

Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Section 42A Hearing Report Hearing Stream Seven

**Topic: Definitions (National Grid, Regionally Significant
Infrastructure and Strategic Transport Network)**

Process: Freshwater Planning Process

Prepared by: Shannon Watson

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Hearing Date: 15 April 2024

Contents

Executive Summary	1
Interpretation.....	1
1.0 Introduction	3
1.1 Purpose.....	3
1.2 Scope of this report	3
1.3 Author.....	3
1.4 Supporting Evidence.....	4
1.5 Key Issues.....	5
1.6 Pre-hearing Meetings.....	5
2. Statutory Considerations.....	5
2.0 Resource Management Act 1991.....	5
2.1 National Direction	6
2.2 Section 32AA.....	8
2.3 Trade Competition	8
3. Consideration of Submissions and Further Submissions	9
3.0 Overview.....	9
3.1 Report Structure	9
3.2 Format for Consideration of Submissions	9
3.3 Issue 1: Categorisation of provisions into the Freshwater Planning Instrument.....	10
3.4 Issue 2: Definition of National Grid	13
3.5 Issue 3: Definition of Regionally Significant Infrastructure	15
3.6 Issue 4: Strategic Transport Network	23
3.7 Issue 5: General submissions.....	24
4. Conclusions.....	25

Executive Summary

1. This report considers submissions received by Greater Wellington Regional Council ('the Council') in relation to the relevant provisions of Proposed Change 1 to the Regional Policy Statement for the Wellington Region ('Change 1') as they apply to Definitions (National Grid, Regionally Significant Infrastructure and Strategic Transport Network).
2. This topic is following the Freshwater Planning Process of the Resource Management Act 1991.
3. A total of 43 submissions and further submissions were received on this topic. The submissions on this topic were relatively narrow in focus with the following key issues raised in submissions and covered by this report:
 - Definition of National Grid
 - Definition of Regionally Significant Infrastructure, specifically submissions seeking activities be added to or removed from the definition
 - Definition of Strategic Transport Network
4. Other issues raised by submitters in relation to this topic are also covered in the report along with some minor consequential amendments that have arisen in responding to submissions.
5. As a result of analysing the submissions and key issues, I have recommended amendments to these definitions as set out in **Appendix 1** of this report, which can be summarised as follows:
 - Amending the definition of National Grid to reflect the meaning in the National Policy Statement for Electricity Transmission 2008
 - Amending the definition of Regionally Significant Infrastructure to:
 - i. Include navigational infrastructure for Wellington International Airport
 - ii. Remove reference to Lambton Harbour Area in the context of port related activities.
6. I have also undertaken a section 32AA evaluation for the amendments I have recommended.
7. For the reasons outlined in the Section 32AA evaluation and outlined in this report, I consider that the proposed provisions, with the recommended amendments, are the most appropriate.

Interpretation

8. This report utilises a number of abbreviations as set out in the table below.

Table 1: Abbreviations of terms

Abbreviation	Means
the Act/RMA	Resource Management Act 1991
the Council	Greater Wellington Regional Council
Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
FPP	Freshwater Planning Process
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NES-FW	Resource Management (National Environmental Standards for Freshwater) Regulations 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-REG	National Policy Statement for Renewable Energy Generation 2011
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-UD	National Policy Statement on Urban Development 2020
NRP	Operative Natural Resources Plan for the Wellington Region
REG	Renewable Energy Generation
RPS	Operative Regional Policy Statement for the Wellington Region 2013
RSI	Regionally Significant Infrastructure
Section 32 Report	Section 32 Report for Proposed Change 1 to the Regional Policy Statement for the Wellington Region
SNAs	Significant Natural Areas

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
Ātiawa	Ātiawa ki Whakarongotai Charitable Trust
BLNZ	Beef and Lamb New Zealand
Forest and Bird	Royal Forest and Bird Protection Society of New Zealand Inc
Fuel Companies	BP Oil NZ Ltd, Mobil Oil Ltd and Z Energy Ltd
Hort NZ	Horticulture New Zealand
KCDC	Kāpiti Coast District Council
KiwiRail	Kiwi Rail Holdings Limited
Ngā Hapū	Ngā Hapū o Ōtaki
PCC	Porirua City Council
Rangitāne	Rangitāne O Wairarapa Inc
TKL	Templeton Kapiti Limited
Transpower	Transpower New Zealand
UHCC	Te Kaunihera o Te Awa Kairangi ki Uta, Upper Hutt City Council
Waka Kotahi	Waka Kotahi New Zealand Transport Agency
WFF	Wairarapa Federated Farmers
WIAL	Wellington International Airport Limited

1.0 Introduction

1.1 Purpose

9. This report is prepared under section 42A of the RMA. The purpose of this report is to provide the Hearing Panels with a summary and evaluation of the submissions received on this topic and to recommend possible amendments to Change 1 in response to those submissions. The recommendations are informed by the analysis and evaluation undertaken by the author. I have also had regard to other section 42A reports including the S42A report – General Submissions – Hearing Stream One.
10. This report should be read in conjunction with the Officer's report 'S42A Overview Report' from Hearing Stream One, which provides the background to Change 1, the statutory context, and administrative matters relating to Change 1.

1.2 Scope of this report

11. Change 1 has been notified via two plan-making processes under Schedule 1 of the RMA:
 - The Freshwater Planning Process (FPP) under section 80A and Part 4, Schedule 1 for the provisions that form the Freshwater Planning Instrument (FPI). These provisions are marked in the Change 1 document with the freshwater icon.
 - The standard plan-making process in Part 1, Schedule 1.
12. This report addresses submission points and provisions under the FPP processes.

1.3 Author

13. My name is Shannon John Watson and I am Technical Lead – Planning and Team Leader Planning employed by GHD Limited. I hold a Bachelor of Environmental Planning from the University of Waikato, majoring in environmental and natural resource economics. I am a Full member of the New Zealand Planning Institute.
14. I have over nine years of experience in resource management and planning across both local government and the private sector. During this time I have predominantly undertaken resource consent planning but in recent years have had more involvement in policy work. This has included supporting the Council on the water allocation sub-topic during the Natural Resources Plan (NRP) mediation process and supporting alignment of NRP provisions with national direction.
15. I have worked on a variety of projects with a range of district and regional planning issues, including consenting and compliance phases of major infrastructure projects including Roads of National Significance (Transmission Gully), regionally significant coastal protection and regionally significant three waters, roading and transport projects, including the Eastern Bays Shared Path and RiverLink. Before

joining GHD I was employed by the Council as the Project Consents Officer for the Roads of National Significance Team and a Resource Advisor in the Earthworks, Streamworks and Coastal Team.

16. I have been engaged by the Council to respond to submission points in relation to the definitions of National Grid, Regionally Significant Infrastructure (RSI) and Strategic Transport Network in Change 1, and to prepare and present this section 42A report. I was not involved in the development of the provisions for Change 1, however I have familiarised myself with the process that was followed and with the Section 32 evaluation report.
17. I confirm that the issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying on the evidence of another person. I confirm that I have read the Code of Conduct for Expert Witnesses included in the Environment Court Practice Note 2023 and I agree to comply with it. I confirm I have considered all the material facts that I am aware of which might alter or detract from the opinions I express.
18. Any data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
19. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
20. I acknowledge I work with Wellington International Airport Limited (WIAL) and Wellington Water. I undertake work on a variety of projects for both of these submitters, and some of these projects may benefit from the relief sought by these submitters in relation to this topic. However, I have not been involved or had any input into the preparation of the submissions of either party.

1.4 Supporting Evidence

21. The expert evidence, literature or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:
 - Section 42A report – General Submissions – Hearing Stream One ¹
 - Section 42A report – Climate Change – Energy, Waste and Industry – Hearing Stream Three²
 - Section 42A report – Freshwater and Te Mana o Te Wai – Hearing Stream Five³

¹ General Submissions – Hearing Stream One <https://www.gw.govt.nz/assets/Documents/2023/05/RPS-Change-1-Section-42A-Report-General-Submissions-FINAL.pdf>

² Climate Change – Energy, Waste and Industry – Hearing Stream Three <https://www.gw.govt.nz/assets/Documents/2023/07/S42A-Report-HS3-Climate-Change-Energy-Waste-and-Industry.pdf>

³ [Report Freshwater Te Mana o te Wai - Final.docx \(gw.govt.nz\)](#)

- Section 42A report – Indigenous Ecosystems – Hearing Stream Six⁴
- PNRP – Section 42A report – Hearing Stream 1 – Beneficial Use and Development (Paul Denton)⁵
- PNRP – Decisions Report Part 1⁶.

1.5 Key Issues

22. A number of submitters raised concerns with the range of provisions relating to definitions of National Grid, Regionally Significant Infrastructure and Strategic Transport Network. A total of 43 submission and further submission points were received on the provisions relating to this topic.

23. The following are considered to be the key issues in contention:

- Categorisation of the provisions to FPP or P1S1
- Definition of National Grid
- Definition of Regionally Significant Infrastructure specifically submissions seeking activities be added to or removed from the definition.
- Definition of Strategic Transport Network.

24. This report addresses each of these key issues, as well as any other issues raised by submissions relevant to this topic.

1.6 Pre-hearing Meetings

25. At the time of writing this report there have not been any pre-hearing meetings, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

26. Discussions have been held with submitters where necessary to better understand their submission points. Discussions have occurred with Templeton Kapiti Limited (TKL) and Kāpiti Coast District Council (KCDC) regarding the inclusion of Kāpiti Coast Airport (KCA) as RSI. The focus of these discussions has been understanding TKLs assertion that the identification of KCA as RSI precludes the use and development of the land adjacent to KCA.

2. Statutory Considerations

2.0 Resource Management Act 1991

27. Change 1 has been prepared in accordance with the RMA and in particular, the requirements of:

⁴ Indigenous Ecosystems – Hearing Stream Six <https://www.gw.govt.nz/assets/Documents/2023/12/S42A-Report-HS6-Indigenous-Ecosystems.pdf>

⁵ No longer available online but can be provided upon request

⁶ No longer available online but can be provided upon request

- Section 30 The functions of Regional Councils
- Section 61 Matters to be considered by regional council (policy statements)
- Section 62 Contents of regional policy statements
- Section 80A Freshwater Planning Process
- Schedule 1 Part 1 and Part 4.

2.1 National Direction

28. While national level planning documents do not necessarily prescribe what activities must be considered 'significant' in the context of a regional plan or policy statement, recent national direction does provide easier consenting pathways for certain activities, including activities considered to be, or associated with, 'specified infrastructure'. This is relevant to this topic because the definition of 'specified infrastructure' in national direction, including the National Policy Statement for Freshwater Management 2020 (amended February 2023) (NPS-FM), National Policy Statement for Highly Productive Land 2022 (NPS-HPL) and National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) include activities identified as regionally significant infrastructure in a regional policy statement or regional plan.

NPS-ET

29. The National Policy Statement on Electricity Transmission 2008 (NPS-ET) recognises the national significance of the National Grid and therefore is relevant to this topic. Policy 1 of the NPS-ET requires decision-makers to recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. I acknowledge proposed amendments to the NPS-ET (proposed NES-ET) were published for consultation in April 2023. To date, the results of consultation have not been made available to the public.

NPS-REG

30. The National Policy Statement on Renewable Electricity Generation 2011 (NPS-REG) recognises the national significance of renewable electricity generation, and the practical constraints associated with the development of renewable electricity generation, and reverse sensitivity effects. Proposed amendments to the NPS-REG seek to provide more enabling direction for REG and better manage interactions between the development of REG with other Part 2 RMA matters and other national direction⁷.

NZCPS

31. In the context of this topic, Policy 9 of the NZCPS recognises the importance of ports to the efficiency of the transport system and the need to manage activities such that the operation of ports is not adversely affected and that the development

⁷ [National Direction on Renewable Electricity Generation and Electricity Transmission – Summary Document \(mbie.govt.nz\)](https://www.mbie.govt.nz/national-direction-on-renewable-electricity-generation-and-electricity-transmission-summary-document)

of ports to protect their safe operation, connection with shipping and other transport modes is provided for in regional policy statements and plans.

NPS-FM

32. The NPS-FM came into effect in August 2020 and was updated in February 2023 and January 2024. The NPS-FM is driven by the fundamental concept of Te Mana o te Wai, which recognises the importance of water and the health of the freshwater. The single objective in the NPS-FM provides a hierarchy for managing natural and physical resources that prioritises the health and wellbeing of water bodies and freshwater, the health needs of people, and the ability to provide for social, cultural, and economic wellbeing.

33. The NPS-FM contains the definition for specified infrastructure that the NES-FW also applies. Recent amendments to the NPS-FM have included water storage infrastructure, defence facilities and ski area infrastructure as 'specified infrastructure'.

NES-FW

34. In the context of activities which affect freshwater and relevance to this topic, the NES-FW provides a consenting pathway for specified infrastructure where a consent pathway might not exist (Regulation 45), and otherwise provides a more permissive consenting pathway for specified infrastructure which impacts natural inland wetlands and rivers. Recent amendments to the NES-FW (December 2022)⁸ have broadened the range of activities with a consenting pathway and now includes landfills and cleanfills, quarrying activities, urban development and mineral extraction activities which meet specified criteria.

NPS-HPL

35. The NPS-HPL came into effect on 17 October 2022. The purpose of the NPS-HPL is to protect highly productive land from inappropriate use and development to ensure that land-based primary production activities are safeguarded.

36. In the context of this topic, the NPS-HPL provides a consent pathway for subdivision and use and development of highly productive land where the activity meets the definition of 'specified infrastructure' (and can demonstrate a functional or operational need) where it otherwise must be avoided (Clause 3.8 and 3.9 respectively⁹).

NPS-IB

37. The National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) was a draft NPS at the time Change 1 was notified and has now been Gazetted, coming into effect on 4 August 2023. The NPS-IB provides direction to councils on their

⁸ [Resource Management \(National Environmental Standards for Freshwater\) Amendment Regulations \(No 2\) 2022 \(SL 2022/320\) Contents – New Zealand Legislation](#)

⁹ I note that clause 3.9 is wider than specified infrastructure; it also applies to defence facilities and specified mineral and aggregate extraction.

roles and responsibilities for identifying, protecting and maintaining indigenous biodiversity in the terrestrial environment under the RMA, requiring at least no further reduction in indigenous biodiversity.

38. The NPS-IB provides a consenting pathway for specified infrastructure within Significant Natural Areas (SNAs) as long as a functional or operational need has been shown and there is no practicable alternative location, if the effects management hierarchy is followed, where otherwise those effects must be avoided (clause 3.11).

2.2 Section 32AA

39. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

40. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic can be found at the end of each key issue identified in this report.

2.3 Trade Competition

41. Trade competition is not considered relevant to this topic within Change 1. There are no known trade competition issues raised within the submissions.

3. Consideration of Submissions and Further Submissions

3.0 Overview

42. This topic consists of three definitions – National Grid, Regionally Significant Infrastructure, and Strategic Transport Network.
43. There were a total of 31 submissions and further submissions on these definitions and a further 12 general submissions. The total number of submissions and further submissions on this topic are broadly allocated as follows:
 - 1 submission on National Grid
 - 27 submissions on Regionally Significant Infrastructure
 - 3 submissions on Strategic Transport Network
 - 12 general submissions.

3.1 Report Structure

44. The issues raised in submissions are addressed by sub-topics within this report. Some submissions cross several sub-topics and are therefore addressed under more than one sub-topic heading.
45. Clause 49(4)(c) of Schedule 1 of the RMA allows the Freshwater Hearings Panel to address submissions (for the purpose of providing reasons for accepting or rejecting submissions) by grouping them either by the provisions to which they relate, or the matters to which they relate. Clause 10(3) of Schedule 1, Part 1 of the RMA specifies that the Council is not required to address each submission individually. On this basis, I have undertaken my analysis and evaluation on an issues and provisions-based approach, rather than a submission-by-submission approach, noting that all submissions have been considered within this report.
46. This report should be read in conjunction with the submissions and the summary of those submissions. **Appendix 2** sets out my recommendations on whether to accept or reject individual submission points based on the analysis contained within the body of the report.
47. Where I have recommended amendments to provisions as a result of relief sought by submitters, I have set this out in this report, with an evaluation of the amendment in accordance with Section 32AA of the Act. I have also provided a marked-up version of the provisions with recommended amendments in response to submissions in **Appendix 1**.

3.2 Format for Consideration of Submissions

48. For each sub-topic, my analysis of submissions is set out in this report as follows:
 - Matters raised by submitters

- Assessment and analysis and
- Recommendations.

49. All recommended amendments to the Change 1 provisions relating to this topic are set out in **Appendix 1** of this report.

50. I have undertaken the s32AA evaluation following the assessment and recommendations on submissions in this report.

3.3 Issue 1: Categorisation of provisions into the Freshwater Planning Instrument

3.3.1 Background

51. Section 80A of the RMA provides the relevant tests for determining which parts of Change 1 should form part of the FPI:

(1) The purpose of this subpart is to require all freshwater planning instruments prepared by a regional council to undergo the freshwater planning process.

(2) A freshwater planning instrument means—

(a) a proposed regional plan or regional policy statement for the purpose of giving effect to any national policy statement for freshwater management:

(b) a proposed regional plan or regional policy statement that relates to freshwater (other than for the purpose described in paragraph (a)):

(c) a change or variation to a proposed regional plan or regional policy statement if the change or variation—

(i) is for the purpose described in paragraph (a); or

(ii) otherwise relates to freshwater.

(3) A regional council must prepare a freshwater planning instrument in accordance with this subpart and Part 4 of Schedule 1. However, if the council is satisfied that only part of the instrument relates to freshwater, the council must—

(a) prepare that part in accordance with this subpart and Part 4 of Schedule 1; and

(b) prepare the parts that do not relate to freshwater in accordance with Part 1 of Schedule 1 or, if applicable, subpart 5 of this Part.

52. GWRC undertook a process to categorise Change 1 provisions between the FPP and standard Schedule 1 process when Change 1 was notified in August 2022. This process applied the decision on the Proposed Regional Policy Statement for the Otago Region - *Otago Regional Council v Royal Forest & Bird Protection Society of NZ Inc* [2022] NZHC 1777 (the Decision).

53. The scope of the FPI as notified is shown in the notified Change 1 document through the use of the **≈FW** symbol. Justification for each provision is provided in Appendix E of the S32 report. The Section 80A(2)(c) tests were specified in paragraphs 202 and 192 of the Decision as:

Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Hearing Stream: Seven

Officer's Report: Definitions (National Grid, Regionally Significant Infrastructure and Strategic Transport Network)

- give effect to parts of the NPS-FM that regulate activities because of their effect on the quality or quantity of freshwater, or
 - relate directly to matters that will impact on the quality or quantity of freshwater.
54. These tests were applied to determine whether a provision was in the FPI or not. The categorisation process was undertaken at a provision level without splitting provisions. Therefore, if part of a provision met either test in paragraph 53, the whole provision was included in the FPI even if it also related to other matters. Each provision was assessed independently and its relationships to other provisions did not form the basis for including or not including it in the FPI.
55. Change 1 was drafted in an integrated way, and many provisions therefore contribute to the purpose for which Section 80A was enacted; to address the decline of freshwater quality. The fundamental concepts of Te Mana o Te Wai and ki uta ki tai informed how the objectives, policies and methods of Change 1 have been drafted. However, these concepts alone were not used to justify the categorisation of each provision to the FPI.
56. Submitters have raised concerns regarding the categorisation of provisions to the FPI. Winstones, Forest and Bird, WIAL and WFF attended Hearing Stream 1 to speak to their concerns regarding categorisation. The primary concerns raised were that too many provisions were notified as part of the FPI and that the justification for inclusion in the FPI was not clear enough in light of the Decision.
57. This report section has been included in response to these concerns, and to assist the Hearing Panels in considering the categorisation of provisions.

3.3.2 Analysis

58. I have assessed each provision addressed by this report according to the two tests that were applied to categorise each provision in Change 1 to either the FPP or to standard Schedule 1 process at the time of notification. The result of my assessment is shown in Table 3.

Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Hearing Steam: Seven

Officer's Report: Definitions (National Grid, Regionally Significant Infrastructure and Strategic Transport Network)

Table 3: FPP assessment

Provision	Process	S32 justification	Analysis
National Grid	FPP	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning	While activities associated with the National Grid may have some interaction with water quality (works in proximity to water), the connection to freshwater quality and quantity is indirect because the substance of the definition is largely about electricity transmission and associated electricity infrastructure.
Regionally Significant Infrastructure	FPP	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning	While activities associated with the RSI definition may have some interaction with quality (works and activities that use, and are within and in proximity to water, and discharges from RSI to water), the connection to freshwater quality and quantity is indirect because the substance of the definition substance is largely about the RSI activity itself rather than its effects.
Strategic Transport Network	FPP	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning	While activities associated with the Strategic Transport Network may have some interaction with water quality (activities in proximity to water and discharges from the network to water), the connection to freshwater quality and quantity is indirect because the substance of the definition is largely about activities that are part of the network rather than its effects.

3.3.3 Recommendations

59. As a result of the assessment undertaken in Table 3, I recommend that the definitions of National Grid, Regionally Significant Infrastructure and Strategic Transport Network are moved from the FPP into the Part 1, Schedule 1 (P1S1) process.

3.4 Issue 2: Definition of National Grid

3.4.1 Matters raised by submitters

60. Transpower [S10.007] supports in part the inclusion of a definition for National Grid and seeks that the definition is consistent with that in the National Policy Statement for Electricity Transmission 2008 (NPS-ET) rather than the Electricity Industry Act 2010.

3.4.2 Analysis

61. As outlined in the Change 1 Section 32 Report, the driver for the proposed changes to the three definitions that are the subject of this report was to achieve consistency with the NRP¹⁰. The National Grid definition used in the Electricity Industry Act was the definition supported by the planning Joint Witness Statement recommendations during the NRP process¹¹.

62. In the Electricity Industry Act, 'National Grid' means "the lines and associated equipment used or owned by Transpower to convey electricity". Under the NPS-ET National Grid means "the assets used or owned by Transpower NZ Limited".

63. The NPS-ET does not have a clear 'purpose' statement, but the preamble describes the NPS-ET objective and policies are to enable the management of the effects of the electricity transmission network under the RMA. The objectives and policies provide guidance to decision-makers in drafting plan rules, making decisions on the notification and in determination of resource consent applications, and in considering notices of requirement for designations for transmission activities. In contrast, the Electricity Industry Act is not related to the RMA and is a commercial focused, the purpose of which is to provide a framework for the regulation of the electricity industry. The Electricity Industry Act sets out the governance framework which regulates the performance of Transpower and seeks to ensure that the market provides opportunities for other electricity providers, reliable supply and efficient operation of the electricity industry.

64. I note that proposed amendments to the NPS-ET were published on 20 April 2023, after submissions on Change 1 closed. In the proposed amendments there is no definition of National Grid, with the definition seemingly replaced by a new definition of "electricity transmission network" which is defined as follows:

¹⁰ [RPS Change 1 32 evaluation Final 18 August 2022 \(gw.govt.nz\)](#)

¹¹ Joint Witness Statement (27 June 2017), p.2, para 5. (no longer available online but can be provided upon request)

electricity transmission network means the electricity transmission network that: (e) comprises the network of transmission lines, cables, stations, substations and works used to connect grid injection points and grid exit points used to convey electricity in New Zealand; and

(f) is owned by Transpower New Zealand Limited; and

(g) is commonly known as the National Grid (emphasis added)

65. The proposed NPS-ET was a consultation document only and there have been no updates or records of consultation published following the consultation period¹².
66. I note a new definition for “electricity transmission network” (and electricity transmission network activities) based on the proposed NPS-ET definition (shown above) is currently being considered by Mr Wyeth, reporting officer for Hearing Stream 6¹³. This definition is linked with the definition of National Grid (refer clause (g) above) and I understand the recommended definition and its impact on indigenous biodiversity protection provisions may be subject to further amendment through the HS6 Right of Reply which is to be filed after this report has been finalised. In the event any further changes are recommended by Mr Wyeth, I am happy to address this issue further in the hearing or Right of Reply.
67. At this point in time, in my view, the definition of National Grid should align with the NPS-ET as the NPS is what the RPS must give effect to and is what plan users will be referring to, when considering activities which interact with the National Grid under the RMA. I therefore recommend the submission from Transpower be accepted.
68. I note this will create an inconsistency between the definition of National Grid in the NRP and the RPS which may need to be addressed by way of change to the NRP in future, if a change to the definition of National Grid or replacement of a definition of National Grid in the NPS-ET does not occur in the meantime.

3.4.3 Section 32AA evaluation

69. In accordance with section 32AA, I consider the proposed amendment to the definition of ‘National Grid’ is the most appropriate way to address interpretation of the National Grid at this point in time. The proposed amendment provides certainty and clarity and most importantly consistency for plan users between RMA based documents when trying to determine whether an activity is part of, or potentially impacts, the National Grid.

3.4.4 Recommendations

70. I recommend the submission from Transpower be accepted and that Change 1 is amended as follows:

¹² Submissions closed 5 p.m. 1 June 2023

¹³ <https://www.gw.govt.nz/assets/Documents/2024/02/HS6-GWRC-Statement-of-Rebuttal-Evidence-Pam-Guest-Appendix-One-Recommended-amendments-to-proposed-provisions-130224.pdf>

National Grid: ~~as defined by the Electricity Industry Act 2010~~ as defined by the National Policy Statement for Electricity Transmission 2008.

3.5 Issue 3: Definition of Regionally Significant Infrastructure

3.5.1 Matters raised by submitters

71. Transpower [S10.008], Genesis Energy [S99.006], Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone Spark New Zealand [S49.008], Meridian Energy [S100.028], Sustainable Electricity Association of New Zealand [S117.002] and Powerco [S134.020] all support the definition of RSI as notified insofar as it relates to radio and telecommunications and generation and transmission of electricity.
72. KCDC [S16.093] support in part the definition as notified, specifically the inclusion of the local authority water supply, wastewater and stormwater networks and systems, identified local arterial roads, and the Kāpiti Coast Airport. However, the submitter also seeks inclusion of a number of new roads that will become the responsibility of KCDC once the State Highway revocation process occurs, as follows:
 - Old SH1 (Main Road Raumati) - from Poplar Avenue to Raumati Road Roundabout
 - Old SH1 (Main Road Paraparaumu) - from Raumati Road roundabout to Otaihanga Road roundabout
 - Old SH1 (Main Road Waikanae) - from Otaihanga Road roundabout to Peka Peka Road roundabout
 - Old SH1 (Main Road Te Horo) - from Peka Peka Road roundabout to Otaki River Bridge
 - Old SH1 (Main Road Otaki) - Otaki River Bridge to Taylors Road and
 - Old SH1 (Main Road North Otaki) - Taylors Road to District Boundary.
73. Fulton Hogan [S114.007] (supported by Winstone Aggregates [FS27.034]) support in part the notified definition and seek the inclusion of 'aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand'. This change is sought given recent recognition of aggregate extraction in national direction, including the NPS-HPL and NES-FW.
74. KiwiRail [S124.013] (supported by Rangitāne [FS2.39]) support in part the definition as notified and seek an amendment to include the Interislander Ferry Terminal to avoid any ambiguity that the ferry terminal is not part of the Strategic Transport Network.
75. WIAL [S148.056] support in part the definition and seek its retention but seek an amendment to include all associated supporting infrastructure for Wellington Airport, such as its navigational infrastructure and the sea wall.

76. The Fuel Companies [S157.048] support in part the definition and seek an amendment to remove the reference to 'the Lambton Harbour Area' as they consider this excludes the bulk fuel supply infrastructure located at Seaview in Lower Hutt and Kaiwharawhara.
77. PCC [S30.0110] (supported by Peka Peka Farm Ltd [FS25.027]) support in part the notified definition and seek amendment to reference the One Network Framework for roading hierarchy.
78. Forest and Bird [S165.0137] (supported in part by Ātiawa [FS20.096] and opposed by BLNZ [FS30.319]) seek to retain the notified definition. Beef & Lamb NZ consider definitions (alongside all other provisions) should be deferred to the full review of the RPS in 2024.
79. Wellington Water [S113.053] oppose the amendments to the definition as they consider it fails to give effect to the NPS-FM. Wellington Water seek an amendment to include provision for any infrastructure, assets or interventions to give effect to Te Mana o te Wai.
80. Templeton Kapiti Limited (TKL) [S126.001] oppose in part the definition as notified, seeking removal of Kāpiti Coast Airport (KCA) on the basis there are no other policies or methods in the RPS which establish or suggest that the benefits of KCA are of such significance as to warrant the inclusion of KCA in the definition. This submission point is opposed by Ātiawa [FS20.055].
81. WFF [S163.0113] (supported by BLNZ [FS30.083], supported in part by Hort NZ [FS28.096] and opposed by Forest and Bird [FS7.054], Ātiawa [FS20.176], Ngā Hapū [FS29.027]) oppose the amendments to the definition (and all other definitions) and requests that the definitions of the Operative RPS are retained. WFF considers a review of definitions should be deferred to the full review of the RPS in 2024 in line with their reasons and the relief sought for Chapter 3.3 (Energy, Infrastructure and Waste). WFF note alongside their reasons for opposition that the definition does not provide for municipal, community and rural water storage infrastructure. Hort NZ in their further submission support consideration of water storage infrastructure in this definition as they consider this would be consistent with the amended definition of 'specified infrastructure' in the NPS-FM.

3.5.2 Analysis

82. As outlined in the section 32 report for Change 1, the starting point in relation to the definition of RSI in Change 1 was the NRP definition of RSI which has been recently tested through the NRP submissions, hearings and appeals process. The NRP definition of RSI has been mirrored in Change 1. The changes to the definition have been made to achieve consistency with the NRP (post appeals) and to remove uncertainty related to the use of "strategic" in the context of radiocommunication and telecommunication facilities. The NRP must give effect to the RPS, and in my opinion the history of the NRP definition as set out in the

evidence considered during the NRP process, is equally relevant to the definition now proposed in Change 1.

83. In relation to the request from Fulton Hogan, supported by Winstone Aggregates, to make provision for aggregate extraction activities in the definition (where they provide at least a regional benefit), I note that the request is similar to the request made by GBC Winstones and Holcim NZ during the NRP process¹⁴. The PNRP Decision Report notes the Panel considered the addition of regionally significant quarries to the definition of RSI, but ultimately discounted it on the basis it would create confusion for plan users, particularly given that quarries (or mineral resource use) are neither “infrastructure” as defined in the Act nor RSI as defined in the RPS¹⁵.
84. I support the rationale adopted by the Panel during the NRP process. While the NES-FW, NPS-HPL and NPS-IB recognise the importance of aggregate extraction, they do not provide for this activity as ‘specified infrastructure’, rather they provide a separate pathway that recognises the importance of aggregate extraction, as follows:
- The NES-FW prescribes regulations which provide for aggregate extraction as a discretionary activity subject to conditions¹⁶
 - The NPS-HPL makes provision for aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand through recognition as it not being an ‘inappropriate development’ that must be avoided¹⁷ and
 - The NPS-IB provides for identified adverse effects on SNAs from aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand, if the effects management hierarchy is followed, where otherwise those effects must be avoided¹⁸.
85. I agree with the position of the PNRP Hearing Panel that aggregate extraction activities are not “infrastructure” as defined in the Act. On this basis, I do not recommend adding ‘aggregate extraction activities’ to the RSI definition and I recommend the submission from Fulton Hogan be rejected.
86. I accept the rationale of the amendment sought by the Fuel Companies to remove reference to “Lambton Harbour Area”. In my opinion, the use of “and” in the current wording implies that bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines are separate activities that are not constrained to the Lambton Harbour Area. However, Lambton Harbour Area is not a defined

¹⁴ GBC Winstone (S66/004) and Holcim New Zealand (S276/002) submissions on PNRP

¹⁵ Para 4.157 Decisions Report Part 1 (no longer available online but can be provided upon request)

¹⁶ Regulation 45A of the NESFW

<https://www.legislation.govt.nz/regulation/public/2020/0174/latest/LMS810639.html>

¹⁷ Clause 3.9 (2)(j)(iv) of the NPS-HPL <https://environment.govt.nz/assets/publications/National-policy-statement-highly-productive-land-sept-22-dated.pdf>

¹⁸ Clause 3.11 (1)(a)(iii) of the NPS-IB <https://environment.govt.nz/assets/publications/biodiversity/National-Policy-Statement-for-Indigenous-Biodiversity.pdf>

term in the RPS and, in my opinion, interpretation of this part of the definition would be assisted if reference to Lambton Harbour Area was removed. I have also made an additional minor change to assist with readability. Accordingly, I recommend the submission from the Fuel Companies be accepted and the definition be amended as follows:

- Commercial Port Areas and infrastructure associated with Port related activities ~~in the Lambton Harbour Area~~ within Wellington Harbour (Port Nicholson) and adjacent land used in association with the movement of cargo and passengers, ~~and~~ including bulk fuel supply infrastructure, ~~and~~ storage tanks for bulk liquids, and associated wharflines

87. I acknowledge the concerns of KiwiRail and Rangitāne that there is potential ambiguity around the Interislander Ferry Terminal not being considered part of the Strategic Transport Network. Strait Shipping (BlueBridge) performs the same function(s) as KiwiRail and the Interislander services. While it might not be clear that the proposed Interislander terminal is part of the Strategic Transport Network, in my opinion any infrastructure (including a terminal) related to the movement of cargo and/or passengers is already captured as RSI through "*Commercial Port Areas and infrastructure associated with Port related activities in the Lambton Harbour Area within Wellington Harbour (Port Nicholson) and adjacent land used in association with the movement of cargo and passengers...*" *(my emphasis added)*

88. Such passenger or cargo related infrastructure is regionally significant because of its role connecting people and cargo between Te Ika-a-Māui and Te Wai Pounamu (the North and South Islands). It also meets the RMA definition of infrastructure, specifically clause (k) as a facility for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988. Accordingly, as any new ferry terminal would already be captured in the definition of RSI, to avoid duplication I recommend that the submission from KiwiRail is rejected.

89. I agree with WIAL's request to include all associated supporting navigational infrastructure for the Airport within the definition. I consider the navigational infrastructure is a component of the Airport and its operations as a whole. This is reflected in the definition of 'airport' in section 2 of the Airport Authorities Act 1966, which includes any buildings, installations, and equipment on or adjacent to any such area used in connection with the airport or its administration. However, I understand there is also navigational infrastructure critical to the safe operation of aircraft, and the airport, that is not on or adjacent to the airport. The RMA definition of infrastructure includes a navigation installation as defined in section 2 of the Civil Aviation Act 1990, which includes:

(a) any building, facility, work, apparatus, equipment, or place, (whether or not part of an aerodrome) that is intended to assist in the control of air traffic or as an aid to air navigation; and

(b) includes any land adjacent to any such building, facility, work, apparatus, equipment, or place, and used in connection therewith.

90. Therefore, I agree with WIAL's request to include all supporting navigational infrastructure in the definition.
91. I do not consider the seawall to be a building, installation or equipment used in connection with the airport. In my view a seawall differs from an installation in the context of section 2 of the Airport Authorities Act, which I consider to be more related to the safe operation of the airport on an ongoing basis, including lighting, fencing, satellites and navigation aids.
92. Accordingly, I do not consider the seawall at Wellington International Airport to be 'infrastructure' as defined by the RMA and do not consider its specific inclusion as RSI to be justified.
93. I consider the importance of the sea wall to the operational integrity of the Airport is appropriately recognised through provisions which seek to support the protection of RSI (being the Airport and supporting infrastructure) from adverse effects of natural hazards, for example Policies 51 and 52 of the RPS. I therefore recommend the submission from WIAL be accepted in part.
94. KCDC have sought the inclusion of a number of local roads in the RSI definition. However, I note these roads (which comprise the old SH1 network) already form part of the Strategic Transport Network as defined in Appendix B and shown in Figure 36 of the RTLP 2021¹⁹. As the Strategic Transport Network is already included in the definition of RSI, I recommend rejecting the part of the submission related to local roads, to avoid duplication.
95. I agree with PCC that the addition of the One Network Framework (One Network Road Classification (ONRC)) to the definition of RSI would be useful. The ONRC is a classification system, which divides New Zealand's roads into six categories based on how busy they are, whether they connect to important destinations, or are the only route available. Local authorities and Waka Kotahi use the ONRC to compare the state of roads across the country, and direct investment where it is needed most²⁰.
96. Adopting the ONRC approach will avoid situations where the RPS and plans are constantly 'playing catch-up' as new roads are constructed and old roads are decommissioned or repurposed. However, there is insufficient information in PCC's submission as to what categories of the ONRC they seek to adopt or include within the definition to enable amendments to be recommended at this stage. I therefore recommend the submission point from PCC be rejected.
97. I disagree with Wellington Water's requested amendments to include provision for any infrastructure, assets or interventions to give effect to Te Mana o te Wai in the definition of RSI. Wellington Water must give effect to Te Mana o te Wai as an objective of both the RPS (as proposed in Objective 12 of Change 1) and the NRP, as well as the requirements of national direction, including the NPS-FM. In my view, to meet the intent of Change 1, any infrastructure, assets or interventions will be required to give effect to Te Mana o te Wai. In short, because any

¹⁹ <https://www.gw.govt.nz/document/16551/wellington-regional-land-transport-plan-2021>

²⁰ [One Network Road Classification \(ONRC\) | Waka Kotahi NZ Transport Agency \(nzta.govt.nz\)](#)

Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Hearing Stream: Seven

Officer's Report: Definitions (National Grid, Regionally Significant Infrastructure and Strategic Transport Network)

infrastructure assets, or interventions have to give effect to Te Mana o Te Wai there is no reason for it to be reflected in the definition and the policy direction of the RPS (including Change 1) would provide for infrastructure, assets and interventions if they were giving effect to Te Mana o te Wai. I therefore recommend that the submission point from Wellington Water is rejected.

98. I disagree with the relief sought by TKL to remove KCA from the RSI definition.
99. TKL owns most of the land located within the Airport Zone of the KCDC Operative District Plan (KCDC DP), which includes about 110 ha of vacant land potentially suitable for development. The TKL Land contains all of KCA, including land located on either side of the main runway which is zoned for a range of mixed-use activities.
100. I disagree that there is no basis for the inclusion of KCA as RSI. Air Chathams flies daily between Auckland and KCA with the Air Chathams website showing that this route is generally flown using the Saab 340 aircraft which has capacity for up to 34 passengers²¹. On this basis, KCA meets the definition of nationally significant infrastructure in the NPS-UD²² and in my opinion its inclusion as RSI is justified.
101. In terms of TKL's assertion that the inclusion of KCA in the definition of RSI prevents use and development of the land for other purposes, I disagree. Nothing in Change 1 or the RPS inhibits TKL's ability to use or develop the land for other purposes. There are provisions which require consideration of reverse sensitivity effects on RSI, in particular Policy 8 of the RPS related to protecting RSI from incompatible subdivision, use and development (i.e. avoiding reverse sensitivity effects) and proposed amendments to Policy 39 of the RPS which requires amongst other matters, a decision maker to have particular regard to protecting RSI from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure²³. In my view, neither of these provisions prevent use or development and reverse sensitivity effects would be considered regardless.
102. In discussion with the planning consultants acting on behalf of TKL, my understanding is the concern from TKL is related to Policy 8 of the RPS and concern that the requirements related to protecting RSI from reverse sensitivity effects, would continue to inhibit TKL's ability to change the land use to enable construction of new development after KCA stopped operating as an airport. My understanding is that there are no plans to develop the TKL land while KCA is still in operation.

²¹ <https://www.airchathams.co.nz/saab-340>

²² section 1.4 of the NPS-UD: nationally significant infrastructure clause (h) any airport (but not its ancillary commercial activities) used for regular air transport services by aeroplanes capable of carrying more than 30 passengers <https://environment.govt.nz/assets/publications/National-Policy-Statement-Urban-Development-2020-11May2022-v2.pdf>

²³ S42A Report Hearing Stream 3 para 152 <https://www.gw.govt.nz/assets/Documents/2023/07/S42A-Report-HS3-Climate-Change-Energy-Waste-and-Industry.pdf>

103. In paragraph 4.7 of their submission TKL identify how the existence of KCA adversely impacts the ability to develop the land owned by TKL. In my opinion, all of the factors listed relate to TKL's choice to operate KCA (or not) and reasons why the land is difficult to develop while it is an operational airport, rather than issues related to the definition of RSI and its influence on the ability to use or develop the land.
104. The definition of RSI does not require TKL to keep KCA operational and there is no direction elsewhere in the Operative RPS, Change 1, or the KCDC District Plan which requires TKL land to be retained as an operational airport. That is a decision to be made by TKL (as landowner) based on legal, commercial, social and cultural factors outside of the control of GW. The ability to use or develop TKL land for any purpose is governed more by KCDC through the KCDC DP. In my opinion, the inclusion of KCA as RSI in the RPS does not preclude the ability for TKL to seek a plan change to re-zone or amend the existing Airport Zone provisions to better support TKL's ambitions for the land. If the decision is made to close KCA and it will no longer be used as an operational airport, KCDC will need to decide the appropriate zoning of the land as part of the next plan review or initiate a plan change. Whether KCA is identified as RSI or not (when the airport is no longer operational) should not influence the decisions made by TKL or KCDC related to the use of TKL land.
105. I have also discussed this matter with KCDC who have advised that, from a regulatory perspective, in the event KCA stops operating it is no longer considered RSI and does not require the same protections as it would if it was operating. KCDC have also confirmed that if the land was no longer being used for airport purposes it would be unlikely that the policy direction would inhibit consenting or a plan change process to enable new use of the land²⁴.
106. For these reasons I recommend the submission from TKL is rejected.
107. In relation to the submission from WFF, I disagree that proposed changes in Change 1 should be deferred until a full review of the RPS and recommend that submissions requesting this relief are rejected. In my opinion, the Section 32 Report provides a sound overview of why the amendments in Change 1 have been proposed, and the key drivers behind the change. Notable in the context of this topic is the need to give effect to changes to national direction and to better align the RPS with the NRP.
108. The request to defer Change 1 until a full review of the RPS is undertaken and limit Change 1 to NPS-UD requirements is addressed in the Section 42A Report – General Submissions²⁵. I agree with the author that there is insufficient justification for further delay as requested by WFF.

²⁴ Email from KCDC District Planning Manager, received 28 November 2023 (available upon request)

²⁵ General Submissions – Hearing Stream One <https://www.gw.govt.nz/assets/Documents/2023/05/RPS-Change-1-Section-42A-Report-General-Submissions-FINAL.pdf> (paragraphs 129 to 137).

109. I acknowledge the more relevant (to this topic) part of the submission from WFF (supported by Hort NZ), seeking inclusion of water storage infrastructure based on any water storage infrastructure being identified as specified infrastructure in national direction. An amendment to the NPS-FM to include any water storage infrastructure (amongst other activities within the specified infrastructure definition) was made in December 2022 and at time of writing this report there are no examples to draw from in terms of how other regional council's have managed this issue in the context of RSI in a regional plan or policy statement.
110. In my view, the inclusion of any water storage infrastructure as specified infrastructure in the NPS-FM does not require any water storage infrastructure to be identified as RSI in a plan or policy statement. Rather, its inclusion provides a consent pathway for water storage infrastructure within and adjacent to natural inland wetlands under the NES-FW where a consent pathway might not otherwise exist.
111. Acknowledging well publicised concerns about water usage and demand across the Wellington water supply network and the potential for restrictions on water use during periods of higher demand, while water storage infrastructure can reduce the demand on finite water resources and contribute to alleviating the overall water supply situation, not all water storage infrastructure will have region wide benefits.
112. I note the Freshwater and Te Mana o Te Wai topic includes policy direction to encourage off-line water storage (Policy 18(l) promoting the installation of off-line water storage²⁶ to give effect to Te Mana o te Wai and to maintain and improve health and wellbeing of water bodies). This policy is not specifically associated with RSI but in my view reflects that there is a preference for 'offline' storage (as opposed to any water storage) in the Wellington region.
113. I consider that Change 1 appropriately gives effect to the NPS-FM by promoting offline water storage via Policy 18 and therefore recommend the submission from WFF be rejected.

3.5.3 Section 32AA evaluation

114. In accordance with section 32AA, I consider that my recommended amendments to the RSI definition are the most appropriate as the amendments seek to address interpretation issues with the proposed amendments to provide certainty and clarity to local authorities, industry and other relevant stakeholders in the region, and align with national direction that has changed since Change 1 was notified. On this basis, it is my opinion that my proposed amendments to the RSI definition are more effective and efficient in achieving the relevant RPS objectives than those notified in Change 1.

²⁶ Hearing Stream 5 Right of Reply Appendix 2 (pg. 10) [Appendix 2 - Freshwater and Te Mana o te Wai Right of Reply - Recommended Amendments - SJ review.docx \(gw.govt.nz\)](#)

3.5.4 Recommendations

115. I recommend that the definition of RSI is amended as shown below and in **Appendix 1** and the submissions on this provision be accepted or rejected as detailed in **Appendix 2**:

Regionally significant infrastructure includes:

.....

- Wellington International Airport including all supporting navigational infrastructure

.....

- Commercial Port Areas and infrastructure associated with Port related activities ~~in the Lambton Harbour Area~~ within Wellington Harbour (Port Nicholson) and adjacent land used in association with the movement of cargo and passengers, ~~and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines~~

3.6 Issue 4: Strategic Transport Network

3.6.1 Matters raised by submitters

116. KiwiRail [S124.014] supports the definition as notified and requests it be retained.

117. UHCC [S34.0108] (supported by Waka Kotahi [FS3.060]) notes the definition does not appear to be linked to any provision (other than the RSI definition) and Method 16 refers to the strategic public (my emphasis) transport network. UHCC suggests an amendment may be required for consistency but has not provided any suggested wording.

3.6.2 Analysis

118. The context for strategic public transport network in the context of Method 16 is different to that of the RSI definition and in my opinion the strategic public transport network used in Method 16 and Strategic Transport Network definition are not related.

119. Method 16 is not proposed to be amended in Change 1, and therefore any requested amendments to it are out of scope. On this basis, I recommend rejecting the submission of UHCC and the further submission of Waka Kotahi, and accepting the submission of KiwiRail.

3.6.3 Recommendations

120. I recommend that the definition of Strategic Transport Network in Change 1 is retained as notified and the other submission points on this provision be rejected as detailed in **Appendix 2**.

3.7 Issue 5: General submissions

3.7.1 Matters raised by submitters

121. There are a number of general submissions that relate to Change 1 more broadly and these general submissions have been addressed as appropriate within each section 42A report. Many of these general submissions are broad with wide-ranging relief, including opposing Change 1 in its entirety and requests to review Change 1 provisions from legal and plan drafting perspectives. Where appropriate, these have been analysed alongside individual provisions in the earlier sections of this report.
122. PCC [S30.099], supported by the further submission of Peka Peka Farm [FS25.132] notes that clear and concise definitions are critical to assist in interpretation and implementation of the RPS. PCC requests that further definitions are provided where terms are unclear and where this would assist in interpretation and implementation. No specific examples are provided by PCC. PCC [S30.0120] also seeks the withdrawal of much of Proposed Change 1, or otherwise for GW to work with councils on a variation to significantly amend most of its contents. PCC [S30.0116] is concerned about the many provisions in Proposed Change 1 that either duplicate or are inconsistent with matters now comprehensively addressed by national direction and otherwise duplicating national direction without giving specific guidance in the context of the Wellington Region.
123. UHCC [S34.0120] made general comments that there are fundamental issues with the Change 1 provisions that require significant revision or deletion to ensure Change 1 is legally robust and practical to implement. UHCC [S34.0116 and S34.0118] suggest there is a lack of higher order direction or evidentiary support for provisions, and policies which duplicate national direction; stating many of the proposed provisions do not appear to be adequately supported within the Section 32 Report by robust evidence, including any existing legislation or higher-level strategic planning document such as a national policy statement. To address these concerns, UHCC requests that Council undertake a full legal and planning review of the Change 1 provisions to ensure these give effect to higher order documents and are supported by sufficient evidence.
124. Another general issue raised in submissions relates to the Section 32 Report supporting the Change 1 provisions. In particular, KCDC [S16.0106] and PCC [S30.0123] have raised concerns regarding the sufficiency of the Section 32 Report. A key issue raised by these submitters is that the Section 32 Report is not sufficiently evidenced and does not evaluate whether many of the regulatory provisions are practical/achievable and are the best (or most appropriate) method of achieving the objectives sought. KCDC seeks that all provisions in Change 1 that are not supported by the RMA, statutory planning documents, or a robust evidence base are deleted.

3.7.2 Analysis

125. In relation to the general submission points relating to the drafting of Change 1 provisions, including definitions as specifically referenced by PCC, I consider that the wording of provisions (definitions) in this topic is generally appropriate. I have recommended some amendments, to help clarify intent and assist with effective interpretation and implementation. I have also recommended amendments to align with wording used in national direction and the NRP where appropriate. To this extent, I recommend that general submission points from PCC, UHCC and KCDC are accepted in part.
126. In relation to the general request from UHCC that Council undertake a full planning and legal review of Change 1 provisions, each section 42A report involves a planning review of the provisions in response to issues raised in submissions. Legal review of recommended amendments to provisions is also undertaken where appropriate and the Panel itself will be reviewing the proposed provisions. I therefore recommend this general submission from UHCC is accepted in part noting this general submission point will also be addressed in other Section 42A Reports.
127. In relation to the sufficiency of the Section 32 Report and evidence for the Change 1 provisions, I have considered these submissions in the context of the provisions to which this report relates. At a broad level I consider that there is sufficient analysis in the Section 32 Report and the Section 32AA analysis within this report to justify the provisions and recommended amendments. I therefore recommend the submissions of KCDC and PCC are accepted in part.

3.7.3 Recommendations

128. I recommend that general submissions are accepted, accepted in part or rejected as set out in **Appendix 2**.

4. Conclusions

129. A range of submissions have been received in support of, and in opposition to the provisions relating to Definitions (National Grid, Regionally Significant Infrastructure and Strategic Transport Network) of Change 1.
130. After considering all the submissions and reviewing all relevant statutory and non-statutory documents, I recommend that Change 1 is amended as set out in **Appendix 1** of this report.
131. I consider that the amended provisions are the most appropriate for the reasons set out in the Section 32AA evaluations undertaken above.

Recommendations:

132. I recommend that:
- Change 1 is amended in accordance with the changes recommended in **Appendix 1** of this report, as shown below and

Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Hearing Stream: Seven

Officer's Report: Definitions (National Grid, Regionally Significant Infrastructure and Strategic Transport Network)

- The Independent Hearings Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix 2** of this report.

Regionally significant infrastructure includes:

.....

- *Wellington International Airport including all supporting navigational infrastructure*

.....

- *Commercial Port Areas and infrastructure associated with Port related activities ~~in the Lambton Harbour Area~~ within Wellington Harbour (Port Nicholson) and adjacent land used in association with the movement of cargo and passengers, ~~and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines~~*