

4. Statutory considerations

Overview

Consideration of the NoRs and applications for resource consent must have regard to various matters, principally the relevant provisions of national, regional and district level planning documents. In addition, there are a range of 'other matters' that may be considered. The RMA does not define what 'other matters' are to be considered under these sections, however, it is accepted that these can include matters outside the RMA, including non-statutory processes.

No assessment of these matters is provided in this section. This chapter provides a brief description of the main statutory considerations of relevance to the Project. The assessment of each of these considerations is provided is presented in Part I of this report.

4.1 Introduction

When considering the NoRs (under section 171) and the applications for resource consent (under section 104), the BoI must have regard to various matters.

Section 171 requires the consideration of any relevant provisions of:

- a national policy statement;
- a New Zealand coastal policy statement;
- a regional policy statement or proposed regional policy statement;
- a plan or proposed plan; and
- any other relevant matters.

Section 104 requires the consideration of all of the same matters, as well as any relevant provisions of:

- national environmental standards; and
- other regulations.

This chapter provides a brief description of the main documents of relevance to the Project for each of these matters is provided. No assessment of these matters is provided in this chapter. The assessment is provided in Part I of this report. The full wording of the relevant provisions is contained in **Technical Report 21**.

4.2 National policy statements

The purpose of a national policy statement (NPS) (other than the New Zealand Coastal Policy Statement) is to state objectives and policies for matters of national significance that are relevant to achieving the

purpose of the RMA (section 45(1)). There are two relevant operative NPSs made pursuant to this section:

- the National Policy Statement for Freshwater Management (NPS FM); and
- the National Policy Statement on Electricity Transmission (NPS ET).

The only other relevant NPS is the New Zealand Coastal Policy Statement 2010 (NZCPS). The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand (section 56).

4.2.1 National Policy Statement for Freshwater Management 2011

The NPS FM came into effect on 1 July 2011.

It contains five groups of objectives and policies:

- water quality (A);
- water quantity (B);
- integrated management (C);
- tangata whenua roles and interests (D); and
- progressive implementation programme (E).

An assessment of the Project in relation to the NPS FM is provided in Section 32.2 of this report.

4.2.2 National Policy Statement on Electricity Transmission 2008

The NPS ET came into effect on 10 April 2008.

The objective of the NPS ET is:

“[t]o recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- managing the adverse environmental effects of the network; and*
- managing the adverse effects of other activities on the network.”*

The effects of the Project on the electricity transmission network will need to be considered and managed.

An assessment of the Project in relation to the NPS ET is provided in Section 32.3 of this report.

4.3 New Zealand Coastal Policy Statement 2010

The NZCPS came into effect on 3 December 2010 and contains objectives and policies relating to New Zealand's coastal environment. Although the Project does not involve any activities in the coastal marine area (CMA), some of the activities involved in the Project do have the potential to cause effects on the coastal environment.

The relevant objectives of the NZCPS are in relation to safeguarding and preserving the natural character of the coastal environment, whilst taking into account the principles of the Treaty of Waitangi and maintaining public open space opportunities in the coastal environment.

Policies in relation to the following matters are considered to be relevant:

- the extent and characteristics of the coastal environment (Policy 1);
- the Treaty of Waitangi, tangata whenua and Maori heritage (Policy 2);
- integration (Policy 4);
- the activities in the coastal environment (Policy 6)
- indigenous biological diversity (Policy 11);
- preservation of natural character (Policy 13);
- the restoration of natural character (Policy 14);
- enhancement of water quality (Policy 21);
- sedimentation (Policy 22); and
- discharge of contaminants (Policy 23).

An assessment of the Project in relation to the NZCPS is provided in Section 32.4 of this report.

4.4 Regional policy statements and proposed regional policy statements

Relevant to the Project are:

- the operative Regional Policy Statement for the Wellington Region 1995; and
- the proposed Regional Policy Statement for the Wellington Region.

4.4.1 Wellington Regional Policy Statement 1995

The operative Regional Policy Statement for the Wellington Region (RPS) became operative on 15 May 1995.

The RPS identifies the regionally significant issues around the management of the region's natural and physical resources and sets out what needs to be achieved (objectives) and the way in which objectives will be achieved (policies and methods).

Relevant chapters of the RPS are:

- the iwi environmental management system (Chapter 4);
- freshwater (Chapter 5);
- soils and minerals (Chapter 6);
- the coastal environment (Chapter 7);
- air (Chapter 8);
- ecosystems (Chapter 9);
- landscape and heritage (Chapter 10);
- natural hazards (Chapter 11); and
- the built environment and transportation (Chapter 14).

An assessment of the Project in relation to the RPS is provided in Section 32.7 of this report

4.4.2 Proposed Wellington Regional Policy Statement

Although the operative RPS still has effect, there is also a Proposed Regional Policy Statement for the Wellington Region (PRPS). The PRPS was publically notified on 21 March 2009. Hearings were held in November 2009 and GRWC's decisions were released in May 2010. The PRPS is currently subject to appeals to the Environment Court, although none of the points of appeal are directly relevant to the Project. The NZTA has not lodged an appeal on the PRPS. PCC has lodged an appeal, but it is on a matter which is of no relevance to the Project.

Relevant resource management issues addressed in the PRPS are:

- air quality (Section 3.1);
- coastal environment (including public access) (Section 3.2);
- energy, infrastructure and waste (Section 3.3);
- fresh water (including public access) (Section 3.4);
- historic heritage (Section 3.5);
- indigenous ecosystems (Section 3.6);
- landscape (Section 3.7);
- natural hazards (Section 3.8);
- regional form, design and function (Section 3.9);
- resource management with tangata whenua (Section 3.10); and
- soils and minerals (Section 3.11).

The PRPS also defines 'regionally significant infrastructure' and addresses the provision of regionally significant infrastructure in the proposed objectives. The strategic transport network, which includes the State highway network, is included in the definition of 'regionally significant infrastructure'.

An assessment of the Project in relation to the PRPS is provided in Section 32.6 of this report.

4.5 Regional plans

There are five regional plans that are relevant to the Project. These are:

- Regional Freshwater Plan for the Wellington Region 1999;
- Regional Air Quality Management Plan for the Wellington Region 2000;
- Regional Coastal Plan for the Wellington Region 2000;
- Regional Plan for Discharges to Land for the Wellington Region 1999; and
- Regional Soil Plan for the Wellington Region 2000.

4.5.1 Regional Freshwater Plan for the Wellington Region 1999

The Regional Freshwater Plan for the Wellington Region (RFP) became operative on 17 December 1999. There have been three plan changes which have been made operative since 1999. As noted in Section 1.8.4, the NZTA has lodged a request for a change to the RFP.

The RFP applies to all freshwater in the region, including water in rivers, lakes, streams, ponds, aquifers and artificial water courses, but excluding freshwater in the coastal marine area. It also applies to all land in river and lake beds. The RFP applies to all types of activities that use freshwater or that occur in the beds of rivers and lakes. Activities covered by the RFP which are relevant to the Project include:

- discharges to freshwater;
- the taking, using, damming or diverting of freshwater;
- building and modifying structures in river and lake beds;
- disturbing river and lake beds;
- reclaiming or draining river and lake beds;
- development on the flood plain; and
- flood mitigation.

An assessment of the Project in relation to the RFP is provided in Section 32.8 of this report.

4.5.2 Regional Air Quality Management Plan for the Wellington Region 2000

The Regional Air Quality Management Plan for the Wellington Region (RAQMP) became operative on 8 May 2000. There has been one plan change to the RAQMP, which was made operative in 2003. The Plan applies to discharges to air in the whole of the region, except for the CMA. The RAQMP contains objectives, policies, methods and rules related to managing the air quality impacts of the discharge of contaminants to air. This RAQMP is relevant to the application to discharge contaminants to air from the concrete batching plant.

An assessment of the Project in relation to the RAQMP is provided in Section 32.9 of this report.

4.5.3 Regional Coastal Plan for the Wellington Region 2000

The Regional Coastal Plan for the Wellington Region (RCP) became operative on 19 June 2000. There are no proposed plan changes to the RCP currently notified. The RCP applies to the CMA of the region. The CMA is the foreshore, seabed and coastal water, and the air space above the water, between the outer limits of the territorial sea and the line of mean high water springs. The RCP also identifies areas of significant conservation value (ASCV), including the Pauatahanui Inlet ASCV which is relevant to the Project⁴³.

The Project does not involve any activities in the CMA and resource consents are not being sought under the RCP. However, some of the activities involved in the Project do have the potential to cause effects on the coastal environment. This relates to potential effects of the Project on streams, all of which ultimately discharge to the coastal environment. Policies in relation to the following aspects are considered to be relevant:

- general objectives and policies (Chapter 4).

An assessment of the Project in relation to the RCP is provided in Section 32.10 of this report.

4.5.4 Regional Plan for Discharges to Land for the Wellington Region 1999

The Regional Plan for Discharges to Land for the Wellington Region (RPDL) became operative on 17 December 1999. There has been one plan change to the RPDL, which was made operative in 2003. The RPDL applies to the whole of the Region, except the CMA. It aims to manage the discharge of contaminants to land, whether or not the discharge enters water, in order for the receiving environment to be sustainably managed. Provisions of relevance to the Project are:

- the discharge of chemically treated sediment laden water to land.

An assessment of the Project in relation to the RDLP is provided in Section 32.11 of this report.

4.5.5 Regional Soil Plan for the Wellington Region 2000

The Regional Soil Plan for the Wellington Region (RSP) became operative on 9 October 2000.

The Project is located entirely within Area 2 of the RSP. Area 2 of the RSP defines 'erosion prone land' as including "any land within Area 2... with a slope greater than 28 degrees". Parts of the Project are on erosion prone land. The RSP identifies issues to be addressed so that the effects of soil disturbance and vegetation clearance can be sustainably managed. Objectives, policies, and methods (including rules) are set out in the RSP to address these issues. The applications for resource consent for bulk earthworks (including large scale vegetation clearance) are being made under the RSP.

An assessment of the Project in relation to the RSP is provided in Section 32.12 of this report.

43. Pauatahanui Inlet ASCV, shown in Planning Map 2B of the RCP.

4.6 District plans

The Project requires the use of land in four districts:

- Kapiti Coast District, administered under the Kapiti Coast District Plan 1999;
- Upper Hutt City, administered under the Upper Hutt City District Plan 2004;
- Porirua City, administered under the Porirua City District Plan 1999; and
- Wellington City, administered under the Wellington City District Plan 2000.

The following sections provide a high-level overview of the District Plans of relevance to the Project, including contextual information on the relevant zones, plan notations, key objectives and policies. No assessment of these plans is provided in this chapter.

4.6.1 Kapiti Coast District Plan 1999

The Kapiti Coast District Plan (KCDP) became operative on 30 July 1999.

The Project requires land in the Rural Zone of the KCDP. In addition to the underlying zoning, there are a number of other KCDP notations recorded against parts of the area proposed to be designated:

- Water Collection Area;
- Faultline;
- Ecological sites K111 (Wainui Stream Bush – DOC 711), K139 (Rowans Bush) and E17 (Tararua Ranges - DOC 281);
- Outstanding Landscape; and
- Noise Contour.

There are no proposed plan changes relevant to the Project.

The key objectives of the KCDP are to provide for a variety of lifestyles, recreational and cultural experiences and basic infrastructure, whilst protecting the natural environment and cultural heritage of the district. The KCDP also seeks to provide and maintain public utility services, and a transport system which meets high standards of environmental protection and provides for the safe and efficient movement of people and freight through the district, and between communities. The KCDP also recognises the district as a major growth centre in the region, and therefore sets an objective to continue to provide water, essential public utility systems, efficient arterial traffic links and employment opportunities for the community, whilst conserving and enhancing natural resources, valuable agricultural land, visual values and taonga (treasures, spiritual, physical) and protecting land, air and water from pollution.

The Project requires land in the Rural Zone. The rural environment as a whole comprises the bulk of the district, although less than 10% of the district's population live in the Rural Zone. The qualities of the district's rural environment have encouraged a diversity of activities with varying impacts on the environment. As such, the KCDP seeks to control the scale and intensity of land use activities, while

recognising the character and values of the natural environment. The Rural Zone also seeks to maintain and enhance a safe and efficient main road network, protect the district's significant indigenous flora and fauna, outstanding landscapes and sites of cultural significance, and maintain, enhance and protect the district's rural landscape.

An assessment of the Project in relation to the KCDP is provided in Section 32.13.1 of this report.

4.6.2 Upper Hutt City District Plan 2004

The Upper Hutt City District Plan (UHCDP) became operative on 1 September 2004.

The Project requires land in the following UHCDP zone:

- the Rural Hill Zone.

In addition to the underlying zoning, part of the area proposed to be designated is subject to Designation WRC6 (Akatarawa and Whakatiki Water Catchment).

There are no proposed plan changes relevant to the Project.

Key objectives of the UHCDP are to recognise the different qualities and characteristics of the city's unique environments, to recognise special resource or environmental issues which exist within the city, and to ensure the establishment, operation, maintenance and upgrading of essential utilities in the city. In relation to transport, key objectives of the UHCDP include the promotion of accessibility between the city and neighbouring areas.

The Project will require a small amount of land in the Rural Hill Zone. The rural area contains much of the city's agriculture and primary productive land resources, which are an important part of the city's economic and social well-being. The area also forms the immediate backdrop to the city in terms of landscape. Areas for rural lifestyle, passive and active recreation and leisure opportunities, and other mixed urban/rural activities also form part of the character of this environment.

The Rural Hill sub-zone is the largest area within the rural environment. The sub-zone comprises the hill areas surrounding the valley floor and many open space areas which are largely undeveloped and valued for their recreation, scenic, heritage, habitat, ecological, landscape and scientific values. This includes the Tararua Forest Park, the GWRC water catchment areas, plantation forests and the Kaitoke Regional Park. These areas are used for both passive and active recreation. A key objective of this zone is the maintenance and enhancement of the open spaces, natural features and ecological systems which comprise its rural character and amenity.

An assessment of the Project in relation to the UHCDP is provided in Section 32.13.2 of this report.

4.6.3 Porirua City District Plan 1999

The Porirua City District Plan (PCDP) became operative on 1 November 1999.

The Project requires land in the following PCDP zones:

- the Industrial Zone;
- the Suburban Zone;
- the Rural Zone;
- the Judgeford Hills Zone;
- the Recreation Zone; and
- the Public Open Space Zone.

In addition to the underlying zoning, there are a number of other PCDP notations recorded against the area proposed to be designated:

- the Whitby Landscape Protection Area;
- Designation K0101 (North Island Main Truck railway line); and
- Designation K0703 (Battle Hill Regional Park).

There are no proposed plan changes relevant to the Project.

The PCDP identifies eight areas within the city for which resource management issues are clearly differentiated. The key objectives for the eight zones include ensuring an environment which is healthy, attractive and safe, and recognising the importance of the city centre as a built resource and the need for it to continue to develop to meet changing needs and demands of the population. The PCDP also seeks to create suburban environments which are attractive places to live, and rural areas where there is a balance between rural activities and the natural environment. The objectives of the zones relevant to the Project are summarised below.

The industrial areas of Porirua are modern, purpose built industrial subdivisions. They are well defined geographically and well serviced. These areas represent both a significant investment in infrastructure and a significant resource where existing and future industrial development can locate. The key objective of the Industrial Zone is to promote the sustainable management of the city's industrial resource, by encouraging the establishment of a wide range of activities, and supporting industry and industrial growth into the future.

The suburban areas of Porirua are diverse, ranging from the redeveloped holiday homes in Plimmerton, to the large areas of state built housing in Cannons Creek and Waitangirua, and the extensive privately planned Whitby development. This diversity has led to the establishment of a set of standards to protect neighbourhood amenity and overall residential character throughout the suburban zones of the city. The key objectives of the Suburban Zone are to encourage suburban activities on land most suitable for that purpose and to create attractive, healthy and safe places to live, which protect and enhance the amenity and character of the residential resource, suburban shopping centres, and open spaces. The Suburban

Zone also seeks to enable the creation of a range of residential development types and densities to reflect the diversity of needs and housing choices in the community.

The PCDP identifies that Porirua's rural area is a significant resource of outstanding character and beauty. In particular, Pauatahanui Inlet and the surrounding rural land, is of considerable scenic, ecological and recreational value. The principal activity in the Rural Zone is pastoral farming. The objectives and policies of the PCDP recognise the need for the Rural Zone to continue as a working rural landscape, and for a wide variety of farm related activities to be allowed in order to maximise both the present viability and future potential of the area. The PCDP seeks to allow rural activities while ensuring the rural area remains a sustainable resource for present and future generations. The PCDP also recognises that one of the most significant resource management issues facing the Rural Zone, and the Pauatahanui / Judgeford area in particular, is the Transmission Gully Project, and that the PCDP may need to react to this by way of policies and potential plan changes.

The Whitby Landscape Protection Area is an area of land that has been identified as having significant landscape qualities, which are important elements in defining the landscape character of Whitby and Porirua City. Duck Creek is an important feature in terms of ecology and landscape values, and contributes significantly to Whitby's open space network. Resolution Ridge at the eastern end of Whitby is a major ridgeline feature with a central summit. This ridge provides a landscape connection between the Belmont area and the Pauatahanui Inlet and provides a logical landscape delineation of the eastern extent of urban Whitby.

The Judgeford Hills Zone was the result of a private plan change request and it is intended to provide the opportunity for development of the land within the zone whilst maintaining and enhancing its natural and physical characteristics. The key objectives of the zone are to provide for continuing primary production activity in appropriate areas within the zone, in order to maintain the rural character and rural amenity by limiting the extent of built development and by providing open space areas. The eastern side of the Judgeford Hills Zone adjoins one of the existing designations for the Project. As a consequence, the plan provisions for the zone also require the consideration of the effects of the Project on the landscape and natural character of the land within the zone, as well as seeking to limit any future new or upgraded vehicle access within the zone to or from the new State highway.

The provision and maintenance of public recreation areas and open spaces is a key issue for the city. In addition, the non-recreation and non-community activities in the Recreation and Open Space Zone include key network utilities and transport corridors. These uses form part of the existing environment, contribute to the well-being of the city and/or have regional or national significance, including the existing Transmission Gully designations. An objective of the Open space zone is that the use and development of public open spaces and recreation areas in Porirua provides for and complements the demand for recreation and community activities and contributes to the city's amenity and character.

An assessment of the Project in relation to the PCDP is provided in Section 32.13.3 of this report.

4.6.4 Wellington City District Plan 2000

The Wellington City District Plan (WCDP) became operative on 27 July 2000.

The Project requires land in the following WCDP zones:

- the Outer Residential Zone; and
- the Rural Zone.

There are no notations shown in the WCDP for this land.

There are no proposed plan changes relevant to the Project.

The key objectives of the WCDP include the protection and enhancement of the natural areas of the city, as well as the encouragement of more intensive and mixed-use development within the existing urban area to achieve better use of transport, infrastructure and energy. The WCDP also aims to reduce the risks associated with natural and technological hazards, and to manage environmental effects, whilst providing for necessary public works and infrastructure.

The Project includes land in the Outer Residential Zone, which is generally characterised by the WCDP as the suburbs from the inner town belt to the boundary of the Rural Area. Houses are of varying character and are located on larger sections, and most non-residential activities in this zone directly service local residents. The objectives of this zone include the encouragement of subdivision and development of existing sites (infill subdivision or development) to maintain the general character and amenity of such areas, and the encouragement of a greater mix of uses within residential areas, whilst protecting and enhancing character areas and the quality of subdivision design and development.

The Project also includes land in the Rural Zone. This zone represents about 65% of the city's total land area, although only a small proportion of the local population lives there. It extends from the outer boundaries of the city's urban areas to the coast and, in the north, to the boundaries of Hutt City and Porirua City. The generally rugged landscape comprises steep ridges and deep gullies, and contains many sites of importance to Maori. Most of the land is used for pastoral farming, and settlements are small and scattered. However, the increasing demand for rural lifestyle blocks close to the city is creating continued pressure for subdivisions and other development. Therefore, the objectives of this zone include the encouragement of a wide range of rural activities, whilst maintaining rural amenity. This is achieved by limiting housing developments, and protecting ridgelines and hill tops from development.

An assessment of the Project in relation to the WCDP is provided in Section 32.13.4 of this report.

4.7 National environmental standards

A national environmental standard (NES) is a regulation issued under section 43 of the RMA. They generally apply nationally. The relationship between the provisions of the NES and the regional and district plan rules is explained in section 43B.

There are two NESs which are considered relevant to the Project:

- the National Environmental Standards for Air Quality 2004; and
- the National Environmental Standards for Sources of Human Drinking Water 2008.

A NES on contaminants in soil is expected to be gazetted later this year⁴⁴. As it is not yet in effect, it is not known if it is relevant to the resource consents sought for the Project. If it is of relevance, it will be addressed in evidence.

It is also noted that there is a NES for Electricity Transmission Activities (NES ET). This NES contains regulations relating to the relocation of existing transmission lines (amongst other matters), which is one of the activities required as part of the enabling works for the Project. Applications for the relocation of the existing transmission lines and associated activities (under the NES ET) are being made separately by Transpower, as discussed in Section 1.8.1 of this report.

4.7.1 National Environmental Standards for Air Quality 2004

The National Environmental Standards for Air Quality⁴⁵ (NES AQ) are intended to protect public health and the environment of New Zealand by, among other things, setting concentration limits for criteria air pollutants. Different parts of the NES AQ came into effect between 2004 and 2006.

There are five ambient air quality standards relevant to the Project. These standards came into effect on 1 September 2005. Schedule 1 of the NES AQ sets out ambient air quality concentration limits for the following:

- carbon monoxide;
- nitrogen dioxide;
- sulphur dioxide;
- ozone; and
- fine particulate matter (PM10).

An assessment of the Project in relation to the NES AQ is provided in Section 32.14 of this report.

4.7.2 National Environmental Standards for Sources of Human Drinking Water 2008

The National Environmental Standard for Sources of Human Drinking Water⁴⁶ (NES SHDW) came into effect on 20 June 2008.

44. <http://www.mfe.govt.nz/laws/standards/contaminants-in-soil/index.html>

45. Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins and Other Toxics) Regulations 2004, gazetted on 9 September 2004.

46. Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2008, gazetted on 20 December 2007.

The NES SHDW aims to reduce the risk of contamination of drinking water sources by requiring regional councils to consider the effects of certain activities on drinking water sources when granting water permits or discharge permits. Sources of drinking water have been identified in the vicinity of the Project. As the Project requires water permits and discharge permits upstream from a drinking water abstraction point (a KCDC water supply bore, discussed in Section 6.13.5), the NES SHDW needs to be considered.

An assessment of the Project in relation to the NES SHDW is provided in Section 32.14 of this report.

4.8 Other regulations

There are no other regulations (other than the NESs discussed above) that are considered relevant to the Project.

4.9 Other relevant matters

For the resource consent applications, the BoI must have regard to “any other matter the consent authority considers relevant and reasonably necessary to determine the application” (section 104). For the NoRs, a BoI must have regard to any other matter it considers reasonably necessary in order to make its decision (section 171(1)(d)).

The RMA does not define what matters are to be considered under these sections, however, it is accepted that these can include matters outside the RMA, including non-statutory processes. It is considered that there are a number of other matters that are relevant to the Project. Factors that were used to determine what other relevant matters to consider were:

- the subject and spatial relevance of the matter;
- whether the matter had been through a public process; and
- whether the outcome of the matter (e.g. plan or strategy document) was widely publically available.

Some of the matters considered relevant have already been identified (and discussed) in Chapter 6.13.5. These are:

- the Government Policy Statement on Land Transport Funding 2009/10 – 2018/19;
- the National Infrastructure Plan 2011;
- the New Zealand Transport Strategy 2008;
- the Wellington Regional Land Transport Strategy 2010 – 2040;
- the Western Corridor Plan 2006; and
- the Wellington Regional Strategy 2007.

In addition, the following matters are also considered relevant and are now discussed:

- the Porirua Development Framework 2009;
- the Porirua City Community Outcomes Action Plan 2009 – 2015;
- the Draft Porirua Transportation Strategy;
- the Kapiti Coast Sustainable Transport Strategy 2008;
- the Wellington Conservation Management Strategy 1996;
- the Greater Wellington Parks Network Plan 2011;
- the Pauatahanui Inlet Action Plan 2000
- iwi management plans.

4.9.1 Porirua Development Framework 2009

The Porirua Development Framework 2009 (PDF) is a strategic guiding document that anticipates how and where Porirua City will physically develop over time. The PDF is a non-statutory (but nevertheless useful) strategic document that forms the basis for long term management and planning of the development of Porirua City. The document was subject to a formal public consultation process and hearings, as anticipated by the LGA 2002.

The PDF incorporates a spatial plan that anticipates a future pattern of development of Porirua looking forward over a 30-year timeframe, together with a detailed action plan for strategically implementing this pattern of development. One of the key assumptions of the PDF is that the Project will be completed. In this regard, the Project presents a number of issues concerning the form and manner of future development in Porirua.

An assessment of the Project in relation to the PDF is provided in Section 32.15.7 of this report.

4.9.2 Porirua City Community Outcomes Action Plan 2009 – 2015

Section 93 of the LGA 2002 requires local authorities to produce a long-term council community plan which describes the activities of the local authority and the community outcomes of the local authority's district or region (amongst other requirements described in subsection 93(6) of the LGA). The Community Outcomes Action Plan was prepared by the PCC in conjunction with the community to work towards achieving the community outcomes which had been identified through the 2002 LGA plan process. The Action Plan identifies nine high-level community outcomes. One of these, 'Well Connected & On The Move', is of relevance to the Project.

The Action Plan identifies the Project as a clear priority for helping to meet the local community's transport needs.

An assessment of the Project in relation to the action plan is provided in Section 32.15.8 of this report.

4.9.3 Draft Porirua Transportation Strategy

The DPTS was consulted on in May 2011 and sets goals and aspirations for all types of transport in the Porirua District. The strategy is predicated on the construction of the Project with other local roading projects being developed on that basis.

An assessment of the Project in relation to the Draft Transportation Strategy is provided in Section 32.15.9 of this report.

4.9.4 Kapiti Coast Sustainable Transport Strategy

The Sustainable Transport Strategy is one of a number of Kapiti Coast District strategies that set out the long term strategic response to the Community Outcomes. It has very strong links with the Regional Land Transport Strategy and the Wellington Regional Strategy.

The Strategy sets out a framework for decisions about transport development in the wider region that will affect Kapiti in relation to the east/west corridors (the existing corridor at SH58 and the potential east/west link near Ngauranga Gorge). The draft strategy is broken into five broad 'transport focus areas', and how these will affect the Kapiti Coast community.

An assessment of the Project in relation to the Sustainable Transport Strategy is provided in Section 32.15.10 of this report.

4.9.5 Wellington Conservation Management Strategy 1996

The Wellington Conservation Management Strategy 1996 (WCMS) is a statutory document prepared under Part 3A of the Conservation Act 1987. The WCMS implements general policies and establishes objectives for the integrated management of natural (including land and species) and historic resources. It indicates what DOC intends to do and how it can respond to requests to use the natural and historic resources it manages. State highway work within any reserves or conservation areas must address any relevant conservation management strategy, as outlined in the NZTA's guidelines for State highway work within or adjacent to public conservation land⁴⁷.

An assessment of the Project in relation to the WCMS is provided in Section 32.15.11 of this report.

4.9.6 Greater Wellington Parks Network Plan 2011

The Greater Wellington Parks Network Plan (GWPNP) came into effect on 1 January 2011. It is a statutory document prepared under section 41 of the Reserves Act 1977. It combines and supersedes previous separate management plans for each of the regional parks in the region.

The GWPNP recognises the future development of the Transmission Gully Project through the Belmont and Battle Hill regional parks. The general direction of the GWPNP is to re-evaluate the management of the area of Belmont Regional Park which will be to the west of the Transmission Gully Project once it is

47. Transit NZ Environmental Plan, 2008

constructed. Regardless of the management decision for this area of the park, access to the park from Porirua (i.e. the west) is a continuing requirement.

For the Battle Hill Farm Forest Park, the GWPNP notes that the Transmission Gully Project will dissect the park and contains policies and objectives aimed at minimising this effect.

An assessment of the Project in relation to the GWPNP is provided in Section 32.15.12 of this report.

4.9.7 Pauatahanui Inlet Action Plan 2000

The Pauatahanui Inlet Action Plan (PIAP) was released in August 2000 by the Pauatahanui Inlet Action Group. The PIAP was prepared by the group with input from a number of stakeholders, including the then Transit NZ. The PIAP's vision for the Inlet involves the protection and restoration of the ecosystem and its use for recreational opportunities. The PIAP contains a set of management actions to achieve this vision. These management actions are grouped into eight themes.

Theme 5 (Roading) is relevant to the Project:

- *Issue 5.3: The construction of the Transmission Gully and/or the upgrading of the existing SH1 corridor, with a new bridge at the entrance of the Inlet are likely to have significant impacts on the Inlet.*
- *Actions 5.2 and 5.3: Ensure that the roading agencies develop and adopt a Memorandum of Understanding based on best practice which includes:*
 - *Management systems for on-going maintenance activities which identify and mitigate adverse environmental effects on the Pauatahanui Inlet; and*
 - *New applications for roading activities under the RMA must recognise that the protection of the Inlet from adverse environmental effects is a critical issue to be addressed.*

An assessment of the Project in relation to the PIAP is provided in Section 32.15.13 of this report.

4.9.8 Iwi management plans

Section 36B of the RMA provides for local authorities to make Joint Management Agreements with other public authorities, or iwi or hapu group(s), in order to perform particular functions powers or duties under the RMA. Protocols for the establishment and disestablishment of such groups are outlined in sections 36B and 36E of the RMA.

4.9.8.1 PCC and Ngati Toa

The only iwi that PCC recognises as tangata whenua within Porirua is Ngati Toa. Ngati Toa has marae at Takapuwahia and Hongoeka. The administrative office for the iwi, Te Runanga O Toa Rangatira Inc., is based at Takapuwahia marae.

PCC and Te Runanga O Toa Rangatira Inc. have both signed a joint "Charter of Understanding" with Terms of Reference which outlines their working relationship. This was established by a Treaty Partnership Group, (set up in 2002), which is a governance level group with equal membership from both parties. The role of the group is to provide governance relationship and to promote the establishment of mutually beneficial relationships between PCC and Ngati Toa, based on treaty notions of partnership and shared decision making.

The only iwi management plan pertaining to Ngati Toa that PCC holds is 'He Huri Whakamuri Ka Titiro Whakamua' (1996) by Te Runanga O Toa Rangatira Inc. This iwi management plan is a framework for the management of sites and places of significance to Ngati Toa within Porirua District. The management plan contains includes a comprehensive list of sites and places of Maori heritage. The Cultural Impact Assessment undertaken by Ngati Toa (**Technical Report 18**) did not identify any waahi tapu, or other sites of cultural significance, in the immediate vicinity of the proposed alignment.