

7 October 2022

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Tēnā koe,

Kāpiti Coast District Council's Submission on Proposed RPS Change 1

The Kāpiti Coast District Council is pleased to attach its submission on Proposed RPS Change 1. On 29 September 2022, Council resolved to submit the attached submission on the plan change.

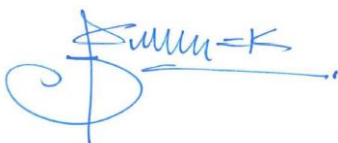
Whilst Council broadly supports the intent of the plan change to address significant resource management issues such as climate change, urban development, freshwater management, and biodiversity, Council considers in many instances the drafting and methods proposed to achieve the intent of the plan change are not appropriate. Council's submission seeks amendments to the plan change to address these issues.

Council's submission falls into the following broad categories:

1. Proposed provisions Council supports.
2. Proposed provisions that would require Council to address resource management issues in its district plan that fall outside of its statutory functions, powers and duties under the RMA.
3. Proposed provisions that do not appear to be supported by any existing legislation or higher-level strategic planning document such as a national policy statement.
4. Proposed provisions that fall under point 3 above that seek to impose regulatory methods in district plans without evidence they would be more (or even equally) appropriate than non-regulatory methods.
5. The lack of use of regional rules to manage land use activities that fall under section 30 of the RMA, despite this being provided for by section 9 of the Act.
6. Appropriate and lawful use of verbs within proposed objectives and policies.

Please contact Jason Holland, District Planning Manager at Jason.holland@kapiticoast.govt.nz should you have any queries about Council's submission.

Ngā mihi



K. Gurunathan JP, MA
MAYOR, KĀPITI COAST DISTRICT

Kapiti Coast District Council - Submission on Proposed RPS Change 1

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
General submission points			
All methods where we oppose city and district councils being responsible for delivery of policies.	Oppose in part	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.
Objectives	Oppose in part.	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.	<p>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.</p> <p>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).</p>
Use of the terms mana whenua/tangata whenua/iwi/hapū and Māori in all provisions	Support in part	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	The use of the terms mana whenua/tangata whenua/iwi/hapū and Māori are carefully considered and

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		requirements of the RMA and relevant higher level statutory planning documents.	applied appropriately throughout RPS Change 1
Consequential amendments	N/A	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
Inappropriate use of verbs within objectives and policies.	Oppose	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.
Consequential relief	N/A	All requested relief in this submission also seek any other consequential relief that will address Council's concerns.	Note consequential relief to address Council's concerns applies to all specific relief sought in Council's submission.
Use of 'and/or' throughout RPS Change 1.	Oppose	We note the use of <i>and/or</i> 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 instances of 'and / or' are reviewed and 'and' or 'or' are specifically used where appropriate.	All instances of <i>and/or</i> are reviewed and 'and' or 'or' are specifically used where appropriate.
Plan-wide provisions that are based on the	Oppose	There are many examples in the plan change where there is a misconception that a district plan can require certain actions or	Delete all district plan requirements where the proposed methods (including

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misconception that district plan content, decision making on resource consents or notices of requirement by the Council are not limited by legislation.		<p>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> <ul style="list-style-type: none"> • Emission of greenhouse gases. • Transportation mode choice. • Restoration and enhancement activities. • Nature based solutions. 	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.
Explanations to objectives and policies.	Oppose	<p>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> <ol style="list-style-type: none"> a) Delete those that are unnecessary; and b) Delete text that should have been included in the relevant objective or policy.
All provisions that seek to give effect to the draft National Policy Statement for Indigenous Biodiversity.	Oppose	<p>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>Council notes draft national policy statements are not a relevant matter that can be considered by the regional council in the</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>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>	
Provisions that are not supported by the RMA, statutory planning documents, or an evidence base that supports and justifies the proposed provisions.	Oppose	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.	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.
Chapter 3.1A: Climate Change			
Objective A	Support	The objective appropriately balances the requirements of the NPS-FM alongside those of the NPS-UD.	Retain.
3.1A Climate Change	Support in part	<p>Climate change</p> <p>Although the chapter introduction has no statutory weight it provides a useful and up-to-date picture of the realities of the challenges facing planning for climate change and related natural hazards in the Wellington Region.</p>	<p>1. Greenhouse gas emissions</p> <p>Amend the greenhouse gas emissions section to include a description of the tools available to address greenhouse gas emissions via the RPS, while noting the legislative limitations including:</p>

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		<p>1. Greenhouse gas emissions The greenhouse gas emissions component of 3.1A is aspirational, setting out the urgent nature of behavioural change required to address greenhouse gas emissions. Council is concerned it is not able to be supported by effective RPS provisions that will achieve the desired outcomes. This is due to the fact the RPS does not and cannot directly address all the components of behavioural and technological change, or economic and political support to achieve the stated immediate, rapid and large-scale reductions in greenhouse gas emissions. These limitations should be acknowledged.</p> <p>3. The risks associated with natural hazards are exacerbated by climate change This section paints an unjustified negative picture of hard engineered protection works, as it implies it is inevitable they will become overwhelmed and uneconomic to sustain, which will ultimately increase the risk to communities and the environment. It is possible for river and stream protection works to be designed to withstand the predicted effects of climate change.</p> <p>4. The chapter does not recognise the impact of un-planned urban development in areas that are not well-served by public transport and community services as a result of the implementation of the Medium Density Residential Standards. Nor does it recognise the requirement for Council to be responsive to private plan change requests that would result in a significant contribution to housing supply. We request the chapter be amended to include these challenges to achieving the objectives.</p>	<ul style="list-style-type: none"> • Individual choice on vehicle choice; • The impact of un-planned urban development in areas that are not well-served by public transport and community services as a result of the implementation of the Medium Density Residential Standards. <p>2. The risks associated with natural hazards are exacerbated by climate change Amend as follows: <i>Traditional approaches to development that have not fully considered the impacts on natural systems, and our <u>over-reliance on</u> hard engineered protection works <u>that have not been designed to withstand the impacts of climate change,</u> which will inevitably become overwhelmed and uneconomic to sustain, with <u>which is likely to ultimately increase the risk to communities and the environment.</u></i></p>
Objective CC.1	Support	The objective identifies the key challenges and components necessary to achieve a low-emission and climate resilient region.	Retain

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Objective CC.2	Support	The general intent of the objective is supported.	Retain
Objective CC.3	Support in part	<p>The objective sets aspirational but necessary goals to reduce net greenhouse gas emissions generated within the region, and this is supported. However, the objective only sets goals for some of the identified activities that contribute towards greenhouse gas emissions – failing to set goals for emission reductions from agriculture, stationary energy and waste. The objective is therefore incomplete and unlikely to be achieved in the absence of emission reduction goals for the other contributing activities.</p> <p>Council supports the policies and methods identified to achieve Objective CC.3 with GWRC taking a lead role consistent with its RMA section 30 functions. Council also supports the non-regulatory methods identified for city and district councils that will support GWRC in achieving the objective.</p>	Amend to include emission reduction goals for all of the contributing activities identified in the objective.
Objective CC.4	Support in part	Council does not oppose the objective on the condition any regulatory methods to achieve the objective are not the responsibility of city and district councils. Council also notes that apart from the provision of natural defences against coastal hazards under Policy 26 of the NZCPS, the concept of <i>nature-based solutions</i> is not supported by the RMA or higher-level statutory planning document, making regulatory methods more difficult to justify under section 32 of the RMA.	Ensure all regulatory methods (apart from those that are consistent with and give effect to the NZCPS) proposed to achieve Objective CC.4 do not apply to city and district councils
Objective CC.5	Support in part	Council opposes the implementation of the regional forest spatial plan being the responsibility of city and district councils. GWRC has the ability to impose methods under section 30 of the RMA to achieve the objective via regional plan rules.	Delete city and district councils from having responsibility for the implementation of Objective regional forest spatial plan that is identified as a method to achieve Objective CC.5.

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Objective CC.6	Support	Council supports the intent of the objective that management and adaptation planning increase the resilience of communities and the natural environment to the short, medium, and long-term effects of climate change.	Retain
Objective CC.7	Support	Council supports the intent of the objective to improve climate change understanding and encourage participation of people and businesses in planning and implementing mitigation and adaptation responses. Council also supports the non-regulatory approach proposed to achieve it.	Retain
Objective CC.8	Support in part	Council supports the objective of iwi and hapū empowerment to achieve climate resilience in their communities, however it is unclear how hapū empowerment is anticipated to be achieved under existing iwi participation and representation agreements between councils and iwi authorities who currently represent hapū in the Kapiti Coast District. This suggested shift away from iwi authorities who represent hapū will result in resourcing challenges for Council in how it works in partnership with Iwi in Kāpiti, and may result in uncertainty between hapū and iwi authorities in who has mandate during Resource Management Act processes.	Either: <ol style="list-style-type: none"> 1. Delete the reference to hapū from Objective CC.8; or 2. Include a policy that outlines how the relationship between hapū and iwi authorities will work in a practical sense during RMA processes.
Policy CC.1: Reducing greenhouse gas emissions associated with transport infrastructure – district and regional plans	Oppose	It is unclear to us what the policy would expect city and district councils to do through their district plans. Considering city and district councils have no responsibilities for discharges to air, and regional councils are responsible for public transport services, we find the policy confusing and without a legislative basis on which to base it on. As a mandatory policy that city and district councils would be required to <i>give effect to</i> , this is particularly concerning.	Delete Policy CC.1 or apply it only to regional councils.
Policy CC.2: Travel demand management plans – district plans	Oppose	We oppose this policy and consider a non-regulatory method appropriate for encouragement of the desired outcomes.	Delete policy CC.2 or amend it to require non-regulatory methods that will be explored by Greater Wellington Regional

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		<p>We consider it inappropriate to require city and district councils to develop threshold targets. Traffic volumes and decisions by individuals on whether or not to use a private vehicle, buy an electric vehicle, or use public transport are not matters that can be addressed or required via regulatory methods in a district plan. Council already requires transport assessments on developments where it is considered to be appropriate, and this often includes travel plans to address transport effects where specific transport concerns are identified. As city and district councils have no legal authority under the RMA to manage discharges to air, travel assessments are required for safety purposes rather than emissions purposes.</p> <p>We also oppose the suggested requirement for a formal plan change to give effect to this policy by June 2025. We recommend deleting policy or amending it to provide for non-regulatory methods to encourage the desired changes in travel mode.</p>	<p>Council and city and district councils in partnership.</p>
<p>Policy CC.3: Enabling a shift to low and zero-carbon emission transport – district plans</p>	<p>Oppose</p>	<p>Council opposes this policy on the basis it is unclear how district plans would enable a shift to low and zero-carbon emission transport. Council notes district plans do not contain provisions that specify what transportation or infrastructure types must be adopted, nor do they include provisions that would prevent a shift to low and zero-carbon emission transport.</p> <p>Council considers non-district plan methods would be more efficient and effective at achieving the stated objective, such as GWRC input into Council strategies and plans prepared under the Local Government Act that manage infrastructure such as roads and public spaces. The section 32 does not appear to explore these options. GWRC could also influence the funding and timing of the delivery of projects that may help achieve the stated objective via the Long Term</p>	<p>Delete or amend to clearly specify how district plans could enable the desired shift to low and zero-carbon emission transport.</p>

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		<p>Plan and Annual Plan processes. We consider if such an approach had been carefully considered in the section 32 evaluation report, Policy CC.3 would not have been included in the plan change.</p> <p>As a proposed mandatory policy that city and district councils would be required to give effect to, this policy is particularly concerning to Council.</p>	
Policy CC.4 Climate resilient urban areas – district and regional plans.	Oppose	This policy is unnecessary as it merely summarises other policies proposed by RPS Change 1. It also links with Policy CC.14 which we strongly oppose and seek its deletion in our submission below.	Delete Policy CC.4.
Policy CC.5: Avoiding increases in agricultural greenhouse gas emissions– regional plan	Support	We support the policy on the basis it is delivering on a legislative requirement GWRC is responsible for, and no unjustified requirements are proposed for city and district councils.	Retain.
Policy CC.6: Increasing regional forest cover and avoiding plantation forestry on highly erodible land – regional plans	Support in part	We support the intent of the policy but request it is carefully checked to ensure it does not unnecessarily duplicate NPS-PF requirements. We request the implementation of this policy remains the responsibility of GWRC only.	Retain
Policy CC.7: Protecting, restoring and enhancing ecosystems that provide nature-based solutions to climate change –	Oppose	Council considers the nature-based approach does not fall under sections 30 or 31 of the RMA as it goes beyond the maintenance of indigenous biodiversity. Council notes the closest relevant legislative or statutory planning document reference is Policy 26 that provides	Delete Policy CC.7 entirely and investigate potential non-regulatory methods.

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district and regional plans		<p>for natural defences against coastal hazards. Policy CC.7 proposes to go far beyond this.</p> <p>More fundamentally, we are unaware of any evidence that a genuine resource management issue exists, or if it does, that a regulatory method would be the most appropriate method to address it when compared to other reasonably practicable methods available.</p> <p>As the proposed approach does not appear to be required by the Act or any higher level statutory planning document, it is particularly concerning to Council that the mandatory application of the policy is proposed and that the district plan would be required to give effect to it.</p> <p>Overall, we consider the suggested requirement for district plans to require objectives, policies, rules and/or methods that provide for nature-based solutions to climate change to be part of development and infrastructure planning and design, cannot be justified under section 32 of the RMA.</p>	
Policy CC.8: Prioritising greenhouse gas reduction over offsetting – district and regional plans	Oppose	<p>The suggestion that district plans include methods to prioritise reducing greenhouse gas emissions rather than offsetting is not supported by the RMA. City and district councils do not have any functions under the RMA to manage greenhouse gas emissions or apply greenhouse gas offsetting.</p> <p>It is unclear to us why GWRC would consider it appropriate to apply a mandatory policy that district plans would be required to give effect to when there is no lawful ability to do so. The statutory underpinning for this policy (and many other policies in the plan change) do not</p>	Delete Policy CC.8.

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		<p>appear to have been explored or evaluated fully in the section 32 evaluation.</p> <p>It appears to Council that GWRC have not explored the range of regulatory methods available to GWRC under section 30 of the RMA that it could put in place via its regional plan(s).</p>	
Policy CC.9: Reducing greenhouse gas emissions associated with transport infrastructure – consideration	Oppose	<p>We note district plans and decisions under them have no ability to have particular regard to whether subdivision, use and development have been planned to optimise overall transport demand, or maximise mode shift from private vehicles to public transport or active modes in a way that contributes to reducing greenhouse gas emissions. We are confused as to why GWRC would consider this an appropriate policy compared to other more effective and appropriate methods to achieve the desired greenhouse gas emission reductions. We do not consider the RPS or district plans to be effective or appropriate resource management tools to achieve the stated goals.</p> <p>Council also notes the policy suffers from the same contradiction as other <i>consideration</i> policies, where the policy wording also requires <i>particular regard</i> to be had. These verbs have very different meanings under the RMA.</p>	Delete Policy CC.9 or alter its applicability so it is only relevant to regional plans and decisions under regional plans.
Policy CC.10: Freight movement efficiency and minimising greenhouse gas emissions – consideration	Support in part	<p>The intent of the policy to provide regional direction on the consideration of new freight distribution centres is useful and Council supports this.</p> <p>Council notes the policy suffers from the same contradiction as other <i>consideration</i> policies, where the policy wording also requires <i>particular regard</i> to be had. These verbs have very different meanings under the RMA. We request an amendment to address this.</p>	<p>Amend Policy CC.10 as follows:</p> <p><i>Policy CC.10: Freight movement efficiency and minimising greenhouse gas emissions – consideration</i></p> <p><i>When considering an application for a resource consent, notice of</i></p>

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			<p><i>requirement, or a change, variation or review of a regional or district plan for freight distribution centres and new industrial areas or similar activities with significant freight servicing requirements, particular regard <u>consideration</u> shall be given to the proximity of efficient transport networks and locations that will contribute to efficient freight movements and minimising associated greenhouse gas emissions.</i></p>
<p>Policy CC.11: Encouraging whole of life carbon emissions assessment – consideration</p>	<p>Oppose</p>	<p>Council opposes Policy CC.11 in its entirety on the basis it will simply add unnecessary cost to transport infrastructure applications without any real-world benefits in the form of greenhouse gas reductions.</p> <p>As an example, a notice of requirement or resource consent application for a new road is unlikely to present any practicable options to reduce transport-related greenhouse gas emissions. Council notes greenhouse gas emissions come from the vehicles using the transport network rather than from the transportation infrastructure. Decisions on resource consents, resource consents, and district plans cannot determine the greenhouse gas emissions of the vehicles that will use the transport infrastructure. Council appreciates this policy may be more applicable to regional council functions with respect to the provisions of public transport infrastructure, and on this basis, amendments are requested to ensure the policy relevant only to regional council plans and decisions.</p>	<p>Amend Policy CC.11 so it only applies to regional plans and other relevant regional council functions and decisions.</p>

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Policy CC.12: Protect, enhance and restore ecosystems that provide nature-based solutions to climate change – consideration	Oppose	If the identification of specific nature-based solutions is an exercise GWRC wishes to undertake, whilst Council does not oppose its concept, Council notes it is not supported by the RMA or any higher-level statutory planning document. Council requests the policy is either deleted entirely or amended so it is only applicable to regional councils. Council does not consider the approach can be justified under section 32 for inclusion in a district plan.	Delete Policy CC.12 entirely or amend so it is only applicable to regional councils.
Policy CC.13: Managing agricultural gross greenhouse gas emissions – consideration	Support in part	We note the policy lacks certainty on whether it applies only to regional councils or also city and district councils. We request the policy is amended so it is clear it only applies to regional councils as city and district councils have no statutory functions or powers to manage discharges to air.	Amend Policy CC.13 so it only applies to regional councils.
Policy CC.14 Climate resilient urban areas – consideration	Oppose	<p>With the exceptions of the principles of water sensitive urban design and the requirement for capturing and storing rainwater via rainwater tanks, the policy demonstrates a lack of understanding of district planning, urban planning processes and procedures, and the limits of regulatory intervention in a district plan in the absence of legislative mandate.</p> <p>Council considers the policy should be deleted in favour of non-regulatory methods that would encourage and incentivise the desired outcomes including:</p> <ul style="list-style-type: none"> • Enhancing, maintaining and creating urban greening to provide urban cooling. • A suburb-scale tree canopy cover target of 10% by 2030 and 30% cover by 2050. • Restoration and enhancement of natural ecosystems. 	<p>Delete Policy CC.14.</p> <p>Investigate the use of non-regulatory methods to achieve the stated goals outside of the RPS.</p>

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		<ul style="list-style-type: none"> • Efficient use of energy and water in buildings and infrastructure. • Buildings infrastructure that are able to withstand the predicted future temperatures, intensity and duration of rainfall and wind. <p>The drafting of RPS Change 1 does not suitably account for the limitations that legislation creates on district plans, and on resource consent decision-making by city and district councils. Had the section 32 evaluation considered this policy and the suggested tasks in detail it would have identified that:</p> <ul style="list-style-type: none"> • The resilience of buildings is a matter addressed by the Building Act and its associated regulations. • District plans do not prevent water and energy efficient design of buildings. Therefore, it is unclear why district plans would need to be changed to provide for them. • The enhancement and restoration of natural ecosystems are not activities that can be required under a district plan. District and city council functions under the RMA require the <i>maintenance</i> of indigenous biodiversity. Therefore, restoration and enhancement of the natural ecosystems is best achieved via non-regulatory incentives and support. • Tree coverage targets for suburban areas to provide urban cooling conflicts with development enabled by the MDRS. It is also unclear how a district plan could require contributions of tree planting in urban areas to achieve the stated targets, which Council notes has no statutory basis or convincing evidence base to support them. The use of non-regulatory methods should be the option pursued by GWRC, working in 	

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		partnership with city and district councils rather attempting regulatory methods that are not supported by legislation.	
Policy CC.16: Climate change adaptation strategies, plans and implementation programmes – non-regulatory	Support	We support reference to dynamic adaptive planning pathways or similar adaptive planning approaches, and the other matters listed in the policy.	Retain
Policy IM.1: Integrated management - ki uta ki tai – consideration	Support in part	Although Council supports the general intent of the policy, it is noted the terms <i>consideration</i> and <i>particular regard shall be given</i> requires decision makers to carry out two different actions. These terms have different meanings. Council considers it is not appropriate to have a policy titled with <i>consideration</i> , when the policy itself requires decision makers to <i>have particular regard</i> to the matters listed in the policy. Council requests this is amended to align with how the RPS describes district plan requirements for RPS policies that must be <i>considered</i> by city and district councils.	Amend as follows: <i>Policy IM.1: Integrated management - ki uta ki tai – consideration</i> <i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan <u>consideration</u> particular regard shall be given to:</i> (a) ...
Policy IM.2 Equity and inclusiveness – consideration	Oppose	The policy is not supported by any provisions of the RMA or higher-level statutory planning document. Council is also concerned that the proposed policy contradicts itself by stating it is a policy that must be <i>considered</i> , but then requires decision makers to <i>have particular regard to all</i> objectives and policies in the RPS – many of which must be given effect to, while others are only to be considered.	Delete Policy IM.2.

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Policy 2: Reducing adverse effects of the discharge of odour, smoke, dust, and fine particulate matter, and reducing greenhouse gas emissions – regional plans	Support	<p>Council supports the consideration of the adverse effects of discharges to air in an integrated way with GWRC responsible for the regulatory method of regional plan implementation. Council considers this is consistent with GWRC’s responsibilities under section 30 of the RMA.</p> <p>Council supports the identified city and district council methods and participation, in particular the provision of information and the establishment of protocols for the management of earthworks and air quality between local authorities – however Council notes there is no requirement for the specification of non-regulatory methods in an RPS.</p>	Retain.
Policy 3: Protecting high natural character in the coastal environment – district and regional plans	Support	We consider the proposed amendments will result in the policy being more consistent with the requirements of the NZCPS.	Retain.
Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans	Support in part	<p>This policy is generally consistent with the Operative Kapiti Coast District Plan 2021. Council agrees recognition of the benefits of renewable energy and regionally significant infrastructure is an appropriate directive, however placing emphasis on low or zero energy, and low and zero carbon <i>regionally significant infrastructure</i> is not supported by the RMA or higher-level statutory planning document.</p> <p>Council has concerns with the suggested shift in emphasis due to the potential implications for our wastewater and potable water infrastructure (which are identified as regionally significant</p>	<p>Amend as follows:</p> <p><i>District and regional plans shall include policies and/or methods that recognise:</i></p> <p>a) <i>the social, economic, cultural and environmental benefits of regionally significant infrastructure, and in particular including low and zero carbon</i></p>

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		infrastructure). The suggested shift in emphasis in Policy 7 is unjustified and may have a negative impact on the Council's future consent applications for new or upgraded infrastructure.	<p><i>regionally significant infrastructure including:</i></p> <p>Explanation <i>Notwithstanding that renewable energy generation and regionally significant infrastructure can have adverse effects on the surrounding environment and community, Policy 7 recognises that these activities can provide benefits both within and outside the region, in particular if regionally significant infrastructure is a low or zero carbon development.</i></p>
Policy 9: Promoting greenhouse gas emission reduction and uptake of low emission fuels – Regional Land Transport Plan	Support	Council supports GWRC taking responsibility for actions under this policy as they align with GWRC's functions under section 30 of the RMA. Council requests responsibility for the implementation of this policy remains with GWRC.	Retain
Policy 10: Promoting travel demand management – district plans and the Regional Land Transport Strategy	Support	Council supports the deletion of this policy as a district plan cannot influence the use and consumption of non-renewable transport fuel, or carbon dioxide emissions from transportation.	Retain deletion of Policy 10.
Policy 11	Support in part	Council supports the support for small scale energy generation provisions within district plans that give effect to the NPS-REG 2011. However, when it comes promoting and enabling energy efficient	Delete district plan requirement to include the promotion and enablement of energy efficient design.

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>design it is unclear how a district plan would promote and enable this. Council notes district plans do not prevent these activities from being carried out, and the energy efficiency of buildings is a market-led decision that cannot be regulated via a district plan under existing legislation.</p> <p>All buildings are required to meet district plan bulk and location requirements to manage adverse effects on the environment, regardless of whether they are energy efficient or not. Council considers non-regulatory methods such as design guidance and education would be more efficient and effective at meeting the objectives.</p> <p>Council also notes provisions in a district plan should only be included if including them can be proven to be the most efficient and effective method to achieve a particular objective. If it is not the most efficient and effective method, then the provision should not be in a district plan. Council notes the section 32 evaluation does not explore other options to achieve the relevant objective in detail.</p> <p>Council also notes it is a common misconception that a district plan controls all aspects of the use and development of the environment. However, this is not the case due to free-market factors and the decisions of individuals that a district plan cannot control or influence - such as the energy efficiency design of buildings or the type of vehicle and its emissions that individuals choose to purchase. We request amendments to remove all provisions that fit into this category.</p>	<p>Insert non-regulatory methods to promote energy efficient design.</p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
Policy 12: Management of water bodies – regional plans	Support	Council notes the amendments to the policy give effect to the NPS-FM.	Retain
Policy 39 Recognising the benefits from renewable energy and regionally significant infrastructure – consideration	Support in part	<p>Although Council supports the general intent of this policy, the use of the term <i>particular regard shall be given</i> within a <i>consideration</i> policy is not supported. An amendment to correct this inconsistency is requested.</p>	<p>Amend Policy 39 as follows:</p> <p><i>Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration</i></p> <p><i>When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, particular regard <u>consideration</u> shall be given to:</i></p> <p>(a) ...</p>
Policy 52: Minimising adverse effects of hazard mitigation measures – consideration	Support in part	<p>Regarding clause (b), it is unclear what the criteria would be for determining whether options being considered are a <i>more appropriate or suitably innovative solution</i>. How will the suitability of potential innovative solutions be determined? Who will determine whether an option is more appropriate or suitably innovative under this clause? Council requests amendments to eliminate this uncertainty.</p> <p>We request the use of verbs in the policy is consistent. As a <i>consideration</i> policy it is not appropriate for decision makers to <i>have particular regard</i> to the policy. These terms have different meanings</p>	<p>Amend Policy 52 as follows:</p> <p><i>Policy 52: Minimising adverse effects of hazard mitigation measures – consideration</i></p> <p>(a) ...</p> <p>(b) <i>whether non-structural, soft engineering, <u>green infrastructure, room for the river or Mātauranga Māori options would provide a more</u></i></p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>in RMA decision making. We request this inconsistency is addressed.</p>	<p>appropriate or suitably innovative solution <u>the same or a greater degree of hazard mitigation;</u> (c) ...</p> <p>Explanation Policy 52 recognises that the effects of hard protection structures can have adverse effects on the environment, increase the risks from natural hazards over time and transfer the risks to nearby areas. It provides direction to consider lower impact methods of hazard mitigation such as non-structural, soft engineering, green infrastructure, room for the river or Mātauranga Māori options, that may be <u>as effective at hazard mitigation as structural protection works or hard engineering methods</u> more appropriate providing they can suitably mitigate the hazard.</p>
<p>Policy 55: Providing for appropriate urban expansion</p>	<p>Support in part</p>	<p>Whilst Council supports the intent of the policy, noting direction on the consideration of appropriate urban expansion in the RPS is required by the NPS-UD. However, Council has concerns regarding the specific drafting set out below.</p> <ol style="list-style-type: none"> 1. <i>Consideration versus having particular regard.</i> These verbs have different meanings, and we request the use of these verbs is consistent to present clear direction on the 	<p>Amend Policy 55 as follows:</p> <p><i>Policy 55: Providing for appropriate urban expansion Maintaining a compact, well designed and sustainable regional form – consideration</i></p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>application of the policy to decision makers. Council request the verb chosen for this policy gives effect to the NPS-UD, that being <i>particular regard</i> being given.</p> <p>2. Clause (a)(ii)1 directs applying the direction of avoidance of inappropriate subdivision, use and development in areas at risk from natural hazards as required by Policy 29. We note RPS change 1 proposes changes to Policy 29 that conflict with this. Council supports the avoidance of inappropriate subdivision, use and development in areas at risk from significant natural hazards, whilst mitigation should be the focus for areas subject to less risk.</p> <p>3. As the policy is to assist in the consideration of potential areas for urban expansion, Council considers it is necessary for the criteria to include the consideration of housing need in the relevant area. This should refer to the latest HBA findings but should also refer to the impacts of the implementation of the MDRS across all urban areas where the impact of this on housing capacity is known. Council notes there is no support for urban expansion in under the NPS-UD where there is no evidence demonstrating the need for additional urban land to meet housing needs.</p> <p>4. Council considers reverse sensitivity effects on existing lawfully established activities needs to be included. This is not limited to the consideration of protecting regionally significant infrastructure.</p> <p>5. Clause (b) is too broad and needs to be amended to be specific to a relevant Future Development Strategy for the</p>	<p><i>When considering an application for a resource consent, or a plan change, variation or review of a district plan for urban development beyond the region's urban areas (as at <u>March 2009 August 2022</u>) that would provide for significant development capacity, that is not otherwise enabled in the district plan or is not in sequence with planned land release, particular regard shall be given to whether:</i></p> <p><i>a) the urban proposed urban development is the most appropriate option to achieve Objective 22 contributes to establishing or maintaining the qualities of a well-functioning urban environment, including:</i></p> <p><i>i the urban development will be well-connected to the existing or planned urban area and infrastructure, particularly if it is located along existing or planned transport corridors;</i></p> <p><i>ii the location, design and layout of the proposed development shall apply incorporate the specific management or protection for</i></p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>area, and in the absence of one it needs to refer to those growth strategies that have been prepared appropriately and are supported by a robust evidence base. It is also important that such growth strategies have been prepared in accordance with the consultation requirements of the Local Government Act. Council notes the WRGF does not meet any of these requirements. Council has addressed concerns with the proposed inclusion of the WRGF in the RPS elsewhere in this submission, but Council also requests amendments to this clause to ensure it is fit for purpose and does not unduly prejudice local decision making and community aspirations for future urban growth.</p> <p>6. Clause (c) needs to be specific on the status of a structure plan and who has prepared it. As currently worded, anyone could prepare a structure plan for a proposed area for urban expansion and it would have weight under the policy. Council considers a structure plan under the policy needs to be prepared either in consultation with the relevant city or district council, or by the relevant city or district council in consultation with the regional council and other relevant stakeholders including iwi.</p> <p>7. Clause (d) – We note this is not consistent with NPS-UD Policy 8 as it refers to <i>any urban development</i> rather than plan changes. This has the effect of undermining or significantly reducing the importance of the other matters outlined in the policy. Council considers the policy needs to present a holistic list of matters that need to be applied when considering new areas for urban expansion via plan changes. The NPS-UD requirements mean the consideration of areas for potential</p>	<p><u>values or resources identified by this RPS, including:</u></p> <ol style="list-style-type: none"> 1. <u>Avoiding inappropriate subdivision, use and development in areas at risk from significant natural hazards and the mitigation of other natural hazards as required by Policy 29;</u> 2. <u>Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values as identified by Policy 23;</u> 3. <u>Protecting outstanding natural features and landscape values as identified by Policy 25;</u> 4. <u>Protecting historic heritage values as identified by Policy 22;</u> 5. <u>Integrating Te Mana o Te Wai consistent with Policy 42;</u> 6. <u>Providing for climate resilience and supporting a low or zero carbon</u>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>urban expansion needs to consider other important factors such as the ability and timing of the availability of infrastructure, and the need for housing in particular locations. Clause (d) undermines a holistic approach to this consideration process, and we request it be deleted and replaced with wording in the beginning of the policy that aligns with the requirements of Policy 8 of the NPS-UD.</p> <p>8. Explanation – Council consider explanations should not accompany policies as they have no legal status under the RMA, but can often attempt to make up for poor policy drafting by including information that should be included in the policy itself. Council notes the explanation contains inaccuracies including attempting to give legal weight to the WRGF. As pointed out elsewhere in this submission, the WRGF was not prepared in accordance with the principles of consultation under the Local Government Act and it has no legal status under the RMA. Council requests the explanation be deleted entirely.</p> <p>9. Council is surprised not to see reference to natural wetlands in the policy. If this is an oversight, we request this be corrected.</p> <p>10. Council notes the requirements of the NZCPS regarding development that affects coastal natural character is not referred to. If this is an oversight, Council request the policy is amended to include relevant consideration of the NZCPS requirements.</p>	<p><u>contributing towards an efficient transport network consistent with Policies CC.1, CC.4, CC.10 and CC17.;</u></p> <p>7. <u>Recognisinges and providinges for values of significance to mana whenua /tangata whenua;</u></p> <p>8. <u>Protecting Regionally Significant Infrastructure as identified by Policy 8; and</u></p> <p>b) <u>the proposed urban development is consistent with any a published Future Development Strategy, or the city or district (council’s regional or local strategic growth strategy or plan and/or development framework or strategy that describes where and how future urban development should occur in that district or region, should the a Future Development Strategy be yet to be released published; and/or</u></p> <p>c) <u>a structure plan has been prepared in consultation with the relevant city or district council, or by the relevant city or district council in consultation with</u></p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>11. Council note NPS-UD Clause 3.8 only gives GWRC the authority to include criteria in the RPS for (our emphasis added) <i>determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.</i> Council is therefore concerned that the policy has been drafted to apply to resource consents. This authority is not given to GWRC under the NPS-UD and Council therefore seeks references to resource consents are deleted from the policy.</p>	<p><u>the regional council, iwi and other relevant stakeholders; and</u></p> <p>d) Any urban development that would provide for significant development capacity, regardless of if the development was out of sequence or unanticipated by growth or development strategies.</p> <p>d) <u>The proposed development will provide housing in a part of the city or district that is identified in the latest Housing and Business Capacity Assessment as having a shortfall in plan-enabled housing capacity; and</u></p> <p>e) <u>The proposed development will not result in reverse sensitivity effects on lawfully established activities or activities provided for in the district plan on adjacent land.</u></p> <p><u>Explanation</u> <u>Policy 55 gives direction to the matters that must be considered in any proposal that will result in urban development occurring beyond the region's existing urban areas. This includes ensuring that the qualities and characteristics of a well-functioning urban environment are</u></p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
			<p><u>provided for through clause (a), which includes recognising values or resources identified elsewhere in the RPS.</u></p> <p><u>Clause (b) requires consideration to be given to the consistency of the development with the Future Development Strategy which will look to deliver well functioning urban environments through a regional spatial plan. To provide for the interim period where the Future Development Strategy is in development, clause (b) also requires consideration to be given to the consistency with any regional strategic growth and/or development framework which is currently the Wellington Regional Growth Framework.</u></p> <p><u>Clause (c) requires consideration to be given to whether a structure plan has been provided. A structure plan is a framework to guide the development or redevelopment of an area by defining the future development and land use patterns, areas of open space, the layout and nature of infrastructure (including transportation links), and other key features and constraints that influence how the effects of development are to be managed.</u></p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
			<p><u>Clause (d) requires consideration of any proposal that would add significantly to development capacity, regardless of whether it is out of sequence or unanticipated by growth or development strategies. This clause gives effect to Policy 8 of the National Policy Statement on Urban Development. Clause (d) should be considered in conjunction with Policy UD.3.</u></p>
<p>Policy 56: Managing development in rural areas – consideration</p>	<p>Oppose</p>	<p>Council notes the policy attempts to place legal weight on the WRGF under the RMA, which Council has expressed opposition to elsewhere in this submission. This is opposed and deletion to the WRGF is sought from Policy 56.</p> <p>Council also notes the policy duplicates one of the many matters addressed in Policy 55. This is unnecessary and creates policy overlap and the potential for conflict between the policies. Council seeks amendments to address these concerns. Council’s requested amendments will ensure that in the case of proposed new urban development the matters contained in Policy 55 will be addressed.</p>	<p>Amend Policy 56 as follows:</p> <p>d) <u>in the case of proposed new urban development, the proposal is consistent with Policy 55 any Future Development Strategy, or the city or district regional or local strategic growth and/or development framework or strategy that addresses future rural development, should the Future Development Strategy be yet to be released; or,</u></p> <p>(e) in the absence of such a framework or strategy, the proposal will increase pressure for public services and infrastructure beyond existing infrastructure capacity.</p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
			<p><i>Explanation</i> <i>Policy 56 recognises the tension that exists between urban and rural development on the fringe of urban areas and seeks to manage this tension such that well-functioning urban environments and urban areas are established and maintained.</i></p>
Policy 57: Integrating land use and transportation – consideration	Support in part	<p>Although Council supports the principle of improved alignment between resource management decisions and the Regional Land Transport Plan, it is unclear how this would be delivered through the policy particularly as the explanation supporting the policy appears to conflict with the policy itself. The explanation states the policy is relevant to the consideration of proposals that affect land transport outcomes. We note the policy requires more than this and does not contain any thresholds for when the policy would need to be applied or given effect to in district plans.</p>	<p>Delete Policy 57 or amend so it:</p> <ol style="list-style-type: none"> 1. applies only to the consideration of proposals that affect land transport outcomes (that are within the powers of city and district councils); and 2. Provides clear thresholds for when the policy would need to be applied or given effect to in district plans (limited to the powers city and district councils have).
Policy 58: Co-ordinating land use with development and operation of infrastructure – consideration	Support in part	<p>Council supports the inclusion of clause (a) that requires new urban development to be carried out in a way that requires the development, funding, implantation and operation of infrastructure is provided for.</p> <p>However, Council notes that decisions on resource consents and changes, variations or reviews of district plans cannot require that low or zero carbon, multi modal and public transport infrastructure, is</p>	<p>Amend Policy 58 as follows:</p> <p>(b) all infrastructure required to serve new development, including low or zero carbon, multi modal and public transport infrastructure, is available, or is consented, designated or</p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		available, or is consented, designated or programmed to be available prior to development occurring. Council therefore opposes clause (b) and seek it be deleted.	programmed to be available prior to development occurring.
Policy 65: Supporting and encouraging efficient use and conservation of resources – non-regulatory	Support	Council supports the sharing of responsibilities with GWRC on information provision on the topics identified via non-district plan methods.	Retain
Policy EIW.1: Promoting affordable high quality active mode and public transport services – Regional Land Transport Plan	Support	Council supports GWRC’s intent expressed in the policy on the condition implementing the policy via regulatory methods remains the responsibility of GWRC only.	Retain.
Chapter 3.3: Energy, infrastructure and Waste			
Other than comments on specific policies discussed elsewhere in this submission that are also shown in this chapter, Council has no specific comments on the proposed amendments to Chapter 3.3.			
Chapter 3.4: Freshwater (including public access)			
Objective 12	Support	Council considers the objective appropriately gives effect to the requirements of the NPS-FM with respect to the expression of Te Mana o te Wai.	Retain

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>Council looks forward to seeing the yet to be drafted expressions of Te Mana o te Wai from those iwi who hold mana whenua within the Kāpiti Coast District.</p> <p>Council notes and supports clause (d) of the Te Mana o te Wai principles that makes it clear under the principle of <i>Governance</i> that it requires those with authority for making decisions about freshwater do so in a way that prioritises the health and well-being of freshwater now and into the future.</p>	
Policy 12 Management of water bodies – regional plans.	Support	Council agrees the management of waterbodies, other than activities carried out on their surface, is a role best filled by GWRC as it has the expertise and clear management responsibility under the RMA for the maintenance and enhancement of the quality of water, the maintenance of the quantity of water in waterbodies, the maintenance and enhancement of ecosystems in water bodies, the control of the taking, use, damming and diversion of water, and the control of discharges of contaminants into water.	Retain
Policy 14: Urban development effects on freshwater and the coastal marine area – regional plans.	Support in part.	Council notes the management of all the listed actions in the policy fall under the statutory functions of regional councils under the RMA. This being the case GWRC can include regulatory methods in its regional plan(s) to require and manage these actions. This could be achieved via making amendments to relevant PNRP rules to give effect to the NPS-FM and NPS-UD such as <i>Rule R50: Stormwater from new subdivision and development</i> . Council requests the actions that are directly relevant to urban development and subdivision design are developed by GWRC in collaboration with the technical experts of the city and district councils in the region.	Amend as follows: <i>(k) Require stormwater quality management that will minimise the generation transportation of contaminants, and maximise, to the extent practicable, the removal of contaminants from stormwater; and</i>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>Council notes clause (k) of the policy implies that stormwater systems generate contaminants, however this is not the case. Stormwater systems transport contaminants and it is important this distinction is made clear. Council also notes stormwater systems transport contaminants from many sources that are beyond the control of city and district councils who own stormwater infrastructure – such as contaminants from vehicles using roads, private carparks, and any unlawful discharges made by persons to the stormwater network via stormwater grates in roads etc. Whilst Council supports the inclusion of <i>to the extent practicable</i> in the policy, we consider clause (k) is founded on a misconception of how stormwater networks function, and with who responsibility for contaminants within stormwater sits.</p>	
<p>Policy 15: Managing the effects of earthworks and vegetation disturbance – district and regional plans</p>	<p>Oppose</p>	<p>It is Council’s understanding the justification GWRC is using to base the proposal to require city and district councils to carry out water quality and aquatic ecosystem health functions is the reference in section 31 of the RMA to the <i>integrated management of the effects of the use, development, or protection of land and associated natural and physical resources</i>. This clause does not give city and district councils the power to manage waterbodies and aquatic ecosystem health.</p> <p>Council also notes references in the NPS-FM that could be interpreted to be requiring city and district councils to carry out freshwater management responsibilities, however this is not Council’s reading of the NPS-FM.</p> <p>If it is the intent of the NPS-FM to transfer freshwater management responsibilities to city and district councils, and Council does not consider it is, then the RPS needs to be very specific on the responsibilities proposed for city and district councils to achieve this –</p>	<p>Amend Policy 15 to remove the requirement for district plans to manage earthworks and vegetation disturbance to the extent necessary to achieve the target attribute states.</p> <p>Amend Policy 15 to specify and support district plan provisions that have positive impacts on freshwater such as:</p> <ol style="list-style-type: none"> 1. setbacks for vegetation disturbance and earthworks from water bodies. 2. Earthworks sediment management. 3. Subdivision layout and design. 4. Attenuation and hydraulic neutrality.

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>and such activities and responsibilities must fall within the functions and technical capabilities of city and district councils. City and district councils have no technical expertise on the management of water quality or ecosystem health, and therefore we would expect the section 32 evaluation to identify and explore this issue with respect to the alternative methods that may be the most appropriate, effective and efficient method to achieve the relevant objectives. The section 32 evaluation does not do this.</p> <p>Although Council agrees there are functions city and district councils have in section 31 for the management of activities that can result in adverse effects on water such as earthworks and vegetation removal, we do not agree city and district councils can include regulatory methods in a district plan managing these activities to achieve the target attributes. Council notes the guidance on this matter released by the Ministry for the Environment for territorial local authorities does not support the approach taken by Policy 15 as follows:</p> <p style="text-align: center;"><i>The NPS-FM 2020 does not provide specific directions about what approaches territorial authorities should use to manage the effects of land use and development on freshwater in district plans. The approach provides flexibility for territorial authorities to determine the objectives, policies, and methods that would best apply in their district¹.</i></p> <p>Council would support the inclusion of provisions in the RPS that support and provide statutory weight for district plan provisions that manage earthworks and vegetation removal that may affect water, but we do not support the requirement for district plans to include</p>	

¹ [FS25-territorial-authorities-fact-sheet-final.pdf \(environment.govt.nz\)](#), page 2.

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>water quality provisions that would need city and district councils to have regional council expertise, and regional council functions under section 30 of the RMA.</p> <p>Finally, Council notes all the requirements of policy 15 are covered by regional council functions under section 30 of the RMA, meaning GWRC is able to include provisions managing these activities and the effects of these activities in their regional plan(s).</p>	
Policy 18: Protecting and restoring ecological health of water bodies – regional plans	Support	Council supports the proposed amendments to the policy. We consider the proposed amendments are consistent with regional council functions under section 30 of the RMA and give effect to the NPS-FM.	Retain
Policy 40: Protecting and enhancing the health and well-being of water bodies and freshwater ecosystems– consideration	Support	Council supports the policy and the matters to be considered by the regional council for regional consents. We note the matters align with the functions of regional councils and appropriately address the NPS-FM matters that fall within the jurisdiction, resourcing, skills and role of regional councils under the RMA and NPS-FM.	Retain.
Policy 41: Controlling the effects of earthworks and vegetation disturbance – consideration	Support in part	Council supports the proposed deletion of the references to notices of requirement and variations or reviews of district plans, however we note the policy explanation still implies that city and district council resource consent decisions must also consider the policy. We consider it would not be appropriate for city and district councils to consider the policy in their decision-making functions under the RMA as they have no functions to control activities to achieve target attribute states or discharges to water. Notwithstanding the fact explanatory text to policies have no legal weight under the RMA, we request	<p>Amend Policy 41 as follows:</p> <p><i>Policy 41: Controlling Minimising the effects of earthworks and vegetation disturbance – consideration</i></p> <p>When considering an application for a <i>regional resource consent, notice of requirement, or a change, variation or review of a regional or district plan,</i></p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>amendments to clarify that the policy applies only to regional councils.</p>	<p><i>particular regard shall be given to controlling earthworks and vegetation disturbance <u>by to minimise:</u></i></p> <p><i>(a) erosion; and</i> <i>(a) <u>considering whether the activity will achieve environmental outcomes and target attribute states; silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained; and</u></i></p> <p><i>(b) <u>avoiding discharges to water bodies, and to land where it may enter a waterbody, where limits for suspended sediment are not met.</u></i></p> <p>Explanation <i>An area of overlapping jurisdiction between Wellington Regional Council and district and city councils is the ability to control earthworks and vegetation disturbance, including clearance. Large scale earthworks and vegetation disturbance on erosion prone land in rural areas and many small scale earthworks in urban areas – such as driveways and retaining walls – can cumulatively contribute large amounts</i></p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
			<i>of silt and sediment to stormwater and water bodies. This policy is intended to minimise erosion and silt and sedimentation effects associated with these activities.</i>
Policy 42: Effects on freshwater and the coastal marine area from urban development – consideration	Support	Council supports the applicability of the policy to regional consents only and request this is not changed to include city and district councils.	Retain
Policy FW.1: Reducing water demand – regional plans	Support	<p>Council notes the actions identified for regional plans to reduce water demand are necessary to give effect to the NPS-FM, although it is unclear how regional plans will be able to address all the matters via regulatory methods such as addressing public and private water losses from leaks.</p> <p>Council recommends GWRC works in collaboration with city and district councils to identify and implement the actions that would be necessary to achieve the relevant objective(s) – noting the most efficient and effective methods for some of the actions are likely to be non-regulatory or non-RMA regulatory methods.</p>	<p>Amend as follows:</p> <p><i>Policy FW.1: Reducing water demand – regional plans</i></p> <p><i><u>Greater Wellington Regional Council will work with city and district councils to investigate, identify and implement the most appropriate methods to reduce water demand. This may include non-regulatory or alternative methods. Regional plans shall may include policies, rules and/or methods to reduce demand of water from registered water suppliers and users, including:</u></i></p> <p>(a) ...</p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
Policy FW.2: Reducing water demand – district plans	Support in part	<p>Council supports the requirement for district plans to include provisions requiring alternative water supplies for non-potable use in new developments. The Operative Kapiti Coast District Plan 2021 includes such provisions for new residential units.</p> <p>Council does not support the requirement for district plans to include provisions to improve the efficiency of the end use of water on a per capita basis for new developments. We have some experience in district plan provisions that attempt to achieve this (See Appendix 3.1 of the Operative Kapiti Coast District Plan 2021 - Development Incentives). We can advise that such provisions are ineffective and cannot be enforced due to the ability for water end-use systems or technology to be easily exchanged for non-efficient systems or technology e.g. water efficient appliances, toilets, shower heads etc. There is no way to monitor or enforce such provisions. Council has found the most effective method to significantly reduce water demand is the installation of water meters combined with education initiatives including the provision of free advice on how ratepayers can reduce water use. These are not methods under the RMA.</p>	<p>Amend Policy FW.2 as follows:</p> <p>Policy FW.2: Reducing water demand – district plans <i>District plans shall include policies, rules and/or methods to reduce demand of water from registered water suppliers and users, including where practicable:</i></p> <p>(a) provisions improving the efficiency of the end use of water on a per capita basis for new developments; and (ba) provisions requiring alternate water supplies for non-potable use in new developments such as the requirement to install rainwater tanks.</p>
Policy FW.5: Water supply planning for climate change and urban development – consideration	Support in part	<p>Council considers the matters in the policy are important considerations, particularly where new urban development is proposed.</p> <p>We request the use of the verb <i>consideration</i> in the policy heading is transferred into the policy wording to avoid inconsistency with the structure of the RPS and the <i>consideration</i> focus of the policy.</p>	<p>Amend Policy FW.5 as follows:</p> <p>Policy FW.5: Water supply planning for climate change and urban development – consideration <i>When considering a change, variation or review of a regional or district plan particular regard consideration shall be given to:</i></p> <p>(a)...</p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
			<p>Explanation Policy FW.5 requires water supply planning to adequately considered <u>including-consider</u> the impacts of climate change and new urban development.</p>
Chapter 3.6: Indigenous Ecosystems			
Objective 16	Support in part	<p>Although Council supports the general intent of the objective, some elements are opposed.</p> <p>Council opposes the use of regulatory methods to require city and district councils to achieve restoration and enhancement of biodiversity values – it is only “maintenance” of indigenous biodiversity that is provided for under the RMA.</p> <p>Council also notes the use of <i>and / or</i> implies a choice can be made. This is an issue across RPS Change 1 where it appears GRWC is unsure whether there should be a choice or not. We request all instances of ‘and / or’ are reviewed and ‘and’ or ‘or’ are specifically used where appropriate.</p>	<p>Ensure all regulatory methods proposed to require enhancement and restoration are not the responsibility of city and district councils.</p> <p>All instances of ‘and / or’ are reviewed and ‘and’ or ‘or’ are specifically used where appropriate.</p>
Objective 16A	Support	The intent of the objective is supported.	Retain
Objective 16B	Support in part	Council requests the objective refer to <i>mana whenua</i> values rather than <i>tangata whenua</i> values. The practical application of seeking to identify tangata whenua values of those who are not represented by the relevant mana whenua iwi authorities would be an impossible task for city and district councils.	Amend Objective 16B by deleting reference to tangata whenua as follows: <p>Objective 16B</p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>Council requests the use of the terms <i>mana whenua/tangata whenua/iwi/hapū</i> and <i>Māori</i> 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.</p>	<p><i>Mana whenua /tangata whenua values relating to indigenous biodiversity, particularly taonga species, and the important relationship between indigenous ecosystem health and well-being, are given effect to in decision-making, and mana whenua /tangata whenua are supported to exercise their kaitiakitanga for indigenous biodiversity.</i></p>
Objective 16C	Support	<p>Council supports the recognition of the steward role that landowners and communities play in maintaining, enhancing and restoring indigenous biodiversity.</p>	Retain
Policy IE.1: Giving effect to mana whenua / tangata whenua roles and values when managing indigenous biodiversity – regulatory	Oppose	<p>Although the principle of the policy is not opposed, Council notes the proposed policy is not supported by any legislative requirements under the RMA or higher level statutory planning processes, yet it imposes significant additional costs on city and district councils though requiring changes to district plans to give effect to it. This makes it difficult to justify under section 32 of the RMA.</p> <p>Council notes it is a common theme within the plan change that the draft NPS-IB is proposed to be implemented in the RPS despite the NPS-IB not being in force or in its final form – and therefore the NPS-IB lacks any legal weight under the RMA.</p>	Delete Policy IE.1.
Policy IE.2: Giving effect to mana whenua / tangata whenua roles	Oppose	<p>As this policy is not required by the RMA or a higher-level statutory planning document Council requests the methods and</p>	Delete Policy IE.2 or amend so it is only applicable to the regional council.

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and values when managing indigenous biodiversity – consideration		implementation of those methods should be the responsibility of GWRC only.	
Policy IE.3: Maintaining and restoring indigenous ecosystem health – non-regulatory	Support in part	Council notes city and district councils are responsible for the maintenance of indigenous biodiversity but have no role under the RMA or higher-legal statutory planning document for indigenous ecosystem restoration. Council requests these roles are clarified via the methods and implementation responsibilities in accordance with the functions specified under sections 30 and 31 of the RMA.	Clarify methods to deliver the policy and who will be responsible for the implementation of the methods in accordance with the functions specified under sections 30 and 31 of the RMA.
Policy IE.4: Recognising the roles and values of landowners and communities in the management of indigenous biodiversity – non-regulatory	Support	Council supports the recognition of the significant role landowners and communities play in the management of indigenous biodiversity.	Retain
Policy 23: Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans	Support in part	<p>Council opposes the suggested introduction of a date by which city and district councils are to identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values. With the anticipated gazettal of the NPS-IB it is inappropriate for the RPS to include arbitrary dates that may conflict with the requirements of the future NPS-IB. The RPS and district plans will need to be amended in accordance with the requirements of the NPS-IB once it comes into law in its final form.</p> <p>Councils supports the introduction of <i>mana whenua</i> into the policy as this provides clarify for city and district councils on who is to be</p>	<p>Delete proposed insertion of the deadline for giving effect to the policy.</p> <p>Retain references to <i>mana whenua</i>.</p> <p>Delete references to <i>tangata whenua</i>.</p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		involved in plan changes, however we oppose the retention of <i>tangata whenua</i> as the literal translation of this term means <i>people of the land</i> . We consider this does not provide councils with any direction on who should be involved in giving effect to the policy (and all other objectives and policies in RPS Change 1 where this term is used).	
Policy 24: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans	Support in part	<p>Council has the same concerns regarding the arbitrary timeframe as we raise under Policy 23 above.</p> <p>Council supports the amendments to the policy that provide useful direction on how to consider biodiversity offsetting and biodiversity compensation. Such guidance would also be useful for the consideration of resource consents and notices of requirement.</p>	<p>Delete timeframe for giving effect to the policy.</p> <p>Amend to include the resource consent process.</p>
Chapter 3.8: Natural Hazards			
Chapter introduction	Support in part	<p>Council supports the amendments proposed to this introduction text – in particular the shift in language to include references to risk, likelihood, and consequences. The updated information regarding sea level rise predictions and the likely impacts of this on flood events is also useful for Council plan-making responsibilities with respect to future coastal hazards and flood hazard plan changes.</p> <p>Council requests this section be amended to include an outline of the requirements of the RMA for natural hazard <i>avoidance</i> and <i>mitigation</i> under section sections 30 and 31 of the RMA.</p> <p>Council requests GWRC states it will put in place provisions that require the avoidance and mitigation of coastal hazards (such as predicted coastal erosion above MHWS) via policies in the RPS and</p>	<p>Amend the chapter introduction to make it clear that city and district councils, and regional councils are responsible for provisions that require the avoidance and mitigation of natural hazards including significant coastal hazards (such as predicted coastal erosion above MHWS) via provisions in district plans, the RPS and the regional plan(s).</p> <p>Commit in the RPS that the regional plan will include provisions including rules to achieve the above.</p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		provisions including rules in the PNRP. If this is not to be inserted, Council requests the chapter introduction is amended to clearly explain the legislative and policy justification for not including such provisions in the RPS and regional plan(s).	
Objective 19	Support	Council supports the changes proposed to Objective 19, in particular the focus on the minimisation of risks and consequences to the environment including the effects of climate change.	Retain.
Objective 20	Oppose	The proposed objective wording does not differentiate between the significance of different levels of risk arising from natural hazards. The objective also does not reflect the wording of sections 30 and 31 with respect to regional council and territorial local authority functions for the <i>avoidance</i> and <i>mitigation</i> of natural hazards.	Amend Objective 20 so it reads as follows: <u><i>Natural hazard and climate change mitigation and adaptation activities avoid the risks from significant natural hazards and mitigate the risks from all other natural hazards and impacts on Te Mana o te Wai, Te Rito o te Harakeke, natural processes, indigenous ecosystems and biodiversity.</i></u>
Policy 29 Managing subdivision, use and development in areas at risk from natural hazards – district and regional plans	Oppose	The proposed shift in language from <i>avoiding inappropriate</i> subdivision, use and development to <i>managing</i> these activities is not consistent with the avoidance and mitigation requirements of sections 30 and 31 of the RMA. Council also opposes the proposed reference to <i>high</i> risk, as this would make the policy less consistent with section 6(h) of the RMA, which refers to the management of <i>significant</i> risks from natural hazards. Council also notes the use of the verb <i>manage</i> or <i>managing</i> within resource management policy gives little direction to decision makers	Amend Policy 29 so it reads as follows: <i>Policy 29: Avoiding inappropriate subdivision, use and development in areas at high subject to significant risk from natural hazards – district and regional plans.</i> Replace all references to <i>manage</i> with appropriate verbs that provide clear

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>on what is required. Council is not aware of any agreed meaning of this term in resource management practice or relevant case law. Council requests all verbs used in the RPS align with those required under the RMA or relevant higher-level statutory planning documents and are chosen for their clear meaning and direction for decision makers. In the case of regional, city and district council requirements under the RMA for the management of natural hazards, the verbs are <i>avoid</i> or <i>mitigate</i>, while under the NZCPS the verbs are <i>avoid</i> inappropriate (in the case of significant natural hazard risk).</p> <p>Council notes for parts of the proposed policy to be able to be implemented they rely on parts of the explanation, yet explanatory text has no legal status in a plan under the RMA. An example of this is policy clause (d) relying on all clauses in the explanation. We request this be addressed by including the explanatory text within the policy and deleting any reference to 'Explanation' from the policy entirely. We note that clearly drafted policies should require no explanatory text.</p>	<p>direction to decision makers. Ensure the chosen verbs are consistent with requirements of the RMA and relevant higher-level statutory planning documents.</p> <p>Move the explanatory text so it forms part of the policy.</p> <p>Delete all remaining explanatory text following the transfer of relevant text into the policy.</p>
<p>Policy 51: Minimising the risks and consequences of natural hazards – consideration</p>	<p>Support in part</p>	<p>We support the addition of <i>subdivision</i> and <i>use</i> to the policy, these would be welcome additions to regional plans to assist city and district councils in the avoidance of the effects arising from significant natural hazards.</p> <p>Council requests the policy be amended to reflect the responsibilities of regional and city and district councils under the RMA with respect to natural hazards.</p> <p>We also request the verbs used in the policy are consistent. As a consideration policy the wording of the rest of the policy should require consideration to the listed matters.</p>	<p>Amend Policy 51 as follows:</p> <p><i>Policy 51: Minimising Avoiding or mitigating the risks and consequences of natural hazards – consideration</i></p> <p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their</i></p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
			<p><i>property and infrastructure shall be minimised, and/or in determining whether an activity is inappropriate particular regard consideration shall be given to:</i></p> <p><i>(a) ...</i></p>
Policy FW.7: Water attenuation and retention – non-regulatory	Oppose	<p>Council considers water attenuation and retention should be required via regulatory methods. Council notes water attenuation via hydraulic neutrality is a recurring theme within the Waitua plans that have been completed to date (which do not yet include the Kapiti Coast District).</p> <p>Council notes including water attenuation, retention and hydraulic neutrality requirements in the RPS would assist any city or district council that has included stormwater attenuation provisions in their Intensification Planning Instruments.</p>	Amend to require water attenuation and retention via hydraulic neutrality to be implemented in district plans via regulatory methods.
Policy FW.8: Land use adaptation – non regulatory	Support	Council supports the intent of this policy and the identified methods and implementation responsibilities for this policy.	Retain
Chapter 3.9: Regional form, design and function			
General comment – chapter wide.	Oppose	<p>Council notes the only hierarchical responsibilities given to regional councils under the NPS-UD that <u>must</u> inform and direct the content of district plans are:</p> <p><i>1. Clause 3.6 – Subclause (2) - Housing bottom lines.</i></p>	Delete all non-mandatory provisions that are intended to direct city and district councils on how to give effect to the NPS-UD – i.e., only retain provisions in the RPS that give effect to Clause 3.8 Subclause 3 of the NPS-UD – noting

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p data-bbox="719 272 1509 411"><i>2. Clause 3.8 – Subclause (3) - Criteria in the RPS for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.</i></p> <p data-bbox="674 451 1509 802">The remainder of the NPS-UD provisions that are relevant to regional policy statements and plans are equally applicable to city and district councils – meaning there is no statutory requirement for an RPS to direct how city and district councils are to give effect to all other RPS provisions. When this is taken into account it can be seen much of the RPS Change 1 content in the regional form, design and function chapter attempts to direct city and district councils on how to meet their obligations under the NPS-UD. Such direction is unhelpful, undesirable, and risks conflicting with the Intensification Planning Instruments of the Tier 1 local authorities in the region.</p>	<p data-bbox="1541 272 2029 371">Council also seeks amendments to these provisions as requested in this submission.</p> <p data-bbox="1541 416 2029 587">Engage with the technical planning experts within all city and district councils in the region to prepare an appropriately worded variation to RPS Change 1 to give effect to the NPS-UD.</p>
Chapter introduction	Support in part	<p data-bbox="674 850 1509 949">Support: Council supports the reference to the importance of design guides in achieving well-functioning urban environments.</p> <p data-bbox="674 994 1509 1129">Council supports the recognition that sporadic, uncontrolled and uncoordinated development can result in adverse effects on mana whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga.</p> <p data-bbox="674 1174 1509 1378">Oppose: Council opposes all references to the Wellington Regional Growth Framework within the RPS, and in particular the suggestion it forms the interim strategic growth direction for the region prior to the development of a Future Development Strategy (FDS) under the NPS-UD.</p>	<p data-bbox="1541 850 2029 949">Delete all references to, and information from the WRGF throughout proposed RPS Change 1.</p> <p data-bbox="1541 994 2029 1201">Replace all references to the WRGF with placeholder references to a Future Development Strategy that has been prepared and published in accordance with the requirements of Subpart 4 of the NPS-UD.</p> <p data-bbox="1541 1246 2029 1345">Amend Clause 2 - <i>Sporadic, uncontrolled and/or uncoordinated development</i>, as follows:</p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>While a highly useful exercise and useful preparation in advance of an appropriately prepared FDS, the evidence base and investigation that underpinned the development of the WRGF (and consultation) was not sufficiently robust to suggest it should be used in this way. The development of the WRGF also did not follow the special consultative procedure required for a plan or strategy under the Local Government Act, and it therefore lacks any statutory weight under the RMA as a document prepared under other legislation.</p> <p>References to the WRGF, and the interim legal status the proposed RPS Change 1 attempts to give it, undermines and fails to acknowledge existing growth strategies prepared by city and district councils in the region under the LGA. These growth strategies are more recent and are informed by an evidence base, have been appropriately and competently prepared, widely consulted on and formally adopted. They accordingly carry weight under the RMA when preparing and changing plans (s.74(2)(b)(i)).</p> <p>Council also notes that based on paragraphs 44 and 45 of the section 32 evaluation supporting Proposed RPS Change 1, it appears GWRC is proposing to include the WRGF in the RPS as a document by reference. Council notes the statutory weight of a non-statutory document such as the WRGF is not given statutory weight simply via its inclusion in the RPS unless the pre-notification consultation requirements of Schedule 1, Clause 34 were carried out before RPS Change 1 was publicly notified. Council is not aware of this mandatory consultation having been carried out.</p> <p>Clause 2 - <i>Sporadic, uncontrolled and/or uncoordinated development.</i> Council notes this clause is outdated as it does not identify the</p>	<p><i>Sporadic, uncontrolled and/or uncoordinated, development (including of infrastructure) can adversely affect the region's compact form. <u>Medium density residential development enabled across all urban areas in accordance with the Medium Density Residential Standards by Tier 1 territorial authorities adds to this issue.</u> This can, among other things, result in:</i></p> <p>a) <i>new development that is poorly located in relation to existing infrastructure (such as roads, public transport, water supply, sewage and stormwater systems)</i></p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		impacts of uncontrolled or uncoordinated development that is now enabled by the MDRS. Subclause (a) in particular regarding development that is poorly located in relation to existing infrastructure should identify the MDRS as a contributing factor to this challenge across the urban areas of Tier 1 city and district councils into the future.	
Objective 22	Support in part	The objective proposes to introduce policy-level direction on what well-functioning urban environments are. We consider this level of detail should be deleted from the objective, with the objective retaining a high-level goal.	Amend Objective 22 to delete proposed clauses (a) – (k).
Objective 22B	Support	The general intent of the objective is supported.	Retain
Policy UD.1: Providing for the occupation, use, development and ongoing relationship of mana whenua / tangata whenua with their ancestral land – district plans	Support in part	The proposed policy supports the proposed papakāinga provisions included in the Council’s IPI. An amendment is sought to qualify that in the case of tangata whenua only, they must demonstrate an ancestral connection to their land. This amendment would make the policy consistent with the proposed papakāinga provisions notified by Council in its IPI that were developed in partnership with mana whenua. Council understands similar provisions have been notified in the IPIs of at least one other Tier 1 council in the region.	Amend policy UD.1 as follows: <i>Policy UD.1: Providing for the occupation, use, development and ongoing relationship of mana whenua / tangata whenua with their ancestral land – district plans</i> <i>District plans shall include objectives, policies, rules and/or methods that provide for the occupation, use, development and ongoing relationship of mana whenua <u>with their ancestral land, / and tangata whenua where it can be demonstrated that there is a whakapapa or ancestral connection to the land and the land will remain in</u></i>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
			<p>Māori ownership, and the land will remain in Māori ownership with their ancestral land, by:</p> <p>(a) ...</p>
<p>Policy FW.3: Urban development effects on freshwater and the coastal marine area – district plans</p>	<p>Oppose</p>	<p>Council opposes a number of provisions within this policy on the basis they:</p> <ol style="list-style-type: none"> 1. attempt to transfer some regional council responsibilities for freshwater to city and district councils under the guise of the reference to <i>integrated management</i> under section 31 of the RMA. 2. lack detail on how they would be implemented including what the subdivision, use and development triggers would be for their implementation. <p>In places the policy merely repeats provisions of the NPS-FM and attempts to transfer them into a policy for city and district councils to implement via district plans. The main NPS-FM policies that are relevant appear to be Policies 3 and 7. Although we agree the NPS-FM introduces freshwater management considerations into the RMA plan making processes of city and district councils, we are concerned at the blunt approach taken by proposed Policy FW.3, and the apparent lack of consideration of the roles, functions, and expertise of city and district councils. It is our view the RPS is required to take a much more refined and carefully justified approach in setting requirements for district plans in the management of freshwater. This should be carried out in direct consultation with the technical experts of the city and district councils in the region.</p>	<p>Either:</p> <p>Delete Policy FW.3 and redraft in collaboration with technical experts from city and district councils to prepare a variation to the RPS Change 1; or</p> <p>Delete clauses b, f, g, h, m, n, and o.</p>

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		<p>We consider the approach taken is not consistent with the intent of the NPS-FM for the following reasons:</p> <ol style="list-style-type: none"> 1. The section 32 evaluation supporting the NPS-FM states: <ol style="list-style-type: none"> a. <i>All councils will be affected as regional policy statements, regional plans and district plans are all required to give effect to the NPS-FM 2020. All councils will also need to observe and enforce compliance with the NES-F. However, regional councils will be more affected as the matters addressed by the NPS-FM 2020 and NES-F are more within their functions².</i> b. <i>There is a low level of uncertainty associated with Policy 3 because it closely reflects the statutory functions of local councils in section 31 of the RMA but gives greater specificity in regarding the whole-of-catchment approach. Any risk of overlap or confusion on roles or responsibilities is low³.</i> 2. Council notes the guidance on this matter released by the Ministry for the Environment for territorial local authorities does not support the approach taken by Policy FW.3 as follows: <p style="text-align: center;"><i>The NPS-FM 2020 does not provide specific directions about what approaches territorial authorities should</i></p> 	

² Action for Health Waterways Section 32 Evaluation, Ministry for the Environment, 22 July 2020, page 18:
<file:///C:/Users/mattm/OneDrive/Documents/COUNCIL/Submissions/RPS-Change%201/Notified%20RPS%20Change%201/action-for-healthy-waterways-section-32-evaluation-report.pdf>

³ Action for Health Waterways Section 32 Evaluation, Ministry for the Environment, 22 July 2020, page 44.

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		<p><i>use to manage the effects of land use and development on freshwater in district plans. The approach provides flexibility for territorial authorities to determine the objectives, policies, and methods that would best apply in their district .</i></p> <p>Council would therefore expect the RPS to be drafted without introducing confusion over roles and responsibilities for freshwater. The RPS should include requirements for the district plan include provisions that consider the cumulative effects of development on freshwater in catchments in accordance with the integrated management of natural resources. Such an approach would fit well with the yet to be developed Whaitua plan for the Kapiti Coast District. However, we expect such direction to be accompanied by policies that direct and inform city and district councils on how to achieve this within the roles and functions city and district councils have under the RMA. Council understands such an approach would be consistent with the intent of the NPS-FM. The transfer of functions approach proposed by RPS Change 1 does not appear to have been adequately considered as it conflicts with the Governments section 32 for the NPS-FM and MfE guidance on the roles of regional and city and district councils in giving effect to the NPS-FM. The Policy FW.3 provisions of most concern to us with respect to lack of clarity and the attempt to transfer regional council functions to Council are clauses b, f, g, h, m, n, and o.</p>	
Policy FW.4: Financial contributions for urban development - district plans	Support in part	This policy is helpful in supporting the inclusion of financial contributions in the district plan, particularly those proposed under section 80E(1)(b)(i) of the RMA.	<p>Amend as follows:</p> <p><i>Policy FW.4: Financial contributions for urban development – district plans</i></p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>However, the policy includes unnecessary text which we seek be removed.</p>	<p><i>District plans shall include policies and rules that require financial contributions to be applied to subdivision and development as a condition of the resource consent where off site stormwater quality and quantity treatment is required, as set out in a Stormwater Management Plan (required as a condition of a network discharge consent for that catchment). The district plan policy shall outline how a fair share of the cost is determined, and the nature of the contribution. A financial contribution will not be required where a development contribution (as required by a Development Contribution Policy under the Local Government Act) has been collected from the same development for the same purpose.</i></p> <p><i>Note: financial contributions cannot be imposed against Minister of Education or Minister of Defence</i></p> <p><i>Explanation Policy FW.4 requires financial contributions, or alternatively development contributions to be collected for the construction of catchment scale stormwater solutions, so that urban new urban development pays their fair share.</i></p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
<p>Policy UD.3: Responsive planning to developments that provide for significant development capacity – consideration</p>	<p>Oppose</p>	<p>Council opposes clause (a)(iii) as it goes beyond the requirements of the NPS-UD and the RMA by preventing city and district councils from applying urban zones other than those where the Medium Density Residential Standards would be applied.</p> <p>Council notes it is not the role of the RPS to determine whether significant development capacity could be realised through other zoning, such as mixed-use zones and other centre zones. Council also notes that neither the RMA or the NPS-UD gives a regional council the power to direct district plan content to the level of the specific zones that must be applied through plan changes.</p> <p>Council sees no resource management reason for (or benefit to be gained from) this regulatory direction, and we consider that the suggested limitation on how housing may be provided for via zoning is not appropriate or useful for an RPS to specify. We consider the directive approach proposed may not be <i>vires</i> the RMA.</p>	<p>Delete clause (a)(iii).</p>
<p>Policy 67: Establishing and maintaining the qualities and characteristics of well-functioning urban environments – non-regulatory</p>	<p>Oppose</p>	<p>Council opposes references to the WRGF and the attempt to give the document legal weight under the RMA as we express elsewhere in our submission. We seek deletion of such references from Policy 67 (and from throughout the plan change).</p> <p>We also oppose the inclusion and use of proposed definitions for <i>high density development</i> and <i>medium density residential development</i>. As expressed elsewhere in our submission, these definitions are not consistent with the NPS-UD and conflict with the Intensification Planning Instrument notified by Council.</p>	<p>Amend Policy 67 as follows:</p> <p><i>(a) implementing the New Zealand Urban Design Protocol and any urban design guidance that provides for best practice urban design and amenity outcomes, including for high density development and medium density residential development;</i></p> <p><i>(e) implementing the actions in the Future Development Strategy, or the</i></p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
			<i>regional and local strategic growth and/or development framework or strategy that describes where and how future urban development should occur in the region; and</i>
Policy 30: Maintaining and enhancing the viability and vibrancy of regionally and locally significant centres – district plans	Oppose	<p>While Council supports enhancing the viability and vibrancy of all centres, the reasons for changes to the terminology in this policy are unclear.</p> <p>In particular, Council notes that:</p> <ul style="list-style-type: none"> • new terms such as “locally significant centres” do not appear to correlate with terms in the national planning standards • it is unclear why Ōtaki and Waikanae are included in a list of “locally significant centres” but not Raumati Beach and Paraparaumu Beach which are also classified as “town centres” in the Operative Kapiti Coast District Plan 2021 • it is unclear whether Ōtaki is intended to mean the town centre known as Ōtaki Main Street, or the town centre known as Ōtaki Rail, or both. • in the absence of any justification to the contrary, it is inappropriate and unnecessary for the RPS to get to the level of detail specifying any particular centres as being “locally significant”. 	Delete the list of locally significant centres.
Policy 31: Identifying and enabling a range of building heights and density– district plans	Oppose	<p>The proposed policy is out of step with the NPS-UD and conflicts with the Intensification Planning Instrument (IPI) notified by Council.</p> <p>The policy wording attempts to interpret the requirements of the NPS-UD but appears to insert GWRC’s understanding of heights and densities for medium and high density development via new requirements and unwarranted new definitions. This is neither</p>	<p>Either:</p> <p>Amend to ensure consistency with the wording of the NPS-UD and to ensure wording does not conflict with the Intensification Planning Instruments that</p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<p>necessary nor useful to city and district councils that have notified their Intensification Planning Instruments. Combined with the proposed new definitions for <i>medium density residential development</i> and <i>high density development</i> (which we also oppose), the result is a policy that interferes and conflicts with Council’s IPI, and likely the IPIs of other Tier 1 city and district councils in the region.</p> <p>Also see our specific concerns regarding proposed defined terms in our submission below which are also relevant to Policy 31.</p>	<p>have been notified by Tier 1 city and district councils.</p> <p>OR</p> <p>Delete Policy 31 entirely and work with the technical planning experts from Tier 1 city and district councils on appropriate policy wording to be notified as a variation to Proposed RPS Change 1.</p>
Definitions			
Complex development opportunities	Oppose	Council notes the Wellington Regional Leadership Committee has no statutory authority under the RMA. We consider it is inappropriate for a regional policy statement to include provisions that refer to committees and government agencies to jointly develop and implement plans and a framework for development opportunities.	Delete proposed definition for <i>complex development opportunities</i> and associated references throughout the plan change including Method 46.
Future Development Strategy	Oppose	All Tier 1 local authorities have a requirement to prepare a FDS in accordance with Subpart 4 of the NPS-UD. All Tier 1 city and district councils in the region are authorised to prepare a FDS in accordance with the NPS-UD. On this basis the proposed definition is incorrect and should simply refer to subpart 4 of the NPS-UD.	<p>Amend as follows:</p> <p><i>Future Development Strategy</i> <i>Means any Future Development Strategy prepared and published for the Wellington Regional in accordance with Subpart 4 of the National Policy Statement for Urban Development.</i></p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
High density development	Oppose	Specifying a minimum building height for high density development is not necessary or helpful to city and district councils in carrying out their functions when giving effect to the MDRS and the requirements of NPS-UD Policies 3 and 4. The proposed height specifications and list of activities that comprise high density development misinterpret NPS-UD requirements and the definition is not required for city and district councils to give effect to the NPS-UD. Council requests the proposed definition be deleted.	Amend as follows: <i>High density development</i> <i>Means areas used predominately for commercial, residential and mixed use activities with high concentration and bulk of buildings, such as apartments, and other compatible activities with a minimum building height of 6 stories.</i>
Maintain /maintained / maintenance (in relation to indigenous biodiversity)	Oppose	Council notes restoration and enhancement are separate activities that require a greater level of intervention and action than that required to <i>maintain</i> . Council opposes the definition including restoration and enhancement activities as part of the maintenance of indigenous biodiversity.	Amend as follows: <i>Maintain /maintained /maintenance (in relation to indigenous biodiversity)</i> <i>At least no reduction in the following:</i> <ul style="list-style-type: none"> <i>a) the size of populations of indigenous species</i> <i>b) indigenous species occupancy across their natural range</i> <i>c) the properties and function of ecosystems and habitats</i> <i>d) the full range and extent of ecosystems and habitats</i> <i>e) connectivity between and buffering around, ecosystems</i> <i>f) the resilience and adaptability of ecosystems.</i> <i>The maintenance of indigenous biodiversity may also require the</i>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
			<i>restoration or enhancement of ecosystems and habitats.</i>
Medium density residential development	Oppose	<p>Council notes medium density residential development is a description of the intensity of the use of a site. Medium density residential development can comprise developments less than 3 stories, and there are many examples of this throughout the region. The proposed definition conflicts with the definition for <i>medium density housing</i> proposed in Council's IPI. If it considered necessary for the RPS to include a definition for <i>medium density residential development</i>, it is crucial the definition is an umbrella term that does not conflict with the definitions and other provisions proposed within the Intensification Planning Instruments notified within the region.</p> <p>It also appears the proposed height specification within the definition has cross-over with the height limits suggested in the proposed definition for high density development. Council considers it is not necessary or appropriate for the RPS to specify minimum heights for different types of development.</p> <p>Council notes the NPS-UD does not give the regional council the function of specifying what type of development can be considered medium density residential development within the region.</p> <p>Council also notes including <i>and other compatible activities</i> without a qualifier creates uncertainty and opens the interpretation of the proposed definition to debate. Compatible activities will be defined differently within the district plans across the region. Council seeks the definition is deleted to avoid conflict with the IPIs notified by Tier 1 Councils in the region.</p>	<p>Amend as follows:</p> <p><i>Medium density residential development</i> <i>Means areas used predominately for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, and low-rise apartments, and other compatible residential activities with a minimum building height of 3 stories.</i></p>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
Plantation forestry	Oppose	Council considers the definition should align with that used in the NES-PF. In the absence of amendments to ensure consistency with the NES-PF the proposed definition captures orchards and other similar activities.	Amend to align with the NES-PF definition for plantation forestry.
Permanent forest	Oppose	The definition includes a qualifier that relies on the intention of the owner of the forest. Council notes it is difficult to enforce provisions that contain such qualifiers - confirming and enforcing the <i>intention</i> of a person or persons is not possible under the RMA.	Amend as follows: <i>For the purpose of the RPS permanent forest is a forest established for long term forest cover and that is not intended to be harvested.</i>
Regionally significant infrastructure	Support in part	<p>Council supports the inclusion of the following in the definition of regionally significant infrastructure:</p> <ul style="list-style-type: none"> <i>the local authority water supply network (including intake structures) and water treatments plants</i> <i>the local authority wastewater and stormwater networks and systems, including treatment plants and storage and discharge facilities</i> <i>The following local arterial routes: Masterton-Castlepoint Road, Blairlogie-Langdale/Homewood/Riversdale Road and Cape Palliser Road in Wairarapa, Tītahi Bay Road and Grays Road in Porirua, and Kāpiti Road, Marine Parade, Mazengarb Road, Te Moana Road, Akatārawa Road, Matatua Road, Rimu Road, Epiha Street, Paekakariki Hill Road, The Parade [Paekakariki] and The Esplanade [Raumati South] in Kāpiti</i> <i>Kapiti Coast Airport</i> <p>Council also seeks that the following roads be added to the definition, which will become Council's responsibility once revocation occurs:</p>	<p>Retain the inclusion of the following infrastructure:</p> <ul style="list-style-type: none"> <i>the local authority water supply network (including intake structures) and water treatments plants</i> <i>the local authority wastewater and stormwater networks and systems, including treatment plants and storage and discharge facilities</i> <i>The following local arterial routes: Masterton-Castlepoint Road, Blairlogie-Langdale/Homewood/Riversdale Road and Cape Palliser Road in Wairarapa, Tītahi Bay Road and Grays Road in Porirua, and Kāpiti</i>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
		<ul style="list-style-type: none"> • <i>Old SH1 (Main Road Raumati) - from Poplar Avenue to Raumati Road Roundabout.</i> • <i>Old SH1 (Main Road Paraparaumu) - from Raumati Road roundabout to Otaihanga Road roundabout.</i> • <i>Old SH1 (Main Road Waikanae) – from Otaihanga Road roundabout to Peka Peka Road roundabout.</i> • <i>Old SH1 (Main Road Te Horo) – from Peka Peka Road roundabout to Otaki River Bridge.</i> • <i>Old SH1 (Main Road Otaki) – Otaki River Bridge to Taylors Road</i> • <i>Old SH1 (Main Road North Otaki) – Taylors Road to District Boundary</i> 	<p><i>Road, Marine Parade, Mazengarb Road, Te Moana Road, Akatārawa Road, Matatua Road, Rimu Road, Epiha Street, Paekakariki Hill Road, The Parade [Paekakariki] and The Esplanade [Raumati South] in Kāpiti</i></p> <ul style="list-style-type: none"> • <i>Kapiti Coast Airport</i> <p>Amend definition as necessary to also include:</p> <ul style="list-style-type: none"> • <i>Old SH1 (Main Road Raumati) - from Poplar Avenue to Raumati Road Roundabout.</i> • <i>Old SH1 (Main Road Paraparaumu) - from Raumati Road roundabout to Otaihanga Road roundabout.</i> • <i>Old SH1 (Main Road Waikanae) – from Otaihanga Road roundabout to Peka Peka Road roundabout.</i> • <i>Old SH1 (Main Road Te Horo) – from Peka Peka Road roundabout to Otaki River Bridge.</i> • <i>Old SH1 (Main Road Otaki) – Otaki River Bridge to Taylors Road</i>

Provision / topic	Support / Oppose	Reasons and discussion	Decision sought
			<ul style="list-style-type: none"> <li data-bbox="1592 277 2020 376">• <i>Old SH1 (Main Road North Otaki) – Taylors Road to District Boundary</i>