

**BEFORE THE INDEPENDENT HEARINGS PANELS APPOINTED TO HEAR AND MAKE  
RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS ON PROPOSED CHANGE 1  
TO THE REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION**

**UNDER** Schedule 1 of the Resource Management  
Act 1991 (the Act)

**IN THE MATTER OF** Hearing Submissions and Further  
Submissions on Proposed Change 1 to the  
Regional Policy Statement for the  
Wellington Region

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**STATEMENT OF REBUTTAL EVIDENCE OF JEROME GEOFFREY  
WYETH**

**ON BEHALF OF WELLINGTON REGIONAL COUNCIL**

**HEARING STREAM TWO - INTEGRATED MANAGEMENT**

**7 July 2023**

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## **INTRODUCTION**

- 1 My full name is Jerome Geoffrey Wyeth. I am a Principal Planning and Policy Consulting at 4Sight Consulting – Part of SLR.
- 2 I have read the respective planning evidence and legal submissions of:
  - 2.1 Director-General of Conservation.
  - 2.2 Fuel Companies and PowerCo.
  - 2.3 Horticulture New Zealand (HortNZ).
  - 2.4 Kāinga Ora– Homes and Communities (Kāinga Ora).
  - 2.5 Meridian Energy Limited (Meridian).
  - 2.6 Porirua City Council (PCC).
  - 2.7 Rangitāne Tū-Mai-Rā Trust and Rangitāne o Wairarapa (Rangitāne).
- 2.1 Wairarapa Federated Farmers (WFF).
- 2.2 Wellington Fish and Game (Fish and Game).
- 2.3 Wellington International Airport Limited (WIAL).
- 2.4 Wellington Water.
- 2.5 Winstone Aggregates.

## **QUALIFICATIONS AND EXPERIENCE**

- 3 My qualifications and experience are set out in paragraph 17-24 of my section 42A report for this topic, dated 16 June 2023. I repeat the confirmation given in that report that I have read and agree to comply with the Code of Conduct for Expert Witnesses.

## **RESPONSES TO EXPERT EVIDENCE**

- 4 This section responds to submitter evidence in relation to the provisions in this topic followed by a section on ‘other issues raised in submitter evidence’ (i.e. the ‘consideration policies’, use of the term ‘natural and built environments’ etc.). The recommended amendments to the Change 1 provisions in my section 42A report are shown in red

~~underlined~~ ~~marked out~~ below and further recommended amendments in this rebuttal evidence are shown in ~~blue~~ ~~underlined~~ ~~marked out~~.

### **Overarching Resource Management Issues**

- 5 The overarching resource management issues proposed for the introduction to Chapter 3 of the RPS are addressed in the evidence of Meridian, PCC, Rangitāne, WIAL, Wellington Water and WFF.

#### Meridian

- 6 Ms Foster provides detailed commentary on the proposed ‘overarching resource management issues for the Wellington Region’ and raises concerns that the proposed list of ‘overarching’ issues at the start of Chapter 3, conceptually puts these ahead of the issues in subsequent RPS topic chapters, stating the *“intention appears to be to elevate the relevance or importance of these issues and Objective ‘A’”*<sup>1</sup>.
- 7 Given this concern, and the role of RPS to provide an overview of resource management issue in the region, Ms Foster is of the opinion the list of overarching resource management issues is incomplete and overlooks the essential role of regionally significant infrastructure in sustaining the resilience of communities to climate change. To address this concern, Ms Foster recommends that the resource management issue requested in Meridian’s original submission is included in the RPS. Her proposed wording for this issue is set out in **Appendix A** of this evidence alongside other requested issue statements in submitter evidence.

#### PCC

- 8 Mr Smeaton considers that the reference to climate change in overarching resource management issue 1 is insufficient and a separate overarching issue statement specific to the adverse effects of climate change is appropriate. His recommended wording is set out in **Appendix A** of this evidence. In Mr Smeaton’s opinion, this additional overarching resource management issue will provide a better link to the detailed climate change issues proposed in new Chapter 3.1A.

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<sup>1</sup> Evidence of Ms Foster, paragraph 5.8.

## Rangitāne

- 9 Ms Burns reiterates the submission of Rangitāne that overarching resource management issue 3 does not adequately recognise and provide for the relationship of Māori with te taiao in accordance with section 6(e) of the RMA. To address this concern, Mr Burn recommends that overarching resource management issue 3 is amended to add the following underlined words: *“As a result, mana whenua / tangata whenua values and relationship with Te Taiao have ...”*.

## WIAL

- 10 Ms Hunter reiterates the submission points of WIAL that the overarching resource management issues do not adequately recognise regionally significant infrastructure and the effects of climate change on that infrastructure. Ms Hunter is of the opinion that this is a significant issue for the region, because if infrastructure is compromised by the effects of climate change, the well-being of people and communities will also be compromised.

- 11 To address this concern, Ms Hunter recommends:

- 11.1 Amendments to overarching resource management issue 1 to refer to “infrastructure (including regionally significant infrastructure)”.
- 11.2 An additional resource management issue focused on the impacts of climate change on infrastructure which is set out in **Appendix A**.

## Wellington Water

- 12 Ms Horrox reiterates the concerns of Wellington Water that the overarching resource management issues do not adequately recognise infrastructure and regionally significant infrastructure as a ‘core issue’ for the region. Ms Horrox also raises concerns that describing the resource management issues as ‘overarching’ implies a hierarchy in which other topic specific issues in the RPS are subservient. To address these concerns, Mr Horrox requests a new standalone issue “adverse impacts of climate change” which is set out in **Appendix A** of this evidence.

## WFF

- 13 Ms McGruddy raises a wide range of issues and concerns with the overarching resource management issues. Broadly, Ms McGruddy is concerned that there is insufficient evidence to support the issue statements, that these are not based on ‘best available information’ as

stated in the section 42A report for the integrated management topic (the section 42A report), and that the issue statements remain overly negative and definitive. To address these concerns, McGruddy requests:

- 13.1 Amendments to overarching resource management issues 1 or, alternatively, an alternate overarching regional management issue intended to support the overarching “integrated management” frame of Change 1 as set out in **Appendix A**.
- 13.2 A new overarching issue addressing climate change implications and the water supply-demand gap as set out in **Appendix A**.
- 13.3 The relocation of overarching resource management issue 2 to Chapter 3.9 on the basis it is not an overarching issue for the RPS.
- 13.4 Amendments to overarching resource management issue 3 to better reflect the actual level of involvement of mana whenua/tangata whenua in decision-making.

#### Analysis and recommendations

- 14 In my section 42A report on this topic, I note that the intent of the overarching resource management issues at the start of Chapter 3 is not to address all relevant resource management issues in the region but rather highlight the key, overarching issues for the region. However, I accept the concerns of submitters that the ‘overarching’ framing of the resource management issues can, regardless of intent, imply that these are to be elevated above the topic-specific issue statements in subsequent sections of Chapter 3 of the RPS. To help address this issue, I recommend a statement at the end of the overarching issues to state [“These overarching resource management issues should be read with topic-specific resource management issues in the following chapters where relevant”](#). In my opinion, this will help address concerns from submitters that the overarching resource management issues are prioritising certain matters.
- 15 I also accept the concerns of submitters that there are some gaps in the overarching resource management issues relating to climate change and infrastructure given the intent of Change 1 to address climate change and the role of regionally significant infrastructure to both support reductions in greenhouse gas emissions and improve community resilience to climate change.

16 I therefore recommend a new overarching resource management issue relating to climate change and infrastructure as set out below. This recommendation is consistent with the relief sought by a Meridian, PCC, WIAL, and Wellington Water. However, I have sought to express the statement in a more concise way and to be worded in a way that is better aligned with language used in other Change 1 provisions.

#### **4. The effects of climate change on communities and the natural and built environment**

The region's communities, natural and built environments are vulnerable to the current and future effects of climate change. There is a need to ensure that natural and built environments are resilient to and can effectively adapt to the effects of climate change to strengthen the resilience of our communities to these impacts. This will also require resilient and well-functioning infrastructure networks, including regionally significant infrastructure.

17 I also recommend a consequential amendment to overarching resource management issue 1 to remove the words "is leaving communities and nature increasingly exposed to the impacts of climate change" on the basis this issue is more comprehensively addressed by the new recommended overarching resource management issue statement above.

18 In terms of other requested amendments in submitter evidence to the overarching resource management issues:

18.1 I agree with Ms Burns's recommended amendments to resource management issue 3 to specifically reference the relationship of mana whenua/tangata whenua with te taiao, consistent with section 6(e) of the RMA.

18.2 I do not recommend any amendments to resource management issue 1 to refer to regionally significant infrastructure as I consider that climate change and infrastructure are now more effectively addressed though the new issue statement recommended above.

18.3 I do not recommend any new or amended issue statements in response the evidence of Ms McGruddy as the requested issue statements in her evidence are more framed as objectives in my opinion. I also do not recommend relocating overarching resource management issue 2 to Chapter 3.9 as requested by Ms McGruddy as this is a key overarching resource management issue for the region in my opinion. I also do not recommend any amendments

to overarching resource management issue 3 as I understand this reflects the views of mana whenua/tangata whenua as to their level of involvement in decision-making.

19 In terms of the concerns from WFF that the issue statements are not based on “best available information”, I accept that the overarching issue statements are based on old technical reports and state of the environment reports<sup>2</sup>. However, as noted in my section 42A report, these reports have not been considered in isolation and I understand from Council the overarching resource management issues statements have been informed by a range of processes and documents, including whitua planning processes in the region and consenting processes. I also understand that Council is in the process of preparing an updated state of the environment report for biodiversity, which will help to confirm statements such as ‘ongoing ecosystem loss’, and that Council intends to provide further information to help validate the overarching resource management issues. I therefore do not recommend any further amendments to the overarching resource management issues in response to the evidence of Ms McGruddy.

#### **Proposed Objective A**

20 Objective A is addressed in the evidence of Fish and Game, the Fuel Companies and PowerCo, Meridian, PCC, Rangitāne, Wellington Water, WFF and Winstone Aggregates.

#### Fish and Game

21 Mr Malone on behalf of Fish and Game requests an amendment to clause a) of Objective A to refer to “*...and input from stakeholders and the community*”. Fish and Game submits that this amendment is necessary to give effect to the NPS-FM and to achieve the purpose of the RMA.

#### Fuel Companies and PowerCo

22 Mr Rowe accepts that the term ‘physical resource’ encompasses all infrastructure and is therefore of the opinion that Objective A does not necessarily need to specifically reference regionally significant infrastructure. However, in relation to the submissions of Meridian and Wellington Water, Mr Rowe agrees that the resilience of communities is a critical resource management issue that is intertwined with other elements of Objective A.

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<sup>2</sup> These are referenced in Section 3 of the Section 32 Report for Change 1, and include technical reports from 2008 and state of environment reports from 2012.

Mr Rowe therefore recommends that clause (g) in Objective A is amended to include the following wording *“including where they strengthen the resilience of communities”*.

#### Kāinga Ora

23 Kāinga Ora indicates general support for the recommended amendments to notified clause (g) of Objective A, but considers further amendments required to better clarify the clause and achieve the policy intent. The recommended wording from Kāinga Ora is *“responds effectively to the current and future effects of climate change, population growth, and development pressures”* while also remaining of the view that “resilience” is a better term than “responds”.

#### Meridian

24 Ms Foster is of the opinion that an additional clause is required in Objective A to recognise the role of infrastructure to strengthen the resilience of communities to climate change as requested in Meridian’s submission. Ms Foster is open to alternative wording that captures the intent and other matters raised at the hearing.

25 Ms Foster also considers that further explanation would be helpful to clarify and understand what ‘guided by Te Ao Māori’ in Objective A(A) is intended to mean in practice through planning and decision-making processes, particularly given the intended role of Objective A.

#### PCC

26 Mr Smeaton and Mr Rachlin raise broader, questions and concerns about the location of Objective A in the introduction to Chapter 3 on the basis this gives the impression it sits above other objectives in the RPS. Mr Smeaton considers that, if Objective A is intended to be considered alongside other RPS objectives, it should be included within a new separate ‘Integrated management’ section within Chapter 3. Mr Smeaton also considers that this structural change would be more aligned, but not fully give effect to, the national planning standards.

27 Mr Rachlin raises related concerns in his evidence about the status of objectives in the RPS and whether it is intended that some have primacy over others. Mr Rachlin identified a specific example of whether Objective 12 (health and wellbeing of freshwater bodies) is intended to have primacy over Objective 22 (urban development) and Objective 22A

(housing bottom lines). However, it is unclear what specific relief is being sought by Mr Rachlin and whether he is seeking Change 1 to assign primacy between all RPS objectives.

- 28 Mr Smeaton also raises a number of 'content' related issues with Objective A and recommends significant amendments to address these issues and rationalise the objective. Mr Smeaton also recommends that the matters addressed in Objective A are separated out into three separate integrated management objectives.

#### Rangitāne

- 29 Ms Burns recommends a number of amendments to Objective A consistent with the original submission from Rangitāne as follows:

- 29.1 Amend clause (b) as follows "*Incorporates mana whenua/tangata whenua led mātauranga Māori.*"
- 29.2 Amend to include a new clause "*gives effect to Te Mana o te Wai*".
- 29.3 Amend clause (c) to "*recognises and provides for ki uta ki tai...*"
- 29.4 Amend clause (d) to include the following words at the start "*recognises and provides for mana whenua/tangata whenua relationship with te taiao and...*".

#### Wellington Water

- 30 Ms Horrox correctly identifies that Appendix 1 of the section 42A report does not include the recommended amendment to the introduction of Objective A in paragraph 117 of the section 42A report. To confirm, I recommend the introduction to Objective A is amended as follows:

The ~~overarching resource~~ integrated management objective for the Wellington Region is....

- 31 Ms Horrox disagrees with my section 42A report that the reference to 'physical resources' in clause (f) adequately highlights the importance of regionally significant infrastructure. Ms Horrox supports the two clauses requested by Wellington Water in its original submission and is of the opinion that regionally significant infrastructure needs to be specifically referenced in Objective A to be consistent with other key resource management matters in the objective.

## Winstone Aggregates

- 32 Mr Heffernan is concerned that, regardless of intent, the effect of mentioning some matters in Objective A and not others does assign a tier of importance or is “picking winners”. Mr Heffernan is also concerned with the lack of specific reference to mineral resources in Objective A and is of the opinion that it is not appropriate to take a “restrictive and confined approach to aggregate and soils”<sup>3</sup> (i.e. limit the provisions on mineral resources to the Soil and Minerals chapter, as recommended in the section 42A report).
- 33 The original relief sought from Winstone Aggregate is to amend Objective A to include the following clause “*Recognises the benefits of protecting and utilising the region's significant mineral resources*”. Mr Hefferan reiterates the importance of including the significance of mineral resources in Objective A to achieve true “integrated management”.

## WFF

- 34 Ms McGruddy reiterates the view of WFF that Objective A should better recognise the role of catchment groups in the region as being central to how integrated management is best achieved. Ms McGruddy is open to wording that best captures this intent which, in her opinion, is “*in essence, empowering catchment communities to achieve integrated management*”.<sup>4</sup>

## Analysis and recommendations

- 35 As noted in the section 42A report, the intent of Objective A is not to assign more importance to certain matters than matters addressed in other topic-sections of the RPS. To address this concern, I recommended amendments to the introduction of Objective A to remove reference to ‘overarching’ and clarify that Objective A is an integrated management objective. However, it is clear from submitter evidence that there are still concerns that Objective A (intentionally or unintentionally) gives primacy to certain matters and therefore does not adequately recognise the importance of certain resource management issues of regional significance addressed in other topic-specific chapters. Based on this interpretation and the resource management issues addressed in Chapter 3, then I accept the concerns of submitters that there is a specific gap in term of how

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<sup>3</sup> Evidence of Mr Heffernan, paragraph 7.4.

<sup>4</sup> Evidence of Ms McGruddy, paragraph 26.

regionally significant infrastructure provides for well-functioning urban and rural areas and the resilience of communities to climate change.

36 Consistent with my recommendations to the overarching issue statements above, I recommend that Objective A is amended to provide more specific recognition of regionally significant infrastructure and its role in improving the resilience of communities to climate change. I also recommend that Objective A is amended to:

36.1 Refer to *“recognise and provide for”* ki uta ki tai in clause (c) and to *“recognises and provides for the relationship of mana whenua/tanqata whenua with te taiao ...”* as requested by Rangitāne as I agree this wording is consistent with section 6(c) of the RMA.

36.2 Better recognise the role of communities (including catchment groups) in achieving Objective A consistent with the relief sought by Fish and Game and WFF. I recommend that this is achieved through a new clause f) as set out below.

36.3 Include specific recognition of mineral resources as requested by Winstone Aggregates on the basis that the protection and utilisation of mineral resources is a significant resource management issue for the region and forms part of the integrated management of the region’s natural and built environments. I accept that this recommendation may appear inconsistent to the recommendations in the General Submissions – Section 42A Report (at paragraph 138 to 147) in relation to mineral resources. However, those recommendations specifically addressed whether the scope of Change 1 should be expanded to provide mineral resources in accordance with national direction that came into effect after Change 1 was notified or is proposed<sup>5</sup>. These recommendations were not intended to preclude other Change 1 section 42A report authors making more specific on mineral resources as relevant to their topic.

36.4 A minor amendment in response to the submission of Kāinga Ora. However, I do not agree that “resilience” is a more appropriate term for clause (j) below as the intended outcome is more focused on being responsive to the effects of climate change, population growth and development and there are other objectives in Change 1 focused on achieving a climate resilient region which will

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<sup>5</sup> The NPS-FM and NPS-HPL and also exposure draft NPS-IB.

be discussed in Hearing Stream 3. I also prefer a more positive framing of development pressures and opportunities in the clause.

**Objective A:** Integrated management of the region's natural and built environments: ~~guided by Te Ao Māori and:~~

- (a) is guided by Te Ao Māori; and
- (b) incorporates mātauranga Māori; and
- (c) recognises and provides for ki uta ki tai – the holistic nature and interconnectedness of all parts of the natural environment; and
- (d) recognises and provides for the relationship of mana whenua/tangata whenua with te taiao and protects and enhances mana whenua / tangata whenua values, in particular mahinga kai ~~and the life-supporting capacity of ecosystems; and~~
- (e) is informed by the input of communities; and
- (f) protects and enhances the life-supporting capacity of ecosystems; and
- (g) recognises the dependence of humans on a healthy natural environment; and
- (h) recognises the role of both natural and physical resources, including regionally significant infrastructure, in providing for ~~the characteristics and qualities of well-functioning urban and rural areas environments~~ and improving the resilience of communities to climate change; and
- (i) recognises the benefits of protecting and utilising the region's significant mineral resources; and
- (j) responds effectively to the current and future ~~effects pressures~~ of climate change, and population growth, and development ~~pressures and opportunities~~.

37 I do not recommend that Objective A is amended to refer to "mana whenua/tangata whenua-led mātauranga Māori ..." or "give effect to Te Mana o te Wai" as requested by Rangitāne. As stated in the section 42A report, I consider that the concept of Te Mana o te Wai is best addressed in a more specific way through the freshwater management provisions in the RPS and I remain of this view. I accept that mātauranga Māori will generally be led by mana whenua/tangata whenua but am not convinced that the best approach is to state this in Objective A or elsewhere in the RPS. In my opinion, the process and agreements for handling mātauranga Māori and Māori data is best decided/established between Council and each mana whenua/tangata whenua. In this context, I note that proposed Method IM.2(b) directs Council to work in partnership with each mana whenua/tangata whenua to develop and uphold tikanga and kawa for how mātauranga Māori will be analysed, interpreted and protected. In my opinion, this method is the most appropriate approach to provide for the relief sought by Rangitāne.

38 I disagree with Mr Smeaton that separating out Objective A into three separate objectives will more clearly articulate the outcomes sought, will better achieve the purpose of the RMA, or give better effect to national direction. Rather, in my opinion, these recommended amendments are contrary to the intent of Objective A to provide greater

clarity on what is meant by integrated management in the region, including recognising the importance of Te Ao Māori in resource management and decision-making. Further, in my opinion, Objective C relating to well-functioning urban environments and urban form recommended by Mr Smeaton is more appropriately located in Chapter 3.9 of the RPS and should be considered through Hearing Stream 4.

39 In terms of the evidence from PCC raising broader issues with the RPS structure and hierarchy, I acknowledge that the proposed location of Objective A (integrated management) under the overarching resource management issues for the region is not consistent with other sections in Chapter 3. However, I am still of the opinion that it is not necessary to relocate Objective A (with a new supporting table) into a new integrated management section simply for the sake of consistency. I also consider that my recommended amendments to clarify the intent of the overarching resource management issues and Objective 1 (integrated management) will address the potential structural and interpretation issues raised by Mr Smeaton and Mr Rachlin.

40 In terms of the evidence from Mr Rachlin, the intent of Change 1 is not to provide a hierarchy between RPS objectives, and these are to be interpreted in accordance with common interpretation practice and per case law – i.e. those expressed in more directive terms are to be given more weight than those expressed in less directive way. I agree that a key role of a RPS is to reconcile competing policy direction in RMA national direction and this is being considered as relevant for Change 1 topics.

#### Section 32AA evaluation

41 In accordance with section 32AA and section 30(1)(a), I consider that my recommended amendments to Objective A are the most appropriate way to achieve the purpose of the RMA as these are largely minor amendments to better align the objective with section 6(e) of the RMA, to better recognise the role of communities in integrated management consistent with section 7(aa), and better recognise the role of regionally significant infrastructure in improving the resilience to climate change consistent with section 5 and 7(i) of the RMA.

#### **Proposed Policy IM.1 - Integrated management – ki uta ki tai - consideration**

42 Policy IM.1 is addressed in the evidence of Fish and Game, PCC, Rangitane and WFF.

## Fish and Game

43 While broadly supporting the recommended amendments to Policy IM.1 in the section 42A report, Mr Malone on behalf of Fish and Game is concerned that the wording implies that the matters in (a)-(g) are an exclusive list of matters to be considered, rather than matters of particular importance to achieving integrated management. Mr Malone recommends the inclusion of “including” at the end of the chapeau of Policy IM.1 to address this concern.

## PCC

44 Mr Smeaton recommends significant amendments to Policy IM.1 with the intent of more clearly focusing on the concept of ki uta ki tai. Mr Smeaton also recommends that Policy IM.1 be limited to local authorities and be amended to state ‘where relevant’ in the chapeau of the policy to avoid any unintended direction for resource consent applicants.

45 Mr Smeaton also recommends that the reference to “upholding” Māori data sovereignty in clause (g) of Policy IM.2 is replaced with “recognising” which, in his opinion, is a term more commonly used and understood in RMA documents. Mr Smeaton also recommends that the term “Māori data sovereignty” is defined and proposes a definition based on that used by the Te Mana Raraunga Māori Data Sovereignty Network<sup>6</sup>.

46 In addition, Mr Smeaton recommends two additional integrated management policies focused on integrated decision-making (Policy IM.2) and integrated and coordinated regional development (Policy IM.3).

## Rangitāne

47 Ms Burns disagrees with the recommended amendment to clause (a) in my section 42A report to refer to “*partnering or engaging*”. Ms Burns emphasises the importance of partnership between mana whenua/tangata whenua and local authorities in the region and is concerned that the proposed amendment provides no direction on when partnership versus engagement is necessary or appropriate. Ms Burns is also of the opinion that the chapeau of notified Policy IM.1 is clearly directed at local authorities rather than

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<sup>6</sup> The recommended definition is “*The inherent rights and interests that Māori have in relation to the collection, ownership, and application of digital or digitisable information or knowledge that is about or from Māori people, language, culture, resources or environments*”.

resource consent applicants, and therefore recommends that clause (a) in Policy IM.1 is retained as notified.

#### WFF

48 Ms McGruddy indicates some level of support for the recommended amendments to Policy IM.1 in my section 42A report, including to clarify that the policy only applies where relevant. Ms McGruddy further recommends that, to the extent the policy is retained, it should not apply to the consideration of resource consent applications.

#### Analysis and recommendations

49 The recommended amendments to clause a) of Policy IM.2 in my section 42A report are intended to clarify that the direction to partnering with mana whenua/tangata whenua is aimed at local authorities and that it is often not practicable or appropriate for resource consent applicants to partner with mana whenua/tangata whenua through consenting processes. However, after considering the evidence of Ms Burns and Ms McGruddy, I consider that this intent can be more clearly achieved through an amendment to the chapeau of the Policy IM.1 to make it clear the policy is directed at local authorities, along with a consequential amendment to retain the notified wording of clause (a). I also recommend a consequential amendment to refer to natural and built environments in the chapeau of Policy IM.1 consistent with other integrated management provisions in Change 1.

50 My recommended amendments to Policy IM.1 are set out below in blue:

**Policy IM.1: Integrated management – ki uta ki tai - consideration**

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, ~~particular regard shall be given to,~~ local authorities shall adopt an integrated approach to the management of the region's natural and physical resources built environments, including by:

- (a) partnering ~~or engaging~~ with mana whenua / tangata whenua to provide for mana whenua / tangata whenua involvement in resource management and decision making; and

51 I do not recommend that Policy IM.1 is split into three policies as requested by Mr Smeaton. This would significantly change the intent and integrated nature of Policy IM.1 in my opinion. For example, this proposed redrafting would separate out policy direction to adopt an integrated approach to the management of natural and physical resources with the direction relating to partnering with mana whenua/tangata whenua when

managing those resources. In my opinion, the proposed policies from Mr Smeaton also have the following limitations:

51.1 Proposed Policy IM.2 is limited in the direction it provides for ‘integrated decision-making’ as suggested in the policy title. I therefore question the value of this new policy as a standalone policy.

51.2 Proposed Policy IM.3 is specific to urban development and form and is therefore best located in Chapter 3.9 in my opinion. Provisions specific to urban development are being considered in Hearing Stream 4 – Urban Development.

52 I also do not recommend that “uphold” is replaced with “recognise” in relation to Māori data sovereignty as recommended by Mr Smeaton. While I agree that “recognise” is a term more readily used and understood under the RMA, this proposed change would weaken this policy direction as to “recognise” a matter does not mean the matter necessarily needs to be provided for. I also understand from Council that “uphold” in relation to Māori data sovereignty is a term that was considered to be the most appropriate term following Council’s work and discussions with mana whenua/tangata whenua partners.

53 I generally support the intent of the proposed definition of Māori data sovereignty recommended by Mr Smeaton, but I remain of the view that this is a concept/term that needs to be agreed between Council and its mana whenua/tangata whenua partners. I understand that is the intent of Method IM.2, i.e. for Council to work in partnership with each mana whenua/tangata whenua to develop and agree on tikanga and kawa for Māori data sovereignty. I therefore do not recommend that Māori data sovereignty is defined at this point of time through Change 1 on the basis it could undermine or constrain this work.

#### Section 32AA evaluation

54 In accordance with section 32AA and section 30(1)(b), I consider that my recommended amendments to Policy IM.1 are the most appropriate way to achieve the relevant RPS objectives as these are minor amendments to clarify the intent of the policy and ensure there is no unintended direction to resource consent applicants.

## **Proposed Policy IM.2 - Equity and Inclusiveness**

55 Policy IM.2 is addressed in the evidence Fuel Companies and PowerCo, Meridan, PCC, Rangitāne, WIAL, and WFF.

### Fuel Companies and PowerCo

56 Mr Rowe is of the opinion that my section 42A recommendations will improve Policy IM.2 but is unconvinced it is the most appropriate way to achieve the RPS objective. Mr Rowe also identifies the following issues with Policy IM.2:

56.1 It remains unclear how the Policy IM.2 would help local authorities carry out their RMA functions.

56.2 The policy addresses equity in isolation of other relevant resource management concepts.

56.3 The policy will be problematic to consider through individual resource consents, especially for regionally significant infrastructure.

57 For these reasons, Mr Rowe recommends that Policy IM.2 is deleted, but if it is to be retained, then it should not apply to consenting processes and clause a) should be amended to remove reference to "*addressing barriers*".

### Meridian

58 Ms Foster does not support the recommendations in my section 42A report to retain and redraft Policy IM.2 and is of the opinion that: 1) this does not overcome the ambiguity in the language; and 2) the policy remains inconsistent with the purpose of the RMA.

59 Ms Foster raises further concerns that the redrafted Policy IM.2 will create new problematic issues for decision-making when achieving the purpose of the RMA and reconciling the management of natural and physical resources in the context of climate change and community resilience. Overall, Ms Foster is of the opinion that the redrafted Policy IM.2 will only cause confusion, unnecessary debate and uncertainty, is not an effective or efficient way to achieve RPS objectives, and therefore recommends it is deleted.

## PCC

60 Mr Smeaton’s opinion is that there are still significant interpretation and implementation issues with the recommended amendments to Policy IM.2 in my section 42A report. Key concerns identified by Mr Smeaton include that the amended Policy IM.2:

- 60.1 Does not achieve the purpose of the RMA.
- 60.2 Does not identify how potential tensions with other RPS provisions are to be reconciled (i.e. how to seek to achieve all RPS objectives and policies in an equitable way).
- 60.3 Is constructed in broad terms to address social inequities that are outside scope of RMA to address.

61 Mr Smeaton is also of the opinion Objective CC.2 appears to provide sufficient guidance in relation to equity outcomes when responding to climate change and therefore it is not appropriate to rely on the climate change objectives as a basis for retaining Policy IM.2.

## Rangitāne

62 Ms Burn’s evidence is the only submitter evidence in support of retaining IM.2. Ms Burns recommends amendments to Policy IM.2 to remove the words “*particularly when*” as this may cause incorrect interpretations in her opinion and to retain the references to “*avoiding historical grievances with mana whenua/tangata whenua*”.

## WIAL

63 Ms Hunter is of the opinion that the recommended amendments to Policy IM.2 in my section 42A report do not satisfactorily resolve the problems with the policy. Ms Hunter identifies a number of unresolved issues with Policy IM.2, including:

- 63.1 The policy unnecessarily duplicates obligations on local authorities in the Local Government Act 2002.
- 63.2 The policy unnecessarily duplicates directions in the NPS-UD with an additional requirement to adopt an equitable approach which is not explicit in the NPS-UD.
- 63.3 Clause (c) of Policy IM.2 is vague and may conflict with national climate change policy.

63.4 Policy IM.2 appears to substantially differ to, and go well beyond, any of the outcomes specified in Objective A.

64 Overall, Ms Hunter is of the opinion that IM.2 provides no assistance to planning or consenting processes and *“I consider its ambiguity to be detrimental to the efficiency and effectiveness of the RPS”*<sup>7</sup>. Mr Hunter recommends Policy IM.2 is deleted.

#### WFF

65 Ms McGruddy reiterates the position of WFF that Policy IM.2 should be deleted citing the reasons set out in my section 42A report.

#### Analysis and recommendations

66 As outlined in my section 42A report, I agree with submitters that are numerous issues with Policy IM.2 as notified and my recommendation to retain it with substantial amendments (rather than delete it) was finely balanced. The evidence from submitters outlined above has confirmed and increased my concerns with Policy IM.2 by identifying a number of unresolved issues – none of which can be easily addressed through redrafting in my opinion. This is despite numerous attempts to work with Council to retain the intent of Policy IM.2 in a way that does not create the interpretation and implementation risks outlined above.

67 Overall, I agree with issues raised in submitter evidence that Policy IM.2 has potential to undermine the effectiveness and efficiency of the RPS. I also agree with submitter evidence that retaining Policy IM.2 will not be effective or efficient to achieve the RPS objectives or the purpose of the RMA. Accordingly, I recommend that Policy IM.2 is deleted.

#### Section 32AA evaluation

68 In accordance with section 32AA and section 30(1)(b), I consider that my recommendation to delete Policy IM.2 is the most appropriate way to achieve the relevant RPS objectives as:

68.1 It will avoid interpretation issues, uncertainties and associated costs that have been highlighted in submitter evidence and therefore be more efficient.

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<sup>7</sup> Evidence of Ms Hunter, paragraph 27.

68.2 In my opinion, its deletion of Policy IM.2 will not make the Change 1 provisions any less effective in achieving the relevant RPS objectives. As noted in my section 42A report, Policy IM.2 is not directly related to Objective A and the policy is not necessary to retain to achieve the climate change objectives which I address further in Hearing Stream 3.

### **Proposed Method IM.1 - Integrated management - ki uta ki tai**

69 Ms McGruddy's evidence notes that WFF requests that Policy IM.2 be deleted. As alternative relief, Ms McGruddy proposes Method IM.1 be reframed to specially provide for empowering collective action by catchment communities consistent with the relief sought by WFF for Objective A, with suggested wording for the reframed method provided in paragraph 35 of her evidence.

70 I do not support the proposed redrafting of Method IM.1 from Ms McGruddy as, in my opinion, this would unnecessarily alter the intent and scope of the method. However, as with Objective A above, I agree that Method IM.1 should better recognise the role of communities in achieving integrated management of natural and built environments. I therefore recommend an additional clause is added to Method IM.2 (with a consequential amendment that the following clauses are renumbered) consistent with my recommended amendments to Objective A as follows:

(c) [work with communities to achieve effective integrated management outcomes;](#)

### Section 32AA evaluation

71 In accordance with section 32AA and section 30(1)(b), I consider that my recommended amendments to Method IM.1 are the most appropriate way to achieve the relevant RPS objectives as this is a minor amendment to better align with my recommended amendment to Objective A to better recognise the role of communities in achieving integrated management of natural and built environments in the region.

### **Anticipated environmental results**

#### Fish and Game

72 Mr Malone on behalf of Fish and Game recommends a consequential amendment to the Anticipated Environmental Results to align with his recommended amendment to Objective A to refer to "and input from stakeholders and the community".

## PCC

- 73 Mr Smeaton’s evidence on behalf of PCC identifies a general submission point from PCC [S30.098] on the Anticipated Environmental Results that was not addressed in the section 42A report. This submission point from PCC requests that all the Anticipated Environmental Results be amended so they are specific, measurable and timebound.
- 74 Mr Smeaton recommends a number of amendments to the integrated management Anticipated Environmental Result to better reflect his proposed amendments to Objective A (e.g. inclusion of reference to integrated urban development in accordance with agreed Future Development Strategy).

## Analysis and recommendations

- 75 As outlined in relation to Objective A, I generally support the recommended amendment from Fish and Game and recommend a new clause in the objective as follows: *“is informed by the input of communities”*. However, I do not agree with the requested consequential amendment to the Anticipated Environmental Results from Mr Malone as this would increase the weight of the direction to “recognise and provide for” the input of stakeholders and communities. My recommended amendment to the Anticipated Environmental Results in response to the evidence of Fish and Game is set out below in blue:

### **Objective A - Anticipated Environmental Results**

Wellington Regional Council, city and district councils and Territorial Authorities collaborate to undertake integrated management of natural resources and built environments, and recognise and provide for the importance of Te Ao Māori and mātauranga Māori, and consider the views of communities in natural resources management and decision-making.

- 76 As noted above, I do not recommend that Objective A is redrafted into three objectives as requested by Mr Smeaton nor do I recommend that Objective A is amended to refer to integrated urban development in accordance with agreed Future Development Strategy. I therefore do not recommend any amendments to the integrated management Anticipated Environmental Result in response to the evidence of Mr Smeaton.

## **Other issues raised in evidence**

### Scope of amendments in Change 1

- 77 Ms McGruddy reiterates the requested relief of WFF to delete the Chapter 3 overarching issues and objective on the basis these are best considered through the full review of the

RPS scheduled for 2024. Ms McGruddy also raises questions about the statement in my section 42A report that *“there is some uncertainty on whether a full review of the RPS will be undertaken in 2024”*<sup>8</sup>.

78 In my opinion, the request of WFF to defer consideration of Change 1 provisions (with the exception of provisions to give effect to the NPS-UD) until the full review of the RPS has been adequately addressed in the General Submissions Section 42A Report (paragraphs 129 to 137) and is addressed at paragraph 229 to 231 of my section 42A report. Ms McGruddy has not specifically responded to these points in her evidence or offered additional evidence to change my position on this matter.

79 In terms of my statement that *“there is some uncertainty on whether a full review of the RPS will be undertaken in 2024”*, this was not based on statements from Council but rather my view on the likelihood of a full RPS review based on the current resource management reforms and timeframes for Change 1. In this context, I note that Parliament’s Environment Committee has recommended that the Natural and Built Environment Act is amended to prevent local authorities from initiating a full RPS or plan review after the legislation is enacted. While this legislation is not yet enacted or certain, it does in my opinion create some doubt as to whether a full RPS review will be undertaken in 2024.

#### Natural and Built Environments

80 Mr Smeaton on behalf of PCC is concerned that the use of the wording ‘natural and built environments’ instead of ‘natural and physical resources’, coupled with a lack of an associated definition, may create interpretation issues. Mr Smeaton requests that ‘natural and physical resources’ is used where relevant in Change 1 provisions rather than ‘natural and built environments’ to be more consistent with the language with the RMA. This recommendation relates to resource management issue 2, Objective A, Policy IM.1, Method IM.1 and the Anticipated Environmental Results in this topic.

81 I accept that natural and physical resources is more consistent with terminology used under the RMA. However, I do not share the same concerns as Mr Smeaton that references to ‘natural and built environments’ in Change 1 provisions will create interpretation issues. In particular:

81.1 ‘Environment’ is defined under the RMA and is a well understood concept.

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<sup>8</sup> Paragraph 231 of section 42A report.

81.2 'Natural and physical resources' forms part of the definition of environment but the environment is a broader concept and includes ecosystems and economic, social and cultural considerations.

81.3 I understand from Council that the reference to 'natural and built environments' in certain Change 1 provisions was intended to ensure the built environment was given more recognition in relevant RPS provisions.

82 Overall, in my opinion, the reference to 'natural and built environments' together is unlikely to create interpretation and implementation issues in practice. As noted by Mr Smeaton, these terms are generally well-understood and therefore, in my opinion, there is therefore not need to define the terms or create unnecessarily artificial boundaries between the two terms.

#### Consideration policies

83 Mr Smeaton agrees with some recommendations in my section 42A report in relation to general submissions on the 'consideration policies' in the RPS but remains concerned about the application of these policies to resource consent applications and notice of requirements. To address this concern, Mr Smeaton suggests the words "where relevant" could be included in the chapeau of Policy IM.1 and other relevant "consideration policies".

84 In my opinion, this wording is unnecessary as the consent authorities and local authorities considering and implementing the "consideration policies" will only be considering these as relevant to the particular proposal. It could also create interpretation issues for other RPS policies that do not state "where relevant" and suggest these need to be considered and implemented at all times regardless of the relevance of the policy to a particular proposal.

#### Freshwater Planning Process

85 Ms Hunter on behalf WIAL of is of the opinion that RMI1 to RMI3 belong in the P1S1 process on the basis that the section 32 report for Change 1 does not identify a direct relationship between the any of the three issues statements and freshwater management. Ms Hunter is also of the opinion that Policy IM.2 belongs in the P1S1 process as it does not meet criteria adopted by Council for inclusion in the FPP process and should therefore be re-allocated to P1S1.

86 Ms Foster on behalf of Meridian raises some questions and concerns with the allocation of IM.2 to the FPP. Mr McGruddy on behalf of WFF reiterates their request from Hearing

Stream 1 that the Freshwater Hearing Panel send the notified freshwater planning instrument back to Council to reconsider the allocation of provisions between the FPP and the P1S1 process.

87 In accordance with Minute 6 from the hearing panels, I will address the allocation of provisions in Hearing Stream 2 with further evidence to be submitted by 5pm Tuesday 11 July 2023.

National Policy Statement on Highly Productive Land 2022 (NPS-HPL)

88 The evidence of Ms Levenson reiterates a number of submission points from HortNZ that Change 1 needs to give better effect to the NPS-HPL.

89 I accept the evidence of Ms Levenson that Council has an obligation under section 55(2D) of the RMA to give effect to national policy statements as soon as practicable or within the timeframes specified in the NPS. In the context of the NPS-HPL, I note that Council is required to:

89.1 Notify changes to the RPS to include maps of highly productive land “as soon as practicable, and no later than 3 years after the commencement date” (i.e. by 17 October 2025).<sup>9</sup>

89.2 Give effect to the NPS-HPL on and from the commencement date (i.e. 17 October 2022)<sup>10</sup>.

90 In my Section 42A Report, I note that the NPS-HPL came into force two months after the Change 1 was notified and the intent is that the RPS will be amended to give effect to the NPS-HPL in accordance with the timeframes and requirements in the NPS-HPL<sup>11</sup>. In this context, I was referring to a comprehensive change to the RPS to include maps of highly productive land and supporting objectives, policies and methods to protect that land for use in land-based primary production. However, I agree with Ms Levenson that Change 1 should seek to give effect to the NPS-HPL to the extent available within the scope of Change 1 and that Chapter 3.11 (which does not form part of Change 1) does not adequately recognise the importance of protecting highly productive land for land-based primary production.

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<sup>9</sup> Clause 3.5(1) of the NPS-HPL.

<sup>10</sup> Clause 4.1(1) of the NPS-HPL.

<sup>11</sup> Paragraph 61.

91 I also agree with Ms Levenson that it would be preferable for the NPS-HPL and NPS-UD to be implemented together at the same time in an integrated manner and that was the intention when they were developed<sup>12</sup>. I agree that the inclusion of Policy 2, Clause 3.2 and Clause 3.6 in the NPS-HPL recognises the strong integrations between these two instruments. However, the timeframes are such, that it is simply not practicable for Change 1 to give effect to the NPS-HPL alongside the NPS-UD.

92 Within this context and in terms of the specific relief sought by Ms Levenson:

92.1 I do not see that there would be any value in amending overarching resource management issue 1 to refer to the “the cumulative loss of highly productive land”. While I appreciate this is a nationally and regionally significant issue, there would be limited benefit in including this amendment in Change 1 given it would not be supported by a specific set of objectives, policies and methods to protect highly productive land until Council gives effect to the NPS-HPL in full.

92.2 I do not recommend amending the definition of ‘Highly productive agricultural land (Class 1 and II land)’ to also include LUC Class 3. In my opinion, this amendment would have wider implications for RPS provisions that refer to Highly productive agricultural land (Class 1 and II land) that did not form part of Change 1. From a practical perspective, it is also important to note that the NPS-HPL sets out a transitional regime to protect highly productive land (including LUC 3 land) until regional councils map highly productive land in the region, and these protections apply regardless of how the RPS defines ‘highly productive land’. Therefore, in my opinion, there is no need to expand the definition of Highly productive agricultural land (Class 1 and II land)’ to align with the NPS-HPL through Change 1 at this stage.

92.3 Further, as outlined in the General Submissions – Section 42A Report (paragraph 142 and 143), I understand that Council, in its submission to Change 1, proposed amendments to Policies 55 and 56, and a new definition of ‘highly productive land’. These submission points will be considered in the Urban Development hearing streams.

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<sup>12</sup> The NPS-UD and NPS-HPL were consulted on at the same time, but the NPS-UD was prioritised for implementation by Government and this (and other factors) resulted the NPS-HPL coming into force over two years later.

**DATE:**

**7 July 2023**

**Jerome Wyeth**

**Principal Planning and Policy Consultant,  
4Sight Consulting – part of SLR**

## Appendix A: Overview of additional issue statements requested in submitter evidence.

Ms Foster on behalf of Meridian	Ms Hunter on behalf of WIAL	Ms Horrox on behalf of Wellington Water	Ms McGruddy on behalf of WFF	Mr Smeaton on behalf of PCC
<p>Climate change is expected to exacerbate flood hazard, including coastal inundation, and drought conditions. The effects of climate change, including coastal and river flood inundation and erosion, are expected to damage or impair the operation of infrastructure (including regionally significant infrastructure). Community resilience to the effects of climate change will depend on the functionality, integrity and adaptability of infrastructure. Regionally significant infrastructure will need to be upgraded and adapted or relocated to maintain the necessary functionality and capacity to support community resilience.</p>	<p>Flexible planning frameworks are needed to support key infrastructure providers to manage the impacts of climate change on infrastructure, including regionally significant infrastructure. In the absence of suitable planning frameworks, the impacts of climate change on infrastructure may adversely affect the well-being of the region's people and communities and the functioning of the region.</p>	<p>The region's environment, communities and physical resources including infrastructure are vulnerable to the impacts of climate change. Climate change is expected to exacerbate flood hazard, including coastal inundation, and drought conditions. Regionally significant infrastructure will need to be upgraded and adapted or relocated to maintain the necessary functionality and capacity to support community resilience.</p>	<p>Sustain and accelerate the multi-agency delivery platforms for empowering catchment communities for collective action to address the twin challenges of improving environmental outcomes and sustaining thriving economies and connected communities.</p> <p>Accelerate the multi-agency delivery platforms to address the looming water supply-demand gap (giving back to the wai while sustaining the people).</p>	<p>Climate change is adversely affecting people and communities and the natural environment through changes to weather patterns, freshwater availability and sea level rise. Natural hazard risks are increasing as a consequence of climate change. Both communities and the environment are being increasingly exposed to the impacts of climate change, exacerbated by inappropriate use and development.</p>