

**Proposed Change 1 to the Wellington Regional Policy Statement
Hearing Stream 2 – Integrated Management**

Speaking Notes – Rory Smeaton on behalf of Porirua City Council

1pm, Wednesday 19th July 2023

1. Thank you Chairs and members of the two hearing panels.
2. My name is Rory Smeaton. I am a Principal Policy Planner employed by Porirua City Council (PCC). I produced a statement of planning evidence in support of a number of submission points from PCC on the provisions in Change 1 being addressed in Hearing Stream 2 – Integrated Management.
3. My colleague Mr Michael Rachlin also re-submitted a part of his evidence provided for Hearing Stream 1 at the request of the Panel, and is also available for questions.
4. PCC must give effect to the Regional Policy Statement (RPS) through its district plan. PCC's opening legal submissions outlined its key interest in Change 1 as being to ensure that the provisions are drafted in a way that will ensure PCC can continue to meet its statutory obligations.
5. I agree with PCC's submission which generally supports the intent of Change 1 and the overall direction of travel, but notes that there are a number of Change 1 provisions that should be expressed more clearly.
6. I recommend that the use of the term 'natural and built environments' in provisions introduced or amended through Change 1 be amended to appropriately refer to 'natural and physical resources'. The use of 'natural and built environments' is inconsistent with the RMA and national direction. The existing RPS provisions and supporting text do not use this term. Change 1 itself is inconsistent with the wording it uses.¹ In Mr Wyeth's opinion, as expressed in his rebuttal evidence, the reference to 'natural and built environments' is unlikely to create interpretation and implementation issues. For the reasons set out in my evidence, I disagree.
7. I also recommended that the additional wording 'where relevant' be included in consideration policies where appropriate, and specifically in relation to Policy IM.1. This is because, by definition, the integrated management provisions will be relevant to all planning decisions. Therefore, Policy IM.1 in particular needs to be carefully worded to avoid it being inappropriately applied to resource consent and notice of requirement processes.
8. I addressed the structure of the RPS as proposed through Change 1 in my evidence. I agree with the evidence provided by Mr Rachlin on behalf of PCC on this matter. The inclusion of 'overarching' issues and objectives within the introduction to Chapter 3 elevates these provisions above those included in the subchapters and will cause confusion for interpretation and implementation. Section 61 of the RMA states that a regional council must prepare and change its regional policy statement in accordance with a national planning standard. The National Planning Standards direct regional councils to include an 'integrated management' chapter in a RPS where it is relevant. While Change 1 is not a full

¹ For example, clause (c) of Policy IM.1 mixes the two terms by referring to "natural resources and the built environments".

proposed regional policy statement, I consider that it would be more appropriate to be consistent with that direction by including an 'integrated management' chapter in the RPS.

9. In my statement of evidence, I recommended an additional issue be added relating to the effects of climate change. In his statement of rebuttal evidence, Mr Wyeth has recommended a new issue statement addressing this matter. While acknowledging the acceptance of the need for an additional issue statement, I disagree with Mr Wyeth's proposed wording as, other than the first sentence, it is focused on the required response to the issue rather than describing the issue itself. As such, I continue to support my recommended issue statement in Appendix B of my evidence.
10. I recommended in my evidence that both Objective A and Policy IM.1 be significantly amended in order to provide greater clarity on what is sought to be achieved, and how it is to be achieved. I recommended new objectives and policies to accomplish that. While these are all relevant to integrated management of natural and physical resources, I consider that the more focused objectives and policies I have recommended provide greater clarity and easier interpretation.
11. My recommended Objective A focusses more directly on the integration of the management of the region's natural and physical resources, and specifically on the concept of ki uta ki tai. This is supported by my recommended Policy IM.1, which sets out the key aspects of adopting an integrated approach based on ki uta ki tai. I consider that this better gives effect to national direction, and specifically the National Policy Statement for Freshwater Management (NPS-FM). While Change 1 is focussed on the NPS-UD and NPS-FM, I note that my recommended Policy IM.1 would also assist in giving effect to clause 3.2 of the National Policy Statement for Highly Productive Land (NPS-HPL) and clause 3.5 of the National Policy Statement for Indigenous Biodiversity (NPS-IB).
12. My recommended Objective B focusses on the incorporation of te ao Māori into the management of the region's natural and physical resources and is supported by my recommended Policy IM.2 which addresses integrated decision making. These will be read alongside the other integrated management provisions, but by separating these they provide a broader lens through which to view all other provisions.
13. My recommended Objective C seeks to achieve well-functioning urban environments. This is supported by my recommended Policy IM.3 addressing integrated and coordinated regional urban development and which recognises the importance of a Future Development Strategy (FDS). An FDS is a key implementation tool required under the National Policy Statement for Urban Development (NPS-UD). Local authorities that share jurisdiction over tier 1 or 2 urban environments are jointly responsible for preparing an FDS. In my opinion, the strategic approach set out in a relevant FDS is clearly a matter relevant to the integrated management provisions in the RPS.
14. Additionally, in relation to Policy IM.1, I included a potential definition of 'Māori data sovereignty', a term that is used in clause (e). Mr Wyeth generally supports the intent of that definition, but states that the intent of Method IM.2 is for GWRC to work in partnership with each mana whenua/tangata whenua to develop and agree on tikanga and kawa for Māori data sovereignty. While I acknowledge the importance of that work, I do not consider that a definition would undermine or constrain it as stated by Mr Wyeth. I also note that Method IM.2 sets a timeline for that method, being 'by 2025'. Policy IM.1 as notified must be given regard in resource consent decisions now under section 104(1)(b)(v) and will need

to be given effect to by PCC in its district plan. I do not see how that can be properly achieved without an appropriate definition.

15. I recommended that Policy IM.2 be deleted. I note that Mr Wyeth also now recommends in his statement of rebuttal evidence that the policy be deleted. I support that recommendation.
16. Overall, the recommendations made by Mr Wyeth in the Section 42A Report and Rebuttal Evidence have come some way in improving the provisions of Change 1. However, I consider that further amendments are required to ensure PCC can continue to meet its statutory obligations.