

**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

**REPLY EVIDENCE OF JEROME GEOFFREY WYETH
ON BEHALF OF WELLINGTON REGIONAL COUNCIL
HEARING STREAM TWO - INTEGRATED MANAGEMENT**

28 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. I am the section 42A report author for Hearing Stream 3 and attended the hearings for this topic on 18 and 19 July 2023.

QUALIFICATIONS AND EXPERIENCE

- 2 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.

QUESTIONS FROM THE HEARING PANELS AND RESPONSE

- 3 On 21 July 2023, the Hearing Panel issued Minute 8 that requested my reply evidence address a range of matters that were raised during the hearings on Hearing Stream 2. These questions and my response are set out below. Where I recommend further amendments, these are shown in green underlined and ~~marked up~~ text where relevant within this reply evidence. I have also provided the updated recommendations to the provisions in Appendix 1 of this reply evidence for ease of reference (incorporating my recommended changes from my section 42A report, rebuttal evidence and this reply evidence).

Question 1: Is it appropriate to include Objective A and the IM policies, methods and AER in a new ‘Integrated Management’ chapter in the RPS? (noting Table 2 of the RPS structure standards in the National Planning Standards).

- 4 At the hearings, I reiterated the points in my section 42A report and rebuttal evidence that I do not consider that is necessary to relocate the integrated management provisions to a stand-alone section to be consistent with other RPS chapters, or that this structural change is necessary for the integrated management provisions to be effectively implemented.
- 5 I also noted at the hearings that I am not opposed to this structural change - rather that I do not consider it is necessary through Change 1 given that Council still needs to give effect to the National Planning Standards in full through a future process. I also expect that

Council may have approached the integrated management provisions differently, if this was intended to be a stand-alone integrated management chapter¹.

6 However, it is certainly **appropriate** in my opinion for integrated management provisions in the RPS to be included in a new integrated management chapter to be consistent with the national planning standards². This may also help to address the unresolved concerns of certain submitters that the structural positioning of Objective A in the start of Chapter 3 creates the perception, intentionally or unintentionally, that this objective is more important than other RPS objectives.

7 The more challenging question in my opinion is how best to do this given Change 1 was not notified in this way. In particular:

7.1 There is no introduction text for an Integrated Management Chapter like other RPS chapters.

7.2 Section 2.4 of the RPS 'Integrating management of natural and physical resources' contains a detailed overview of the importance of integrated management in the region, but this section was not included in Change 1 as notified and was not subject to any submissions³.

7.3 The National Planning Standards require that the integrated management section is within Part 2 of the RPS (resource management overview) along with the resource management issues of significance to the region. All other objectives, policies and methods are to be located in Part 3 (domains and topics) which include the topic-specific RPS provisions (i.e. as per existing Chapter 3 of the RPS). This means any structural change to better align with the National Planning Standard is not an easy fit with the existing RPS structure.

¹ I note that the Proposed Otago Regional Policy Statement is the only RPS I am aware that has implemented the National Planning Standards. This includes a more comprehensive set of provisions within single integrated management chapter (four objectives, 15 policies, five methods).

² It is noted, for clarity, that the National Planning Standards do not require a RPS to include an integrated management section. But rather if an integrated management provisions are to be included in RPS, then the National Planning Standards require that these are located in Part 2 – Resource Management Overview.

³ The National Planning Standards also state that an explanation of the approach to integrated management is to be located in the 'general approach' section rather than the integrated management section. This suggests that it may be more appropriate to retain this content as separate from any integrated management section.

- 7.4 The National Planning Standards provide no direction on what an integrated management section in a RPS should contain, other than to state where it should be located in a RPS (if relevant).
- 7.5 It is problematic to include a table outlining the various policies and methods to achieve Objective A like other RPS topics given that a wide range of RPS policies and methods in Chapter 3 of the RPS are relevant to achieving Objective A.
- 8 In light of the above, I consider that there are two options in response to this question:
- 8.1 **Option 1** - Retain Objective A in the introduction to Chapter 3, potentially with some additional wording to clarify that “this integrated management objective is to be read with the topic-specific objectives in the RPS where relevant and is to be achieved through a range of policies and methods in the RPS in addition to the specific integrated management policies and methods” similar as I have recommended for the overarching resource management issues.
- 8.2 **Option 2** - Include Objective A, the IM policies, and IM methods in a new ‘Integrated Management’ chapter, with some clear statements to clarify that Objective A is to be achieved through a range of RPS policies and methods in addition to the specific IM policies and methods. I would then expect that this chapter would then be subject to further change when Council gives effect to the National Planning Standards, potentially with a more comprehensive set of integrated management objectives, policies and methods.
- 9 From a practical planning perspective, I have no strong preference for either option as I retain the view that integrated management provisions would be interpreted in the same way. This aligns with the intent of Change 1 for an integrated RPS regardless of where the specific integrated management sit within the RPS. However, on balance, I now consider that Option 2 may have some benefits in terms of helping to better align with the National Planning Standards (and assist with this future RPS change⁴) and address unresolved concerns from certain submitters that Objective A may be interpreted as being more important than other RPS objectives.

⁴ Noting that this may not involve a RMA Schedule 1 Change in accordance with section 58I of the RMA.

Question 2: Does Mr Wyeth still support using the term ‘natural and built environment’ in the Issues and IM provisions, and does the wording Mr Wyeth supports allow ‘effects on Te Taiao’ to be adequately considered?

- 10 Firstly, to clarify the intent of using the terms ‘natural and built environments’ in the integrated management provisions was not to ‘pre-empt’ the new Natural and Built Environment Act as suggested by some submitters⁵. The intent of using ‘natural and built environments’ in the integrated management provisions was for this to be interpreted as a broader concept (noting ‘natural and physical resources’ forms part of the RMA definition of ‘environment’) and to equally recognise the role of both the natural environment and built environment in the integrated management provisions.
- 11 I retain the opinion that the use of ‘natural and built environments’ is unlikely to create interpretation issues and that the terms can be understood by their ordinary meaning. I note that this view was shared by some submitters presenting evidence at the hearings for this topic, including Wellington Water and the Fuel Companies.
- 12 I also consider that the words ‘natural and built environments’ allow the ‘effects on te taiao’ to be adequately considered as these words fully capture ‘te taiao’ in my opinion, as they capture aspects of the environment which range from highly modified built environments through to pristine natural environments. I therefore still support the use of ‘natural and built environments’ in the relevant integrated management provisions.
- 13 Having said that, I appreciate the desire to align with terms commonly used in the RMA and in particular the functions of regional councils under section 30(1)(a) and the purpose of a RPS under section 62 of the RMA to provide objectives, policies and methods for the integrated management of natural and physical resources in the region. This wording would also be more consistent with other RPS provisions.
- 14 On balance, I would support amending the relevant integrated management provisions to refer to ‘natural and physical resources’ to be more consistent with the RMA and RPS while noting I do not have a strong view on this issue. Of most importance, in my opinion, it to

⁵ For completeness and ease of reference, I note that built environment is not defined in the NBE Bill (as reported back from the Environment Select Committee). Natural environment is defined in the NBE Bill as follows “**natural environment** means— (a) land, water, air, soil, minerals, energy, and all forms of plants, animals, and other living organisms (whether native to New Zealand or introduced) and their habitats; and (b) ecosystems and their constituent parts’.

be consistent and deliberate when these terms are used in the relevant provisions of the RPS.

Question 3: Having heard the presentation from Rangitāne o Wairarapa Inc, does Mr Wyeth support including the words: “mana whenua/tangata whenua led” before “mātauranga Māori” in Objective A(b)?, and/or o “give effect to Te Mana o te Wai” in Objective A.

Mana whenua/tangata whenua-led mātauranga Māori

- 15 I fully understand and appreciate the desire of Rangitāne o Wairarapa for mana whenua/tangata whenua to determine how mātauranga Māori is to be used within their rohe based on their own unique knowledge and values.
- 16 My understanding of the intent of the integrated management provisions is that mātauranga Māori will be incorporated into resource management and decision-making in partnership with mana whenua/tangata whenua. And it is through that partnership approach the local mātauranga of each mana whenua/tangata whenua will be considered and incorporated into resource management and decision-making as appropriate for the particular context.
- 17 It is also important to note that Objective A will be given effect to through Policy IM.1 and Method IM.1 (and other RPS provisions) – both of which provide direction to partner with mana whenua/tangata whenua and provide for mātauranga Māori in resource management and decision-making. When read together, it is my opinion that Objective A(b), Policy IM.1 and Method IM.1 provide clear direction to partner with each mana whenua/tangata whenua to incorporate their own, local and unique mātauranga Māori into resource management and decision-making within their role.
- 18 In saying that, I am not opposed to amendments to Objective A to make this intent clearer. My concern with amending Objective A(b) to state “mana whenua/tangata whenua-led mātauranga Māori” as requested by Rangitāne o Wairarapa is that this may create some confusion for where this term is not used elsewhere in the RPS, i.e. that this may be interpreted as meaning mātauranga Māori does not need to be led by mana whenua/tangata whenua where this specific wording is not used. This has implications for numerous provisions in Change 1 that refer to mātauranga Māori (e.g. Policy FW.3, Policy IE.1, Policy 42, Policy 52). There is also the issue of where mana whenua/tangata whenua may not be able to engage in a particular process or project, and therefore mātauranga Māori cannot be mana whenua/tangata whenua-led.

19 As an alternative, I would support an amendment to Objective A(b) to state “incorporates mātauranga Māori in partnership with mana whenua/tangata whenua”. However, it is still my opinion that this is not necessary given the provisions Policy IM.1 and Method IM.1 referred to above.

Te Mana o te Wai

20 I acknowledge that Clause 3.2 and Clause 3.5 of the NPS-FM requires regional councils to adopt an integrated approach, ki uta ki tai, to the management of freshwater when giving effect to Te Mana o te Wai. Objective A(c) in Change 1 seeks to recognise and provide for ki uta ki tai and recognise the interconnectedness of all parts of the natural environment in the achieving integrated management, which is consistent with this direction in the NPS-FM.

21 I note that Change 1 gives effect to Te Mana o te Wai through a range of specific and directive provisions, including the ‘Te Mana o te Wai objective’ (Objective 12), Policy 44 (Managing water takes to give effect to Te Mana o te Wai), the statements of Te Mana o te Wai from mana whenua/tangata whenua, Objective 20 (Minimising risk from natural hazards and impacts on Te Mana o te Wai), Policy 12 (management of waterbodies to give effect to Te Mana o te Wai), Policy 14 (Urban development effects on freshwater) and numerous other Change 1 provisions. Given the range of specific freshwater provisions in Change 1 seeking to give effect to Te Mana o te Wai, I am still of the opinion that an additional reference to Te Mana o te Wai in Objective A would add little value and this concept is best addressed in a more comprehensive and specific manner through Chapter 3.4 of the RPS.

22 I also have some concerns about including a new clause giving effect to te Mana o te Wai” within Objective A as this stronger, more directive wording would, by its nature, be given more weight in decision-making than the other clauses in the Objective A and there may be unintended consequences arising from this.

Question 4: Having heard Ms Levenson’s evidence in HS2, does Mr Wyeth consider there is scope from Horticulture NZ’s submission to include reference to HPL in Objective A?

23 HortNZ did not request any specific amendments to Objective A in their submission on Change 1. However, at Hearing Stream 2, Ms Levenson advised the Hearing Panels that its submission on Change 1 included the following statement “*Without limiting the generality of the above, HortNZ seeks the following decisions on the Proposed Change 1 to the RPS as*

set out below, or alternative amendments to address the substance of the concerns raised in this submission and any consequential amendments required to address the concerns raised in this submission”⁶. The ‘generality of the above’ referred to includes a detailed overview of the key outcomes sought from HortNZ to better protect highly productive land through Change 1 and give effect to the National Policy Statement on Highly Productive Land 2022 (NPS-HPL).

24 I am of the opinion that there is scope within Horticulture’s NZ’s submission to include a reference to highly productive land in Objective A as highly productive land is relevant to the integrated management topic. I also that agree with Ms Levenson that highly productive land is an important consideration in terms of integrated management, particularly in relation to its interactions with urban development and freshwater management) and its inclusion in Objective A would help give effect Policy 2 and Clause 3.2 of the NPS-HPL. If Objective A was to be amended to include a reference to highly productive land, I consider that this would be best achieved through an amendment to Objective A(h) as follows:

recognises the role of both natural and physical resources, including highly productive land and regionally significant infrastructure, in providing for the characteristics and qualities of well-functioning urban areas and rural areas environments and improving the resilience of communities to climate change;

25 I would support this amendment in the context of the integrated management provisions in Change 1, while noting that any consequential amendments to the soil provisions in Chapter 3.11 are not within scope of Change 1 in my opinion. I am also still of the opinion that this amendment to Objective A (and any other minor references to highly productive land through Change 1) will have limited benefits in protecting highly productive land for use in land-based primary production⁷ from a practical planning perspective. This is because the NPS-HPL applies comprehensive protections that apply to highly productive land regardless of what the Change 1 provisions say. Of particular note:

25.1 Clause 3.5(7) of the NPS-HPL defines highly productive land in advance of region-wide mapping in the RPS and this includes all LUC 1-3 land in general rural and rural production zones (with some exceptions).

⁶ Horticulture New Zealand Submission on Proposed Change 1 to the RPS for the Wellington Region – October 2022, pg.12.

⁷ This is the objective of the NPS-HPL and a focus on the HortNZ submission on Change 1.

- 25.2 Clause 3.6(1) of the NPS-HPL sets out specific tests that must be met before territorial authorities can allow urban zoning on highly productive land.
- 25.3 Clause 3.8(1) of the NPS-HPL sets out clear direction to avoid subdivision of highly productive land unless certain tests are met (it will retain the productive capacity of the land, it is on specified Māori land, or it relates to specified infrastructure or defence facilities).
- 25.4 Clause 3.9(1) of the NPS-HPL sets clear direction to avoid inappropriate use or development of highly productive land with a defined list of exceptions that may be appropriate on highly productive land.
- 26 Also, as outlined below, Council intends to fully give effect to the NPS-HPL through a future change to the RPS. I therefore retain the opinion that this is the most effective and efficient approach to give effect to the NPS-HPL rather than attempting to achieve this in an inconsistent and 'piece-meal' way through discrete Change 1 amendments.

Question 5: In reference to Method IM.2 Protection and Interpretation of Mātauranga Māori and Māori Data, can Mr Wyeth please confirm the following:

- i. who advised and/or recommended to Wellington Regional Council the term “Māori data sovereignty”?**
- ii. what was the rationale for the term “Māori data sovereignty”?**
- iii. Is the term “Māori data sovereignty” recognised or applied in any legal and/or policy known to the Regional Council’s Iwi Treaty Partners, and/or the Regional Council?**

27 While this question is directed at me, in my opinion it is more appropriate for Council to respond as it relates to the origin of and rationale for the term ‘Māori data sovereignty’ in Policy IM.2 which I was not involved in, nor do I have a knowledge of how the term is currently recognised in Council. The response from Council to each of the three questions is set out below.

28 **Question 5.i:**

- 28.1 *“Māori data sovereignty” is a commonly used term. Māori data sovereignty is a concept that existed for many years, at least since the 2010s. It is not clear when or by whom the concept was introduced to GWRC.*

28.2 *Amber Craig (Rangitāne submitter) presented this topic to the Greater Wellington Regional in general conversations with GW staff in questioning the extent to which our ICT systems were located overseas. At the time, GW assured her that all of our systems were NZ based.*

28.3 *In 2022, Amber shared a copy of the ‘Ka riro mai a Rua-i-te-pukenga, a Rua-i-te horahora. An expression of Mana Mātauranga a-hapū mō Rangitāne o Wairarapa’ that she developed for Rangitāne o Wairarapa Inc with GW staff which was not for general circulation. This document includes a short section on the Rangitāne views on Māori Data Sovereignty.”*

29 **Question 5.ii:**

29.1 *“GWRC does not have a rationale for the term, as it was not participant in its creation. The term is in widespread usage across Aotearoa New Zealand.*

29.2 *In July 2015, Te Mana Raraunga emerged from a meeting of Māori researchers and practitioners at a workshop hosted by the Academy of the Social Sciences in Australia on Data Sovereignty for Indigenous Peoples. That workshop considered the implications of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) for the collection, ownership and application of data pertaining to indigenous peoples and what these might mean for indigenous peoples’ sovereignty. On 19 October 2015, the Te Mana Raraunga was established as a Māori Data Sovereignty Network held at Hopuhopu. Subsequently, this network led hui at university marae in 2016 and 2017 in Auckland and Waikato.”*

30 **Question 5iii:**

30.1 *“GWRC has an organisation-wide data strategy under development, which recognises Māori data sovereignty and Māori data as taonga. GWRC will embed the relevant values and practices appropriate to the creation, care, use and protection of Māori data as an outcome of that strategy. These practices are inherently linked to a required increase in the maturity of information and data management at GWRC so that Māori data can be identified and treated appropriately.*

30.2 *Training and development are required for GWRC staff to better understand how data is taonga and what their accountability, responsibility, stewardship and relationships need to be around the data they and their teams interact with. Tools required to handle this level of maturity around data will be made available.*

30.3 *This will involve establishing clear roles, responsibilities, and processes for overseeing data throughout its lifecycle (from collection and management to usage and disposal). The primary goal of the data stewardship model will be to promote data quality, integrity, privacy, and security and maximizing the value and usefulness of GWRC data in line with the principles of Māori data sovereignty.”*

Question 6: Having heard submitters’ views on Objective A, including the presentation from Porirua City Council (PCC), does Mr Wyeth continue to consider that it is appropriate to include a list of specific matters in Objective A and does he have any additional views on PCC’s proposed Objectives A, B and C?

31 As noted above, I anticipate that the integrated management provisions in Change 1 would have been structured in a different way if the intent was for these to form a standalone integrated management section in the RPS. In my opinion, a standalone section could potentially have different objectives covering aspects of integrated management, such as decision-making principles processes, ki uta ki tai/integrated concepts, climate change considerations etc. However, this also creates the risk of the concepts being less integrated which was the intent of a single integrated management objective in Change 1.

32 I am still of the opinion that it is appropriate for Objective A to set out a series of matters and considerations that are central to achieving successful integrated management of natural and physical resources in the region within a single objective. This has the benefit of clarifying the outcome sought within a single objective which will then be implemented through a range of more specific policies and methods in the RPS. It also provides a clear improvement over the status quo, as the operative RPS provides no specific objective or supporting polices and methods on integrated management.

33 In terms of PCC’s proposed Objectives A, B and C, it is still my opinion that these have some clear limitations and issues, and will provide no clear benefit over a consolidated Objective

A. My reasons are set out in paragraph 38 of my rebuttal evidence. In addition, I make the following additional comments:

33.1 The recommended amendments by PCC remove references to the natural environment in relation to ki uta ki tai, which is inconsistent with the NPS-FM.

33.2 The recommended amendments by PCC would remove some key considerations and matters from Objective A which are relevant to integrated management in my opinion, including:

33.2.1 Protecting the life-supporting capacity of ecosystems;

33.2.2 Recognising the role of both natural and physical resources in achieving well-functioning urban areas and rural areas and improving resilience to climate change; and

33.2.3 The need to effectively respond to the current and future effects of climate change.

33.3 The recommended Objective B from PCC include subtle, but important, changes to Objective A in terms of how Te Ao Māori and mātauranga Māori is to be provided for (i.e. guided by versus incorporate, incorporate versus recognition) which would lessen the weight given to these matters, in my opinion.

33.4 Objective C is specific to urban development (rather than integrated management) and covers matters which are already comprehensively addressed in the Objective 22 in Change 1 in my opinion.

34 Finally, I also have some reservations about recommending a new set of integrated management objectives through reply evidence, as submitters will not have the opportunity to provide evidence on such substantive amendments to Objective A.

Question 7: Is Mr Wyeth able to suggest any wording refinements to the introductory text in Chapter 4.2?

35 I recommend amendments to the introductory text of Chapter 4.2 of the RPS in paragraphs 145 to 147 of my section 42A report. I am still of the opinion that the general intent and wording of those amendments is generally sound to clarify the application of the 'consideration policies' and address numerous concerns raised in submissions, including my making it clear these policies only need to be considered 'where relevant'.

However, in light of the submission at the hearing I now consider this recommended text can be improved through two further amendments:

35.1 Clarifying that relevant RPS policies need to be ‘had particular regard to’ when territorial authorities are making recommendations on notice of requirements⁸.

35.2 Removing the words “*This applies regardless of whether this is stated at the start of each policy in this section*”. My intent of this wording was to make it clear the Chapter 4.2 policies do not need to use the standard chapeau text referring regional and district plans, notice and requirements, and resource consents etc. in order for these policies to apply to those planning and consenting processes where relevant. However, I now consider these words are redundant and potentially only add confusion, rather than provide the intended clarity.

36 My recommended amendments to this introductory text to Chapter 4.2 are set out in Appendix 1 of this reply evidence.

Question 8: Having heard submitters’ evidence in relation to regionally significant infrastructure would Mr Wyeth support the addition of ‘enabling infrastructure’ in relation to RSI into Objective A(h)?

37 No, I would not support that amendment. In my opinion, Objective A(h) appropriately recognises the role of **both** natural and physical resources as being equally important in achieving well-functioning urban areas and rural areas and improving the resilience of communities to climate change. My concern with an amendment to refer to ‘enabling regionally significant infrastructure’ within Objective A(h) is that it may give the impression that this physical resource is more important than natural resources in achieving these outcomes, which is not the intent (nor the reality, in my opinion).

38 It is also more appropriate, in my opinion, for more specific policy direction to enable regionally significant infrastructure to be located in Chapter 3.3 of the RPS (Energy, Infrastructure and Waste). I note that a number of these Chapter 3.3 provisions I address in the Climate Change – Energy, Infrastructure and Waste topic, which will be considered by the hearing panels in Hearing Stream 3.

⁸ Section 171(1) of the RMA.

Question 9: Responding to the evidence of some of the submitters, and in particular that of Winstone Aggregates, that all of the integrated management provisions should be allocated to the P1S1 processes, does Mr Wyeth recommend any further changes to the allocations recommended in his Supplementary evidence?

39 Following the hearings, I have undertaken a more detailed review of the legal submissions of Winstone Aggregates for Hearing Stream 1 and relevant extracts of the High Court decision '*Otago Regional Council v Royal Forest & Bird Protection Society of NZ Inc* [2022] NZHC 1777'. Of particular note from this decision to this topic are the statements from the High Court that:

39.1 The starting point is that all provisions in a proposed RPS should be subject to the standard Schedule 1 RMA process⁹.

39.2 Parts of a RPS cannot be included within a FPI simply because of a connection to freshwater through the concepts of Te Mana o te Wai, ki uta ki tai or the integrated management of natural and physical resources¹⁰.

40 I have also reviewed the revised approach of Otago Regional Council to allocate provisions between the FPP and the standard Schedule 1 RMA process in the proposed Otago RPS post the High Court decision. Of particular note is that the entire integrated management section in Otago (comprising of four objectives, 15 policies and five methods) is now being considered under the standard Schedule 1 RMA process¹¹.

41 As the Hearing Panels are aware, the categorisation of Change 1 provisions between the FPP and standard Schedule 1 RMA processes is a complex issue. It is also a highly subjective exercise for certain provisions as it can easily be argued either way. Council has sought to apply consistent tests based on the High Court decision, but ultimately this needs to be based on a judgement call on the extent to which a particular provision gives effect to parts of the NPS-FM that relate to freshwater and/or how directly related a provision is to matters that impact on freshwater quality and quantity.

42 In light of the evidence, the High Court decision and Otago Regional Council approach outlined above, I now consider that it is more appropriate for all of the overarching

⁹ Paragraph 203 of the High Court decision.

¹⁰ Paragraph 206 of the High Court decision.

¹¹ Refer pg. 97: [porps-fpi-version-for-re-notification.pdf \(orc.govt.nz\)](https://www.orc.govt.nz/porps-fpi-version-for-re-notification.pdf)

resource management issues and the integrated management provisions to be considered under the standard Schedule 1 RMA process. My reasons are as follows:

- 42.1 The integrated management provisions, by their nature, address a wide range of resource management issues and are much broader than freshwater quality and quantity. On this basis, it seems inappropriate for the integrated management provisions to be considered through a more streamlined statutory planning process intended for freshwater specific provisions.
- 42.2 I consider that it would be helpful for all parties if the integrated management provisions were considered as a package under the same statutory planning process.

Question 10: Does Mr Wyeth recommend any further wording changes in the integrated management provisions?

43 There were a number of other issues and questions that arose during the hearings which identified where the provisions could be clarified or improved. In response, I recommend the following further wording changes to the integrated management provisions which are all shown in Appendix 1:

- 43.1 Removing reference to communities in overarching resource management issue 1 as a consequential amendment to my section 42A recommendations.
- 43.2 Including a reference to population growth putting pressures on te taiao in response to the evidence of Ātiawa.
- 43.3 Amending Policy IM.1(e) so that decisions are based on science (not just improvements in science).
- 43.4 Consistent references to 'natural and physical resources' throughout the provisions, based on the commentary above, or simply referring to 'environment' where I consider this to be more appropriate.

ADDITIONAL QUESTIONS FROM THE HEARING PANELS TO WELLINGTON REGIONAL COUNCIL

44 In addition to the questions above, Minute 8 from the hearing panels directed two questions directly at Wellington Regional Council. These questions and the response from Council are outlined below.

Question 11: Can Wellington Regional Council advise when it intends to notify a change to its RPS to give effect to the NPS-HPL and the national planning standards?

45 *“Greater Wellington is planning to give effect to the NPS-HPL and Planning Standards through a future RPS Change or RPS Changes, but has yet to confirm a notification timeframe for this change”.*

Question 12: The section 32 report refers to a full RPS review scheduled for 2024 and some submitters, such as Wairarapa Federated Farmers, refer to this in the relief they’re seeking. Has the Council given any further thought to this in light of this provision in the reported back version of the Natural and Built Environment Bill?

46 *“The COVID-19 Response (Management Measures) Legislation Act 2021 inserted a new Section 79AA into the Resource Management Act 1991 (RMA), which provides Greater Wellington with an extension until 30 September 2024 to commence the full review of its Regional Policy Statement. Greater Wellington Regional Council intend to notify a further change to the Regional Policy Statement in late 2024. The primary intent of this 2024 change will be to give full effect to the NPS-FM 2020, with the likely addition of changes to the Tangata Whenua chapter. Further review outside of that will need to be considered in light of the statutory context at that time.*

47 *The new Section 79A of the Natural and Built Environment Bill as currently worded requires that councils must not commence a full review of a regional or district plan after the new Bill receives Royal assent. This wording seems to exclude Regional Policy Statements and it is uncertain whether this will remain once the Bill is passed. Regardless, in light of the NBE Bill as a whole and the new Plan structure in that Bill it is fair to say that it is uncertain if Greater Wellington will initiate further reviews of the RPS.*

48

DATE:

28 July 2023

Jerome Wyeth

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APPENDIX 1: RECOMMENDED AMENDMENTS TO HEARING STREAM 3 PROVISIONS

Section 42A recommendations in **red**, rebuttal recommendations in **blue**, reply recommendations in **green**)

Overarching Resource Management Issue 1

(a)

Adverse impacts on natural environments ~~and communities~~

Inappropriate and poorly managed use and development of the environment, including both urban and rural **use and development activities**, have damaged and continue to impact the natural environment, **and contribute to** an increase in *greenhouse gas emissions*. ~~It has also contributed to ongoing ecosystem loss and degraded ecosystems and degrading water quality.~~ This has adversely **impacted** ~~impacting~~ the relationship between mana whenua/**tangata whenua** and **the taiao**, ~~and is leaving communities and nature increasingly exposed to the impacts of climate change.~~

Overarching Resource Management Issue 2

Increasing pressure on housing, ~~and infrastructure capacity and te taiao~~

Population growth is putting pressure on housing supply and choice, ~~and infrastructure capacity and te taiao~~. To meet the needs of current and future populations, **there is a need to increase housing supply and choice across the region in a manner which contributes to a well-functioning urban areas and rural areas, while managing adverse effects on Development will place additional pressure on the natural and built environments.**

Overarching Resource Management Issue 3

Lack of mana whenua / tangata whenua involvement in decision making

Mana whenua / tangata whenua values, Te Ao Māori and mātauranga Māori have not been given sufficient weight in decision-making, including from governance level through to the implementation. As a result, mana whenua / tangata whenua values **and relationship with te taiao** have not been adequately provided for in resource management, causing disconnection between mana whenua / tangata whenua and the environment.

Overarching Resource Management Issue 4

The effects of climate change on communities and the natural and built environment

The region's communities and ~~natural and built~~ environments are vulnerable to the current and future effects of climate change. There is a need to ensure that natural **and physical resources 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.**

These overarching resource management issues should be read with topic-specific resource management issues in the following chapters where relevant.

Objective A

The overarching resource integrated management objective for the Wellington Region is:

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

- (a) is guided by Te Ao Māori; and
- (b) incorporates mātauranga Māori in partnership with mana whenua/tangata whenua; 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 highly productive land and 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.

Chapter 4.2: Regulatory policies – matters to be considered

This section contains the policies that need to be given effect to, where relevant, when reviewing, changing, or varying district or regional plans, and that particular regard must be had to, where relevant, when assessing and deciding on resource consents, and particular regard must be had to when making recommendations on notices of requirement, or when changing, or varying district or regional plans. This applies regardless of whether this is stated at the start of each policy in this section. Within this section, policies are presented in numeric order, although the summary table below lists the policy titles by topic headings.

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

- (b) 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:
- (c)
 - (a) partnering or engaging with mana whenua / tangata whenua to provide for mana whenua / tangata whenua involvement in resource management and decision making; and
 - (b) recognising the interconnectedness between air, freshwater, land, coastal marine areas, ecosystems and all living things – ki uta ki tai; and
 - (c) recognising that the effects of activities may extend beyond immediate and directly adjacent area, and beyond organisational or administrative boundaries; and

- (d) recognising the interrelationship between natural and physical resources and the built environments; and
- (e) making decisions based on the best available information, improvements in technology, and science, and mātauranga Māori; and
- (f) upholding Māori data sovereignty; and
- (g) requiring Māori data and mātauranga Māori to be interpreted within Te Ao Māori while upholding Māori data sovereignty.; and
- (h) recognising that the impacts of activities may extend beyond immediate and directly adjacent area, and beyond organisational or administrative boundaries.

Explanation: This policy requires that a holistic, integrated view is taken when making resource management decisions. It also requires both regional and district councils to provide for mana whenua/tangata whenua are to be actively involved-in in resource management and decision making, including the protection of mātauranga Māori and Māori data.

Policy IM.2: Equity and Inclusiveness in resource management decision-making

When considering an application for a notified resource consent, notice of requirement, or a change, variation or review of a regional or and district plan, Wellington Regional Council, city and district councils shall seek to particular regard shall be given to achieving the RPS objectives and policies y outcomes of this RPS in an equitable and inclusive way, particularly whenby:

- (a) addressing barriers and providing opportunities for mana whenua/tangata whenua to undertake use and development to support the economic and cultural well-being of their communities avoiding compounding historic grievances with iwi/Māori; and
- (b) providing for the development of urban and rural areas to improve the not exacerbating existing inequities, in particular but not limited to, access of communities to active and public transport, amenities and affordable housing and choice; and
- (c) enabling and supporting the transition of communities to a low-emissions and climate resilient region, including recognising the need to act now to avoid more costly mitigation and adaption responses for future generations. not exacerbating environmental issues; and
- (d) not increasing the burden on future generations.

Explanation: This policy requires that equity and inclusiveness are is at the forefront of resource management and decision making, particularly when making decisions that affect the economic and cultural well-being of mana whenua/tangata whenua, the development of rural and urban areas, and the transition to a low-emissions and climate resilient region. to prevent any increase in existing inequities, to ensure intergenerational equity, and to improve the overall wellbeing of people and communities.

Method IM.1 – Integrated Management – ki uta ki tai

To achieve integrated management of natural resources and physical resources built environments, the Wellington Regional Council, district and city councils shall:

- (a) partner with and provide support to mana whenua / tangata whenua to provide for their involvement in resource management and decision making; and
- (b) partner with and provide support to mana whenua / tangata whenua to provide for mātauranga Māori in natural-resource management and decision making; and

- (c) work with communities to achieve effective integrated management outcomes;
- (d) work together with other agencies to ensure consistent implementation of the objectives, policies and methods of this RPS; and
- (e) enable connected and holistic approach to resource management that **looks extends** beyond organisational or administrative boundaries; and
- (f) recognise that the impacts of activities extend beyond the immediate and directly adjacent area; and
- (g) require Māori data, including mātauranga Māori, **areas and** sites of significance, wāhi tapu, **and** wāhi tūpuna are only shared in accordance with agreed tikanga and kawa Māori; and
- (h) share data and information (other than in (f) above) across all relevant agencies; and
- (i) incentivise opportunities and programmes that achieve multiple objectives and benefits.

Implementation: *Wellington Regional Council* and city and district councils.*

Method IM.2 Protection and interpretation of Mātauranga Māori and Māori data

By 2025, the Wellington Regional Council in partnership with each mana whenua / tangata whenua will develop and uphold tikanga and kawa for Māori data sovereignty, including but not limited to:

- (a) how Māori data and information is collected, stored, protected, shared and managed; and
- (b) how mātauranga Māori and other forms of Māori data is analysed and interpreted.

Implementation: *Wellington Regional Council **and mana whenua/tangata whenua.***

Objective A - Anticipated Environmental Results

(d) Wellington Regional Council, **city and district councils and Territorial Authorities** collaborate to undertake integrated management of natural **and physical 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.