
REPORT 4
(1215/52/IM)

SUBMISSION ON GREATER WELLINGTON REGIONAL COUNCIL'S PROPOSED REGIONAL POLICY STATEMENT

1. Purpose of Report

To present a submission on the Proposed Wellington Regional Policy Statement (RPS) developed by the Greater Wellington Regional Council, for the Committee's approval.

2. Executive Summary

The Greater Wellington Regional Council's (GWRC) RPS provides the overarching regulatory framework and policy direction for promoting the sustainable management of natural and physical resources for the Wellington Region.

GWRC has undertaken extensive consultation to develop the RPS. The Council had input during the development of the Draft RPS, formally submitted on the Draft RPS document in May 2008 and now has the opportunity to formally submit on the Proposed RPS.

During this time the Council has raised many issues, most of which have been considered favourably and included in the proposed document. Appendix 1 provides detail on the issues raised by the Council during the Draft RPS consultation and GWRC's responses to the various requests to amend the document.

The Council's draft submission on the Proposed RPS is attached at Appendix 2. As the consultation is now in its final stages, the submission focuses only on the most significant outstanding issues. Section 14, however, does raise "other matters" where the Council requests clarification on other issues related to the Proposed RPS.

Submissions on the Proposed RPS are due with GWRC by 8 June 2009.

3. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Agree that the submission (attached as Appendix 2 to the report) on the Proposed Regional Policy Statement be forwarded to the Greater Wellington Regional Council for their consideration.*
3. *Authorise the Chief Executive and the Mayor to make any minor editorial changes to the submission and to reflect any additional matters agreed by the Committee.*
4. *Agree that the Council request to be heard at the oral hearing and that the oral submission be made by the Mayor or her nominated representative.*

4. Background

The Resource Management Act 1991 (RMA) requires each regional council to prepare a RPS, covering a ten year period. The current RPS for the Wellington Region was finalised in 1995.

The RMA also requires district plans to *give effect to* the RPS once it is notified. The requirement to 'give effect to' is not defined but is generally taken to mean that district plans should actively implement the provisions of the RPS which have been identified for action.

The RPS has an important role in defining the way we manage our city. It highlights regionally significant issues to do with land, air, water, soil, energy and ecosystems, including issues of significance for iwi, and sets out what needs to be achieved (objectives) and how that will be achieved (policies and methods).

In preparation for this ten year review, GWRC has undertaken an extensive consultation process. The Council's involvement has included:

- input prior to the compilation of a Draft RPS
- a substantial submission on the Draft RPS - approved by the Strategy and Policy Committee on 18 May 2008
- ongoing discussions between officers in their various areas of expertise.

5. Discussion

5.1 *The Proposed Regional Policy Statement*

GWRC received 107 submissions on the Draft RPS, which have resulted in a number of changes being included in the Proposed RPS. Key changes made since the Draft RPS are:

- the replacement of Appendix 1, which listed regionally significant sites in the coastal environment, with a new coastal environment policy requiring district and regional plans to avoid development in areas in the coastal environment with high natural character. Also included in the RPS is a new policy outlining factors that district and regional planners should consider when they assess natural character
- clarification in the regional form section that a compact, well designed and sustainable regional form means that development should occur within existing urban areas or in accordance with a district's development strategies/frameworks
- a new policy requiring GWRC to control the discharge of stormwater to land and/or water where stormwater contains ecotoxic contaminants (for example, heavy metals)
- a new policy requiring GWRC to address the effects of fine particulate discharges (for example, smoke from domestic fires) to improve people's health in locations where the national environmental standard for air quality is exceeded.

Appendix 1 outlines the issues raised and actions sought by the Council and GWRC's response to them. Many of the issues identified by the Council were accepted by GWRC. Where issues were not accepted, GWRC generally explained that the Council was asking to include information that:

- did not fit within the role and scope of the RPS. For example, the request to include concise measures and targets was considered to be more appropriately captured in alternative documents such as regional, district or other plans
- GWRC found to be covered sufficiently or fully captured elsewhere in the document.

5.2 Submission on the Proposed Regional Policy Statement

The Council's draft submission is attached as Appendix 2. It has been prepared with input from all relevant Council business units (City Planning, Urban Design, Local Area Planning, Infrastructure, Climate Change, Parks and Gardens, Treaty Relations).

The submission outlines the Council's strong support for the general scope and content of the Proposed RPS. The main issues covered in the submission relate to:

- the overall implications of the Proposed RPS in terms of the Council's District Plan and resource consent process
- requested improvements on specific policies or methods.

Section 14, “Other Matters”, also requests clarification on some concerns that the Council has raised throughout the consultation process, but which it considers have not been adequately addressed.

The following summarises the main concerns raised.

5.2.1 District Plan and resource consent implications

The Council’s submission covers the impact of the potential workload arising from policies in the Proposed RPS. The Council requests GWRC to:

- clarify when policies will have to be given effect to, particularly if the current RMA requirement that district plans be reviewed after 10 years is deleted
- recognise that the work required to give effect to policies in some cases will be substantial and will impact on the timing of when policies can be given effect to.

The submission also requests that Section 4.2 of the RPS is amended to:

- identify the policies that may be applied through either regulatory or non-regulatory/non-RMA processes. For example:
 - *Policy 41: Minimising contamination in stormwater from development* –which could potentially be partly addressed through the Council’s Code of Practice of Land Development
 - *Policy 46: Managing effects on indigenous ecosystems, habitats and areas with significant indigenous biodiversity values* – which could potentially be partly addressed through the Council’s Biodiversity Action Plan
- ensure there is no ‘blanket’ requirement for policies to apply in all cases under RMA processes
- ensure that where policies have been given effect to in the District Plan the provisions of Section 4.2 shall not apply.

5.2.2 Topic areas

The submission states that the Council supports the objectives, policies and methods associated with the topic areas of air quality, historic heritage, indigenous ecosystems, regional form, natural hazards, soil and minerals and resource management with tangata whenua.

The submission also states that the Council supports the objectives, policies and methods associated with the following topic areas, but “seeks relief” with regard to the following specific polices and methods:

Coastal Environment

- Include wording in Policy 5 to ensure that regional plans include clear guidance on standards and requirements for water quality and coastal environmental monitoring
- Include clear reference in Method 2 to the regional plan including standards and requirements for water quality.

Energy, Infrastructure and Waste

- Develop new policies and methods in the RPS that cover GWRC's statutory responsibilities relating to waste management (particularly with regard to the management of cleanfills).

Freshwater

- Include a new method that requires a "regional stormwater strategy" to be developed that will guide territorial authorities on the standards to be attained for water quality and receiving environments.

Landscape

- Expand the explanations for policies 3, 24, 25, 26 and 27 to state how the policies overlap and function together, including clear explanations of the key concepts of human-made and human-maintained landscapes

5.2.3 Other Matters

The "Other Matters" section of the submission requests GWRC to clarify the following concerns:

- how territorial authorities will be given more adequate direction or clarity on stormwater management – as this is currently not achieved through either the Stormwater Action Plan or the Proposed RPS
- GWRC's role in investigating, collecting data and researching 100 year flood levels within Wellington City and its stormwater utility network.

The Council also requests GWRC to take into account that, contrary to its statement on page 20 of the Proposed RPS, the Council has undertaken strategic planning that identifies where public access should be enhanced through its Open Space Access Plan (a copy of this document will be included with the Council's submission to GWRC).

5.3 Next Steps

Submissions on the Proposed RPS are due with GWRC by 8 June 2009.

All submitters will be sent copies of the GWRC officers' reports on the submissions made and invited to make an oral hearing to the committee. Following the hearings, the committee will make decisions on all submissions and submitters will be informed of those decisions. Submitters can appeal any decision made to the Environment Court, which makes the final decisions on any appeals following mediation and/or a hearing. The RPS then goes back to GWRC for final approval and is made operative.

6. Conclusion

The submission on the proposed RPS (Appendix 2) has been developed with officer input from across the Council.

The submission states the Council's support for the directions and content of the Proposed RPS, raising a small number of significant issues the Council would like to see further addressed before the RPS is made operative.

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Supporting Information

1) Strategic Fit / Strategic Outcome

The Council's submission to GWRC's Proposed Regional Policy Statement reflects a number of the Council's desired outcomes in the following strategic areas:

- *Environment*
- *Urban Development*
- *Transport*
- *Economic Development*

2) LTCCP/Annual Plan reference and long term financial impact

This report has no direct financial impact on the Council's Long Term Council Community Plan (LTCCP).

3) Treaty of Waitangi considerations

The Council's Treaty Manager has not identified any Treaty of Waitangi considerations with the Proposed Regional Policy Statement.

4) Decision-Making

This report does not constitute a significant decision.

5) Consultation

a) General Consultation

This report, and attached submission, is being made in response to a call for submissions from GWRC. No public consultation was required as a result of this report.

b) Consultation with Maori

Consultation with mana whenua has not been required.

6) Legal Implications

There are no legal implications with the report and submission, although the submission is part of a process legislated under the Resource Management Act (RMA).

7) Consistency with existing policy

This report is consistent with existing Council policy.

Greater Wellington Regional Council's response to issues raised in the Council's 2008 submission on the Draft Regional Policy Statement

Issue	Action sought in Draft RPS submission (2008)	GWRC's response to the Draft RPS submission (2008)	Notes on the 2009 submission on the Proposed RPS
Overall format	Clarify the contents of Chapter One	Improved flow and lay-out	
Wellington Regional Strategy	Addition of a section on the role of the WRS	Further information included in the introduction	
Comments on the presentation of the objectives	More emphasis on the statement's objectives in the introductory section of each issue	No changes made to introductory sections	
Comment on District Plan implications	GWRC's acknowledgement that the proposed RPS will require	No direct response provided.	This is still an issue and is readdressed in the submission (see Section 2).
Comment on resource consent implications	Reduction of the number of assessments required by the RPS	No direct response provided.	This is still an issue and is readdressed in the submission (see Section 2).
Coastal environment (including public access)			
1. Policy 3 – Protecting the values of nationally and regionally significant areas in the coastal environment	Greater recognition of historic heritage value of some of the identified regionally significant sites.	Council's concern was not directly addressed as GWRC decided to delete the policy on protecting the values of nationally and regionally significant areas in the coastal environment.	
2. Policy 4 – New subdivision, use and development in the coastal environment	Clearer definitions around "compromised natural character"	The draft policy has been refocused – so that new subdivisions and developments on land in coastal environment are discouraged in areas of "high natural character". Factors for assessing this are now also included in Policy 35: Discouraging development in areas of high natural character in the coastal environment – consideration.	Renumbered as Policy 3 in the Proposed RPS. Council now recommends including a plain-English explanation on how this policy and policies 24, 25, 26, 27 (and 35 and 49) overlap and function together.

3. Policy 5 – Identifying the landward extent of the coastal environment	Align policy criteria with the NZ Coastal Policy Statement – and clarify whether “coastal inundation” includes the situation of a tsunami.	Criteria aligned and the effect of tsunami excluded.	Renumbered as Policy 4 in the Proposed RPS.
4. Policy 6 – Maintaining or enhancing coastal water quality	Provide clearer guidance on the regional standards for water quality and receiving environments.	Policy now clarifies that the ‘bottom line’ standard to be achieved is for sustaining healthy ecosystems. Specific standards not considered appropriate in the RPS.	Renumbered as Policy 5 in the Proposed RPS.
5. Anticipated Environment Results (AER) for Objective 6 – maintaining or enhancing coastal water quality	Amend AER to take account of environmental conditions.	Objective changed – requirement of coastal waters to be suitable for contact recreation removed.	
Energy, Infrastructure and Waste			
1. Energy – Regionally significant energy issues	Include clear and concise monitored measures and targets on energy	Not included – the RPS is not considered the appropriate document for concise measures and targets	
2. Infrastructure – Regionally significant infrastructure issues	Clarify the intent of issue 2 – regionally significant infrastructure	Wording changed to include reference to management (which was deemed to incorporate ‘planning’) into the issue description.	
3. Waste	<p>Include comment on the life-cycle of the region’s current recycling system.</p> <p>Include comments on the benefits derived from regional cooperation with waste management.</p> <p>Greater emphasis placed on GWRC’s statutory responsibilities relating to waste management (especially around cleanfills).</p>	<p>Increased commentary included in the introductory comments.</p> <p>Not considered appropriate in the RPS – better captured in each authorities’ waste management plans.</p> <p>No changes made.</p>	The Council is still concerned about the lack of emphasis in the Proposed RPS on GWRC’s statutory responsibilities relating to waste management, and cleanfills in particular. This is addressed in the Council’s submission.

4. Policy 8 – recognising the benefits from regionally significant infrastructure and renewable energy	Change the wording to give a more complete definition of renewable energy	Change made to include the RMA definition of ‘renewable energy’.	Renumbered as Policy 6 in the Proposed RPS.
5. Policy 10 – reduce the consumption of non-renewable transport fuels and emission of carbon dioxide from transportation	Explicitly identify oil as non-renewable and emissions intensive.	Suggestion rejected – already considered to be explicit.	Renumbered as Policy 8 in the Proposed RPS.
6. Policy 63 – promote efficient use of resources to reduce waste	Expand the explanation of what policy means – to comment on the supply chains around recycling.	Policy amended to be more specific about what is meant by the efficient use of resources.	Renumbered as Policy 65 in the Proposed RPS.
7. Method 19 – provide information and guidance on waste management	Amend text to include information on recycling materials, including rain and grey water.	Wording not changed. Is covered off in both methods 11 and 17	Renumbered as Method 17 in the Proposed RPS.
Freshwater			
1. Comment on introduction	Include paragraph regarding the affect of stormwater discharges on urban streams	Paragraph included.	
2. Policy 13 – maintaining and enhancing rivers for aquatic ecosystem health	Amend wording to refer to “all water bodies” and not just “all rivers”.	Wording amended.	Renumbered as Policy 11 in the Proposed RPS.
3. Policy 15 – promoting and managing discharges to land	Encourage a pragmatic view that discharge to land is not always practicable	Agree with comments – hence the policy to “promote” and not “require”.	
4. Policy 18 – support the efficient use and harvesting of water	Amend text to provide more direct policy around promoting water conservation and active demand management	Changes made to new Policy 44 instead of Policy 18 – to focus on achieving this through district plans rather than regional plans.	
5. Policy 38 – on the management purposes of fresh water bodies	Amend policy to include wording around how the policy could be implemented.	Wording changed in the policy’s explanation (now Policy 39) – according to what can be achieved in district plans as opposed to regional plans.	Renumbered as Policy 39 in the Proposed RPS.
6. Policy 41 – on the efficient use of water	Further promote water conservation and active demand	Accepted, new clause added (now Policy 44) about demand	Policy now included in the revised Policy 43.

	management	management options.	
7. Policy 65 – reducing water demand and wastage	Include clauses promoting the harvesting and reuse of rain and greywater and use of demand management options.	Accepted in part. Broader objectives stated that can incorporate these points.	
8. Method 13 – provide information and guidance on water conservation and efficient use	Broaden method to encompass ideas of harvesting rain and grey water	Method shortened so as to not limit the matters that can be addressed.	Renumbered as Method 11 in the Proposed RPS.
9. Method 28 – integrated catchment management	Stronger emphasis on integrated catchment management through RPS policies	Accepted in part (new Method 29).	Renumbered as Method 29 in the Proposed RPS.
10. Method 32 – using the Regional Stormwater Action Plan	Delete or de-emphasise the use of the Regional Stormwater Plan and provide guidance and clarity on the regional standards to be attained for water quality and receiving environments	Rejected. The Plan is referred to as a non-regulatory method so its status reflects the importance that the participating territorial authorities have given to the action plan.	Renumbered as Method 34 in the Proposed RPS. This is an ongoing concern to the Council and is addressed in a recommendation that a new method be included to develop a “Regional Stormwater Strategy” that will include guidance on water standards across the region.
11. AER for Objective 12 – Safeguarding the multiple values of water	Provide guidance and more clarity on the standards to be attained for water quality and receiving environments (i.e present quantitative and more rigorous quality requirements)	Changed AER to recognise that such standards will be included in the regional plan when it is reviewed. The RPS is not considered the appropriate place to include detailed requirements for individual streams	
12. AER for Objective 13 – supporting functioning ecosystems in rivers, lakes and wetlands	Request that GWRC be practical in assessing barriers to fish passage – particularly in an urban environment.	Accepted.	
13. AER for Objective 14 – Efficient use of water	Requested target for reducing water leaking from the water reticulation system by 2011.	Rejected. AERs are intended to be 10 year targets, with progress reports being made on a six yearly basis	
14. Appendix 2 – Rivers and lakes with significant amenity and recreational values and significant	Review the basis for classifying stretches of river as holding significant amenity value or significant recreational usage –	Accepted. The list has been reviewed and Karori Stream removed.	

indigenous ecosystems	question Karori Stream as having kayaking and canoeing uses.		
Historic Heritage			
1. Policy 20 – Identifying historic heritage	Clarify the intention of the policy to ensure that TLAs retain a degree of flexibility with criteria to meet their individual requirements.	Policy clarified so that TLAs have the ability to identify sites of historic heritage under “one or more criteria”.	
2. Policy 21 – Protecting historic heritage	Amend text to ensure degree of flexibility with criteria in Policy 20, as discussed above.	Changes made to Policy 20 considered to address this issue.	
3. Policy 43 – Managing effects on historic heritage	As above – amend text to ensure degree of flexibility with criteria in Policy 20.	Changes made above address point.	Renumbered as Policy 45 in the Proposed RPS.
Indigenous ecosystems			
1. Significant issue re: “ecosystem services being under threat”	Provide a clearer link between identified significant issues 2 and 3.	Link between the issue of “ecosystem services being under threat” and the issue of “the region’s remaining indigenous ecosystems being under threat” clarified by merging the two.	
2. Objective 16 – Maintaining and restoring significant indigenous ecosystems and habitats	Replace reference to the “full range” of significant indigenous ecosystems to recognise the need to protect all of these areas.	Wording removed.	
3. Policy 22 – Identifying indigenous ecosystems, habitats and areas with significant indigenous biodiversity values	Clarify the types of indigenous biodiversity the policy is seeking to identify	Accepted. Types clarified.	
4. Policy 23 – Protecting indigenous ecosystems, habitats and areas with significant indigenous biodiversity values	Provide criteria for local authorities developing plan changes to protect indigenous biodiversity.	Rejected. The policy focuses on values – how values should be protected should be done on a location-by-location assessment.	
5. Policy 44 – Managing effect on indigenous ecosystems, habitats and	Add to and amend criteria for indigenous biodiversity, when considering resource consents.	Criteria amended and added to consider the adverse effect of the proposed activity on significant	Renumbered as Policy 46 in the Proposed RPS.

areas with significant indigenous biodiversity values	Develop a more flexible approach for deciding when policies 22 and 23 are achieved in a district plan.	indigenous biodiversity. Issue to be discussed.	
6. Policy 58 – Allocating responsibilities to maintain indigenous biodiversity	Reword last paragraph to include GWRC’s responsibilities for air, water and the coastal marine area.	Rejected – not considered relevant to the allocation of responsibilities. Note dual responsibilities for wetlands.	Renumbered as Policy 61 in the Proposed RPS.
7. Policy 66 – Restoring and enhancing indigenous ecosystems and habitats	Recognise the role of GWRC and local authorities in animal and plant pest control.	Accepted. Policy merged with policies 62 and 64 to focus on “Supporting environmental enhancement initiatives”. Now refers to animal and plant pest control.	Renumbered as Policy 64 in the Proposed RPS.
Landscape			
1. General comments on developing this part of the RPS	Note concern around the need for consistency in various planning documents.	No response made.	
2. Policy 24 – Identifying outstanding natural features and landscapes and notable landscapes	Modify criteria as necessary to ensure consistency with the criteria in the proposed NZ Coastal Policy Statement (NZCPS).	Noted – recognising that follow-up discussions about aligning the RPS and proposed NZCPS are needed.	See comment (2) under “Coastal Environment”.
3. Policy 25 – Protecting outstanding natural features and landscapes and maintaining and enhancing notable landscapes	Reconsider affording notable landscapes the same ‘protection’ afforded outstanding natural features (rather than just “maintenance and enhancement”).	Change not made.	See comment (2) under “Coastal Environment”.
4. Policy 47 – Managing effects on outstanding natural features and landscapes, or notable landscapes	Develop a more flexible approach for deciding when policies 24 and 25 are achieved in a district plan.	Rejected.	Renumbered as Policy 49 in the Proposed RPS.
Natural Hazards			
1. Policy 26 – Avoiding subdivisions and development in a high	Clarify the scope of Policy 26 – is it only focused on new development?	Policy clarified to relate to new development.	Renumbered as Policy 28 in the Proposed RPS.

hazard risk area and Policy 46 – Minimising the effects of natural hazards	Clarify whether tsunamis are included in respect to ‘coastal inundation’	List of hazards removed from the policy – new definition of “high risk” included in the policy explanation	
Regional Form			
1. Policy 27 – Structure planning for major developments	Address issues of protection for indigenous ecosystems, habitats and areas with significant indigenous biodiversity values in structure plans	Policy 27 merged with Policy 54: Maintaining a compact, well designed and sustainable regional form - consideration. Changes made.	
2. Policy 52 – Development to support a compact, well designed and sustainable regional form	Strengthen urban containment policies in district plans	Accepted. Wording expanded to include issues that need to be considered – i.e. consistency with Council growth and development frameworks.	Renumbered as Policy 54 in the Proposed RPS.
3. Policy 55 – Management of regional focus areas	Emphasise the requirement to develop some areas very carefully – particularly Pauatahanui.	Policy has been significantly changed – reference to specific areas of development removed and the policy made more generic.	Renumbered as Policy 58 in the Proposed RPS.
4. Policy 69 – Maintaining and enhancing a compact, well-designed and sustainable regional form	Develop a new policy to provide guidance on sustainable rural and lifestyle subdivision.	New policy developed (see Policy 55: Managing development in rural areas – consideration in the proposed RPS).	
Soils and Minerals			
1. Policy 32 – Managing contaminated land	Provide for policies and rules in district plans that allow for differing approaches of avoiding, remedying or mitigating the adverse effects of contamination.	Rejected. This is not the intent of the policy, which is to alert city and district councils to the likelihood of soil contamination when dealing with a change in land use.	Renumbered as Policy 33 in the Proposed RPS.

GREATER WELLINGTON REGIONAL COUNCIL'S PROPOSED REGIONAL POLICY STATEMENT

SUBMISSION FROM WELLINGTON CITY COUNCIL

1. Introduction

Wellington City Council (the Council) welcomes the opportunity to provide a submission on the Proposed Regional Policy Statement (RPS).

The Council is pleased with the extensive level of consultation that has been undertaken to develop the RPS, the amount of input the Council has had, and how the majority of its comments have been incorporated into the current document.

The Council supports the overall direction and content (objectives, policies and methods) of the Proposed RPS and considers it to be workable. This submission only includes the key issues the Council believes still need to be addressed.

To this end, Section 2 raises some general concerns regarding the implementation of the policies from a District Plan perspective and sections 3 to 13 provide comments, and in some cases the Council's concerns, with the content of each topic covered in the RPS.

The Council would welcome the opportunity to make an oral submission to the hearing committee.

2. District Plan Implications

In addition to comments on specific policies the Council has some general concerns regarding the implementation of the policies from a District Plan perspective.

Section 4.1: Policies that the WCC is required to give effect to

In Section 4.1 there are 22 policies out of a total of 33 that the Council will be required to give effect to through the District Plan.

The Council has no concerns about the inclusion of these policies as they relate to matters that are already being addressed to one degree or another and are valid resource management/planning issues that demand ongoing attention.

The Council's original concern when the Draft RPS was released for consultation was that the implementation of the policies would create a

significant work load as they had to be actioned before or at the time of the next District Plan review (2010 in the case of Wellington City).

As specified in Section 4.5.1 of the Proposed RPS, amending the District Plan to give effect to the policies is still required to commence on or before the date on which the Council commences its review of the District Plan.

However, this does not take into account the proposal under the recent Resource Management Act (RMA) review to delete the requirement for 10 yearly plan reviews. Without a 10 year review requirement, giving effect to policies will fall back on section 73 (5) of the RMA which specifies that if there is no time limit, implementation must be '*as soon as reasonably practicable*'. This would provide flexibility for the Council and enable the appropriate prioritising of future work.

Another issue is the extent to which existing District Plan provisions will be deemed to meet the intent of the RPS when adopted. This will have a bearing on the work to be undertaken to give effect to the policies. On this matter it is accepted that there will have to be continuing dialogue with GWRC to determine the current level of compliance.

However, of the 22 policies to be given effect to by the Council the following have not been addressed and will require significant resources to action:

- Policy 4: Identifying the landward extent of the coastal environment
- Policy 10: Promoting energy efficient design and small scale renewable energy generation
- Policy 24: Identifying outstanding natural features and landscapes
- Policy 26: Identifying significant amenity landscape values
- Policy 28: Avoiding subdivision and development in areas at high risk from natural hazards.

Given the likely scope of work required it is considered that there should be some acknowledgement that this will be ongoing from the time of the next review (or whatever timeframe is adopted) and beyond.

Recommended changes:

1. *That account be taken of the proposed amendment to the RMA deleting the requirement for the review of district plans after 10 years and to clarify when policies will have to be given effect to.*
2. *That an appropriate statement be included in the RPS recognising that in some cases the work required to give effect to policies may be substantial and this will effect the timing of when policies will be able to be given effect to.*

Section 4.2: Policies that need to be given particular regard

In its current form Section 4.2 is considered to be most problematic for the Council and raises concerns with regard to administering the District Plan, through the resource consent process.

The approach of creating a 'second order' of policies that must be given particular regard to is understandable where they relate to matters that might not yet have been given effect to in the District Plan. They would in effect apply as interim provisions until such time as appropriate provisions are included in the District Plan.

This approach prompted the Council's submission to the Draft RPS in May 2008 requesting that a sunset clause be included for all 'second order' policies where those policies had been given effect to in the District Plan. The 'second order' provisions would cease to apply, therefore avoiding duplication in terms of implementation.

The Council's submission was not accepted and it is still considered that the two tier policy approach is unsatisfactory. The Council has two main concerns:

1. Section 4.2 appears to require all 'second order' policies to be implemented solely through RMA processes.
2. There is a 'blanket' requirement to apply the policies when assessing or deciding on all resource consents, notices of requirement or plan changes or variations.

On the first point, it is not recognised that various policies under Section 4.2 might be addressed either through regulatory or non-RMA/non regulatory approaches. For example the Council's Code of Practice for Land Development would be relevant for dealing with some stormwater contamination issues and the recently adopted Biodiversity Action Plan is also relevant to making improvements in the ecological area.

In terms of administering Section 4.2 policies it is therefore considered that the sole focus on employing only RMA approaches should be changed and specific reference made to alternative methods. Policies that are not easily addressed wholly through RMA regulatory processes could therefore still be applied. Without some consideration of this matter consent and policy planners will be placed in a difficult position of being required to have regard to matters that they cannot reasonably influence.

With regard to the second point the 'blanket' approach is considered problematic for the following reasons:

- Addressing all policies (as appears to be required) under Section 4.2 would create a significant additional workload for the Council's planners

processing resource consents and policy planners and private parties preparing District Plan changes.

- Resource consents and district plan changes cover a wide spectrum from the simple to the more complex. Having regard to the Section 4.2 policies in all cases would seem to be unnecessary.
- Confusion would arise when dealing with resource consents and plan changes etc where matters have been given effect to in the District Plan. There would be considerable duplication of effort.
- The specific detail in the policies (in some cases akin to rules) that must be given particular regard to would potentially provide added opportunity for third parties to frustrate development proposals or plan changes on the grounds that various policies have not been considered.
- Consideration is required to be given to matters under Section 4.2 from a District Plan perspective when they are not required to be given effect to under 4.1, e.g. protecting aquatic ecosystems, the efficient use of water and the contamination of stormwater. This is confusing.

To minimise these problems the Council remains of the view that from an RMA perspective the consideration of Section 4.2 policies should only apply where the particular policy topic area has not been given appropriate effect to in the District Plan.

In this way the intent of the policies applying as interim provisions until such time as the relevant ones are given effect to in the District Plan would be maintained. Policies that cannot be dealt with appropriately through RMA processes would be dealt with through alternative means.

It is appreciated that further thought would have to be given to how the Section 4.2 policies might best be applied. Leaving the section to be implemented as proposed would introduce uncertainty, ambiguity and be an inefficient use of resources.

Recommended changes:

1. *That Section 4.2 be amended to identify the policies that may be applied through non regulatory/non RMA processes.*
2. *That appropriate provision be made to ensure that there is no 'blanket' requirement for the policies to apply in all cases under RMA processes.*
3. *That where policy topic areas have been given effect to in the District Plan the provisions of section 4.2 shall not apply.*

3. Air quality

The Council supports the objectives, policies and methods relating to this topic.

4. Coastal environment

The Council supports the objectives, policies and methods relating to this topic, but requests GWRC to consider the following.

Policy 5: Maintaining and enhancing coastal water quality for aquatic ecosystem health – regional plans

The Council seeks assurance that quantitative and explicit standards and requirements will be presented for water quality and coastal environmental monitoring in regional policies. The qualitative statement of “sustaining healthy ecosystems” does not alone provide clear guidance to the Council and the region’s other territorial authorities.

Recommended changes:

1. *That the RPS include a definition of “healthy ecosystems” in the definitions section.*
2. *That Policy 5 includes wording that states that regional plans will include clear guidance on standards and requirements for water quality and coastal environmental monitoring.*
3. *That Method 2 includes clear reference to the regional plan including standards and requirements for water quality.*

5. Energy, infrastructure and waste

The Council supports the objectives, policies and methods relating to this topic, but requests GWRC to consider the following.

Waste: Cleanfill and landfill monitoring

The Council continues to be concerned that the RPS does not adequately address how GWRC will monitor and enforce air, water and soil standards for cleanfills and landfills (or any other processing and disposal facilities that may be developed). Although there is some information in the Air Quality objectives and policies about odour, the Proposed RPS does not give confidence that there will be improvements on monitoring such facilities compared to how they have been managed in the past.

Recommended changes:

That GWRC develops and includes new policies and methods in the RPS that cover its statutory responsibilities relating to waste management, especially the operational actions and monitoring required to improve the management of cleanfills.

6. Fresh water

The Council supports the objectives, policies and methods relating to this topic, but requests GWRC to consider the following:

Policy 39: Maintaining and enhancing aquatic ecosystem health - consideration

In response to Council's submission on the Draft RPS, GWRC has stated that cities and districts have jurisdiction over roadside swales, filter strips and rain gardens. The Council would still, however, appreciate guidance on the level of treatment these devices need to offer before water is discharged from them. If there is no water quality standard to be attained before stormwater is discharged to aquatic receiving environments there is little incentive for territorial authorities to require these devices be investigated, promoted or installed.

The Council has proactively worked to understand, improve and monitor stormwater quality and its effect on receiving environments for 15 years. Council is looking at the "bigger integrated picture" of what we are trying to achieve and how. This also includes what we ask of developers, and why. To this effect, more clarity and guidance from GWRC on the standards to be attained for water quality and receiving environments would be appreciated. Such clarity could be provided in a document similar to Auckland Regional Council's Technical Paper 10, "*Stormwater Treatment Devices*".

Recommended changes:

That a new method be included in the RPS that requires a Regional Stormwater Strategy to be developed that will include guidance on the standards to be attained for water quality and receiving environments to minimise the adverse environmental effects of stormwater discharges.

7. Historic heritage

The Council supports the objectives, policies and methods related to this topic. The policies provide clear guidance for local authorities when identifying and protecting historic heritage.

8. Indigenous ecosystems

The Council supports the objectives, policies and methods related to this topic.

9. Resource management with tangata whenua

The Council supports the objectives, policies and methods related to this topic.

10. Landscape

The Council supports the objectives, policies and methods related to this topic, but requests GWRC to consider the following.

Issue 1: Policies 3, 24, 25, 26 and 27

The Council supports the splitting of draft Policy 24, identification for landscapes, into two policies (policies 24 and 26) so that the first is concerned with *outstanding natural features and landscapes* and other with *significant*

amenity landscape values (rather than the earlier *notable landscapes*). This change ensures consistency between the various relevant planning documents – i.e. the RPS and the New Zealand Coastal Policy Statement (NZCPS).

The separation of the policies and the use of the words *outstanding natural features and landscapes* and *amenity values/amenity landscapes* is a better response to the requirements and terminology of the Resource Management Act. The same applies to using the words *areas of high natural character* for the policy for the coastal environment.

The Council is concerned, however, that the policies may not be easily understandable to many people. The concepts of natural, as against human-made landscapes, are not outlined well in the explanations. It is difficult to understand the relationship between *natural landscapes* and *amenity landscape values*. The first is a place, while the second is a group of qualities that people value in a place. The issue is further confused by the use of the terms *amenity landscape values* in Policy 26 and *amenity landscapes* in Policy 27.

The NZCPS brings in the additional concept of natural character. It is not clear whether policies 3, 24 and 26 overlap. For example, can an *outstanding natural landscape* also have *significant amenity landscape values* and therefore also be a *significant amenity landscape* (Policy 27)? The different terms used and their intended interrelationship is confusing.

Recommended changes:

That the explanations to Policy 3, 24, 25, 26 and 27 (and 35 and 49) include a plain-English explanation, with examples, of how the policies overlap and function together. It must clearly explain the concept of human-made and human-maintained landscapes, and explain that human-made landscapes can be as highly valued as natural landscapes.

11. Regional form, design and function

The Council supports the objectives, policies and methods relating to this topic.

12. Natural hazards

The Council supports the objectives, policies and methods related to this topic.

13. Soils and minerals

The Council supports the objectives, policies and methods relating to this topic.

14. Other matters

The following outlines other matters where the Council seeks further clarification. These are a mixture of newly raised issues and ones that have previously been raised, but in the Council's opinion not sufficiently addressed.

14.1 Fresh water

Method 34: Regional Stormwater Action Plan

The Council has previously stated its concern with the lack of adequate direction or clarity on stormwater management in both the RPS and the Stormwater Action Plan (SAP). This was an issue identified during the development of the SAP, which was meant to be addressed through the SAP and RPS review. Reference to the SAP in the RPS, therefore, does not address the Council's concern that territorial authorities have not been given sufficiently clear direction on stormwater management.

Recommendation:

That GWRC clarifies how the voluntary, non-statutory stormwater action plan will guide stormwater management in the region.

14.2 Natural hazards

Policy 50: Minimising the risks and consequences of natural hazards – consideration

In its submission on the Draft RPS, the Council requested GWRC to clarify its role in the investigation, data collection and research of 100 year flood levels. As the Council is aware that GWRC does not manage rivers for flood management purposes within Wellington City, with the exception of 10km of Porirua Stream, it appears that the specific investigation and research that GWRC carries out has little impact on the Council's own flood protection work. For this reason, the Council was requesting clarification of GWRC's role in the investigation, data collection and research of the 100 year flood levels within Wellington City and its stormwater utility network.

Recommendation:

That GWRC clarifies its role in investigating, collecting data and researching 100 year flood levels within Wellington City and its stormwater utility network.

14.3 Energy, infrastructure and waste

Central government is currently developing a National Policy Statement on Renewable Energy, is revising the New Zealand Waste Strategy and is in the process of implementing the Waste Minimisation Act 2008. Each of these documents are important guiding documents in their fields. The Council notes that these will need to be taken into account in the RPS and regional and district plans as appropriate.

14.4 Public access

The Council also notes that the statement on page 20, paragraph two which says " *To date there has been no strategic planning in the region that has identified where public access should be enhanced*" is incorrect. Although there may not have been a regional wide planning exercise, the Council has in fact undertaken such planning through the Open Space Access Plan. This plan identifies key parts of the coast and stream where access needs to be improved, including such areas as the south west coast and Karori Stream.