

**IN THE MATTER** of the Resource Management Act 1991  
AND  
**IN THE MATTER** of submissions by bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited to Proposed Change 1 to the Wellington Regional Policy Statement: Hearing Stream 2 – Integrated Management  
AND  
**IN THE MATTER** of submissions by Powerco Limited to Proposed Change 1 to the Wellington Regional Policy Statement: Hearing Stream 2 – Integrated Management

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**STATEMENT OF EVIDENCE OF MILES ROWE**  
**FOR**  
**BP OIL NEW ZEALAND LIMITED, MOBIL OIL NEW ZEALAND LIMITED, AND**  
**Z ENERGY LIMITED (THE ‘FUEL COMPANIES’)**  
**(Submitter S157 and Further Submitter FS10)**  
**AND FOR**  
**POWERCO LIMITED**  
**(Submitter S134 and Further Submitter FS24)**

**30 June 2023**

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## INTRODUCTION

1. My full name is Miles Rowe. I have over 26 years of experience in the field of resource management and planning in local government, consultancy and private sector roles in New Zealand. I hold a Bachelor of Science (Geology) degree from the University of Canterbury and a post-graduate Diploma in Applied Environmental Technology from Christchurch Polytechnic. I am full member of the New Zealand Planning Institute.
2. I am a Principal Planning Consultant at 4Sight Consulting Limited (now Part of SLR) (**4Sight**). I have been employed with 4Sight since May 2023. Before then, I was employed for 17 years as a Principal Planner and Environmental Planning Advisor at Mercury NZ. Previous employment includes resource management consultancy and local authority regulatory resource consenting roles in New Zealand.
3. My principal role at 4Sight is to provide resource management planning and policy advice to private sector clients in relation to various projects and planning instruments across New Zealand. This role includes policy analysis, provision of strategic policy advice, and preparation of submissions and evidence.
4. I have extensive resource management experience relating to infrastructure development, including for renewable electricity generation and transmission activities. This has included the provision of policy advice on strategic matters relating to various national, regional and district planning documents, preparation of submissions and evidence, and attendance at hearings and mediation. I have been involved in numerous planning processes throughout New Zealand relating to indigenous biodiversity, outstanding natural features and landscapes, natural hazards, activities/structures in riverbeds and wetlands, water takes and discharges, amenity values, reverse sensitivity effects, regionally significant infrastructure and climate change.
5. I have prepared this planning evidence for bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (*the 'Fuel Companies'*) (submitter S157), and for Powerco Limited (**Powerco**) (submitter S134). I was not involved in the preparation of submissions or further submissions for the Fuel Companies or Powerco in relation to Proposed Change 1 to the Wellington Regional Policy Statement (**Change 1**), but I support the intent of changes sought in those submissions. I have considered the notified Change 1 documentation and the section 42A (**s42A**) report insofar as it relates to the submissions by the Fuel Companies and Powerco.
6. I have not undertaken any site visits for the purpose of preparation of this evidence. However, I have a good understanding of high-level policy frameworks under regional policy statements in New Zealand.

### **CODE OF CONDUCT FOR EXPERT WITNESSES & CONFLICTS OF INTEREST**

7. I have read the Environment Court's Practice Note January 2023 as it relates to expert witnesses. My brief of evidence is prepared in compliance with the Code of Conduct, and I agree to comply with it in appearing before the hearings panel. I am not, and will not behave as, an advocate for my client. I confirm that my evidence is within my area of expertise and that I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions. I have not relied on the evidence or opinion of any other person, in preparing my evidence.
8. I am engaged by the Fuel Companies and Powerco as an independent expert. 4Sight provides planning services to the Fuel Companies and Powerco along with a range of other corporate, public agency and private sector clients. I have no other interest in the outcome of the proceedings.
9. I confirm that the author of the s42A report for Hearing Stream 2, Mr Jerome Wyeth, is also employed at 4Sight and, while I was not made aware of this fact until receipt of the s42A report, we have internal processes in place to manage and avoid potential or perceived conflict of interest issues arising. This includes being located in a different office from Mr Wyeth, not liaising or communicating with Mr Wyeth about our respective clients except to the extent necessary for the purpose of managing any potential conflict, and all correspondence and document exchange with our respective clients being handled in confidence. With these measures in place, I am confident that there are no issues of a conflict of interest associated and Mr Wyeth and myself representing our respective clients in these proceedings. Similarly, my opinions and reasons given in this evidence have not been altered as a consequence of Mr Wyeth and I both being employed at 4Sight.

### **THE INTERESTS OF THE FUEL COMPANIES AND POWERCO IN THE WELLINGTON REGION**

10. The Fuel Companies receive, store and distribute refined petroleum products around New Zealand. In the Wellington Region, the Fuel Companies' business relates to retail fuel outlets including service stations and truck stops, and supply to commercial facilities. The Fuel Companies also have aviation facilities and bulk fuel supply infrastructure, including bulk storage tanks and associated wharflines, at port areas within Wellington Harbour (Port Nicholson).
11. Powerco owns and operates gas and electricity distribution networks within the Greater Wellington Region. This comprises an electricity network within the Wairarapa, covering the area from south of Eketahuna to Cape Palliser and a gas network covering Wellington City, Hutt Valley and Porirua.

## **SCOPE OF EVIDENCE**

12. In relation to the matters covered in Hearing Stream 2 on Integrated Management, identical submission points were made by the Fuel Companies<sup>1</sup> and Powerco<sup>2</sup>. This statement of evidence has been prepared jointly for the Fuel Companies and Powerco.
13. My evidence addresses the following integrated management provisions:
  - (a) Proposed Objective A, specifically as it relates to the recognition of regionally significant infrastructure.
  - (b) Proposed Policy IM.2
14. Any amendments to Change 1 provisions recommended in my evidence are made against the recommended version in the s42A report, unless explicitly stated. As this evidence relates only to two primary provisions in Change 1 (Objective A and Policy IM.2) I have set out all recommended changes at the end of this evidence (refer to paragraphs 35 and 36 at pages 8 – 9).
15. In addition, any submission points supported by the s42A report and the matters on which I agree with the recommendations in the s42a report, are set in in **Schedule A** to this evidence, with very brief analysis in support of that recommendation where relevant.

## **OBJECTIVE A – RECOGNITION OF REGIONALLY SIGNIFICANT INFRASTRUCTURE** ***Submissions for the Fuel Companies (S157.003) and Powerco (S134.001)***

16. In relation to Objective A clause (e), the primary submission of the Fuel Companies and Powerco sought a more specific reference to well-functioning urban environments that are supported by natural and physical resources, and the provision of regionally significant infrastructure.
17. In addition, the further submissions of the Fuel Companies (FS10.029, FS10.039) and Powerco (FS24.025, FS24.035) supported the submissions of Meridian Energy Limited (S100.002) and Wellington Water (S113.002) that the RPS should provide clear guidance on the importance of maintaining, upgrading and adapting or relocating regionally significant infrastructure where this is necessary to support community resilience.

### ***Council's s42A assessment and recommendation***

18. The s42A report rejects the submission points of the Fuel Companies and Powerco and draws attention to Objective 22 (proposed to be replaced through Change 1) relating to the well-functioning urban environment and existing Objective 10 in the RPS relating to regionally significant infrastructure. In addition, the s42A report (at paragraph 118) notes

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<sup>1</sup> Fuel Companies – Submitter S157 and Further Submitter FS10.

<sup>2</sup> Powerco – Submitter S134 and Further Submitter FS24.

that “*the reference to ‘physical resource’ in clause (e) of Objective A includes infrastructure which is central to well-functioning urban environments.*” On this basis, the s42A report does not recommend any changes to clause (e) to reference regionally significant infrastructure.

19. The s42A report also rejects the further submissions of the Fuel Companies and Powerco in support of the submissions by Meridian Energy and Wellington Water.

### ***Analysis***

20. I agree with the s42A report that use of the term ‘physical resources’ encompasses all infrastructure, including regionally significant infrastructure. I also acknowledge Objective 22 (as proposed through Change 1) and existing Objective 10 in the RPS relating to well-functioning urban environment and regionally significant infrastructure.
21. Taking these matters in consideration, I am of the opinion that integrated management under Objective A does not need to specially reference regionally significant infrastructure.
22. However, in relation to the submissions of Meridian Energy and Wellington Water I consider that the resilience of communities (such as from the impacts of climate change) is a critical integrated management issue. In particular, I consider that the resilience of communities is intertwined with the other elements of Objective A, such as Te Ao Māori; mātauranga Māori; the holistic and interconnectedness of all parts of the environment; the life supporting capacity of ecosystems; the dependence of humans on a healthy natural environment; and responding to the current and future effects of climate change. Addressing community resilience through Objective A, in my opinion, appropriately addresses Overarching Resource Management Issue 1 regarding the adverse impacts on natural environments and communities.

### ***Conclusion and Relief***

23. While I support the s42A report recommended changes to clause (e)<sup>3</sup> (shown below as ~~strike-through~~ and single underlined), I recommend further changes addressing the resilience of communities, as shown below (as highlighted and double underlined):

*recognises the role of both natural and physical resources in providing for ~~the characteristics and qualities of well-functioning urban and rural areas environments~~ including where they strengthen the resilience of communities;*

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<sup>3</sup> Now clause (g) in the s42A report version.

## **POLICY IM.2: INTEGRATED MANAGEMENT – CONSIDERATION**

### ***Submissions for the Fuel Companies (S157.006) and Powerco (S134.003)***

24. In their primary submissions, the Fuel Companies and Powerco sought the deletion of Policy IM.2 on the basis that issues of equity and inclusiveness in decision-making it is not aligned to the purpose of the RMA, it presents ambiguous wording, it is unable to be applied on a consistent basis, and it is unclear how it would be applied to a resource consent application required for maintenance or upgrade of existing regionally significant infrastructure located in an environmentally or culturally sensitive area.

### ***Council's s42A assessment and recommendation***

25. The s42A report (at paragraph 174) presents two options for responding to submissions on Policy IM.2 to: either accept submissions requesting to delete Policy IM.2 (option 1); or make substantial amendments to Policy IM.2 to address key concerns raised while retaining the general intent (option 2).
26. The s42A report recommends in favour of option 2 for substantial amendments to the policy, although it notes that the recommendation is finely balanced. The key reason given for this recommendation in the s42A report (at paragraph 176) is “*because equity has been identified as a key issue for Council and mana whenua/tangata whenua in the region and there is a risk of inequitable outcomes from certain Change 1 provisions (e.g. climate change)*” and the “*principle of equity is also one of the principles of the Treaty of Waitangi*”.
27. The s42A report recommends that the policy continues to address ‘equity’ but not ‘inclusiveness’.

### ***Analysis***

28. The s42A report recommended changes to Policy IM.2 substantially changes it from the notified version. The Section 32AA evaluation given in the s42A report (at paragraph 179) records that “*amendments to Policy IM.2 will improve its efficiency in achieving the objectives by clarifying the appropriate weighting to be given to the policy through planning and consenting through amendments to the chapeau of the policy.*”
29. In my opinion, the s42A recommended changes will improve efficiency compared to the notified version, but overall, I am not convinced that it is the most appropriate way to achieve the relevant RPS objectives. In particular, it is unclear how the policy will assist the Regional Council or territorial authorities to carry out their functions.
30. In relation to resource management matters, equity is a concept that can be applied to resource allocation but is by no means the only concept that is relevant to resource

allocation.<sup>4</sup> Proposed Policy IM.2 appears to address equity in isolation of other relevant concept for resource management decision-making. I also believe that the concept of equity needs to be considered as a whole, such as when regional or district plans are being developed or changed.

31. I consider that the concept of equity is problematic to take into account on an individual resource consent basis where the concept has not been robustly developed, and subsequently applied, through a regional or district plan, and especially for an application involving regionally significant infrastructure that has specific functional or operational needs to be in that location or environment.
32. For these reasons, I believe that proposed Policy IM.2 should be deleted, but if it is to remain then it should only apply to a change, variation or review of a regional or district plan. In addition, the reference to 'addressing barriers' in clause (a) of the policy (as recommended in the s42A report version) is not, in my opinion, appropriately defined and should be deleted. If this is meant to refer to barriers to economic and cultural well-being, then it is already captured by the second part of the clause for "*providing opportunities...to support economic and cultural well-being*" (as recommended in the s42A report version).
33. Finally, and again, only if the Hearing Panel are of a mind to retain Policy IM.2, then I support the s42A report to reframe clause (c) to "*a low-emissions and climate resilient region*" and I agree the deletion of clause (d) in the notified version as being ambiguous and unnecessary.

### **Conclusion and Relief**

34. I recommend that Policy IM.2 is deleted, as sought by the Fuel Companies and Powerco submissions. However, if the Hearing Panel finds there is evidence to support Policy IM.2 being retained, then I recommend that it adopts the version set out in the s42A report (shown below as ~~strike through~~ and single underlined), but subject to my further deletions as shown below (as ~~highlighted and double strike through~~):

*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 achieveing 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

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<sup>4</sup> For example, clause 36 of the Natural and Built Environments Bill, proposed three resource allocation principles of sustainability, efficiency and equity.

~~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.~~

### SUMMARY OF RELIEF SOUGHT

35. At paragraph 23 of my evidence, I recommend that the Hearing Panel adopts the version of Objective A, as per the amendments set out in the s42A report (shown below as ~~strike-through~~ and single underlined), but subject to my further additions as shown below (as highlighted and double underlined):

*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
- (b) *incorporates mātauranga Māori; and*
- (c) *recognises ki uta ki tai – the holistic nature and interconnectedness of all parts of the natural environment; and*
- (d) *protects and enhances mana whenua / tangata whenua values, in particular mahinga kai ~~and the life-supporting capacity of ecosystems~~; and*
- (e) protects and enhances the life-supporting capacity of ecosystems; and
- (f) *recognises the dependence of humans on a healthy natural environment; and*
- (g) *recognises the role of both natural and physical resources in providing for ~~the characteristics and qualities of well-functioning urban and rural areas environments~~ including where they strengthen the resilience of communities; and*
- (h) *responds effectively to the current and future ~~effects pressures~~ of climate change, and population growth and development pressures and opportunities.*

36. At paragraph 34 of my evidence, I recommend that Policy IM.2 is deleted in full. However, I also propose an alternative, if the Hearing Panel finds there is evidence to support Policy IM.2 being retained, then I recommend the Hearing Panel adopts the version of the policy, as per the amendments set out in the s42A report (shown below as ~~strike-through~~ and

single underlined), but subject to my further deletions as shown below (as ~~highlighted and double strike through~~):

*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 when by:*

- (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.~~*

**Miles Rowe**

**30 June 2023**

**SCHEDULE A –S42A REPORT RECOMMENDATIONS THAT ARE SUPPORTED IN RELATION TO THE SUBMISSION POINTS BY THE FUEL COMPANIES AND POWERCO**

Submission Point	Submission Reasons	Council’s s42A assessment and recommendation	Analysis	Conclusion and Relief
<b>Objective A – Te Ao Māori</b>				
Fuel Companies (S157.001)  Powerco (S134.001)	<p>The Fuel Companies and Powerco sought that integrated management of the region’s natural and built environments requires, amongst other matters, the provision for the characteristics and qualities of well-functioning urban environments and for regionally significant infrastructure.</p> <p>Their submissions expressed concern that Objective A establishes Te Ao Māori as the pre-eminent concept for delivering integrated management with no guidance on how to achieve it, including no supporting policies or methods. Their submissions sought that this be remedied by the concept of Te Ao Māori being merged into clause (a) of the Objective.</p>	<p>The s42A report (at paragraphs 121 and 122) consider that the inclusion of Te Ao Māori within Objective A is well supported by the broader statutory and national direction framework but acknowledges that the drafting of Objective A might cause some confusion as to the weight that is to be given to Te Ao Māori over the other matters listed in clauses (a) – (f).</p> <p>The s42A report accepts in part the submissions by recommending (at paragraph 123) that the words “<i>guided by Te Ao Māori</i>” are relocated to a new clause (a), but recommends (at paragraph 124) that no further guidance on Te Ao Māori is required in the policies and methods, beyond that already provided in Policy IM.1(a) and Method IM.1(a) relating to partnering with mana whenua/tangata whenua in resource management and decision-making.</p>	<p>In my view, the concept of Te Ao Māori is relevant to achieving integrated management of the natural and built environment but is not necessarily any more important than the other listed matters in the Objective. For this reason, I support the s42A report recommendation to relocate the words “<i>guided by Te Ao Māori</i>” into new clause (a). In my opinion, this amendment is better fit for the structure of the Objective.</p>	<p>Support the amendment to Objective A and new clause (a) as recommended in the s42A report (as shown at paragraph 35 of this evidence).</p>
<b>Objective A – The life-supporting capacity of ecosystems</b>				
Fuel Companies (S157.002)	<p>The Fuel Companies and Powerco sought that, the protection and enhancement of the life supporting</p>	<p>The s42A report (at paragraph 125) accepts the submission points “<i>to provide for the protection and</i></p>	<p>No further analysis on this point is required.</p>	<p>Support the amendment to Objective A, as recommended in the</p>

Submission Point	Submission Reasons	Council’s s42A assessment and recommendation	Analysis	Conclusion and Relief
Powerco (S134.001)	capacity of ecosystems should be considered to be a stand-alone consideration, rather than a subset of mana whenua / tangata whenua values within clause (c) of Objective A.	<i>enhancement of the life-supporting capacity of ecosystems as a separate clause consistent with the direction in section 5(2)(b) of the RMA</i> ”.		s42A report, to include a new clause relating to the life-supporting capacity of ecosystems and to delete the same from clause (c) <sup>5</sup> (as shown at paragraph 35 of this evidence).
<b>Objective A – The dependence of humans on a healthy natural environment</b>				
Fuel Companies (S157.005)  Powerco (S134.001)	The Fuel Companies and Powerco sought the deletion of Objective A clause (d) to “ <i>recognises the dependence of humans on a healthy natural environment</i> ”.	The s42A report (at end of paragraphs 107) states “... <i>submitters also request that clause (d) be deleted, without providing any supporting rationale.</i> ” As a result, the s42A does not recommend any change to clause (d).	I agree that no rationale has been provided in the submissions for the deletion of clause (d).  I accept that integrated management of natural and built environments to support current and future generations does rely on people being able to maintain and enhance the natural environment in a health state. For this reason, I am not aware of any grounds to support the deletion of clause (d).	To retain Objective A clause (d) as notified <sup>6</sup> (as shown at paragraph 35 of this evidence).

<sup>5</sup> Now clause (d) and new clause (e) in the s42A report version.

<sup>6</sup> Now clause (f) in the s42A report version.