

**Before the Hearings Panels
At Greater Wellington Regional Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Hearing Topic Hearing Stream 2 – Integrated Management

**Statement of evidence of Michael David Rachlin on behalf of Porirua City
Council (Planning)**

Date: 30th June 2023

INTRODUCTION:

- 1 My full name is Michael David Rachlin. I am employed as a Principal Policy Planner by Porirua City Council (“PCC”).
- 2 I have prepared this statement of evidence on behalf of PCC to provide planning evidence in support of its submission to Greater Wellington Regional Council’s (“the Council”) Proposed Change 1 (“Change 1”) to the Regional Policy Statement for the Wellington Region (“RPS”).
- 3 Mr Rory Smeaton, has prepared a statement of evidence which provides a substantive and detailed response to PCC’s submission points allocated to Hearing Stream 2. At the invitation of the Chair of the Part 1, Schedule 1 Hearing Panel I have re-submitted the part of my evidence for Hearing Stream 1 that addresses the structure of the RPS. I have done this as the matters raised in my evidence regarding the status of Objective A have been addressed by the Council in its section 42A report for Hearing Stream 2.
- 4 I am authorised to provide this evidence on behalf of PCC. While I am an employee of PCC, I am giving this evidence as a planning expert, and the views I express in this evidence are my own.

QUALIFICATIONS AND EXPERIENCE

- 5 I hold the qualifications and have the experience outlined in my statement of evidence prepared on behalf of PCC for Hearing Stream 1, Overview and General Submissions.¹

Code of conduct

- 6 I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence

¹ Michael Rachlin Statement of Evidence, 13 June 2023, at paras 5 to 10.

are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

Structure of RPS

- 7 Change 1 introduces Objective A into the RPS framework. It is described as the overarching resource management objective for the Wellington Region. The s32 evaluation for Change 1 describes the intent of this objective as²:

The intent of this new objective is to provide greater clarity and direction to the Regional Council and Territorial Authorities about what is meant by integrated management of natural resources, as well as recognising importance of Te Ao Māori and Mātauranga Māori in natural resources management and decision making.

- 8 It is not clear whether Objective A is intended to provide a higher order objective that sets the direction for the RPS, and which all topic-based objectives and policies must then implement. In other words, it is not

clear, from the drafting of Change 1, whether an internal hierarchy of objectives is created or not.

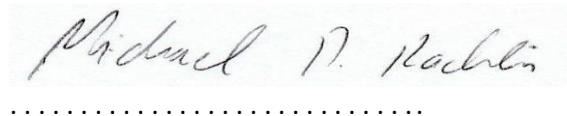
- 9 Furthermore, I have reviewed the User Guide to the RPS and can find no guidance on this matter. The absence of any clarification raises the following issues, namely whether:
- Lower order RMA plans (i.e. regional and district plans) need only give effect to the topic based objectives and policies, the assumption being that in so doing they will implement Objective A, or do they also need to reconcile and give effect to the direction in Objective A alongside all other objectives; and
 - If there are tensions between topic based objectives, do territorial authorities look “upwards” to Objective A to guide how a council is to give effect to the RPS in its district plans.
- 10 In addition, I am also unclear on where and how topic based objectives provide direction on reconciling tensions between differing outcomes. In my experience, unless stated otherwise, objectives are to be read together with no objective having primacy over another except as derived by the context of a particular situation. Where an objective or outcome is to have primacy over others then this would need to be clearly articulated in the objectives themselves and/or in the way objectives are structured.
- 11 Without this clear articulation or structuring, confusion and inconsistency is likely to arise when district and regional plans are amended to give effect to the RPS. An example is whether Objective 12 (health and wellbeing of freshwater bodies) has primacy over Objective 22 (urban development) and Objective 22A (housing bottom lines).
- 12 In my opinion, a key role of an RPS is to reconcile for the region, potentially competing policy outcomes as set out in national direction, such as the NPS-UD and the NPS-FM. Paragraph 58 of the s32 evaluation

states that Change 1 is intended to set clear direction to territorial authorities to enable urban development in locations that prioritise the health of water bodies, but this does not appear to have been clearly translated into the RPS framework.

Conclusion

13 I consider that unless the matters identified above, and the matters identified in the statement of evidence I prepared on behalf of PCC for Hearing Stream 1, Overview and General Submissions, on 13 June 2023, are addressed, there is the potential for inconsistent implementation of Change 1 across the region.

Date: 30/06/2023



.....