

**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

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

10 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 Change 1 to the Wellington Regional Policy Statement 2016 (Change 1) has been notified via two plan-making processes under Schedule 1 of the Resource Management Act 1991 (RMA):
 - 2.1 The Freshwater Planning Process (FPP) under Part 4, Schedule 1 for the provisions that form the Freshwater Planning Instrument.
 - 2.2 The standard plan-making process in Part 1, Schedule 1 of the RMA.
- 3 This supplementary evidence addresses the allocation of provisions between these two processes in relation to the integrated management topic in accordance with Minute 5 and Minute 6 from the Hearing Panels. The integrated management topic includes the following provisions, all of which were notified in Change 1 under the FPP process:
 - 3.1 Overarching resource management issue 1
 - 3.2 Overarching resource management issue 2
 - 3.3 Overarching resource management issue 3
 - 3.4 Objective A
 - 3.5 Policy IM.1
 - 3.6 Policy IM.2
 - 3.7 Method IM.1
 - 3.8 Method IM.2
 - 3.9 Integrated Management - Anticipated Environmental Results.

QUALIFICATIONS AND EXPERIENCE

- 4 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.

Categorisation of provisions into the Freshwater Planning Instrument

5 Section 80A of the RMA provides the relevant tests for determining which parts of Change 1 should form part of the Freshwater Planning Instrument (FPI):

(1) The purpose of this subpart is to require all freshwater planning instruments prepared by a regional council to undergo the freshwater planning process.

(2) A freshwater planning instrument means—

(a) a proposed regional plan or regional policy statement for the purpose of giving effect to any national policy statement for freshwater management:

(b) a proposed regional plan or regional policy statement that relates to freshwater (other than for the purpose described in paragraph (a)):

(c) a change or variation to a proposed regional plan or regional policy statement if the change or variation—

(i) is for the purpose described in paragraph (a); or

(ii) otherwise relates to freshwater.

(3) A regional council must prepare a freshwater planning instrument in accordance with this subpart and Part 4 of Schedule 1. However, if the council is satisfied that only part of the instrument relates to freshwater, the council must—

(a) prepare that part in accordance with this subpart and Part 4 of Schedule 1; and

(b) prepare the parts that do not relate to freshwater in accordance with Part 1 of Schedule 1 or, if applicable, subpart 5 of this Part.

6 Greater Wellington Regional Council (Council or GWRC) undertook a process to categorise Change 1 provisions between the FPP and standard Schedule 1 process when Change 1 was notified in August 2022. This process applied the High Court decision on the Proposed Regional Policy Statement for the Otago Region - *Otago Regional Council v Royal Forest & Bird Protection Society of NZ Inc* [2022] NZHC 1777.

7 The scope of the FPI as notified in Change 1 is identified through the use of the  symbol next to the relevant provision. Justification for the allocation of each provision to the FPP is provided in Appendix E of the section 32 report for Change 1. The Section 80A(2)(c) tests were specified in paragraphs 202 and 192 of the above High Court decision as:

- 7.1 give effect to parts of the NPS-FM that regulate activities because of their effect on the quality or quantity of freshwater, or
- 7.2 relate directly to matters that will impact on the quality or quantity of freshwater.
- 8 Council applied these tests to determine whether a provision was in the FPI or not. The categorisation process was undertaken at a provision level without splitting provisions. Therefore, if part of a provision met either of the tests above, the whole provision was included in the FPI even if it related to other matters. Each provision was assessed independently and its relationships to other provisions did not form the basis for whether or not it was included in the FPI.
- 9 Change 1 was drafted in an integrated way, and many provisions therefore contribute to the purpose for which section 80A was enacted; to address the decline of freshwater quality. The fundamental concepts of Te Mana o Te Wai and an integrated approach - ki uta ki tai informed how the objectives, policies and methods of Change 1 have been drafted. This latter concept is of particular relevance to the integrated management topic.
- 10 A number of submitters on Change 1 have raised concerns regarding the categorisation of provisions to the FPI. Winstone Aggregates, Forest and Bird, Wellington International Airport Limited (WIAL) and Wairarapa Federated Farmers (WFF) also attended Hearing Stream 1 to speak to their concerns regarding categorisation of Change 1 provisions to the FPI. The primary concerns raised are that too many provisions were notified in Change 1 as part of the FPI and that the justification for inclusion in the FPI was not clear enough in light of the High Court Decision outlined above. This supplementary evidence has been provided in response to these concerns and to assist the Hearing Panels in considering the categorisation of provisions.

MATTERS RAISED IN SUBMISSIONS AND SUBMITTER EVIDENCE

- 11 In my section 42A report, I address a number of submission points from WFF requesting that the freshwater icon be removed from provisions in the integrated management topic. I recommended these submission points be rejected with reference to the analysis in the General Submissions – Section 42A Report and Appendix E of the Section 32 Report.
- 12 Concerns have also been raised in submitter evidence on the integrated management topic in relation to the allocation of provisions to the FPI. In summary:

- 12.1 Ms Hunter on behalf WIAL 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.
- 12.2 Ms Foster on behalf of Meridian raises some questions and concerns with the allocation of IM.2 to the FPP.
- 12.3 Ms McGruddy on behalf of WFF reiterates its request from Hearing Stream 1 that the Freshwater Hearing Panel send the notified FPI back to Council to reconsider the allocation of provisions between the FPP and the standard Schedule 1 process.

Analysis

- 13 I have assessed each provision addressed by my section 42A report according to the two tests that were applied to categorise each provision in Change 1 to either the FPP or to standard Schedule 1 process at the time of notification.
- 14 The result of my assessment is shown in Table 2. In summary, I generally agree with the assessment to inform the scope of the FPI at the time of notification, with the exception of those provisions not directly related to integrated management of natural and built environments.

Provision in FPI	Section 32 report justification	Rebuttal evidence assessment on notified provision
Overarching resource management 1	Issue discusses water degradation. It therefore directly relates to matters impacting freshwater quality and quantity.	Overarching resource management 1 relates to the adverse effects of all forms of development on the environment, including degraded water quality. I therefore agree the issue relates directly to matters that impact on the quality or quantity of freshwater.
Overarching resource management 2	Issue discusses additional pressure on natural environments, which directly impacts freshwater quality and quantity.	I acknowledge that overarching resource management issue 2 relates to urban development and the pressure it places on natural environments. I also acknowledge that urban development and intensification does have impacts on

Provision in FPI	Section 32 report justification	Rebuttal evidence assessment on notified provision
		freshwater, e.g. due to impacts from increased stormwater or sediment runoff associated with earthworks. However, I consider that overarching resource management issue is more focused on the increasing pressure on housing and infrastructure capacity in the region. As such, I do not agree that the issue has a direct enough association to matters that impact on water quality or quantity to be included in the FPI.
Overarching resource management 3	Mana whenua / tangata whenua decision-making and values focus largely on freshwater matters and are therefore directly related to matters that will impact freshwater quality or quantity. For Māori, water is the essence of all life, akin to the blood of Papatūānuku who supports all people, plants and wildlife.	I acknowledge that freshwater is a taonga and is of significant importance to mana whenua/tangata whenua. However, overarching resource management 3 is much broader in my opinion and more focused on mana whenua/tangata whenua involvement in decision-making and recognising mana whenua/tangata whenua values. Therefore, I do not agree that overarching resource management issue 3 directly relates to matters that impact on freshwater quality and quantity.
Objective A	Objective seeks to protect freshwater quality and quantity as part of achieving the qualities and characteristics of well-functioning urban environments, protecting and enhancing mahinga kai, and recognising the relationship between freshwater and other parts of the natural and built environment.	I agree that Objective A directly relates to matters that impact on freshwater quality and quantity. Objective A also seeks to recognise and provide for ki uta ki tai – consistent with the direction in the NPS-FM (Policy 3 and Clause 3.5).
Policy IM.1	Policy seeks to protect freshwater quality and quantity by recognising the relationship between freshwater and other parts of the natural and built environment. Mana whenua / tangata whenua decision making and Mātauranga focus largely on freshwater matters, and are therefore directly related to matters that will impact freshwater quality and quantity.	I agree that Policy IM.1 directly relates to matters that impact on freshwater quality and quantity. Policy IM.1 also seeks to recognise and provide for ki uta ki tai – consistent with the direction in the NPS-FM (Policy 3 and Clause 3.5).
Policy IM.2	Clause (c) seeks for environmental issues, which include freshwater quality and quantity, not to be exacerbated. This relates directly to protecting and enhancing freshwater quality and quantity.	I do not agree that notified Policy IM.2, which relates to ‘equity and inclusiveness’, directly relates to matters which impact on freshwater quality and quantity. In my opinion, a general reference to ‘environmental

Provision in FPI	Section 32 report justification	Rebuttal evidence assessment on notified provision
		issues' in clause (c) of Policy IM.2 is not sufficient to demonstrate that the policy relates directly to matters that impact on freshwater quality and quantity.
Method IM.1	Mana whenua / tangata whenua decision making and Mātauranga focus largely on freshwater matters, and are therefore directly related to matters that will impact freshwater quality or quantity.	In my opinion, the purpose of Method IM.1 (integrated management – ki uta ki tai) and clauses (d) and (e) directly relate to matters that impact on water quality and quantity, including taking a holistic approach to resource management and managing activities that have wider adverse effects. I therefore agree with the conclusion in the section 32 report, albeit for different reasons.
Method IM.2	Method refers to freshwater Mātauranga and data, and is intrinsically linked to monitoring freshwater quality or quantity.	I acknowledge that mātauranga Māori will often be used in relation to freshwater. However, in my opinion, Method IM.2 is much broader in scope and is more focused on how to protect and interpret Mātauranga Māori and Māori data. Therefore, I do not agree that Method IM.2 directly relates to matters that impact on freshwater quality and quantity.
Integrated management AER	Corresponding objective directly relates to protecting and enhancing freshwater quality and quantity.	I agree that the AER directly relates to integrated management which has impacts on freshwater and is also relevant in giving effect to the NPS-FM.

Recommendations

- 15 As a result of the assessment undertaken in Table 2, I recommend that the following provisions are moved from the FPP into the standard Schedule 1 process:
- 15.1 Overarching resource management issue 2
 - 15.2 Overarching resource management issue 3
 - 15.3 Policy IM.2
 - 15.4 Method IM.2.

DATE:

11 July 2023

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