of electricity, rather than where it is supplied to the electricity distribution network. Ms Foster cites lifeline utility for this change as without electricity there is no other forms of RSI. This may be true, but the lifeline situation is only

relevant in an emergency where many forms of RSI may not be operational. I do not consider this is a sufficient reason to change the definition as proposed for the electricity networks.

26. The question of local roads was discussed (see paragraph 12). The strategic roading network in the Regional Land Transport Plan (2015) includes various arterial roads which are in local authority districts. Any other roads (non-arterial) are not defined in the strategic transport network. This is the intent of the definition. I do not consider that adding other non-arterial roads that have not been assessed as part of the strategic network is appropriate. I do not recommend any changes to this part of the definition.
27. I now turn to part 3 of the conferencing notes – **Adding to the definition.**
28. Ms Bevin from NZDF requested that NZDF facilities such as those at Trentham should be included as RSI. However, there is no evidence from Ms Bevin that in fact there is infrastructure at Trentham that should be treated as regionally significant. I do not underestimate the importance of defence facilities to New Zealand's national security; however I do not consider such facilities (at Trentham in this case) to be significant infrastructure. Mr Percy for Rangitane o Wairarapa indicated that the Horizon's One Plan (in the RSP part of the One Plan), identifies NZDF facilities as 'important facilities' but are not RSI. The proposed Plan does not have any other level of importance for activities such as those undertaken by NZDF.
29. Ms Allan for GBC Winstone and Hutt City Council and Upper Hutt City Council (during Hearing 2) raised the issue of large municipal landfills (i.e. Silverstream Landfill), and these landfills should be added to the definition of RSI. The submitters' contend that these large landfills are important infrastructure and provide a region wide benefit by processing waste. I do not doubt the argument that large municipal landfills provide a regional benefit. The question is, are municipal landfills infrastructure? I do not consider that large landfills are, in fact, infrastructure. I consider these facilities to be an important land use that services the needs of people and the wider regional community. It should be noted that large municipal landfills also have significant adverse effects on the environment that require long term management well past their useful life (i.e. closed landfills and landfill gas). I consider landfills to be an important facility in the same way as NZDF defence facilities are, as assessed above. The proposed Plan does not have provisions for NZDF facilities or large landfills as they are land-uses managed by district plans.

30. In summary, the definition of RSI has recommended changes to refine the understanding of some infrastructure; however, there are no major changes recommended to the definition. I consider it is important the definition remains as proposed except for these minor refinements.

## **6. Objectives**

### **6.1 Objective O13 Reverse sensitivity of RSI**

31. Expert evidence was submitted on Objective O13 in particular that the objective includes a reference to terrestrial environments (beds of lakes and rivers). Ms Wratt for Wellington Water Ltd, page 32 of her evidence summarises the point of view of several submitters on this matter.
32. I also refer to page 78-79 of my s42A report for my assessment of Objective O13 submissions.
33. The objective includes specific reference to the CMA. My s42A report and the s32 report on beneficial use and development indicates the reason for this, which is that the CMA is a major use and development focus for the proposed Plan. Ms Wratt and other submitters seem to be concerned that if terrestrial environments are not mentioned, then they are not included into the policy framework. This is not the case, as the Council's jurisdiction does not change and will always include the beds of lakes and rivers whether it is mentioned or not. The intent of the objective is clear; the CMA is the focus of the proposed Plan and this how the objective has been framed up. I do consider that the objective requires change.
34. Another issue raised by submitters with Objective O13 is whether the objective requires the insertion of the word 'existing' to make it clear that only existing developments will be affected by the objective from new developments.
35. If 'existing' is included into the objective, this would affect a number of assumptions operating. At the time of the proposed Plan was notified, any developments that existed are 'existing' in terms of the provisions of the proposed Plan. Any new developments since the proposed Plan was notified are 'new' developments. Any time after the proposed Plan notification date, any new developments would eventually become existing developments and so on. I consider therefore, that including the word 'existing' is not necessary for Objective O13.
36. The key consideration of this objective is making sure new developments are assessed against existing developments. It is assumed this assessment occurs when the any new development is proposed. Hence, any conflicts between (existing) developments are resolved over time.

## **7. Policies**

### **7.1 Policy P7 Recognising the benefits of using land and water**

#### **Quarries**

37. In my S42A Report, Issue 1.3, page 22, I recommended that hard-rock quarries are included into Policy P7. In Hearing 2, Ms Allan for GBC Winstones submitted that hard-rock quarries should be replaced by 'quarries' based on the changes made to Rule R27 for the handling of bulk solid materials. I agree with Ms Allan's submission that consistency is important in the proposed Plan. I recommend that 'hard-rock quarries' is replaced with 'quarries' in Policy P7. This change is assessed in Appendix B below.

#### **Plantation forestry**

38. Mr Coulmann for Forest Enterprise Group and Mr Levack for the Southern North Island Wood Council provided information at Hearing 1 and Hearing 2 on the benefits of plantation forestry to the region. The information included the economic and social benefits through employment of the plantation forestry industry. In my s42A report, Issue 2.2, page 33 I noted the benefits of plantation forestry, however they also have adverse effects on the environment. The s42A report required further evidence for plantation forestry to be included into Policy P7. I consider that this information has now been provided by submitters in Hearing 1 and Hearing 2 and that plantation forestry is recognised for the social and economic benefits to people and communities. I recommend that plantation forestry is added to Policy P7. My assessment is provided in Appendix B.

### **7.2 Policy P8 Beneficial activities**

39. I now turn to Policy P8(h) that refers to the maintenance and use of existing structures in the CMA, natural wetlands and beds of lakes and rivers is beneficial and generally appropriate.
40. Ms Cooper's Statement of Evidence for Fish and Game states on page 50 that the Fish and Game submission was not taken into account, as Policy P8(h) deals with enhancement. Further to that Ms Cooper says that by not providing for gamefish in this policy is contradictory as the policy in clause (l) refers to art structures that support public open space in the CMA.
41. Mr Percy also made comment on Policy P8(h) in his evidence, page 50, suggesting that (h) rewards human activities in these environments without any consideration of benefits that accrue to the natural environment. Mr Percy recommends that Policy P8(h) and (k) are deleted from the policy.
42. In my s42A report I recommended on page 39 that 'upgrade' be inserted into this clause (h) because upgrade is controlled by the proposed Plan in other provisions. Mr Percy does point out however, that there is the situation of 'effects creep' where small changes over time end up



creating an adverse effect. Further any upgrade can have adverse effects in its own right and these upgrades would be all treated a beneficial by Policy P8(h). On these points I agree with Mr Percy, that the inclusion of 'upgrade' may have more adverse effects over time than would be recognised and I recommend the word is now deleted from the clause. I recommend that upgrade is deleted from Policy P8(h) in Appendix B below.

43. Referring to Ms Cooper's evidence, she notes that Policy P105 does not sufficiently protect the habitat of trout and salmon. On this point, I cannot comment as Policy P105 is the subject of another hearing (Hearing Stream 5). From my point of view, the policy as it reads protects the habitat of trout as required by the RMA.
44. Policy P8(h) treats the maintenance and use of existing structures as a benefit. As I suggested in my s42A report not all structures may be beneficial, and some structures as Mr Percy points out may not even be legal. On all of these contingencies I cannot comment here, but as far as this policy is concerned it treats all existing structures as beneficial and generally appropriate for time the structure remains in existence. I therefore, do not consider that Policy P8(h) should be deleted as Mr Percy requests, or that special recognition is required for sports fish and game birds as Ms Cooper requests as this policy only concerns trout (only in this region), not gamebirds.

**Appendix A: Attachments**

45. Attachment 1: Minutes of a Joint Conferencing Statement on the definition of Regionally Significant Infrastructure

## EXPERT WITNESS CONFERENCE

Proposed Natural Resources Plan

Topic: RSI

Date: 27/06/2017, 9.13 am

Venue: NZTA board room, Chews Lane

Witnesses present:

<b>Name</b>	<b>For</b>
Lindsay Daysh	Centreport Ltd / Centreport Properties Kiwi Rail Holdings
Tom Anderson	Spark / Chorus
Carolyn Wratt	Wellington Water
Sylvia Allan	GBC Winstone
Hywel Edwards	NZTA
Christine Foster	CDC Meridian
Pauline Whitney	SWDC / MDC Transpower
Sarah Bevin	NZDF
Chris Staite	MoC
Phil Percy	Rangitāne
Paul Denton	GWRC officer
Kate Pascall	WCC
Claire Hunter	WIAL
Trevor Robinson	Facilitator
Amber Carter	GWRC note-taker

Facilitator: Trevor Robinson

## Environment Court Practice Note:

It is confirmed that all present:

- Have read the Environment Court Practice Note 2014 Code of Conduct and agree to abide by it.

And in particular

- Have read the Environment Court Practice Note 2014 in respect of Appendix 3 – Protocol For Expert Witness Conferencing and agree to abide by it.

## **Joint Conferencing Statement**

### **1. Assumptions**

1. Limited to scope of submissions and not contemplating fundamental revision of the PNRP structure or policies.

### **2. Points of Agreement**

2. Consensus is that PNRP definition is not limited to the RPS definition and whilst it can't be narrower, it can be broader. Outer limit of what it can include derived from points in submissions.
3. Consensus that where reference to Telecommunications Act 2001 / Radio Communications Act 1989 is out of date/incorrect, it should be fixed.
4. No issues from those present on current wording of gas and petroleum pipelines inclusion in RSI.
5. The Council officer recommendation is to change 'the national electricity grid' to 'the national grid as defined in the Electricity Act 2010'. No issues with this change expressed from those present.
6. Consensus on CW proposed amendments:

- the local authority water supply network (including intake structures) and water treatments plants
- the local authority wastewater and stormwater networks and, systems, including treatment plants and storage and discharge facilities ~~and wastewater treatment plants~~

### 3. Unresolved matters
















7. There is an apparent inconsistency in RPS definition regarding treatment of networks but no agreement on how to resolve this. CF and TA's view is that electricity and telecommunications networks should be treated the same way as wastewater, gas and stormwater in the definition i.e. 'whole of network' approach [refer to CF evidence for reasons]. PD view is that this approach would dilute the definition of 'regionally significant' and that the apparent anomaly in the RPS definition shouldn't drive the outcome.
8. PP view is that there is some tension between infrastructure-focused national policy statements and the NZCPS and potentially the NPS-FM. Introducing lots of activities into the definition of RSI does not assist in reconciling that tension within the PNRP.
9. TA proposes the amendment: '~~strategic~~ facilities that form part of a ~~to the~~ telecommunication network, as defined in section 5 of the Telecommunications Act 2001' and '~~strategic~~ facilities that form part of a ~~to the~~ radio communications network, as defined in section 2(1) of the Radio Communications Act 1989'.
10. CF proposes the amendment: 'facilities for the generation, and transmission, and distribution of electricity, where it is supplied to the electricity distribution network, including the national grid'. *See reasons attached. [Signature]*
11. PD and PP saw both suggestions above at [9] and [10] as an example of too great a dilution of the concept of RSI.
12. View expressed that local roads are not RSI beyond what definition already covers through inclusion of Strategic Transport Network – PW and KP reserved their position depending on where the bar is set for RSI generally. Disagreement on expanding the definition of Strategic Transport Network to include proposed state highways and potentially other transport modes beyond those identified in the current RLTP 2015.

HE's view is that the PNRP should be forward-looking and should not be set in time. HE, LD, PW and CF support expansion at least to state highways; CS and PD oppose. PP is comfortable with including additional transport modes only if they meet the test of being genuinely regionally significant.

#### **4. Adding to the definition**

13. SB view is that NZDF facilities should be included in RSI definition. No issue with inclusion from CS. Opposed by PD as not regionally significant within the context of the regional plan.
14. SA view is that regional or sub-regional quarries, cleanfills and landfills should be included in RSI definition. Have requirements that Policies P12, P13 and P14 would recognise. Opposed by PD.
15. General concern from CW, TA, PW, HE, LD and PP that expansion of RSI definition waters down purpose of differentiating RSI from infrastructure and creates challenges for giving effect to national policy documents.
16. General view that there needs to be more alternative objective and policy support for infrastructure and other important facilities that are not included in the RSI definition. CF and SA concern that PNRP does not sufficiently provide for these activities.

Signed:

Name	For	Date	Signed
Lindsay Daysh	Centreport Ltd / Centreport Properties Kiwi Rail Holdings	27/6/17	
Tom Anderson	Spark / Chorus	27/6/17	
Carolyn Wratt	Wellington Water	27/6/17	
Sylvia Allan	GBC Winstone	27/6/17	
Hywel Edwards	NZTA	27/6/17	
Christine Foster	CDC Meridian	27/06/17	
Pauline Whitney	SWDC / MDC Transpower	27/06/17	
Sarah Bevin	NZDF	27/06/17	
Chris Staite	MoC	27/6/17	
Phil Percy	Rangitāne	27/6/17	
Paul Denton	GWRC officer	27/6/17	
Kate Pascall	WCC	27/6/17	
Claire Hunter	WIAL	27/6/17	
Trevor Robinson	Facilitator	27/6/17	
Amber Carter	GWRC note-taker	27/6/17	

## **Appended - CF Reasons for proposed amendment as per para [10]**

Electricity distribution is a Lifeline Utility (as defined in the Civil Defence Emergency Management Act 2002 ) relied upon by whole communities and the other forms of regionally significant infrastructure listed in the RPS and proposed NRP definition (e.g. local authority water supply network, water treatment plants, wastewater and stormwater networks, wastewater treatment plants, Wellington city bus and railway terminals, Wellington International Airport, regional airports, Wellington ports);

Most of the other listed items of regionally significant infrastructure cannot function without electricity available via the electricity distribution network therefore electricity distribution can be no less regionally significant than those other items;

It is plain from reading the officer report on submissions and the Hearing Panel's decisions on submissions on the proposed RPS that the intention was to capture electricity transmission and distribution;

The text of the RPS (e.g. page 34 RPS) makes it clear that electricity distribution networks are considered to have the same regional importance as electricity generation and transmission.

### ***'(b) Infrastructure***

*The roading network, airports, the port, telecommunication facilities, the rail network and other utilities and infrastructure, **including energy generation, transmission and distribution networks, are significant physical resources.** This infrastructure forms part of national or regional networks and enables communities to provide for their social, economic, and cultural wellbeing and their health and safety.'*

My intention is that the suggested wording includes distribution to the point of, but not including, supply from the network to individual premises. My view is that private connections are not intended to be contained within the electricity distribution network.



## Appendix B: Beneficial Use and Development – section 32AA assessment

This table sets out only the provisions of the notified proposed Plan on this topic **for which submissions were specifically received**. This table does not include provisions for which no specific submissions were received but that may be affected by consequential amendments. Where the officer has recommended amendments, these are set out below. Additions to the notified text are in underline and deletions are ~~strike-through~~ text. The section 32AA assessment follows alongside for each of the provisions where amendments have been recommended by the officer. If the officer does not recommend any changes, the provision appears in grey.

Red text amendments = recommendations from the officer's s42A report

Blue text amendments = updated recommendations from the officer's Right of Reply

Note that requests for **new** provisions are not included in these tables.


Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
	2 Interpretation	National electricity grid	<p><del>National electricity grid means the assets used or owned by Transpower New Zealand Limited, including:</del></p> <p>(a) <del>transmission lines, and</del></p> <p>(b) <del>electricity substations.</del></p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>This deletion is a consequential change from amendments made to the definition of regionally significant infrastructure. The National Grid is defined in the Electricity Industry Act 2010 and reference is made in the definition of regionally significant infrastructure. This change will increase the effectiveness of the provisions managing regionally significant infrastructure.</p> <p><b><u>Costs: (numerical and potential costs)</u></b></p> <p>No specific costs have been assessed for this deletion as it refers to a change made in another definition. There are unlikely to be increased costs to industry from this deletion in the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There is potentially an increased benefit by recognising in the National Grid by the correct name.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>There is a low risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>This is an important matter that requires recognition by the proposed Plan.</p> <p>In my opinion the proposed amendment is the most appropriate way to</p>


Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
				achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits (recognising hard rock quarries), and will not reduce opportunities for economic growth or have a negative effect on employment.
	2 Interpretation	Offset	A measurable positive outcome resulting from an action designed to compensate for the significant <b>residual adverse effects</b> on the environment arising from an activity after avoidance, remediation and mitigation measures have been taken.	
	2 Interpretation	Regionally significant infrastructure	<p><b>Regionally significant infrastructure</b> includes:</p> <ul style="list-style-type: none"> <li>• pipelines for the distribution or transmission of natural or manufactured gas or petroleum</li> <li>• strategic facilities to the telecommunication network, as defined in section 5 of the Telecommunications Act 2001</li> <li>• strategic facilities to the radio communications network, as defined in section 2(1) of the Radio Communications Act 1989</li> <li>• the <a href="#">national electricity grid as defined in the Electricity Industry Act 2010</a></li> <li>• facilities for the generation and transmission of electricity where it is supplied to the electricity distribution network, including the <a href="#">national grid</a></li> <li>• the local authority water supply network (<a href="#">including intake structures</a>) and water treatments plants</li> </ul>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>These amendments are from the S42A report Issue 4 and agreements made for this provision at the Joint Export Conference on 27/6/2017.</p> <p>An amendment is made to correct the name of the National Grid and reference this name to the definition in the Electricity Industry Act 2010.</p> <p>An amendment is made to the local authority water supply network to include a reference to intake structures which are integral to the supply network.</p> <p>An amendment is made to the local authority wastewater and stormwater networks and systems to include treatment plants and storage and discharge facilities to improve the effectiveness of this reference in the definition.</p> <p>An amendment is made to correct the name of the Kapiti Coast Airport.</p> <p>All of these amendments will increase the effectiveness of this provision and the related provisions in the proposed Plan for the management of regionally significant infrastructure.</p> <p><b><u>Costs: (numerical and potential costs)</u></b></p> <p>No specific costs have been assessed for these amendments. The amendments correct existing errors or provide clarification of the activity. There are unlikely to be increased costs to industry from this deletion in</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<ul style="list-style-type: none"> <li>• the local authority <b>wastewater and stormwater networks</b> <del>and</del> systems, <a href="#">including treatment plants and storage and discharge facilities</a> <del>and wastewater treatment plants</del></li> <li>• the <b>Strategic Transport Network</b></li> <li>• Wellington City bus terminal and Wellington Railway Station terminus</li> <li>• Wellington International Airport</li> <li>• Masterton Hood Aerodrome</li> <li>• <a href="#">Paraparaumu Kāpiti Coast</a> Airport</li> <li>• <b>Commercial Port Area</b> 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.</li> </ul>	<p>the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There is potentially an increased benefit by referring to the correct names of infrastructure and improving the nature of the activities that are part of this infrastructure.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>There is a moderate risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>This is an important matter that requires recognition by the proposed Plan.</p> <p>In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits (recognising hard rock quarries), and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
	2 Interpretation	Renewable energy generation activities	The construction, operation and maintenance of structures associated with renewable energy generation, including small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.	
	2 Interpretation	Reverse sensitivity	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	

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			such existing activities, thereby creating the potential for the operation of such existing activity to be constrained.	
	2 Interpretation	Strategic Transport Network	<p>The <b>Strategic Transport Network</b> comprises the following parts of the Wellington Region's transport network:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> <li>(c) Any other road classified as a high productivity motor vehicle (HPMV) route identified in the Regional Land Transport Plan 2015, and</li> <li>(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.</li> </ul> <p>The <b>Strategic Transport Network</b> is mapped in the Regional Land Transport Plan 2015.</p>	
	2 Interpretation	Upgrade	Use and development to bring existing structures or facilities up to current standards provided that the effects of the activity are the	


Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			same or similar in character, intensity and scale as the existing structure and activity.	
	3 Objectives	Objective O2: Importance of land and water	Objective O2: The importance and contribution of land and water to the social, economic and cultural well-being of the community are recognised	
	3 Objectives	3.2 Beneficial use and development		
	3 Objectives	Objective O6: Health needs of people	Objective O6: Sufficient water of a suitable quality is available for the <b>health needs of people</b> .	
	3 Objectives	Objective O7: Water for livestock	Objective O7: Fresh water is available in quantities and is of a suitable quality for the reasonable needs of <b>livestock</b> .	
	3 Objectives	Objective O8: Allocation regime	Objective O8: The social, economic, cultural and environmental benefits of taking and using water are recognised and provided for within the Plan's allocation framework.	
	3 Objectives	Objective O9: Recreational values	Objective O9: The recreational values of the coastal marine area, rivers and lakes and their margins and <b>natural wetlands</b> are maintained and enhanced.	
	3 Objectives	Objective O10: Public access	Objective O10: Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced.	
	3 Objectives	Objective O12: Benefits of regionally significant infrastructure	Objective O12: The social, economic, cultural and environmental benefits of <b>regionally significant infrastructure</b> and <b>renewable</b>	

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			<b>energy generation activities</b> are recognised.	
	3 Objectives	Objective O13: Protecting regionally significant infrastructure	Objective O13: The use and ongoing operation of <b>regionally significant infrastructure</b> and <b>renewable energy generation activities</b> in the coastal marine area are protected from new incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.	
	4 Policies	4.2 Beneficial use and development		
A1/(clarification in response to comments on implementation post notification)  Refer to para 143, Issue 2.2, S66/005	4 Policies	Policy P7: Uses of land and water	Policy P7: Uses of land and water  The cultural, social and economic benefits of using land and water for: (a) aquaculture, and (b) treatment, dilution and disposal of wastewater and stormwater, (c) industrial processes and commercial uses associated with the potable water supply network, and (d) community and domestic water supply, and (e) electricity generation, and (f) food production and harvesting, and (g) gravel extraction from rivers for flood protection and control purposes, and (h) irrigation and stock water, and (i) firefighting, and (j) contact recreation and Māori customary use, and (k) transport along, and access to, water bodies. <b>and</b>	<b><u>Effectiveness and efficiency</u></b>  This amendment to include 'quarrying' into Policy P7 gives effect to the RPS, Policy 60 which requires that regional plans particular regard shall be given to the (a) social, economic and environmental benefits from mineral resources in the region and (b) mineral resources are protected from incompatible or inappropriate land uses alongside. The addition of quarrying into Policy P7 recognises the importance quarries have to the region and gives effect to clause (a) of Policy 60. In regards to Policy 60 (b) I consider that as quarries are not regionally significant infrastructure as defined by the proposed Plan, the proposed Plan cannot give particular regard to the reverse sensitivity effects of land uses alongside. I consider that these effects are given particular regard by district plans.  Plantation forestry is included as clause (j) as this use of land and water has economic and environmental benefits to communities and long term mitigation of soil erosion on steep land in the region. Plantation forestry provides people and communities with direct employment through the industry and for other industries and contractors associated with forestry such as the transport industry. The nature of plantation forestry means long rotations for tree maturity. This long period of time mitigates soil erosion on steep land. There are however effects from the harvesting of plantation forests and these effects on stream ecosystems, sediment discharges and dust affect people and communities and the environment

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			<p>(l) <a href="#">quarrying, and hard-rock quarries</a>,  (m) <a href="#">plantation forestry</a>  shall be recognised.</p>	<p>up to 3 years after the harvest. However, overall there is a long term benefit to people and communities from the use of land and water for this activity and this provides greater effectiveness and efficiency for the management of forestry in the proposed Plan.</p> <p><b><u>Costs: (numerical and potential costs)</u></b>  No specific costs have been assessed for the insertion of this policy. There are unlikely to be increased costs to industry from the insertion of this policy into the proposed Plan.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b>  There is potentially an increased benefit by recognising the quarry and plantation forestry industries in the proposed Plan. This ensures applications for development are given the appropriate recognition by the proposed Plan through the beneficial use and development provisions.</p> <p><b><u>Risk of acting or not acting</u></b>  There is a low risk of not acting.</p> <p><b><u>Decision about most appropriate option</u></b>  This is an important matter that requires recognition by the proposed Plan.  In my opinion the proposed amendment is the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits (recognising hard rock quarries), and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
<p>A2/(clarification in response to comments on implementation post notification)</p> <p>Refer to para 169, 171, and 172 Issue</p>	<p>4 Policies</p>	<p>Policy P8: Beneficial activities</p>	<p>Policy P8: Beneficial activities </p> <p>The following activities are recognised as beneficial and generally appropriate:</p> <p>(a) activities for the purpose of restoring natural character, <b>aquatic ecosystem health, mahinga kai</b>, outstanding water bodies, sites with significant <b>mana whenua</b> values, and sites with significant</p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>A change to Policy P8(d) to include the removal of pest animals as a beneficial activity. This proposed change will provide more effective recognition that removal of pest animals along with pest plants and aquatic weeds is beneficial and generally appropriate and recognised by the proposed Plan.</p> <p>A change to Policy P8(f) to include the management of riparian margins. This proposed change will provide more effective recognition that riparian margins are important areas where appropriate management is beneficial</p>

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2.2, S75/053, S307/033, S175/032, S93/049, and S121/043			<p>indigenous biodiversity values, and</p> <p>(b) activities that restore natural features such as beaches, dunes or wetlands that can buffer development from natural hazards, and</p> <p>(c) day-lighting of piped streams, and</p> <p>(d) removal of aquatic weeds, <del>and</del> pest plants, <u>and animal pests</u></p> <p>(e) the establishment of river crossings (culverts and bridges) or fences and fence structures that will result in the exclusion of regular <b>livestock</b> access from a water body, and</p> <p>(f) the retirement, fencing and planting; <del>and</del> <u>management</u> of riparian margins, and</p> <p>(g) the retirement of <b>erosion prone land</b> from <b>livestock</b> access, and</p> <p>(h) maintenance; <del>and</del> use <u>and upgrade</u> of existing structures in the coastal marine area, <b>natural wetlands</b> and the beds of rivers and lakes, and</p> <p>(i) removal of dangerous or derelict structures in the coastal marine area, <b>natural wetlands</b> and beds of lakes and rivers, and</p> <p>(j) structures necessary to provide for monitoring resource use or the state of the environment in the coastal marine area, <b>natural wetlands</b> and beds of lakes and rivers, and</p> <p>(k) activities necessary to maintain safe navigation, and artworks that support and enhance public open space.</p>	<p>and generally appropriate and recognised by the proposed Plan provided the management activities are within the intent of Policy P101.</p> <p>A change to Policy P8(h) to include delete upgrade. This deletion means that an upgrade of existing structure in the CMA or the beds of lakes and rivers is not always beneficial or generally inappropriate. This is the clause as proposed.</p> <p><b><u>Costs: (monetised and potential costs)</u></b></p> <p>Cost for the recognition of Policy P8(d) – animal pests is likely to be low. There are threats to farming production and indigenous biodiversity with animal pests, i.e. possums. These threats increase costs to the region.</p> <p>Costs for recognition of Policy P8(f) - riparian management is likely to be low.</p> <p>Costs for recognition of Policy P8(h) - of existing structures in the CMA is likely to be the same as this is the proposed version of clause (h).</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>Increased benefits to the region with the eradication of animal pests, with improved levels of biodiversity and reduced threats for farm production. Increased benefits to the region with recognition of riparian management through improved riparian areas and management and water quality. No change to the benefits with the deletion of upgrade as clause (h) is the proposed version.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>There is low risk of not acting with this change.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>The changes to Policy P8 (d), (f) and (h) are the most appropriate option. In my opinion the proposed amendments are the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, will have cultural, social, environmental and economic benefits (recognising animal pests, riparian management and upgrade of existing structures in the CMA), and will not reduce opportunities for economic growth or have a negative effect on employment.</p>



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<p>A3/(clarification in response to comments on implementation post notification)</p> <p>Refer to para 239, Issue 3.2, S308/048, S75/054</p>	<p>4 Policies</p>	<p>Policy P9: Public access to and along the coastal marine area and the beds of lakes and rivers</p>	<p>Policy P9: Public access to and along the coastal marine area and the beds of lakes and rivers </p> <p><del>Maintain and enhance</del> <del>Reduction in</del> the extent or quality of public access to and along the coastal marine area and the beds of lakes and rivers <del>shall be avoided</del> except where it is necessary to:</p> <p>(a) protect the values of estuaries, sites with significant mana whenua values identified in Schedule C (mana whenua), sites with significant historic heritage value identified in Schedule E (historic heritage) and sites with significant indigenous biodiversity value identified in Schedule F (indigenous biodiversity), or</p> <p>(b) protect public health and safety, or</p> <p>(c) provide for a temporary activity such as construction, a recreation or cultural event or stock movement, and where the temporary restrictions shall be for no longer than reasonably necessary before access is fully reinstated, and</p> <p>with respect to (a) <del>and</del>; (b) <del>and (c)</del>, where it is necessary to permanently restrict or remove existing public access, the loss of public access shall be mitigated or <b>offset</b> by providing enhanced public access at a similar or nearby location.</p>	<p><b><u>Effectiveness and efficiency</u></b></p> <p>The amendment to include ‘maintain and enhance’ to Policy P9 gives effect to the RMA (s6(d)), NZCPS (Objective 4 and 19) and the RPS (Policies 19 and 33), which is to maintain and enhance public access. Proposed Policy P9 avoids any reduction in public access, except in certain circumstances. This amendment still provides for the exceptions (a) and (b), however, the policy is now explicit in requiring that public access is enhanced and maintained as required by the RMA, NZCPS, and the RPS. This proposed amendment will improve the effectiveness and efficiency of Policy P9 by providing for public access to be enhanced where required.</p> <p>The amendment to remove clause (c) from the bottom sentence will increase the effectiveness of Policy P9 by removing the contradiction between clause (c) of Policy P9, which is for temporary activities, and the sentence below that references requirements for a permanent loss of public access. This proposed change will provide for temporary activities to continue without further requirement.</p> <p><b><u>Costs: (monetised and potential costs)</u></b></p> <p>There are possible increase costs to enhancing public access the CMA and the beds of lakes and rivers where public access was not previously available.</p> <p>There are unlikely to be increased costs for people and communities from the amendment to remove clause (c) from the bottom sentence of this policy.</p> <p><b><u>Benefits: (environmental, cultural, economic and social)</u></b></p> <p>There are increased benefits to people and communities by recognising enhancement to public access in Policy P9. This will ensure applications in the CMA or in the beds of lakes and rivers provide for enhancement of public access where relevant to that particular application.</p> <p>There are likely to be increased benefits by removing the apparent contradiction between clause (c) in Policy P9 and the sentence referring to clause (c) in the bottom on Policy P9. The benefits will arise to people and communities through less restriction for temporary activities that may</p>

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				<p>impede public access. The benefits are likely to be economic from less restriction on temporary activities.</p> <p><b><u>Risk of acting or not acting</u></b></p> <p>There is a high risk to not acting on this amendment.</p> <p><b><u>Decision about most appropriate option</u></b></p> <p>These are important matters that require recognition by the proposed Plan.</p> <p>In my opinion the proposed amendments are the most appropriate way to achieve the purpose of the RMA and the objectives of the proposed Plan, and will have cultural, social and environmental and economic benefits, and will not reduce opportunities for economic growth or have a negative effect on employment.</p>
	4 Policies	Policy P11: In-stream water storage	<p>Policy P11: The benefits associated with the damming and storing of water within the bed of a river are recognised when:</p> <ul style="list-style-type: none"> <li>(a) there are significant social and economic benefits for the region, and</li> <li>(b) water remains available for multiple in-stream and out of stream uses concurrently, and</li> <li>(c) the reliability of water supply improves as a result, and</li> <li>(d) the damming and storage of water contributes to the <b>efficient allocation</b> and use of water.</li> </ul>	
	4 Policies	Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities	<p>Policy P12: The benefits of <b>regionally significant infrastructure</b> and <b>renewable energy generation activities</b> are recognised by having regard to:</p> <ul style="list-style-type: none"> <li>(a) the strategic integration of infrastructure and land use, and</li> </ul>	

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			<ul style="list-style-type: none"> <li>(b) the location of existing infrastructure and structures, and</li> <li>(c) the need for <b>renewable energy generation activities</b> to locate where the renewable energy resources exist, and</li> <li>(d) the <b>functional need</b> for port activities to be located within the coastal marine area, and</li> <li>(e) <b>operational requirements</b> associated with developing, operating, maintaining and upgrading <b>regionally significant infrastructure</b> and <b>renewable energy generation activities</b>.</li> </ul>	
	4 Policies	Policy P13: Existing regionally significant infrastructure and renewable electricity generation facilities	Policy P13: The use, operation, maintenance, and <b>upgrade</b> of existing <b>regionally significant infrastructure</b> and <b>renewable energy generation activities</b> are beneficial and generally appropriate.	
	4 Policies	Policy P14: Incompatible activities adjacent to regionally significant infrastructure and renewable electricity generation activities	Policy P14: <b>Regionally significant infrastructure</b> and <b>renewable energy generation activities</b> 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 <b>reverse sensitivity</b> effects.	
	4 Policies	Policy P15: Flood protection activities	Policy P15: The use, maintenance and ongoing operation of existing <b>catchment based flood and erosion risk management activities</b> which manage the risk of flooding to people, <b>property</b> , infrastructure and communities are beneficial and generally appropriate.	

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	4 Policies	Policy P16: New flood protection and erosion control	Policy P16: The social, cultural, economic and environmental benefits of new <b>catchment based flood and erosion risk management activities</b> are recognised.	