

Proposed Plan Change 1 to the Regional Policy Statement for the Wellington Region – Addendum to Summary of Decisions Requested



N.B This document contains two tables. Table 1 shows corrections to errors made in the Summary of Decisions Requested. Table 2 shows submission points omitted from the Summary of Decisions Requested.

Table 1: Corrections to Submission Points in the Summary of Decisions Requested:

Corrections to the Summary of Decisions Requested are recorded in **red** text below and should be read in conjunction with the [Summary of Decisions Requested](#) which was notified on 5th December 2022.

Submission point	Plan section	Provision	Stance	Reasons	Decision requested
S115 Hutt City Council					
S115.051	Chapter 4.1: Regulatory policies	Policy 30: Maintaining and enhancing the viability and vibrancy of regionally and locally significant centres – district plans	Support in part	<p>We support removing references that could be construed as references to national planning standards zones. the current policy in the operative RPS also uses terms in a way that are inconsistent with the national planning standards.</p> <p>However, we do not support the concept of “locally significant centres”. If centres are not of regional significance, then they should not be addressed by the Regional Policy Statement.</p> <p>The amendments also continue the unnecessary distinction of “sub-regional” and “suburban” centres in the operative RPS. While this distinction is made in the list of centres, the policy direction does not reflect this difference and does not accurately reflect differences in the size, scale, and role of centres.</p> <p>We request that all centres other than the Wellington City Centre be listed as “other regionally significant centres”. District plans can then set out the hierarchy and role of centres a district. We</p>	<p>Amend Policy 30 as follows: “Policy 30: Maintaining and enhancing the viability and vibrancy of regionally significant centres – district plans District plans shall include policies, rules and/or methods that enable and manage a range of land use activities that maintain and enhance the viability and vibrancy of: 1. The main centre of the region, the central business area of Wellington City; 2. Other regionally significant centres: (i) Lower Hutt; (ii) Petone; [(iii) and other centres outside the City of Lower Hutt as appropriate] 3. the locally significant centres of: [list of centres]”</p> <p>Explanation Policy 30 identifies the hierarchy of regionally significant centres within the Wellington Region for which district plans must maintain and enhance their vibrancy and vitality. The centres identified are of significance to the region’s form for economic development, transport movement, civic or community investment. Maintaining and enhancing the viability and vibrancy of these centres is important in order to encourage investment and development that supports an increased range and diversity of activities. It is also important for their prosperity and resilience in the face of social and economic change. The central business area of</p>

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				support both the Lower Hutt city centre and the Petone commercial area continuing to be identified as having regional significance.	Wellington City is the main centre in the Wellington region; the other key centres also provide significant commercial and community services. This policy does not limit territorial authorities from identifying additional centres of local or sub-regional significance within the district plan.” (Our submission is neutral on which centres outside the Hutt City Council area are included, other than the Wellington City centre)
S115.123	Appendix 3: Definitions	Medium density residential development	Support in part	The use of the term “minimum building height” is unclear. District plans do occasionally apply minimum building height standards but typically provide a maximum or anticipated building height. In addition, the circumstances where this term is used either make it clear that the development is residential, or there is no policy reason to limit the development to being residential. It should be amended to be consistent with the term “high density development	Amend the term itself (and references): “Medium density residential development”. And the definition: “Means areas used predominately for urban activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities with an anticipated building height of at least 3 stories. ” And amend the term throughout the RPS when used.
S115.062	Chapter 4.2: Matters to be considered	Policy CC.13: Managing agricultural gross greenhouse gas emissions – consideration	Support in part Not Stated / Neutral	We are neutral towards the overall intent of the policy but request the policy is amended to make clear that it applies to regional consents (which are the only relevant consents to the policy).	Retain Policy CC.13, but amend as follows: “When considering an application for a regional resource consent, ...”
S115.086	Chapter 4.4: Non-regulatory policies	Policy FW.7: Water attenuation and retention – non-regulatory	Support Oppose in part	Oppose the inclusion of non-regulatory policies and methods that apply to territorial authorities.	Amend Policy FW.7 to make it clear it does not apply to city and district councils.
S115.100	Chapter 4.5: Methods to implement policies (non-regulatory methods)	Method 17: Reducing waste and greenhouse gases emissions from waste streams	Oppose Oppose in	Oppose the inclusion of non-regulatory policies and methods that apply to territorial authorities	Amend Method 17 so that it does not apply to city and district councils.

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S115.101	Chapter 4.5: Methods to implement policies (non-regulatory methods)	Method 22: Integrated hazard risk management and climate change adaptation planning	Oppose Oppose in part	Oppose the inclusion of non-regulatory policies and methods that apply to territorial authorities	Amend Method 22 so that it does not apply to city and district councils.
S115.119	Appendix 3: Definitions	Complex development opportunities	Support Oppose	It is inappropriate for a definition to outsource the meaning of a definition to a third party, in this case the Wellington Regional Leadership Committee, particularly regarding decisions to be made by that third party in future.	Delete definition. (Note our other relief would delete all uses of this term in the RPS in any case).

Table 2: Submission points omitted from the Summary of Decisions Requested:

Submission point	Plan section	Provision	Stance	Reasons	Decision requested
S16 Kāpiti Coast District Council					
S16.096	General comments	General comments - overall	Oppose in part	All methods where we oppose city and district councils being responsible for delivery of policies: Consequential amendments, additions, and deletions are necessary to all methods relevant to our submission.	Amend all methods in accordance with Council's submission, and in accordance with section 31 of the RMA, and relevant higher-level statutory planning documents.
S16.097	General comments	General comments - overall	Oppose in part	Objectives : Many objectives are not drafted clearly with regard to what outcome is sought, and some do not appear to be achievable within the scope of a regional policy statement.	Ensure all objectives are specific, state what is to be achieved where and when, clearly relate to (or state) an issue, and can be determined through implementation and monitoring whether the objectives have been met. Delete all objectives that are not achievable within the scope of a regional policy statement (with respect to legal justification, and the effectiveness and efficiency in light of alternative methods outside of the regional policy statement).
S16.098	General comments	General comments - overall	Support in part	Use of the terms mana whenua/tangata whenua/iwi/hapū and Māori in all provisions:	The use of the terms mana whenua/tangata whenua/iwi/hapū and Māori are carefully considered and applied appropriately throughout RPS Change 1.

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				We request the use of these terms are carefully considered and applied appropriately throughout RPS Change 1 with respect to the practical implications for resource management processes and the requirements of the RMA and relevant higher level statutory planning documents.	
S16.099	General comments	General comments - overall	Not State Neutral	Consequential amendments: Many consequential amendments will be required across RPS provisions to give effect to the relief sought in this submission. Although these provisions and amendments are generally not specifically identified in the submission, Council requests all consequential amendments are made.	All necessary consequential amendments are made to the RPS to give effect to the relief sought in its submission.
S16.0100	General comments	General comments - overall	Oppose	Inappropriate use of verbs within objectives and policies: There are a number of examples throughout RPS Change 1 that proposes the use of verbs within objectives and policies that do not align with the RMA or relevant higher-level statutory planning documents. Council submits that the use of the correct verb in each instance is of critical importance due to their specific meaning and requirements for implementation that have been determined through case law. Council has not identified all instances of the use of inappropriate verbs, but this submission requests all verbs are reviewed and replaced where appropriate.	All verbs used in objectives and policies are reviewed and replaced with the appropriate verb in accordance with the RMA and relevant higher-level statutory planning documents.
S16.0101	General comments	General comments - overall	Not State Neutral	Consequential relief: Many consequential amendments will be required across RPS provisions to give effect to the relief sought in this submission. Although these provisions and amendments are generally not specifically identified in the submission, Council requests all consequential amendments are made	All necessary consequential amendments are made to the RPS to give effect to the relief sought in its submission
S16.0102	General comments	General comments - overall	Oppose	Use of 'and/or' throughout RPS Change 1: We note the use of and/or generally means a choice can be made. This is an issue across RPS Change 1 where it appears there is uncertainty as to whether there should be a choice or not. We request all	All instances of and/or are reviewed and 'and' or 'or' are specifically used where appropriate.

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				instances of 'and / or' are reviewed and 'and' or 'or' are specifically used where appropriate.	
S16.0103	General comments	General comments - overall	Oppose	<p>Plan-wide provisions that are based on the misconception that district plan content, decision making on resource consents or notices of requirement by the Council are not limited by legislation: There are many examples in the plan change where there is a misconception that a district plan can require certain actions or require specific changes in behaviour. There are many free-market factors that district plans cannot regulate, and therefore should be pursued by the regional council via non-regulatory methods. Examples include but are not limited to:</p> <p>Emission of greenhouse gases. Transportation mode choice. Restoration and enhancement activities. Nature based solutions</p>	Delete all district plan requirements where the proposed methods (including the consideration of RPS policies, district plan making, resource consents, and notices of requirement) attempt to regulate free-market activities and behaviours of individuals that are not clearly supported by the RMA or a higher-level statutory planning document.
S16.0104	General comments	General comments - overall	Oppose	<p>Explanations to objectives and policies: There are many examples where explanations to objectives and policies either contain information that is unnecessary, or content that should be included in the relevant objective or policy itself. Explanations can provide useful context in some situations, but as they have no legal status under the RMA they should be used sparingly and appropriately.</p>	<p>Review and amend all explanations to objectives and policies to:</p> <p>a) Delete those that are unnecessary; and b) Delete text that should have been included in the relevant objective or policy</p>
S16.0105	General comments	General comments - overall	Oppose	<p>All provisions that seek to give effect to the draft National Policy Statement for Indigenous Biodiversity: At the time of preparing RPS Change 1 and when making a submission on the plan change the draft NPS-IB had not been passed into law. Its final form and timing of its gazettal are not known. Council considers it is inappropriate for the regional council to attempt to implement a draft national policy statement that has no legal weight under the RMA. Such an approach prejudices submitters who have not had an opportunity to consider the final provisions of the NPS-IB and their implications. This raises issues of fair process and natural justice.</p>	<p>Either:</p> <p>Amend all provisions in the plan change that have been developed to give effect to the NPS-IB so they are only applicable to the regional council;</p> <p>or</p> <p>Delete all provisions in the plan change that have been developed to give effect to the draft NPS-IB.</p>

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				<p>Council notes draft national policy statements are not a relevant matter that can be considered by the regional council in the preparation of a proposed regional policy statement under section 61 of the RMA.</p> <p>Council requests all provisions in the plan change that have been developed to give effect to the draft NPS-IB are deleted and that a variation or plan change be prepared to give effect to the NPS-IB only after it has been gazetted.</p> <p>Alternatively, Council would be satisfied with amendments to all relevant provisions so they are only applicable to the regional council.</p>	
S16.0106	General comments	General comments - overall	Oppose	<p>Provisions that are not supported by the RMA, statutory planning documents, or an evidence base that supports and justifies the proposed provisions:</p> <p>We have been unable to find an evidence base supporting and justifying a number of provisions in the plan change. The section 32 evaluation does not assist us in understanding the resource management basis or evidence base for many of the proposed provisions – particularly where a regulatory method is proposed.</p>	Delete all provisions that are not supported by the RMA, statutory planning documents, or a robust evidence base that supports and justifies their inclusion in a regional policy statement.
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S99 Genesis Energy Limited					
S99.007	Chapter 3.6: Indigenous ecosystems	General comments - indigenous ecosystems	Oppose	<p>Genesis supports the need to address the ongoing loss and degradation of indigenous biodiversity. However, Genesis is concerned about, and therefore opposed to, the approach adopted by Council in seeking to pre-emptively incorporate changes when the national policy statement is yet to be fully confirmed.</p> <p>Genesis considers that until the national policy statement is confirmed, it is not possible to fully assess the actual and/or potential implications of the</p>	Genesis seeks that the indigenous biodiversity provisions in RPS Change 1 are withdrawn in full. A separate plan change using a Schedule 1 process should be prepared at a later stage once the National Policy Statement on Indigenous Biodiversity is gazetted. Alternatively, the proposed indigenous biodiversity provisions in RPS Change 1 should be amended as appropriate to address the concerns raised in this submission.

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				<p>indigenous biodiversity provisions in RPS Change 1, and whether the provisions “give effect” to the national policy direction.</p> <p>In reviewing the proposed provisions, Genesis is already noting inconsistencies between RPS Change 1 and the exposure draft of the dNPS-IB. For example, the proposed “10% net biodiversity gain” (for offsetting) and “10% net biodiversity benefit” (for compensation) in Policy 24 was not signaled by the exposure draft of the dNPS-IB. Whilst the changes are noted in the section 32 evaluation report to provide a regional interpretation, there is limited evaluation on the cost and benefits of the proposal in the New Zealand context, other than the reference that the quantum “aligns with the UK government’s recent Environment Bill”¹. The setting of an untested and arbitrary target therefore raises questions on its workability.</p> <p>Although Council already notes any misalignment of matters may be addressed through a separate Schedule 1 process, Genesis queries the efficiency of imposing a two-step approach on not only the Council but also all submitters. As noted in the section 32 evaluation report, the dNPS-IB is anticipated to be gazetted later in 2022 – i.e. before the RPS Change 1 process is fully complete. The close, yet misaligned, timeframes between RPS Change 1 and the gazettal of the dNPS-IB will add unnecessary complexity to the RPS Change 1 hearings with the potential to lead to appeals.</p> <p>On the above basis, Genesis opposes all provisions included in the RPS Change 1 that relate to indigenous biodiversity.</p>	