

4.2 Regulatory policies – matters to be considered

This section contains the policies that need to be given particular regard when assessing and deciding on resource consents, notices of requirement, or when changing, varying or replacing city, district or regional plans. Within this section, policies are presented in numeric order, although the summary table below lists the policy titles by topic headings.

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Table 2: Coastal environment Objectives 3 & 4 Methods 4 & 7 Also consider policies 38, 45, 46, 47, 48, 49, 53, 54 & 55

Policy 34: Preserving the natural character of the coastal environment – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, particular regard shall be given to preserving the natural character of the coastal environment by:

- (a) minimising any adverse effects from point source and non-point source discharges, so that aquatic ecosystem health is safeguarded;
- (b) protecting the special values of estuaries and bays, beaches and dune systems, including the unique physical processes that occur within and between them, so that healthy ecosystems are maintained;
- (c) maintaining or enhancing amenity – such as, open space and scenic values – and opportunities for recreation and the enjoyment of the coast by the public;
- (d) minimising any significant adverse effects from use and enjoyment of the coast by the public;
- (e) safeguarding the life supporting capacity of coastal and marine ecosystems;
- (f) maintaining or enhancing biodiversity and the functioning of ecosystems; and
- (g) protecting scientific and geological features.

Explanation

Preserving the natural character of the coastal environment is a matter of regional and national importance.

Not all values that contribute to the natural character of the coastal environment are included within the sub-clauses of this policy, as these values are addressed in other policies. For example, policies 20, 22, 24 and 26 direct plans to identify significant *historic heritage*, *indigenous ecosystems* and *amenity landscape* values, and outstanding *natural features* and landscapes using specified criteria. Policies 21, 23, 25 and 27 then require the protection of these identified values. These policies apply to the whole region, including the *coastal environment*, and so each of these policies will identify values for protection within the coastal environment.

Policy 34 applies to subdivision, use and development in the coastal environment, the landward extent of which is required to be defined or given particular regard by policies 5 and 37.

Policy 34(b) refers to the special values of estuaries and bays, beaches and dune systems. These values include the unique physical processes that occur within and between these features and include those resulting from the interaction between coastal and river dynamics. Such areas are important in providing spawning areas and nursery areas for juveniles of aquatic species. Similarly, the interaction and thus the interface between land and sea creates

important recreation opportunities and amenity values, as well as being a natural defence against coastal hazards.

Preserving those special qualities and dynamic processes can be achieved in a number of ways, including the use of setbacks from the *coastal marine area* and other *water bodies*, and/or the use of buffer zones.

Policy 35: Discouraging development in areas of high natural character in the coastal environment – consideration

When considering a notice of requirement or a change, variation or replacement to a district or regional plan, particular regard shall be given to discouraging new subdivision and development, and inappropriate use, on land in the coastal environment with high natural character. All of the following factors shall be used in determining the degree of natural character:

- (a) The extent to which natural elements, patterns and processes occur, including:
 - (i) natural elements: the products of natural processes – such as landforms, water forms, vegetation and land cover;
 - (ii) natural processes: the ecological, climatic and geophysical processes that underlie the expression and character of the place, site or area;
 - (iii) natural patterns: the visual expression or spatial distribution of natural elements which are, or which appear to be, a product of natural processes; and/or
 - (iv) surroundings: the setting or context, such that the place, site or area contributes to an understanding of the natural history of the wider area.
- (b) The nature and extent of modifications to the place, site or area, including, but not limited to:
 - (i) physical alterations by people to the landscape, its landforms, waterforms, vegetation, land cover and to the natural patterns associated with these elements;
 - (ii) the presence, location, scale and density of buildings and structures, including infrastructure, whether appearing to be interconnected or isolated, and the degree of intrusiveness of these structures on the natural character of the place;
 - (iii) the temporal character of the modification – such as, whether it is fleeting or temporary, transitory, transitional or a permanent alteration to the character of the place, site or area; and/or
 - (iv) any existing influences or pressures on the dynamic ecological and geophysical processes contributing to the presence and patterns of natural elements, such that these may change and the natural elements and/or patterns may become threatened over time.
- (c) Social values: the place, site or area has meaning for a particular community or communities, including:
 - (i) sentimental: the natural character of a place, site or area has a strong or special association with a particular community; and/or
 - (ii) recognition: the place, site or area is held in high public esteem for its natural character value, or its contribution to the sense of identity of a particular community.

Table 2: Coastal environment
Objective 4
Methods 4 & 7
Also consider policies
38, 45, 46, 47, 48, 49,
50, 52, 53, 54, 55 & 57

Explanation

Policy 35 intends to give effect to a requirement, under the Resource Management Act and the *New Zealand Coastal Policy Statement*, to preserve the natural character of the coastal environment, which is a matter of national importance.

Discouraging new subdivision and development, and inappropriate use in places, sites or areas with high natural character in the coastal environment is also a matter of regional importance.

Case law has established that natural character does not necessarily mean pristine or completely unmodified character. Natural character occurs on a continuum, from pristine to totally modified. Most of the *coastal environment* has some element of unmodified natural character and, conversely, some degree or element of modification.

Policy 35 (a) contains factors which contribute 'natural' attributes to an area, while the factors within clause (b) are about people's influence in or upon the area, which can compromise, modify or otherwise diminish the natural character of the area. Clause (c) encourages consideration of how people value a particular place. In determining the degree of natural character, the factors within clauses (a) and (b) must be contrasted against each other, and considered alongside the matters contained in clause (c).

Generally, an area of high natural character is likely to be dominated by natural elements rather than by the influence of human activities, and/or the natural elements will be out of the ordinary or otherwise regarded as important in terms of one or more of the factors outlined within policy 35(a) and (c). Alternatively, an area of high natural character may be regarded as having qualities which are relatively uncompromised by human activities and influence, as specified within 35(b).

Policy 35 applies to subdivision, use and development in the coastal environment, the landward extent of which is required to be defined or given particular regard by policies 5 and 37.

Policy 35 is not intended to prevent change, but rather to ensure that change is carefully considered and is appropriate in relation to the natural character values in the coastal environment, identified in policy 35.

Policies 45, 46, 47, 48, 49, 50, 52, 53, 54, 55 and 57 will need to be considered alongside policy 35, when changing, varying or replacing a district or regional plan, as these assist with assessments of what might be considered 'appropriate' use and development or conversely, 'inappropriate' use and development.

Policy 36: Safeguarding life-supporting capacity of coastal ecosystems – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, particular regard shall be given to safeguarding the life-supporting capacity of coastal and marine ecosystems by maintaining or enhancing:

- (a) any area within the intertidal or subtidal zone that contains unique, rare, distinctive or representative marine life or habitats;
- (b) areas used by marine mammals as breeding, feeding or haul out sites;
- (c) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
- (d) habitats, corridors and routes important for preserving the range, abundance, and diversity of indigenous and migratory species;
- (e) any area that contain indigenous coastal ecosystems and habitats that are particularly vulnerable to modification – such as, estuaries, lagoons, coastal wetlands, dunelands, rocky reef systems and salt marshes; and
- (f) the integrity, functioning and resilience of physical and ecological processes.

Table 2: Coastal environment
Objective 7
Method 4
Also consider policies 34, 37, 38, 39, 40, 41, 42, 46, 47, 48, 51, 52, 53, 54 & 55

Explanation

This policy describes *habitats* and types of areas that are typically sensitive and vulnerable to development pressures. Because some of these areas and habitats straddle the land and water interface, they will need to be controlled through both regional and district plans. Plans will need to control activities that affect these habitats, species and areas.

The integrity, functioning and resilience of habitats and processes in the *coastal environment* includes having particular regard to activities that affect the dynamic processes and features arising from the natural movement of sediment, water and air, the natural movement of biota, the composition of the natural substrate, and the natural biodiversity, productivity and biotic patterns.

Policy 37: Identifying the landward extent of the coastal environment – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district plan, particular regard shall be given to whether the proposal is within the coastal environment using the following criteria:

- (a) any area or landform dominated by coastal vegetation or habitat;
- (b) any landform affected by active coastal processes, excluding tsunami;
- (c) any landscapes or features, including coastal escarpments, that contribute to the natural character, visual quality or amenity value of the coast; and
- (d) any site, structure, place or area of historic heritage value adjacent to, or connected with, the coastal marine area, which derives its heritage value from a coastal location.

Explanation

Policies 3, 4, 34, 35 and 36 contain reference to land in the coastal environment. Policy 4 and 37 provide direction about how to identify the spatial extent of the *coastal environment*, for application of these policies.

Policy 37 identifies those natural and physical resources which, because of their form, function or value, give particular parts of the Wellington region a coastal character.

Policy 37 shall cease to have effect when policy 4 is given effect through a district plan.

Policy 38: Recognising the benefits from regionally significant infrastructure and renewable energy – consideration

When considering an application for a resource consent, notice of requirement or a change, variation or replacement to a district or regional plan, particular regard shall be given to:

- (a) the social, economic, cultural and environmental benefits of regionally significant infrastructure and/or energy generated from renewable energy resources; and
- (b) the nationally significant wind and marine renewable energy resources within the region and the need for electricity generation facilities to locate where these resources exist.

Explanation

The benefits of energy generated from *renewable energy* resources include:

- security of and the diversification of our energy sources
- reducing our dependency on imported energy resources – such as oil, natural gas and coal
- reducing greenhouse gas emissions.

Table 2: Coastal environment
Objectives 3, 4, 5, 6 & 7
Method 4
Also consider policies 47, 48, 49, 50 & 52

Table 3: Energy, infrastructure and waste
Objectives 9 & 10
Method 4
Also consider policies 35, 36, 37, 38, 39, 40, 41, 42, 45, 46, 47, 48, 49, 50, 53, 54, 55, 56, 57, 59 & 60

The benefits are not only generated by large scale renewable energy projects but also smaller scale, distributed generation projects.

The benefits of regionally significant infrastructure include:

- people can efficiently move around the region, and to and from
- public health and safety is maintained through the provision of essential services – such as potable water and the collection and transfer of sewage or stormwater
- people have access to energy to meet their needs
- people have access to telecommunication services.

Energy generation from renewable energy and regionally significant *infrastructure* can provide benefits both within and outside the region.

Regionally significant infrastructure includes:

- pipelines for the distribution or transmission of natural or manufactured gas or petroleum
- strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001
- strategic radio communications facilities, as defined in section 2(1) of the Radio Communications Act 1989
- the national electricity grid, as defined by the Electricity Governance Rules 2003
- facilities for the generation and transmission of electricity where it is supplied to the national electricity grid
- the local authority water supply network and water treatment plants
- the local authority wastewater and stormwater
- the Strategic Transport Network, as defined in the Wellington Regional Land Transport Strategy 2007-2016
- Wellington City bus terminal and Wellington Railway Station terminus
- Wellington International Airport
- Commercial Port Areas within Wellington Harbour (including Miramar, Burnham and Seaview wharves) and adjoining land and storage tanks for bulk liquids.

When considering the benefits from renewable energy generation, the contribution towards national goals in the New Zealand Energy Strategy (2007) and the National Energy Efficiency and Conservation Strategy (2007) will also need to be given regard.

The national significance of the Wellington region's marine and wind resources is identified in two reports. These reports are '*Marine Energy – Development of Marine Energy in New Zealand with particular reference to the Greater Wellington Region Case Study by Power Projects Ltd, June 2008*' and, '*Wind Energy – Estimation of Wind Speed in the Greater Wellington Region, NIWA, January 2008*'.

Policy 38(a) shall cease to have effect once policy 6 is given effect in a relevant district or regional plan.

Policy 39: Maintaining and enhancing aquatic ecosystem health – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a regional or district plan, particular regard shall be given to:

- (a) requiring, as a minimum, that water quality, flows and water levels of water bodies are managed for the purpose of maintaining or enhancing aquatic ecosystem health;

Table 2: Coastal environment
Table 4: Fresh water
Objectives 6 & 12
Methods 4, 34 & 35
Also consider policies 34, 36, 38, 40, 41, 42, 46, 47, 48 & 53

- (b) requiring, as a minimum, that water quality in the coastal marine area is maintained or enhanced so that it sustains healthy aquatic ecosystems; and
- (c) managing water bodies and the water quality of coastal water for other purposes identified in regional plans.

Explanation

Water management purposes for *water bodies* and *coastal waters* are to be established in regional plans as required by policies 5 and 11.

District and city councils could implement this policy by requiring setback distances between buildings and rivers, wetlands and the coastal marine area to protect riparian areas, limiting the amount of impervious surfaces allowed in new developments in some catchments, requiring rooftop rainwater collection for gardens, requiring roadside swales, filter strips and ‘rain gardens’ for stormwater runoff instead of kerb and channelling, encouraging advanced community sewerage schemes rather than septic tanks in areas where groundwater is vulnerable, and encouraging the treatment of stormwater at source in car parks and industrial yards.

Policy 40: Minimising the effects of earthworks and vegetation disturbance – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a regional or district plan, particular regard shall be given to controlling earthworks and vegetation disturbance to minimise:

- (a) erosion; and
- (b) silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.

Explanation

An area of overlapping jurisdiction between Wellington Regional Council and district and city councils is the ability to control earthworks and *vegetation disturbance*. Many small scale earthworks – such as driveways and retaining walls – can cumulatively contribute large amounts of silt to stormwater and water bodies, as do large scale earthworks on erosion prone land.

This policy provides for consideration of earthworks and vegetation disturbance to minimise erosion and sediment runoff prior to plan controls being adopted by regional and district plans in accordance with policy 14. This policy shall cease to have effect once policy 14 is implemented in regional and district plans.

Policies 14 and 40 are to ensure that Wellington Regional Council and district and city councils integrate the control earthworks and vegetation disturbance in their regional and district plans. Method 30 is for Wellington Regional Council and district and city councils to develop a protocol for earthworks and erosion from vegetation disturbance. The protocol will assist with implementation of policies 14 and 40.

Some activities – such as major road construction – are likely to require resource consents from both Wellington regional council and district or city councils, which will work together to control the effects of the activity.

Vegetation disturbance includes harvesting plantation forestry.

Table 4: Fresh water
 Table 11: Soils and minerals
 Objectives 12 & 28
 Methods 4, 30 & 35
 Also consider policies 34, 35, 36, 38, 39, 41, 42, 45, 46, 47, 48, 49, 51, 53, 54, 55 & 59

Table 4: Fresh water
Objective 12
Methods 4 & 34
Also consider policies
34, 35, 36 & 37 38 39,
40, 42, 46, 47, 48, 51,
53, 54 & 55

Policy 41: Minimising contamination in stormwater from development – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district plan, the adverse effects of stormwater run-off from subdivision and development shall be reduced by having particular regard to:

- (a) limiting the area of new impervious surfaces in the stormwater catchment;
- (b) using water permeable surfaces to reduce the volume of stormwater leaving a site;
- (c) restricting zinc or copper roofing materials, or requiring their effects to be mitigated;
- (d) collecting water from roofs for domestic or garden use while protecting public health;
- (e) using soakpits for the disposal of stormwater, where the soil type is suitable for this purpose, and groundwater will not be adversely affected;
- (f) using roadside swales, filter strips and rain gardens;
- (g) using constructed wetland treatment areas;
- (h) using in situ treatment devices; and
- (i) using stormwater attenuation techniques that reduce the velocity and quantity of stormwater discharges.

Explanation

The *stormwater* design and treatment approaches set out in this policy are to reduce adverse effects of subdivision and development on the quantity and quality of stormwater. Clauses in the policy are aimed at achieving hydraulic neutrality and aquatic *ecosystem* health when land is developed. It is important to take an integrated approach to management of the adverse effects of stormwater discharges, particularly on *low energy aquatic receiving environments* – such as Wellington Harbour, Porirua Harbour, inlets, estuaries, lakes, lowland streams and wetlands.

Table 4: Fresh water
Objective 13
Method 4 & 29
Appendix 1
Also consider policies
34, 35, 36, 37, 38,
39, 40, 41, 46, 47, 48
& 51

Policy 42: Protecting aquatic ecological function of water bodies – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, particular regard shall be given to:

- (a) maintaining or enhancing the functioning of ecosystems in the water body;
- (b) maintaining or enhancing the ecological functions of riparian margins;
- (c) minimising the effect of the proposal on groundwater recharge areas that are connected to surface water bodies;
- (d) protecting the significant amenity and recreational values of rivers and lakes, including those identified in Appendix 1;
- (e) protecting the significant indigenous ecosystems of rivers and lakes, including those identified in Appendix 1;
- (f) retaining natural flow regimes;
- (g) maintaining fish passage;
- (h) protecting and reinstating riparian habitat, in particular riparian habitat that is important for fish spawning;
- (i) preventing stock access to rivers lakes and wetlands; and
- (j) preventing the removal or destruction of indigenous wetland plants in wetlands.

Explanation

This policy identifies key elements of *habitat* diversity that are essential for healthy aquatic *ecosystems* to survive and be self-sustaining.

When areas of habitat in one part of a *river* or *lake* are degraded or destroyed by people's activities, critical parts of the ecosystem may be permanently affected, with consequential effects elsewhere in the ecosystem. Specific policies and regional rules can set out where it is important to retain habitat for ecological function.

Policy 42 provides for consideration of ecosystem functions prior to regional plan policies, rules and/or methods being adopted in accordance with policies 16 and 17. Policy 42 shall cease to have effect once the regional plan is operative in accordance with policies 16 and 17. However, it will continue to be relevant to matters controlled by district and city councils as policy 16 only applies to regional plans.

The rivers and lakes with significant amenity and recreational values listed in Table 15 of Appendix 1 were identified by the community as places that are regularly used for recreational activities.

The rivers and lakes with significant indigenous ecosystems listed in Table 16 (Appendix 1), were selected using indicators of aquatic invertebrate community health, the diversity of indigenous migratory fish species, the presence of nationally threatened fish species and the location of inanga spawning habitat. The criteria used to assess rivers and lakes with significant indigenous ecosystems are given in Appendix 1.

Policy 43: Managing water takes to ensure efficient use – consideration

When considering an application for a resource consent to take water, particular regard shall be given to:

- (a) whether the applicant has demonstrated that the volume of water sought is reasonable and justifiable for the intended use, including consideration of soil and crop type when water is taken for irrigation purposes;
- (b) requiring the consent holder to measure and report the actual amount of water taken; and
- (c) requiring the consent holder to adopt water conservation and demand management measures and demonstrate how water will be used efficiently.

Explanation

Efficient water use relies on people taking only the amount of water that is needed and having systems in place to avoid waste. The amount of water taken should be measured and reported on to allow assessment as to whether allocation limits and permissible low flows and water levels have been set at appropriate levels.

Policy 44: Using water efficiently – consideration

When considering an application for a resource consent, or a change, variation or replacement to a district plan, particular regard shall be given to requiring water collection, water demand management options, and water reuse and/or water recycling measures, so that water is used efficiently.

Explanation

Objective 12 intends to safeguard the values of water, while Objective 14 seeks that water is used efficiently and is not wasted. These objectives are promoted via policies 18 and 43, about efficient use and water harvesting. Policy 44 is another part of this inter-related suite of policies to promote the efficient use of water.

Table 4: Fresh water
Objective 14
Methods 4
Also consider policies
38, 39, 42, 44, 47, 48
& 59

Table 4: Fresh water
Objective 14
Methods 4
Also consider policies
38, 39, 42, 43, 47, 48,
53, 59 & 60

Supplying water to new subdivisions and developments increases the amount of water taken from water bodies. Rainwater collection from roofs, water recycling and greywater reuse can reduce this demand, especially in water short areas or in times of water shortage.

Roof water and recycled water can be a threat to public health but is appropriate for garden irrigation, and can be used for toilet flushing in some circumstances.

Table 5: Historic heritage
Objective 15
Method 4
Also consider policies 34, 35, 38, 46, 47, 48, 49, 52 & 53

Policy 45: Managing effects on historic heritage values – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, a determination shall be made as to whether an activity may affect a place, site or area with historic heritage value, and in determining whether an activity is inappropriate particular regard shall be given to:

- (a) the degree to which historic heritage values will be lost, damaged or destroyed;
- (b) the irreversibility of adverse effects on heritage values;
- (c) the opportunities to remedy or mitigate any previous damage to heritage values;
- (d) the degree to which previous changes that have heritage value in their own right are respected and retained;
- (e) the probability of damage to immediate or adjacent heritage values;
- (f) the magnitude or scale of any effect on heritage values;
- (g) the degree to which unique or special materials and/or craftsmanship are retained;
- (h) whether the activity will lead to cumulative adverse effects on historic heritage; and
- (i) whether the relationships between distinct elements of an historic place, site or area will be maintained.

Explanation

Policy 45 provides an interim assessment framework prior to the identification of places, areas and sites with significant *historic heritage* value in accordance with policy 20, and the adoption of plan provisions for protection of these sites and management of effects on unidentified sites in accordance with policy 21.

In determining whether an activity may affect places, sites and areas with historic heritage value the criteria in policy 20 should be used.

This policy shall cease to have effect once policies 20 and 21 are in place in the relevant district or regional plans.

Table 6a: Indigenous ecosystems
Objective 16
Method 4
Also consider policies 34, 35, 38, 42, 46, 47, 48, 49, 52, 53 & 61

Policy 46: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, a determination shall be made as to whether an activity may affect indigenous ecosystems, habitats or areas with significant indigenous biodiversity values, and in determining whether the proposed activity is inappropriate particular regard shall be given to:

- (a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;
- (b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses;
- (c) maintaining water bodies in their natural state;
- (d) avoiding the incremental loss of indigenous ecosystems and habitats;
- (e) providing seasonal or core habitat for specific indigenous species;

- (f) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;
- (g) protecting the life supporting capacity of indigenous ecosystems and habitats;
- (h) remedying or mitigating adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and
- (i) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats.

Explanation

Policy 46 provides an interim assessment framework for councils, resource consent applicants and other interested parties, prior to the identification of *ecosystems, habitats* and areas with significant *indigenous biodiversity* values in accordance with policy 22, and the adoption of plan provisions for protection in accordance with policy 23.

In determining whether an activity may affect significant indigenous biodiversity values, the criteria in policy 22 should be used.

This policy shall cease to have effect once policies 22 and 23 are in place in an operative district or regional plan.

Policy 47: Principles of the Treaty of Waitangi – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, particular regard shall be given to:

- (a) the principles of the Treaty of Waitangi; and
- (b) Waitangi Tribunal reports and settlement decisions relating to the Wellington region.

Explanation

The Treaty of Waitangi (the Treaty) is a founding document of New Zealand. It encompasses guiding principles for the engagement of *iwi* with *local authorities* in relation to resource management. Tangata whenua of the region maintain the primacy of the Maori version of the Treaty, in accordance with the international rule of *contra preferendum*.³

The Treaty principles are derived from the Treaty as a whole, its underlying meaning, intention and spirit. There is no definitive list of Treaty principles. Accordingly, the principles have evolved through statements of the Court of Appeal, Waitangi Tribunal and Government. Many of the principles are directly relevant to resource management matters, as they have arisen out of claims before the Waitangi Tribunal concerning land, water and other natural resources.

A systematic approach to taking the principles of the Treaty into account involves applying agreed meaning. Greater Wellington and the region's *iwi authorities* have jointly signed a charter of understanding which contains principles to assist in promoting dialogue and engagement between *iwi* and local authorities. The principles are:

- *The Crown's right to govern and make laws (kawanatanga). In signing the Treaty of Waitangi, it is recognised that iwi ceded their right to govern to the Crown, in exchange for the Crown recognising and guaranteeing the exercise of rangatiratanga (self-determination) by iwi and hapu over their resources. In exchange for ceding sovereignty, Maori are accorded the protection of the Crown. The powers and functions of local authorities are expressions of kawanatanga. This principle requires local authorities and iwi to recognise respective rights.*

³ *Contra preferendum* requires that any international treaty that has two interpretations should be recognised in the language of the indigenous people (Charter of Understanding between Te Tangata Whenua o Te Upoko o te Ika a Maui and Wellington Regional Council, (July 2000).

Table 10: Resource management with tangata whenua Objective 23 Methods 4 & 19 Consider alongside policies 1 to 60

- *Maori to retain rangatiratanga, which refers to the chieftainship and authority over lands, taonga and other valued resources. This includes the ability to manage resources according to Maori cultural preferences (kaitiakitanga). Taonga includes such intangible assets as the Maori language and the mauri of natural resources.⁴ Government has recognised the right for iwi to organise and to control resources they own. Application of this principle requires those exercising kawanatanga (governance) to recognise the exercise of rangatiratanga (self-determination) and kaitiakitanga (guardianship) by iwi.*
- *Partnership, including a duty for partners to act reasonably and in good faith. This principle may be expressed through shared decision-making.*
- *Active protection of Maori in the use of their lands, waters and other resources. This principle requires that the duty of protection of Maori interests in resource management is not simply a passive one, but active to the fullest extent practicable.*
- *A duty to consult with Maori, including early consultation. While not all matters may in practice require consultation, environmental matters and control of resources as they affect Maori access to mahinga kai require consultation with the iwi or hapu concerned. Local authorities should have regard to the different levels of iwi, hapu, whanau and marae decision-making structures when undertaking consultation. For example, site specific issues may require consultation with hapu, whanau or marae.*
- *Mutual benefit, that is, iwi and local authorities are able to gain from the relationship and enjoy benefits. Sometimes this is expressed as the need for compromise by parties, and the balancing of competing interests.*
- *The right of development. Iwi are not just bound by the methods and technologies available at the signing of the Treaty of Waitangi, but have the right to use new methods and technologies.⁵*

Waitangi Tribunal reports relating to the region and settlement decisions should be referred to for guidance on resource management issues of significance to iwi. These reports often describe the value and history of a site or place which can further inform assessments of effects and resource management decision making.

Policy 48: Avoiding adverse effects on matters of significance to tangata whenua – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, particular regard shall be given to avoiding adverse effects on:

- the exercise of kaitiakitanga;
- mauri, particularly in relation to fresh and coastal waters;
- mahinga kai and areas of natural resources used for customary purposes; and
- places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua.

Explanation

There are several ways of gathering information on matters of significance to the region's tangata whenua, including, but not limited to, the following:

- referring to relevant the iwi authorities and/or iwi management plan(s)
- requesting a cultural assessment⁶

⁴ See Report of the Waitangi Tribunal on the Motunui-Waitara Claim (Wai 6), March 1983, section 10; Report of the Waitangi Tribunal on the Kaituna River Claim (Wai 4), November 1984, sections 4 and 5; and Report of the Waitangi Tribunal on the Manukau Claim (Wai 8), July 1985, section 8.

⁵ Wellington Regional Council (2000) The charter of understanding between Te Tangata Whenua o Te Upoko o te Ika a Maui and Wellington Regional Council. Wellington

⁶ A cultural assessment may include, but is not limited to, Maori history, Treaty claims and settlements, presence of significant sites, social effects and recommendations for avoiding, remedying and mitigating adverse effects

Table 10: Resource management with tangata whenua Objectives 24, 25, 26 and 27 Methods 4, 13, 37, 38 & 48 Consider alongside policies 1 to 60

- seeking technical assistance
- working with iwi authorities, hapu, whanau or *tangata whenua* associated with specific marae to identify potential effects on cultural values and *kaitiakitanga*.

Kaitiakitanga refers to the expression of Maori authority, mana ethics and guardianship and may be exercised in respect of a particular locality, place or resource. *Kaitiakitanga* (guardianship) involves the protection of *mauri* and a duty to care for the environment so that it remains in as good as, or better, state for future generations.

Kaitiakitanga is linked inextricably to *rangatiratanga* (self-determination) as it may only be practised by those iwi, hapu or whanau that possess customary authority in their area. *Kaitiaki* (those who exercise *kaitiakitanga*) are knowledgeable about the local environment and resources. The ways in which iwi, hapu, or whanau define *kaitiakitanga* relating to ancestral land, water and other taonga, and how they wish to have their *kaitiaki* role recognised, is a matter for them to decide and communicate to local authorities. There are various methods of *kaitiakitanga* natural resources customary regulations, including rahui, or placing a temporary restriction or ban.

Mauri is the life force that exists in all things in the natural world, including people. *Mauri* comprises both physical and spiritual qualities. *Mauri* can be harmed by insensitive resource use. For example, the health and vitality of the sea, streams and rivers and the plants and animals they support can be threatened by activities such as discharges of pollutants, stormwater, sewage and runoff of contaminants from land; excessive water use; changing the course of water bodies or diverting water between catchments or rivers. Maori consider that rivers are the life blood of the land and that the wellbeing of a river is reflected in the wellbeing of people. Similarly, the *mauri* of the land and air and the plants and animals they support can be harmed by practices such as clearance of vegetation, soil disturbance and disposal of wastes. The *mauri* of coastal waters is harmed by pollutants and sewage, and by insensitive use and development which diminishes the natural character, life-supporting capacity and ecosystem health of the coastal environment.

Mauri can be restored, maintained or enhanced through sensitive management which supports the restoration of the natural character of the place, and the health and vitality of the ecosystem it supports.

Mahinga kai is the customary gathering of food and natural materials and the places where those resources are gathered.⁷ Resources used for cultural purposes include, but are not limited to, flora and fauna for rongoa Maori (medicine); flora and fauna for weaving (for example, pingao, kiekie, bird feathers); and wood, such as totara, for carving purposes. Access to these resources is important for continuing cultural traditions.

Threats to *mahinga kai* and natural resources include degradation of water quality in fresh water and marine environments through poor stormwater, sewage and run-off management; loss of water resources and associated ecosystems through water abstraction, drainage and flood management works; exclusion from access to *mahinga kai* through the construction of physical barriers such as roads or through changes in ownership, management and control. Major threats to natural resources used for customary purposes are similar to the threats to *mahinga kai*, including development, changing land use, loss of ecosystems, poor management and disposal of wastes, unsustainable resource use, and exclusion from access to sites where valued cultural resources are found.

Many places, sites and areas in the region that are associated with Maori histories, traditions and *tikanga* are sites of heritage value. Such sites are valued because of the historical and traditional practices and events associated with them. Places, sites and areas with Maori

⁷ Ngai Tahu Claims Settlement Act 1998, Section 167.

historic heritage value are important because of their social, cultural and spiritual significance not only to Maori, but to all people of the Wellington region. They are an integral part of the region's heritage and provide links between the past, present and future generations.

Some heritage sites are wahi tapu, sacred places of immense importance. Places can be considered sacred because of past events or activities (such as a battle or ceremony), or where the whenua (placenta) is returned to the earth, or where a valued resource is found.

Places, sites and areas with significant spiritual or cultural historic heritage values to tangata whenua include wahi tapu and other sites, features of historical, spiritual or cultural significance to tangata whenua, and the cultural and spiritual values associated with them. These include, but are not limited to:

- tauranga waka (canoe landing places)
- mahinga mataitai (places for gathering seafood, fishing grounds and reefs)
- taonga raranga (plants used for weaving, such as kiekie and pingao)
- wahi tipuna (ancestral sites)
- landscape features referred to in whakatauki (proverbs and stories)
- landscape features that define iwi boundaries, e.g. mountains, streams, rivers, estuaries
- coastal access points
- residential sites such as pa, marae, papakainga
- urupa (burial sites)
- historic battlegrounds.

The identification of these heritage values rests with iwi, hapu, whanau and marae in accordance with their kaitiaki responsibilities.

Policy 49: Managing effects on outstanding natural features and landscapes, and significant amenity landscapes – consideration

When considering an application for a resource consent, notice of requirement or a change, variation or replacement to a district or regional plan, a determination shall be made as to whether an activity may affect an outstanding natural feature and landscape, or significant amenity landscape, and/or in determining whether an activity is inappropriate particular regard shall be given to:

- (a) the degree to which the natural feature or landscape values will be modified, damaged or destroyed including:
 - (i) the duration and frequency of any effect, and/or
 - (ii) the magnitude or scale of any effect;
- (b) the irreversibility of adverse effects on landscape values;
- (c) the resilience of the natural feature place or area to change;
- (d) the opportunities to remedy or mitigate previous damage to natural feature or landscape values; and
- (e) whether the activity will lead to cumulative adverse effects on the natural feature or landscape values.

Explanation

Policy 49 provides an interim assessment framework for councils and resource consent applicants prior to the identification of outstanding *natural features* and *landscapes*, and significant amenity landscapes, in accordance with policies 24 and 26, and the adoption of plan provisions for protection in accordance with policies 25 and 27. Policy 49 shall cease to have effect once policies 24, 25, 26 and 27 are in place in the relevant district or regional plan.

Table 7: Landscape
Objective 17
Methods 4
Also consider policies
34, 35, 38, 45, 46, 47,
48, 52, 53, 54 & 55

In determining whether an activity may affect an outstanding natural feature or landscape, the criteria in policy 24 should be used. In determining whether an activity may affect a significant amenity landscape, the criteria in policy 26 should be used.

When assessing the degree to which natural feature or landscape value will be modified, damaged or destroyed and its duration and frequency this may include short-term, long-term or recurring effects. The magnitude or scale of effects may include the number of sites affected, the spatial distribution, the context and the potential of a proposed activity to change its character.

The irreversibility of adverse effects on landscape values may include loss of unique or rare features, or limited or impractical opportunity for avoidance or remediation.

The resilience of the natural feature or landscape to change may relate to the ability of the natural feature or landscape to assimilate change or its vulnerability to the effects of the proposed activity.

Cumulative adverse effects on natural feature or landscape values include the loss of multiple sites of identified landscape value, or the potential for a proposed activity to contribute to incremental change in landscape character.

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

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised, having particular regard to:

- (a) the frequency and magnitude of the range of natural hazards that may adversely affect the proposal or development, including residual risk;
- (b) the potential for climate change and sea level rise to increase the frequency or magnitude of a hazard event;
- (c) whether the location of the development will foreseeably require hazard mitigation works in the future;
- (d) the potential for injury or loss of life, social disruption and emergency management and civil defence implications – such as access routes to and from the site;
- (e) any risks and consequences beyond the development site;
- (f) the impact of the proposed development on any natural features that act as a buffer, and where development should not interfere with their ability to reduce the risks of natural hazards;
- (g) avoiding development in areas at high risk from natural hazards;
- (h) the potential need for hazard adaptation and mitigation measures in moderate risk areas; and
- (i) the need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard areas.

Explanation

Policy 50 aims to minimise the *risk and consequences of natural hazards* events through sound preparation, investigation and planning prior to development. This policy reflects a need to employ a precautionary, risk based approach, taking into consideration the likelihood of the hazard and the vulnerability of the development.

Table 8a:
Natural hazards
Objective 18
Methods 4, 14 & 22
Also consider policies
34, 35, 36, 38, 42, 47,
48, 51, 53, 54 & 55

Typical natural hazards in the region include, but are not limited to:

- flooding and inundation (river, stormwater, coastal)
- earthquake (groundshaking, amplification, liquefaction)
- coastal hazards (erosion, storm surge, tsunami)
- mass movement (landslip, rockfall).

Other site specific hazards may become apparent during the course of an assessment for a proposal or development; however, those above are the most serious hazards to consider.

Policy 50 refers to *residual risk*, which is the risk that remains after protection works are put in place. Stopbanks, seawalls and revetments and other engineered protection works can create a sense of security and encourage further development. In turn, this increases the extent and value of assets that could be damaged if the protection works fail or an extreme event exceeds the structural design parameters.

Policy 50(g) will cease to have effect once policy 28 has been given effect to in the relevant district plan.

The term areas at *high risk* refers to those areas potentially affected by natural hazard events that are likely to cause moderate to high levels of damage to the subdivision or development, including the land on which it is situated. It applies to areas that face a genuine probability of experiencing significant adverse impacts in a hazard event – such as such as fault rupture zones, beaches that experience cyclical or long term erosion, failure prone hill slopes, or areas that are subject to repeated flooding.

Policy 50(i) requires that particular regard to be given, in identified flood hazard areas, to the need to locate floor levels above the expected level of a 1 in 100 year flood or 1 per cent annual exceedance probability (AEP), to minimise damages. It also recognises that access routes should be located above this level, to allow evacuation or emergency services access to and from a site. The clause uses the 1 per cent annual exceedance probability as a minimum standard, allowing for the possibility that it may need to be higher in certain areas, depending on the level of risk.

To promote more resilient communities that are better prepared for natural hazards, including climate change impacts, there is a need to support the Civil Defence Emergency Management principles of hazards and/or risk reduction, readiness, response and recovery.

Reduction is concerned with minimising the adverse impacts from natural hazards through sound planning and management. Readiness is about preparing for hazard events before they occur and involves local authorities, civil defence emergency management and the community. An important way to achieve this is through public education and by providing information and advice in order to raise awareness of natural hazard issues. Response and recovery are the important functions carried out by local authorities and civil defence emergency management during and after a civil defence emergency.

The policy recognises the need to involve the community in preparing for natural hazards. If people are prepared and able to cope, the impacts from a natural hazard event are effectively reduced.

Policy 51: Minimising adverse effects of hazard mitigation measures – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, for hazard mitigation measures, particular regard shall be given to:

- (a) the need for structural protection works or hard engineering methods;

Table 8a: Natural hazards
Objective 19
Methods 4, 14 & 23
Also consider policies 34, 35, 36, 38, 42, 47, 48, 50, 53, 54 & 55

- (b) whether non-structural or soft engineering methods are a more appropriate option;
 - (c) avoiding structural protection works or hard engineering methods unless it is necessary to protect existing development or property from unacceptable risk and the works form part of a long-term hazard management strategy that represents the best practicable option for the future;
 - (d) the cumulative effects of isolated structural protection works; and
 - (e) residual risk remaining after mitigation works are in place,
- so that they reduce and do not increase the risks of natural hazards.

Explanation

Objective 18 seeks to reduce the *risks* and *consequences* from *natural hazards*, while Objective 19 aims to ensure activities, including hazard mitigation measures, do not increase the risk and consequences from natural hazards. Policy 51 promotes these objectives.

Having established there is a need for protection works, non-structural and *soft engineering* methods should be the first option for hazard mitigation. Structural measures or *hard engineering* methods can have significant environmental effects and should be considered as the least desirable option for natural hazard control. Where there is an unacceptable risk to development or property, there may be a place for structural measures or hard engineering methods, if they are part of a long-term hazard management strategy that includes other measures.

The risk that remains after protection works are put in place is known as the residual risk. Stopbanks, seawalls, and revetments and other engineered protection works can create a sense of security and encourage further development. In turn, this increases the extent and value of assets that could be damaged if the protection works fail or an extreme event exceeds the structural design parameters.

Policy 52: Public access to and along the coastal marine area, lakes and rivers – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district plan, particular regard shall be given to enhancing public access to, and along, areas of the coastal marine area, and lakes and rivers with:

- (a) places, sites and areas with significant historic heritage values identified in accordance with policy 20;
 - (b) areas of indigenous ecosystems and habitats, and areas with significant indigenous biodiversity values identified in accordance with policy 22;
 - (c) outstanding natural features and landscapes identified in accordance with policy 24;
 - (d) significant amenity landscapes identified in accordance with policy 26;
 - (e) places, sites and areas with high natural character identified in accordance with policy 35; and
 - (f) the rivers and lakes identified in table 15 of Appendix 1,
- except where there is a need to protect:
- (g) sensitive indigenous habitats of species;
 - (h) the health or safety of people;
 - (i) sensitive cultural and historic heritage values; and/or
 - (j) the integrity and security of regionally significant infrastructure.

Table 2: Coastal environment
 Table 4: Freshwater
 Objective 8
 Methods 4 & 52
 Appendix 1
 Also consider policies 34, 35, 38, 42, 45, 46, 47, 48, 49 & 50

Explanation

Providing public access to and along *rivers, lakes* and the *coastal marine area* is most desirable where that access can contribute to people's enjoyment of these resources and the values associated with them. The values listed in policy 52 contribute to people's recreational enjoyment and appreciation of the coastal marine area, rivers and lakes.

Policy 52 recognises that district and city councils have a key role to play as they are responsible for requiring the creation of *esplanade reserves* and strips in any proposed coastal development or development, alongside lakes and rivers, when considering resource consents for the purposes set out in section 229 of the Resource Management Act.

Enhancing public access may include taking esplanade reserves or strips.

Policy 52 does not limit other efforts to enhance access, or the range of values to which access could be enhanced. Policy 52 outlines the need to consider access to areas of significance required to be identified in accordance with this Regional Policy Statement.

Policy 52 outlines that when implementing the policy, there may be circumstances where public access to the coastal marine area, lakes and rivers is not desirable – such as to provide security for regionally significant infrastructure or to prevent harm to the public.

Table 9: Regional form, design and function
Objective 27
Method 4
Appendix 2
Also consider policies 34, 35, 36, 37, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58 & 59

Policy 53: Achieving the region's urban design principles – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, for development, particular regard shall be given to achieving the region's urban design principles in Appendix 2.

Explanation

The region's urban design principles are based on the seven design qualities described in the *New Zealand Urban Design Protocol*. The region's urban design principles seek to ensure developments, including *infrastructure*, consider the following design elements:

- context
- character
- choice
- connections
- creativity
- custodianship
- collaboration.

Table 9: Regional form, design and function
Objective 27
Methods 4 & 18
Also consider policies 34, 35, 36, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58 & 59

Policy 54: Maintaining a compact, well designed and sustainable regional form – consideration

When considering an application for a resource consent, or a change, variation or replacement to a district plan for urban development beyond the region's urban areas (as at March 2009), particular regard shall be given to whether:

- (a) the proposed development is the most appropriate option to achieve Objective 21;
- (b) the proposed development is consistent with the Council's growth and/or development framework or strategy that describes where and how future urban development should occur in that district; and/or
- (c) a structure plan has been prepared.

Explanation

Urban development beyond the region's urban areas has the potential to reinforce or undermine a compact, well designed and sustainable regional form.

The region's urban areas (as at March 2009) include urban, residential, suburban, town centre, commercial, community, business and industrial zones identified in the Wellington city, Porirua city, Lower Hutt city, Upper Hutt city, Kapiti coast and Wairarapa combined district plans.

Urban development is subdivision, use and development that is characterised by its planned reliance on reticulated services (such as water supply and drainage) by its generation of traffic, and would include activities (such as manufacturing), which are usually provided for in urban areas. It also typically has lot sizes of less than 3000 square metres.

Examples of growth and/or development frameworks or strategies in the region are:

- the Upper Hutt City Council Growth Strategy
- Wellington City Northern Growth Management Framework
- Kapiti Coast: Choosing Futures Development Management Strategy and local outcome statements contained in the Kapiti Coast Long Term Council Community Plan.

Policies 53 and 55 also need to be considered in conjunction with policy 54. In addition, there are also a range of 'related policies' in the Regional Policy Statement that set out matters to be considered in order to manage effects on natural resources.

Structure planning integrates land use with infrastructure – such as transport networks, community services and the physical resources. Structure planning should also help to deliver high quality urban design.

The content and detail of structure plans will vary depending on the scale of development. Notwithstanding this, structure plans, as a minimum, should address:

- provision of an appropriate mix of land uses and land use densities
- how environmental constraints (for example, areas at high risk from natural hazards) and areas of value (for example, indigenous ecosystems, rivers, streams and ephemeral watercourses, wetlands, areas or places with historic heritage, outstanding landscapes, or significant amenity landscapes) are to be managed
- integration with existing and proposed infrastructure services, such as, connections to existing and proposed transportation systems and provision of public and active transport linkages
- the integration of the development with adjoining land use activities
- development staging or sequencing
- how the region's urban design principles will be implemented.

Policy 55: Managing development in rural areas – consideration

When considering an application for a resource consent or a change, variation or replacement to a district plan, in rural areas (as at March 2009), particular regard shall be given to whether:

- (a) the proposal will result in a loss of productivity of the rural area, including cumulative impacts that would reduce the potential for food and other primary production;
- (b) the proposal will reduce aesthetic and open space values in rural areas between and around settlements;
- (c) the proposals location, design or density will minimise demand for non-renewable energy resources; and
- (d) the proposal is consistent with the relevant city or district council growth and/or development framework or strategy that addresses future rural development; or

Table 9: Regional form, design and function
Objective 21
Method 4
Also consider policies 34, 35, 36, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, 58, 59 & 60

- (e) in the absence of such a framework or strategy, the proposal will increase pressure for public services and infrastructure beyond existing infrastructure capacity.

Explanation

Policy 55 addresses development in the region's *rural areas*. This includes residential and other forms of development.

Rural areas (as at March 2009) include all areas not defined as the region's urban areas (as at March 2009).

The region's urban areas (as at March 2009) include urban, residential, suburban, town centre, commercial, community, business and industrial zones identified in the Wellington city, Porirua city, Lower Hutt city, Upper Hutt city, Kapiti coast and Wairarapa combined district plans.

Settlements are clusters of residential lots.

Demand for non-renewable energy resources can be minimised by locating residential developments close to public transport services, through energy efficient design and on-site use of renewable energy resources.

Policy 56: Integrating land use and transportation – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district plan, for subdivision, use or development, particular regard shall be given to the following matters, in making progress towards achieving the key outcomes of the Wellington Regional Land Transport Strategy:

- (a) whether traffic generated by the proposed development can be accommodated within the existing transport network and the impacts on the efficiency, reliability or safety of the network;
- (b) connectivity with, or provision of access to, public services or activities, open spaces or recreational areas;
- (c) whether there is good access to the strategic public transport network;
- (d) provision of safe and attractive environments for walking and cycling; and
- (e) minimising the demands for new, or upgrades to existing, transport network infrastructure.

Explanation

Progress towards the *Wellington Regional Land Transport Strategy* 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 56 lists matters that need to be given particular regard when considering all proposals in terms of their effect on land transport outcomes.

The Wellington Regional Land Transport Strategy key outcomes are:

- increased peak period passenger transport mode share
- increased mode share for pedestrians and cyclists
- reduced greenhouse gas emissions
- reduced severe road congestion
- improved regional road safety
- improved land use and transport integration
- improved regional freight efficiency.

Table 9: Regional form, design and function
Objective 21
Methods 4 & 25
Also consider policies 38, 47, 48, 52, 53, 54, 55, 57 & 60

The strategic public transport network is those parts of the region's passenger transport network that provide a high level of service along corridors with high demand for public transport.

Locations with good access to the strategic public transport network include those:

- within reasonable walk times to stops or stations on the strategic public transport network (research indicates a walk time of up to 10 minutes is 'reasonable')
- with frequent and reliable public transport services
- with accessibility, by public transport, to key destinations in the region
- without physical barriers to public transport (for example, busy roads, lack of footpaths or crossing facilities, steep hills).

Policy 57: 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 replacement to a district plan for subdivision, use or development, particular regard shall be given to whether the proposed subdivision, use or development is located and sequenced to:

- (a) make efficient use of existing infrastructure capacity; and/or
- (b) coordinate with the development and operation of new infrastructure.

Explanation

Subdivision, use and development, (including *infrastructure*) decisions have a direct bearing upon or relationship to the sequencing and development of new infrastructure, including new infrastructure for the region's strategic transport network. The region's strategic transport network is described in the Wellington Regional Land Transport Strategy 2007-2016.

Policy 58: Managing the Regional Focus Areas – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation, or a replacement to a district plan, for subdivision, use or development, particular regard shall be given to the management goals for the Regional Focus Areas described in the Wellington Regional Strategy.

Explanation

The Regional Focus Areas are described in the *Wellington Regional Strategy*. The location of these sites is shown in Figure 3 below. The Regional Focus Areas are predicted to either come under significant development pressure (for example, the northern Waikanae edge and Pauatahanui Inlet) or provide significant development opportunities for a range of land use activities (for example, Porirua, Aotea and Linden, and Upper Hutt). They are areas of critical importance to the achievement of a compact and well designed regional form. The identification of these areas does not mean that they are being promoted for development, without being carefully assessed to ensure the region's compact form is to be retained and adverse affects are appropriately managed.

Objective 21 outlines the elements to be achieved by a compact, well designed and sustainable regional form.

Table 9: Regional form, design and function
Objective 21
Method 4
Also consider policies 38, 47, 48, 52, 53, 54, 55, 56 & 60

Table 9: Regional form, design and function
Objective 21
Methods 4 & 45
Also consider policies 34, 35, 36, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 59 & 60

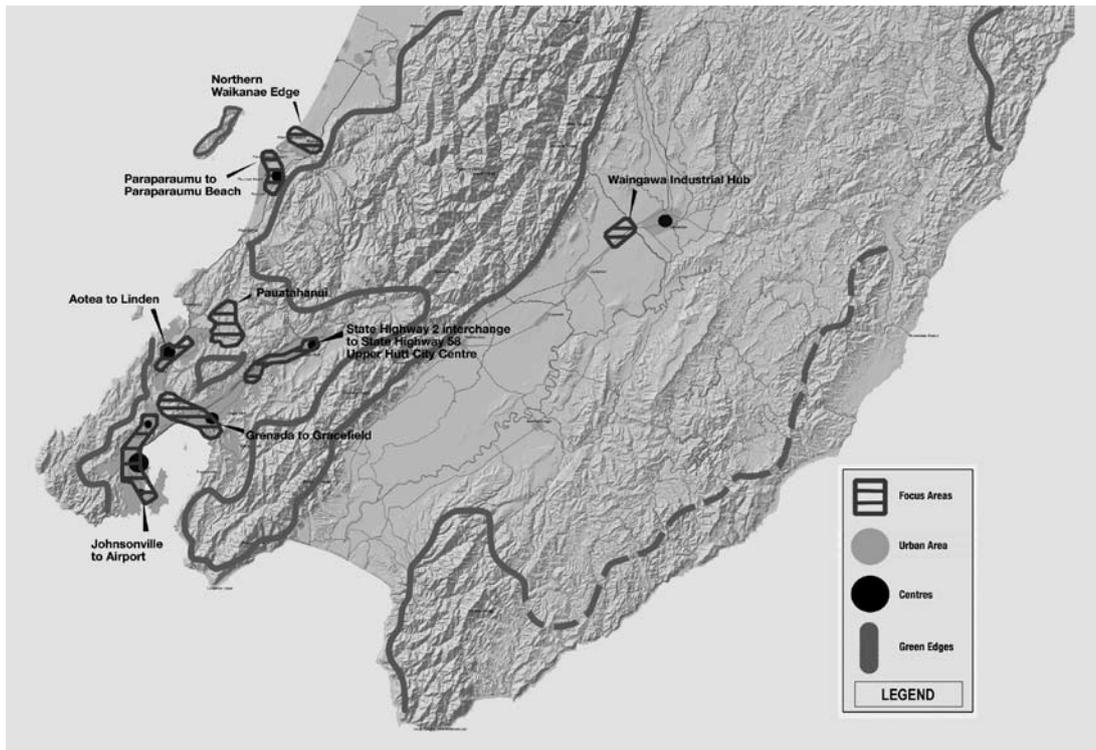


Figure 3: Regional Focus Areas

Table 11: Soils and minerals
Objective 29
Method 4
Also consider policies 38, 40, 41, 43, 44, 47, 48, 54 & 55

Policy 59: Retaining highly productive agricultural land (Class I and II land) – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district plan, particular regard shall be given to retaining the productive capability for agriculture of Class I and II land.

Explanation

Class I land is the most versatile multiple-use land with virtually no limitations to arable use; it is deep, well drained, fine textured, naturally fertile and flood free.

Class II land is very good land with slight limitations to arable use. Slight limitations include texture, structure, potential erosion and potential flooding.

The *New Zealand Land Resource Inventory (NZLRI)*, (Landcare Research New Zealand Ltd, 1975, electronic database), is the reference used to identify the locations of Class I and II land around New Zealand, including within the Wellington region.

According to that classification, Class I and II land is located in Kapiti Coast, Masterton, Carterton and South Wairarapa districts, within the Wellington region.

Resource management decision-making needs to consider the irreversible effects of losing Class I and II land, which is highly productive agricultural land, suitable for multiple uses such as for growing a wide range of crops, pasture and forest, and for supporting grazing animals. It is important to retain the productive capability of this land for future generations. The use of high quality soils for some activities – such as residential development and roading projects – will result in what is effectively permanent loss of these soils from productive use.

Policy 60: Utilising the region's mineral resources – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, particular regard shall be given to:

- (a) the social, economic, and environmental benefits from utilising mineral resources within the region; and
- (b) protecting significant mineral resources from incompatible or inappropriate land uses alongside.

Explanation

Policy 60 directs that particular regard be given to the social, economic, and environmental benefits of utilising mineral resources within the region. It also requires that particular regard be given to protecting significant mineral resources from incompatible and inappropriate land use alongside. Examples of methods to protect significant mineral resources include the use of buffer areas in which sensitive activities may be restricted, and the use of noise reduction measures and visual screening.

Significant mineral resources are deposits of minerals, the extraction of which is of importance in order to meet the current and future mineral needs of the region.

Method 51, when implemented, will identify the locations of significant mineral resources within the region.

Table 11: Soils and minerals
Objective 30
Methods 4 & 51
Also consider policies 34, 35, 36, 42, 43, 45, 46, 47, 48, 49 & 55