

**IN THE ENVIRONMENT COURT
AT WELLINGTON
TE KŌTI TAIAO O AOTEAROA**

ENV-2024-WLG-

IN THE MATTER

An appeal under Schedule 1 of the Resource Management Act 1991 to Greater Wellington Regional Councils Regional Policy Statement Change 1.

BETWEEN

WAIKANAE NORTH DEVELOPMENTS LIMITED (formerly Peke Peka Farm Limited), a duly incorporated company under the Companies Act 1993.

Appellant

AND

GREATER WELLINGTON REGIONAL COUNCIL, a duly constituted territorial authority under the Local Government Act 2002 with its office at 100 Cuba Street, Te Aro, Wellington.

Respondent

**NOTICE OF APPEAL ON DECISIONS ON PROPOSED CHANGE 1 TO THE
REGIONAL POLICY STATEMENT**

18 November 2024

Andrew Beatson
PO Box 28032
Wellington 6150

Phone: 021 223 9170
E: andrew@beatson.co.nz



To The Registrar
Environment Court
Wellington

NOTICE OF APPEAL

1. The appellant, Waikanae North Developments Limited (**WNDL**), appeals against Part of the decision by Greater Wellington Regional Council (**Council**) in respect of Proposed Change 1 to its Regional Policy Statement (RPS-PC1) (**the decision**).
2. WNDL was formerly known as Peka Peka Farm Limited and made a submission and further submission on Change 1.
3. WNDL received notice of the decision on 4th October 2024.
4. The Decision was made by Greater Wellington Regional Council to adopt the recommendations of the Independent Hearing Panel delegated to hear Change 1.
5. WNDL is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
6. The decisions WNDL is appealing are the decisions on the following parts of the proposed RPS-PC1:
 - (a) Objective 22
 - (b) Policy 55
 - (c) Policy 56
 - (d) Policy 57
 - (e) Policy 58
 - (f) Policy UD.3
 - (g) Policy UD.4
 - (h) Policy UD.5

- (i) Objective CC.3
- (j) Policy CC.2 and CC.2A
- (k) Policy CC.8
- (l) Policy CC.9
- (m) Policy CC.11

General reasons for the appeal:

7. WNDL is a land developer and owns a large greenfields site in Waikanae. The WNDL site has been identified as a high priority development and is a listed project under the Fast Track Approvals Bill. It is a regionally significant land development project.
8. Greenfields housing opportunities are crucial for ensuring the region meets its objectives of suitable public infrastructure, resilience planning and affordable housing, underpinned by the NPS-UD.
9. WNDL's submission on RPS sought (in summary) to ensure that PC-1 (and the RPS):
 - (a) properly recognises the importance and benefits of appropriately located and well-designed greenfield housing developments;
 - (b) provides policy support for greenfield housing in the region;
 - (c) ensures that land that is suitable for greenfield housing development is not sterilised as a result of the Policy framework implemented through RPS-PC-1;
 - (d) introduces policy that gives effect to NPS-FM and NPS-UD in a more balanced way than the notified version, by ensuring that it gives appropriate recognition to the use as well as to the protection elements of National Directions;
 - (e) does not overreach by attempting to manage the effects of climate through planning instruments in a manner that fails to adequately recognise and provide for the benefits of greenfield housing and

other development and which does not properly recognise the relative efficiency of other policy, statutory and economic levers to manage greenhouse gas emissions, rather than attempting to manage these effects indirectly and inefficiently by restricting greenfield housing opportunities and other activities; and

- (f) avoids unnecessary duplication or repetition.
10. While the decisions version of PC-1 is a substantial improvement upon the notified version, it remains overly restrictive in respect of enabling pathways for delivering appropriate greenfield urban development and fails to achieve both the policy direction of higher order instruments and the purpose of the Resource Management Act.

Specific reasons for the appeal:

11. For each provision specifically appealed against, the reasons for the appeal and relief sought are as follows:

- (a) **Objective 22:** References to compact urban form are unduly restrictive. There should be additional reference to a variety of neighbourhoods as well as diversity of typologies within neighbourhoods. The Objective should enable intensification and greenfields development in appropriate places – rather than specifically within existing urban zones. The productive capacity of rural land does not always need to be retained. Various other tidy ups are requested.

(b) **Requested relief (indicative):**

Objective 22: A ~~compact~~, well-designed, climate-resilient, accessible, and environmentally responsive regional form with well-functioning urban ~~areas~~ and rural areas, where:

- (a) there is sufficient development capacity to meet the needs of current and future generations, improved housing affordability and quality, ~~and provide~~ access to a diversity of housing typologies within neighbourhoods, and a diversity of neighbourhoods, which enable choice; and

(b) Māori are able to express their culture and traditions, and the relationship of mana whenua / tangata whenua with their culture, ancestral land, water, sites, wāhi tapu and other taonga is provided for; and

(c) Te Mana o te Wai is given effect to; and

(d) urban development intensification occurs ~~within existing urban zones~~ in appropriate places, including where it is environmentally responsive; and

(e) subdivision, use and development is located, designed, and constructed in a way that is climate-resilient and ~~contributes to reducing~~ supports measures to reduce greenhouse gas emissions; and

(f) built environments, including ~~integrated~~ transport infrastructure, meet the health and wellbeing needs of all people, with multi-modal access including active transport, between housing, jobs, community services, centres, green space, and open space; and

(g) the biophysical characteristics, location, recognised values, capability and limitations of land inform its use and development where appropriate; and

(h) the productive capacity of rural land is retained where appropriate; and

(i) existing urban-zoned land, and infrastructure capacity is used effectively and efficiently; and

(j) new or upgraded infrastructure is integrated and sequenced with development; and

(k) development densities are sufficient to support the provision and ongoing maintenance of infrastructure; and

(l) a variety of residential, commercial, mixed use and industrial development in appropriate locations is provided which contributes to viable and vibrant centres, choice, at a range of scales, and ~~industrial-based employment~~ locations; and

(m) the safe and efficient operation of regionally significant infrastructure is protected from potential reverse sensitivity effects.

(c) Policy 55 Requested relief (indicative):

Policy 55: Managing greenfield development to establish and contribute to well-functioning urban areas and rural areas

An application for a resource consent, notice of requirement, or a change, variation or review of a district plan for urban development beyond the region's existing urban zones, will contribute to achieving a compact, well-designed, climate-resilient, accessible and environmentally responsive regional form if:

- (a) the location, design and layout of the urban development:
1. contributes to well-functioning urban areas, ~~as articulated in Policy UD-5;~~ and
 2. is well-connected to the existing urban area, which means it:
 - i) ~~is adjacent to existing urban zones with~~ provides access to employment and amenities, and either,
 - ii) is along, ~~near, or connects to~~ existing or planned transport corridors that provide for multi-modal transport options, ~~including public transport;~~ or
 - iii) supports the efficient and effective delivery of planned new or upgraded transport infrastructure including for public transport; and
 3. manages ~~concentrates~~ building heights and densities to:
 - i) maximise access to, and efficient use of, existing infrastructure,
 - ii) use land to be ~~zoned~~ developed for urban purposes efficiently,
 - iii) support viable and vibrant neighbourhood, local, town, metropolitan and city centres, and
 - iv) support reductions in greenhouse gas emissions by use of low and zero-carbon emission transport modes, ~~including efficient provision of public transport services;~~ and
 - v) provide for a range of lot sizes and densities to meet market demand.
 4. ~~applies specific management or protection for values or resources required by this Regional Policy Statement, including:~~
 - i) ~~managing subdivision, use and development in accordance with the risk from natural hazards as required by Policy 29,~~
 - ii) ~~protecting indigenous ecosystems and habitats with significant indigenous biodiversity values as identified by Policy 23,~~
 - iii) ~~protecting outstanding natural features and landscape values as identified by Policy 25,~~
 - iv) ~~protecting historic heritage values as identified by Policy 22,~~
 - v) ~~giving effect to Te Mana o te Wai consistent with Policy 42,~~

- vi) ~~providing for climate resilience and supporting a low and zero-carbon multi-modal transport network consistent with Policies CC.1, CC.4, CC.4A, CC.9, CC.14 and CC.14A,~~
- vii) ~~providing for mana whenua / tangata whenua values, including their relationship with their culture, ancestral lands, water, sites, wāhi tapu and other taonga,~~
- viii) ~~protecting Regionally Significant Infrastructure from incompatible or inappropriate adjacent land uses, consistent with Policy 8,~~
- ix) ~~protecting significant mineral resources from incompatible or inappropriate adjacent land uses, consistent with Policy 60, and~~
- x) ~~managing effects on natural character in the coastal environment, consistent with Policy 36; and~~

(b) it has regard to the Future Development Strategy that describes where and how future urban development ~~will~~ may occur; and

(c) [Either delete, or amend as follows:] a structure plan or masterplan has been prepared to a level of detail commensurate to the scale of the urban development, in partnership with mana whenua / tangata whenua where undertaken by a local authority; and

(d) for a plan change, it would add significantly to development capacity in accordance with Policy UD.3.

Explanation

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, which is any greenfield development. This involves ensuring that Objective 22 is achieved. ~~Clause (a) includes managing values or resources as required elsewhere in the Regional Policy Statement.~~

Policy 55 seeks that greenfield developments respond to market preferences and demonstrate appropriate development densities to use the new urban-~~zoned~~ land efficiently. They should also be located, ~~zoned, laid out,~~ and designed to best support existing urban development or existing or new centres ~~(for example through mixed use zoning)~~ and provide for low and zero-carbon travel options, to support compact, connected, climate-resilient, diverse and low-emission neighbourhoods.

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.~~

Clause (c) requires consideration to be given to whether a structure plan or masterplan ~~has been~~ provides ~~d. 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.

Clause (d) requires consideration of a plan change that would add significantly to development capacity, which gives effect to Policy 8 of the National Policy Statement on Urban Development 2020.

(d) Policy 56 Requested relief (indicative):

Policy 56: Managing development in rural areas – consideration

When considering an application for a resource consent or a change, variation or review of a district plan for subdivision, use and development in rural areas, seek to manage adverse effects on rural areas by considering whether the proposal:

- (a) ~~retains~~ unduly impacts the productive capacity of the rural area, including cumulative impacts that would reduce the potential for food and other primary production; and
- (b) minimises the potential for reverse sensitivity issues, including on existing production activities, and extraction and distribution of aggregate minerals operations; and
- (c) retains or enhances the amenity, cultural and open space values in rural areas between and around settlements; and
- (d) provides for mana whenua / tangata whenua values, including the relationship with their traditions, ancestral lands, water, sites, wāhi tapu and other taonga; and
- (e) supports reductions in greenhouse gas emissions through appropriate location, design and density of development; and
- (f) is climate-resilient; and
- (g) gives effect to Te Mana o Te Wai; and
- (h) for urban development, is consistent with Policy 55; and
- (i) for other development

- i. has regard to the Future Development Strategy, or
- ii. where inconsistent with the Future Development Strategy would increase pressure for public services and infrastructure beyond existing and planned infrastructure capacity.

Explanation

Policy 56 considers urban development and rural residential development within the region's rural areas, including potential mixed use development within a settlement zone. The policy seeks to ensure rural development occurs in a manner that maintains the rural environment's character and values, and recognises that development in the rural area can lead to the cumulative erosion of the productive capability of the rural area if not appropriately managed.

The policy also seeks to ensure that reverse sensitivity issues are appropriately considered, and that the amenity, open space, and mana whenua values of the rural area are maintained. Where development in the rural area occurs, it should ~~be consistent with the relevant growth strategy or framework~~ to ensure that rural residential development achieves well-functioning rural areas and aligns with the desired regional form. Development should also be climate-resilient to ensure that rural communities and future urban communities are able to respond to the effects of climate change. Urban development of rural areas will be consistent with Policy 55.

(e) Policy 57 Requested relief (indicative)

Policy 57: Integrating land use and transportation – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, seek to achieve integrated land use and transport within the Wellington Region by:

- (a) locating development in areas ~~near centres and~~ which are or can be ~~well-~~ serviced by ~~existing or planned~~ public transport, to ~~minimise~~-reduce private vehicle travel and trip length and maximise mode shift to public transport or active modes; and
- (b) supporting connectivity with, and accessibility to public services or amenities, key centres of employment activity or retail activity including via public and active transport networks; and
- (c) supporting a safe, reliable, ~~equitable,~~ inclusive and efficient transport network including through connections with the wider transport network; and
- (d) providing safe and accessible multi-modal transport networks along connected routes that are designed for public and active transport, while

- recognising that the delivery of public transport services may not always be efficient or practical; and
- (e) supporting and enabling the rapid transport network and the growth corridors in the Wellington Region, including:
 - i. Western Growth Corridor – Tawa to Levin;
 - ii. Eastern Growth Corridor – Hutt to Masterton;
 - iii. Let's Get Wellington Moving Growth Corridor; and
 - (f) minimising the potential for reverse sensitivity effects on the safe and efficient operation of transport corridors.

Explanation

Progress towards the Wellington Regional Land Transport Plan key outcomes cannot be achieved by that Strategy alone. Subdivision, use and development decisions also need to consider impacts on the Strategy's outcomes. Policy 57 lists matters that need to be considered for all proposals that affect land transport outcomes. It seeks to align with the Wellington Regional Land Transport Plan and support decarbonising the transport system in the Wellington Region.

(f) **Policy 58 Requested relief (indicative):**

Policy 58: Co-ordinating land use with development and operation of infrastructure – consideration

When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan, seek to achieve development that is integrated with infrastructure, in a way that:

- (a) makes effective, efficient and safe use of existing infrastructure capacity; and
- (b) makes provision for the development, funding, implementation and operation of infrastructure serving the area in question; and
- (c) all infrastructure required to serve new development is available or is able to be delivered in a timeframe appropriate to service the development, and this may require timing or staging development accordingly.

Explanation

Policy 58 seeks to ensure urban development is appropriately serviced by infrastructure necessary for that development. The policy seeks that ~~urban development is sequenced to ensure existing infrastructure capacity is efficiently and effectively used and that~~ infrastructure that is necessary to service the development will be provided. ~~This includes all infrastructure, such as three waters infrastructure and transport infrastructure, including low or zero carbon, multi-modal and public transport infrastructure, that would be necessary to support the development.~~

The delivery of publicly funded infrastructure should be planned for through a long-term plan, transport plan, or Infrastructure Strategy, whilst privately funded infrastructure can be delivered through other mechanisms, such as developer agreements and financial contributions. To avoid significant delays between development occurring and infrastructure being provided, the delivery of infrastructure should be appropriately timed to service development.

(g) Policy UD.3 Requested relief (indicative):

Policy UD.3: Plan changes that provide for significant development capacity – consideration

For local authorities with jurisdiction over part, or all, of an urban environment, when determining whether a plan change for urban development will be treated as adding significantly to development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release, the following criteria must be met:

(a) the plan change makes a significant contribution to ~~providing~~meeting a need identified in the latest Housing and Business Development Capacity Assessment, or a shortage identified through monitoring or otherwise for:

- (i) a variety of housing typologies that ~~meets the~~ regional, district, or local ~~shortage of~~ demand for housing ~~in relation to~~ of the particular type, size, or format, or
- (ii) business space or land of a particular size or locational type, or
- (iii) community, cultural, health, or educational facilities; and

(b) a plan change will make a significant contribution to a matter in (a) if it:

- (i) is of high yield relative to either the forecast demand or the identified shortfall,
- (ii) will be realised in a timely manner, and
- (iii) responds to ~~demonstrated~~ demand for the land use types proposed, for the short-medium term in that location; and

(c) where it provides for housing, the plan change will:

- (i) as part of a mix of housing typologies, provide for high density development or medium density development if there is demand for that typology in that location, and
- (ii) contribute to increasing housing affordability through a general increase in supply or through providing non-market housing; and

- (d) the required infrastructure can be provided effectively and efficiently for the proposal, and without material impact on the capacity provided by existing or committed infrastructure for other feasible, reasonably expected to be realised developments, in the short-medium term; and
- ~~(e) the plan change justifies the need for additional urban-zoned land in that particular location to meet housing and business demand, demonstrating consideration of existing feasible, reasonably expected to be realised development capacity within existing urban zones; and~~
- (f) the plan change can demonstrate it will mitigate any potential adverse effects on the ability of existing urban areas and rural areas to be well-functioning, including by minimising potential reverse sensitivity effects ~~and impacts on the feasibility, affordability, or deliverability of urban development anticipated by the district plan.~~

Explanation

Policy UD.3 outlines the criteria that need to be met for a development to be considered to provide 'significant development capacity' as required by clause 3.8(3) of the National Policy Statement on Urban Development 2020. Responsive planning applies to both greenfield and brownfield (infill/intensification) developments. All of Policy 55 will also need to be considered for any out-of-sequence or unanticipated plan change for greenfield development.

For proposals that are providing for housing, they can provide for high density development or medium density development through a relevant residential zone, a centre zone or a mixed use zone, and by clustering housing to suit the site characteristics if necessary.

(h) Policy UD.4 Requested relief (indicative):

~~Policy UD.4: Achieving a compact regional form — district and regional plans~~

~~District and regional plans shall include objectives, policies, rules and/or other methods requiring that subdivision, use and development occurs in a way that supports compact growth by prioritising:~~

- ~~(a) first, urban development (including unanticipated or out-of-sequence brownfield development) within existing urban zones, with a preference for higher densities in and adjacent to centres with a range of commercial activities and along existing or planned public transport corridors; then~~

- ~~(b) second, sequenced and planned greenfield urban development beyond existing urban zones, consistent with Policies 55 and 56; then~~
- ~~(c) third, unanticipated or out-of-sequence greenfield urban development that is well-connected along transport corridors, consistent with Policies 55 and 56, and adds significantly to development capacity consistent with Policy UD.3; then~~
- ~~(d) fourth, residential or mixed use development in rural areas, consistent with Policy 56; and~~

~~District and regional plans shall apply this hierarchy to enable development capacity while:~~

- ~~(i) enabling Māori to express their culture and traditions, and~~
- ~~(ii) requiring all infrastructure necessary to support development to be provided in an integrated and efficient way which prioritises the use or upgrading of existing infrastructure over the creation of new infrastructure; and~~
- ~~(iii) providing for a range of housing typologies and land uses, including mixed use development; and~~
- ~~(iv) for clauses (b) and (c), demonstrating that additional urban-zoned land is necessary and the most appropriate option to enable sufficient development capacity.~~

~~Explanation~~

~~Policy UD.4 provides strategic direction to district plans on how housing and business demand is to be met. Clause (d) relates to residential rural lifestyle development as well as development in settlement zones.~~

(i) Policy UD.5 Requested relief (indicative):

Policy UD.5: Contributing to well-functioning urban areas – consideration

When considering an application for a resource consent, a notice of requirement, or a change, variation or review of a district plan for urban development, including housing and supporting infrastructure, seek to achieve well-functioning urban areas by:

- (a) providing for the characteristics of well-functioning urban environments, in a way that uses land efficiently; and
- (b) where providing housing, seeks to improve housing affordability, quality and choice and provide by contributing to a diversity of typologies; and

- (c) providing for safe multi-modal access between housing, employment, services, amenities, green space, transport hubs and local centres; ~~preferably within walkable catchments and using low and zero carbon emission transport modes~~; and
- (d) providing for and protecting mana whenua / tangata whenua values, sites of significance to mana whenua / tangata whenua, and their relationship to their culture, ancestral lands, water, sites, wāhi tapu and other taonga; and
- (e) avoiding or mitigating potential adverse effects, including cumulative effects, of urban development on the natural environment, including on freshwater consistent with Policy 42; and
- (f) coordinating development with the provision of infrastructure ~~while prioritising, where possible, the effective and efficient use of existing infrastructure~~; and
- (g) protecting the operation and safety of regionally significant infrastructure from potential reverse sensitivity effects.

Explanation

Policy UD.5 articulates what contributing to well-functioning urban areas, as sought in Objective 22, means in the Wellington Region. This policy applies to all areas zoned residential, commercial or industrial and all local authorities in the Wellington Region, and seeks to support the efficient use of ~~urban-zoned~~ land and infrastructure.

Clause (a) references the characteristics of well-functioning urban environments as defined in Policy 1 of the National Policy Statement on Urban Development 2020. Meeting clause (a) involves providing for a range of housing typologies, particularly including modest (i.e. small footprint) and multi-unit housing, to contribute to housing affordability and choice. This also includes non-market or partially subsidised affordable housing. Using land efficiently means that both brownfield and greenfield development demonstrate compact development patterns.

Clause (e) provides for environmentally responsive and integrated urban development, which manages impacts on freshwater in accordance with Policy 42. Clause (f) requires existing infrastructure to be used efficiently, while also ensuring that the impacts of urban development on existing infrastructure are anticipated, coordinated and appropriately managed. It requires consideration of how the pattern and location of development might affect the natural environment and provide population densities necessary to the ability to continue to maintain infrastructure.

(j) Objective CC.3 Requested relief (indicative):

Objective CC.3

To support the global goal of limiting warming to 1.5 degrees Celsius and New Zealand's greenhouse gas emissions reduction targets, net greenhouse gas emissions in the Wellington Region are ~~managed~~ reduced:

- (a) to contribute to a 50 percent reduction in national net greenhouse gas emissions from 2019 levels by 2030; and
- (b) to contribute to achieving net-zero national greenhouse gas emissions by 2050.

(k) Policy CC.2 and CC.2A Requested relief (indicative):

Policy CC.2: Travel choice assessment– district plans

By 30 June 2025, district plans shall include objectives, policies and rules that require subdivision, use and development to contribute to the reduction of greenhouse gas emissions by requiring consent applicants to provide travel choice assessment that demonstrates how the use of public transport and active modes can be provided for.

- ~~(a) demonstrates how the use of public transport and active modes can be provided for, will be maximised; and~~
- ~~(b) demonstrates how the use of private vehicles will be minimised; and~~
- ~~(c) includes measures within the design of subdivision, use and development which addresses parts (a) and (b) above.~~

The requirement for a travel choice assessment must apply to all new subdivision, use and development over a specified travel choice threshold as required by Policy CC.2A.

The results of travel choice assessments may form the basis for conditions of consent.

Policy CC.2A: Travel choice assessment local thresholds – district plans

By 30 June 2025, district plans shall include local thresholds for travel choice assessments as required by Policy CC.2. As a minimum, city and district councils must use the regional thresholds set out in Table 1 as the basis for developing their own local thresholds. The regional thresholds in Table 1 will cease to apply

when Policy CC.2A is given effect through a district plan. To contribute to reducing greenhouse gas emissions city and district councils must develop their own travel choice thresholds that are locally specific.

Table 1: Regional Thresholds

Activity and Threshold per application
100 residential units located within a walkable catchment.
Commercial development of 2,500m² gross floor area
Greenfield subdivision over 100 residential units

Explanation

The regional travel choice thresholds have been developed as a minimum and as guidance to assist city and district councils in developing their local travel choice thresholds. Local travel choice thresholds are important to reflect the differences in connectivity and accessibility between rural and urban areas. In addition, local travel choice thresholds should reflect local issues, challenges and opportunities. Local travel choice thresholds should apply to residential, education, office, industrial, community, entertainment and other land use activities that could generate private vehicle trips and freight travel. Development thresholds should specify the trigger level (for example, number of dwellings, number of people accommodated or gross floor area) where the requirement for a travel choice assessment applies.

The results of travel choice assessments may form the basis for conditions of consent.

(l) **Policy CC.8 Requested relief (indicative):**

Policy CC.8: ~~Prioritising the reduction of~~ Managing greenhouse gas emissions – district and regional plans

When giving effect to the climate change objectives and policies in the Regional Policy Statement, district and regional plans shall, where relevant, prioritise ~~reducing~~ managing greenhouse gas emissions by applying the following hierarchy in order:

- (a) in the first instance, gross greenhouse gas emissions are avoided or reduced where practicable, having regard to national level interventions or mechanisms; and
- (b) where gross greenhouse gas emissions cannot be avoided or reduced, a net reduction in greenhouse gas emissions is achieved where practicable, with provision for ~~any~~ offsetting where appropriate, having regard to national level

~~interventions or mechanisms undertaken as close to the source of the greenhouse gas emissions as possible. ; and~~

~~(e) increases in net greenhouse gas emissions are avoided to the extent practicable.~~

Explanation

This policy recognises the importance of reducing gross greenhouse gas emissions. ~~as the first priority, then reducing net greenhouse gas emissions. , then avoiding increases in net greenhouse gas emissions to the extent practicable. Relying heavily on net emissions through offsetting will delay people taking actions that reduce gross emissions, lead to higher cumulative emissions and push the burden of addressing gross emissions onto future generations.~~

The intent is that Wellington Regional Council will work with city and district councils to provide co-ordination and guidance as to how to implement this policy direction. The intent is ~~that to ensure~~ regional and district plan provisions ~~encourage to reduce~~ reduction of greenhouse gas emissions from key emitting sectors in the Wellington Region. ~~support this hierarchy approach to reducing emissions where relevant and appropriate, are co-ordinated, and help deliver national policy and strategies.~~ This work will recognise the respective ~~RMA~~ functions of the central government and ~~Wellington Regional Council and city and district~~ councils in relation to controlling greenhouse gas emissions from air discharges and land-use activities and the limited role of district plans in reducing greenhouse gas emissions from existing activities, except at the time of redevelopment. This work will consider issues such as scale, equity, and the type of activities to which offsetting should apply.

(m) Policy CC.9 Requested relief (indicative):

Policy CC.9: ~~Reducing~~ Managing greenhouse gas emissions associated with subdivision, use or development – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to whether the subdivision, use or development has been planned in a way that contributes to managing ~~reducing~~ greenhouse gas emissions by ~~optimising overall transport demand, by maximising~~ encouraging mode shift from private vehicles to public transport or active modes, and supporting low and zero-carbon modes.

Explanation

This policy requires regional and district councils to consider whether subdivision, use and development proposals have ~~fully~~ considered ~~all~~ options to reduce greenhouse gas emissions as far as practicable. For example, EV charging infrastructure, car share infrastructure, provision for bus stops and a transport network designed to support public transport or active modes which has co-benefits including improved health outcomes. This policy does not apply to aircraft or activities undertaken at Wellington Airport which are necessary for the operation of the aircraft.

(n) **Policy CC.11 Requested relief (indicative):**

~~Policy CC.11: Encouraging whole of life greenhouse gas emissions assessment for transport infrastructure – consideration~~

~~Encourage whole of life greenhouse gas emissions assessments to be provided with resource consent applications to Wellington Regional Council and resource consent applications and notices of requirement to city and district councils for all new or upgraded land transport infrastructure. This information will assist with evaluating the potential greenhouse gas emissions, options for reducing direct and indirect greenhouse gas emissions and whether the infrastructure has been designed and will operate in a manner that contributes to reducing transport-related greenhouse gas emissions in the Wellington Region.~~

Explanation

~~This policy encourages a whole of life greenhouse gas emissions assessment for new or upgraded land transport infrastructure. This assessment will provide information and evidence on predicted emissions to enable assessment of impacts and options for reducing greenhouse gas emissions. Waka Kotahi has a tool providing accepted assessment methodology. This policy does not apply to aircraft or activities undertaken at Wellington Airport which are necessary for the operation of the aircraft.~~

12. **WNDL seeks the following relief:**

- (a) PC-1 be amended to address WNDL’s concerns set out in the above paragraphs or alternative wording to resolve WNDL’s concerns;
- (b) Such consequential or related relief be granted as may be necessary to give effect to the relief sought by WNDL; and

- (c) Costs be granted;
- (d) Such further or other additional relief, as the Environment Court deems just, necessary or appropriate, in the context of this proceeding.

13. The following documents are attached to this notice:

- (a) A copy of WNDL's submission and further submission;
- (b) A copy of the decision¹;
- (c) A list of names and addresses of persons to be served with a copy of this notice.

Dated: 18 November 2024.



A Beatson

For appellant

Address for service:

c/- Andrew Beatson
Barrister
PO Box 28032
Wellington
E: andrew@beatson.co.nz
M: 021 223 9170

To: The Registrar of the Environment Court at Wellington

And to: Wellington Regional Council

And to: The relevant submitters on the provisions appealed against

¹ <https://www.gw.govt.nz/assets/Plans-policies-bylaws/RPS/241004-Decision-Docs/Recommendation-reports-prepared-by-Hearings-Panel.pdf>