

GREATER WELLINGTON REGIONAL COUNCIL'S PROPOSED REGIONAL POLICY STATEMENT

SUBMISSION FROM WELLINGTON CITY COUNCIL

1. Introduction

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

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

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

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

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

2. District Plan Implications

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

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

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

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

The Council's original concern when the Draft RPS was released for consultation was that the implementation of the policies would create a significant work load as they had to be actioned before or at the time of the next District Plan review (2010 in the case of Wellington City).

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

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

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

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

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

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

Recommended changes:

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

Section 4.2: Policies that need to be given particular regard

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

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

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

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

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

On the first point, it is not recognised that various policies under Section 4.2 might be addressed either through regulatory or non-RMA/non regulatory approaches or both. For example the Council's Code of Practice for Land Development would be relevant for dealing with some storm water contamination issues and the recently adopted Biodiversity Action Plan is also relevant to making improvements in the ecological area. As well as objectives to identify biodiversity and to work in partnership on restoration projects, the WCC Biodiversity Action Plan suggests that District Plan Conservation Sites be reviewed, that District Plan Changes adequately protect biodiversity values through objectives, policies and rules and strengthen provisions for retaining systems in a natural state and that existing biodiversity is conserved and enhanced in proposed development sites.

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

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

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

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

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

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

Recommended changes:

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

3. Air quality

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

4. Coastal environment

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

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

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

Recommended changes:

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

5. Energy, infrastructure and waste

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

Waste: Cleanfill and landfill monitoring

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

Recommended changes:

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

6. Fresh water

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

Policy 39: Maintaining and enhancing aquatic ecosystem health - consideration

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

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

Recommended changes:

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

7. Historic heritage

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

8. Indigenous ecosystems

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

9. Resource management with tangata whenua

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

10. Landscape

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

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

The Council supports the splitting of draft Policy 24, identification for landscapes, into two policies (policies 24 and 26) so that the first is concerned with *outstanding natural features and landscapes* and other with *significant amenity landscape values* (rather than the earlier *notable landscapes*). This change ensures consistency between the various relevant planning documents – i.e. the RPS and the New Zealand Coastal Policy Statement (NZCPS).

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

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

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

Recommended changes:

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

11. Regional form, design and function

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

12. Natural hazards

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

13. Soils and minerals

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

14. Other matters

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

14.1 Fresh water

Method 34: Regional Stormwater Action Plan

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

Recommendation:

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

14.2 Natural hazards

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

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

Recommendation:

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

14.3 Energy, infrastructure and waste

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

14.4 Public access

The Council also notes that the statement on page 20, paragraph two which says " *To date there has been no strategic planning in the region that has identified where public access should be enhanced*" is incorrect. Although there may not have been a regional wide planning exercise, the Council has in fact undertaken such planning through the Open Space Access Plan. This plan identifies key parts of the coast and stream where access needs to be improved, including such areas as the south west coast and Karori Stream. Greater Wellington's recent Regional Cycling Plan, page 5, also identifies the Greater Harbour Way from Fitzroy Bay to Sinclair Head and we note public access could be improved particularly between Petone and Kaiwharawhara Estuary.