

Greater Wellington Regional Council

Transcription Hearing Stream Seven – Small Topics, Wrap Up and Variation 1

SUBMISSIONS

Proposed Change 1 to Regional Policy Statement for Wellington Region

Hearing Dates:	Monday 15 th to Tuesday 16 th April 2024
Location:	Venue: Naumi Hotel, 213 Cuba Street, Te Aro, Wellington 6011
Hearing Panel:	Commissioner Dhilum Nightingale (Chair) Commissioner Glenice Paine Commissioner Gillian Wratt – Appearing virtually both days. Commissioner Ina Kumeroa Kara-France
Hearing Advisor:	Jo Nixon

Contents

- 1. Hearing Stream Seven – Submitter Record of Appearance**
- 2. Transcription Day One Hearing Stream Seven Monday 15th April 2024**
 - Section 42A Report Natural Character Report Author: Iain Dawe
 - Section 42A Report Consequential Amendments Report Author: Louis Schwer
 - Section 42A Report Definitions - Regionally Significant Infrastructure, Natural Grid and Strategic Transport Network Report Author: Shannon Watson
 - Section 42A Report Omitted Submission Points Report Author: Mika Zollner
 - Section 42A Report Variation 1 Report Author: Sam O'Brien
 - GWRC Legal Counsel – Emma Manohar
 - Submitter: Rangitāne o Wairarapa Inc S168
- 3. Transcription Day Two Hearing Stream Seven Tuesday 16th April 2024**
 - Submitter: Wairarapa Federated Farmers S163
 - Submitter: Upper Hutt City Council S34

Hearing Stream Seven – Submitter Record of Appearance

Submitter Organisation/Person	Names of people who appeared at the Hearing	Appearing
Director General of Conservation S32	<ul style="list-style-type: none"> ● Murray Brass, Senior RMA Planner 	Withdraw ¹
Meridian Energy S100	<ul style="list-style-type: none"> ● Christine Foster, Planning Expert ● Andrew Feierabend, Company Representative 	Withdraw ²
Rangitāne o Wairarapa S168	<ul style="list-style-type: none"> ● Maggie Burns, Senior Planner ● Amber Craig, Pou Rautaki Whenua 	Online
Upper Hutt City Council S34	<ul style="list-style-type: none"> ● Suzanne Rushmere, Senior Policy Planner 	Online
Wairarapa Federated Farmers S163	<ul style="list-style-type: none"> ● Elizabeth McGruddy - Senior Policy Advisor 	Online
Wellington International Airport Ltd S148	<ul style="list-style-type: none"> ● Amanda Dewar, Barrister ● Claire Hunter, Planner, Mitchell Daysh ● Jo Lester, WIAL, Planning Manager 	Withdraw ³

¹ Withdraw post Rebuttal Evidence and prior to Hearing.

² Withdraw post Rebuttal Evidence and prior to Hearing.

³ Withdraw post Rebuttal Evidence and prior to Hearing.

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Commissioner Glenice Paine
Commissioner Gillian Wratt – **Appearing virtually both days.**
Commissioner Ina Kumeroa Kara-France

Hearing Advisor: Jo Nixon

1 Chair: Mōrena. Karakia tātou.
2
3 Guest: *Kia tau ngā manaakitanga a te mea ngaro*
4 *ki runga ki tēnā, ki tēnā o tātou*
5 *Kia mahea te hua mākihikihi*
6 *kia toi te kupu, toi te mana, toi te aroha, toi te Reo Māori*
7 *kia tūturu, ka whakamaua kia tīna! Tīna!*
8 *Hui e, Tāiki e!*
9
10 Chair: Tēnā koutou katoa. Nō Heraka aku tīpuna. Nō Poneke ahau. Kei Taputeranga au e
11 noho ana. Tokotoru aku tamariki. Ko Dhilum Nightingale tōku ingoa. Nō reira, tēnā
12 koutou, tēnā koutou, tēnā koutou katoa.
13
14 Mōrena and good morning. My name is Dhilum Nightingale. I am a Barrister and
15 Independent Hearings Commissioner. I live in Te Whanganui-a-Tara, Wellington.
16 Nau mai haere mai.
17
18 It's a pleasure to welcome everyone to the first day of the last hearing stream for
19 Proposed Change 1. This is a small topic, wrap-up and variation hearing stream.
20 I'm sure by now you know who we all are. We are the panel that are hearing

21 submissions in evidence and making recommendations to Council on PC1 and I
22 have been appointed as Chair of both panels.
23
24 We have two hearing Commissioners in the room with us today and Commissioner
25 Wratt is online due to travel disruptions and fog in Nelson.
26
27 Maybe I could start with Commissioner Paine and we'll do some brief
28 introductions.
29
30 Paine: Tēnā koutou katoa. Ngā mihi nui ki a koutou. Ko wai au? Ko Piripiri te maunga,
31 ko Waituhi te awa, ko Waikawa te marae, ko Te Ātiawa, ko Ngāi Tahu ōku iwi. Ko
32 Glenice Paine tāku ingoa. Nō Picton ahau.
33
34 Good morning everybody. Welcome to this penultimate session. My name is
35 Glenice Paine. I'm an Environment Court Commissioner from Picton. Kia ora.
36
37 Chair: Commissioner Wratt, over to you.
38
39 Wratt: Mōrena. Kia ora koutou. Ko Gillian Wratt tōku ingoa. As our Chair explained
40 unfortunately I am not joining you in person this morning, despite getting up at five
41 o'clock to catch the first flight out of Nelson, in theory that the plane would be
42 sitting on the ground and would get me to Wellington, but the plane is still sitting
43 on the ground and the airport here is closed-in with fog. My apologies I am not
44 there.
45
46 I am based in Whakatū Nelson, a Fresh Water and Environment Commissioner. I
47 was originally appointed onto the Freshwater Panel and now on both panels. My
48 background is in the science sector. Kia ora.
49
50 Kara-France: Tēnā koutou katoa. E kui, Whaea Pam, tēnā koe mō tō tātou karakia. Te whare e tū
51 nei, tēnā koutou. Tēnā koe. E ngā mana whenua, e ngā iwi o Te Whanganui-a-tara,
52 tēnā koutou. Ngā hau e whā, ngā iwi e tau nei, tēnā koutou, tēnā koutou, tēnā koutou
53 katoa. Ngā mate, ngā aituā o koutou, arā, o mātou, ka tangihia tātou i tēnei wā,
54 haere, haere, haere. E tika ana me mihi ki tō tātou Kīngi Māori a Tūheitia, te Pou
55 Herenga Waka, te Pou Herenga iwi, te Pou Herenga tangata Māori katoa, pai
56 mārīre.
57
58 Karanga mai ki a mātou e whai nei i ngā taonga o ngā tūpuna. Nō reira, kāpiti hono
59 ki tātai hono, te hunga mate ki te hunga mate, te hunga ora ki te hunga ora. Tēnā
60 koutou, tēnā koutou, tēnā koutou katoa.
61
62 Ko Ina Kumeroa Kara-France taku ingoa. Ko Waikato Tainui, ko Ngāti Koroki
63 Kahukura. Ko Ngāti Tipa, ko Ngāti Kōata ki Rangitoto ki te tonga. Ko
64 Rongomaiwahine, ko Kahungunu, ko Ngāti Pahauwera, ko Ngāti Popoia, Ko
65 Maungaharere [03.50]. Ko Ngāti Whakaari, Ngāti Ruruku. Ko Ngāti Popoia, ko
66 Ngāti Kahungunu. Ko Ngāti Tūwharetoa, ko Ngāti Te Rangi Ita. Ko Te Ati Haunui-
67 a-Pāpārangī, ko Tūmango, ko Tūpoho, ko Paerangi, ko Ngā Rauru, ko Ngāti
68 Hinewaiatarua. E ngā whānau, e ngā hapū, e ngā iwi i ngā takiwā. Nō reira, tēnā
69 tātou katoa.
70
71 Independent Hearing Commissioner. I am on both panels. I am based in Tāmaki
72 Makaurau. Nau mai haere mai welcome. Kia ora.

73
74 [00.05.00]
75
76 Chair: Kia ora. If I could please invite the Council team who are in the room to introduce
77 themselves. Perhaps we could start with Ms Guest.
78
79 Guest: Kia ora koutou. Ko Pam Guest tōku ingoa. Senior Policy Advisor at the Council.
80
81 Dawe: Kia ora koutou. Ko Iain Dawe tōku ingoa. I am a Senior Natural Hazards Analyst
82 and Policy Advisor at Greater Wellington and I will be speaking to natural character
83 today.
84
85 Schwer: Kia ora koutou. I am a Policy Advisor at Greater Wellington Regional Council and
86 I am the reporting officer for the Consequential Amendments topic.
87
88 O'Brien: Kia ora. Ko Sam O'Brien tōku ingoa. I am a Policy Advisor at the Greater
89 Wellington Regional Council. I am responsible for Variation 1 today.
90
91 Watson: Kia ora koutou. I'm Shannon Watson. I am an independent consultant from GHD
92 working on behalf of Greater Wellington Regional Council on the definition sub-
93 topic of Hearing Stream 7.
94
95 Chair: Thanks very much.
96
97 [Loss of audio 06.12]
98
99 Thanks very much Council team. Have we missed anyone? Is there anyone else?
100
101 Sorry, can I just check, is it Mr Schwer? Is that how I say your name? Great.
102
103 We probably just need to cover a couple of very brief housekeeping points. I think
104 you probably all know the microphone. Just press the button before you speak. If
105 you could say your name because that's helpful for the transcript.
106
107 We have, as you will see from the schedule, the various S42A authors presenting
108 to us today, followed by Ms Manohar, do you have a presentation or is it only
109 questions?
110
111 Manohar: Just questions Commissioner.
112
113 Chair: We'll take a morning adjournment at an appropriate time, but we'll get underway
114 and see how we go. We have signalled I think the Hearings Advisor that we don't
115 have a lot of questions for you, which is a reflection I think of very comprehensive
116 reports and a lot of the relief that submitters have sought on this topic have you
117 support. We might be able to get through things quite quickly.
118
119 Otherwise, thank you so much for your reports and preparing all this information.
120 These issue are absolutely a necessity, but appreciate they can be a little bit of a
121 swamp to work through. We really are appreciative of your time and efforts on the
122 reports.
123

124 I think that's probably all. Is that right Ms Nixon? Nothing else. If you could just
125 check that cell phones are turned to silent.

126
127 We will pass over, unless there are any points of procedure anyone wants to raise.
128 We will pass over to Dr Dawe. You are up first, thank you.

129
130 Dawe: Kia ora. My name is Iain Dawe. I am the Senior Natural Hazard Analyst and Policy
131 Advisor at Greater Wellington Regional Council. I will be speaking to natural
132 character today.

133
134 As notified, the changes that we had put forward in relation to what is Policy 3 in
135 the RPS, which addresses coastal natural character, was an amendment to bring it
136 in line with the New Zealand Coastal Policy Statement.

137 There are two main areas which are assessed when it comes to coastal natural
138 character and landscape values. What the coastal natural character initially in the
139 operative RPS was including in its assessment criteria was a consideration of what
140 might be historical and cultural values; but, that is very much within the domain of
141 looking at the broader landscape characterisation. In the New Zealand Coastal
142 Policy Statement it's clear that is for another topic area that is dealt with both within
143 the Regional Policy Statement and the New Zealand Coastal Policy Statement,
144 dealing with outstanding natural character and landscapes.

145 [00.10.05]

146 So we decided to delete that element of the policy and just stick with what coastal
147 natural character is, which is an assessment of the physical attributes of an area –
148 what builds up, what we value through it's geology, it's biodiversity, the ecosystems
149 and also our experiential values and what we feel when we visit these areas.

150
151 That was put forward. It was largely accepted through the submissions process.
152 Most of the submissions were requesting clarity particularly in the explanation,
153 because a lot of that was deleted, which left in my opinion the interpretation of that
154 policy somewhat bereft, so I agreed to add in some additional explanation to help
155 the interpretation of that policy.

156
157 There was also an and/or phrase used within the policy which led to some ambiguity
158 as to its interpretation and application. When you're making a coastal natural
159 character or any sort of natural character assessment, there's a series of values and
160 elements that all need to be taken into consideration. There's no ands, or's, if's or
161 but's; so I agreed to delete the 'or' and just put 'and' in there so that they're all
162 considered.

163
164 That was reasonably well accepted and then in the final appeal through the rebuttal
165 evidence I agreed with Rangitāne to include a phrase for including partnership with
166 mana whenua, within the policy when Councils are undertaking coastal natural
167 character assessments, and that largely has provided relief for most of the
168 submitters.

169
170 There was another request for some slight tweaks to the explanation by Rangitāne
171 which I didn't think added anything to the policy, so I rejected that and maintained,
172 like we have throughout the entire RPS that the explanations are extremely targeted
173 towards the policy, so that we are only just providing a minimal amount of
174 interpretation because we believe that the policy should stand on its own two feet
175 in this case. I believe it does.

176
177 That's a potted summary of where we get to today with Policy 3 of the RPS.
178
179 I am open to any questions you may have.
180
181 Chair: Thank you Dr Dawe.
182
183 Paine: Good morning Dr Dawe.
184
185 Dawe: Good morning.
186
187 Paine: With Policy 3, the one I am looking at is in your report, and maybe I am looking at
188 the wrong thing, but I don't see any mention of consulting with mana whenua or
189 tangata whenua in that. I am in the wrong place?
190
191 Dawe: In the rebuttal evidence, so that's the report date 8 April 2024, in the chapeaux, the
192 introduction to that policy, we've got "in partnership with mana whenua/tangata
193 whenua, natural character should be assessed considering the following matters."
194 That's the wording amendments put forward in the rebuttal evidence.
195
196 Paine: Thank you Dr Dawe, I have it. Thank you Madam Chair.
197
198 Chair: Any other questions?
199
200 Wratt: Thank you Madam Chair. I have a couple of questions. One is perhaps just moving
201 on from Commissioner Paine's question – I agree that the partnering with mana
202 whenua is now covered but I had a question in terms of whether you consider
203 there's a need for anything in terms of engagement with the community? It's quite
204 varied in places through the provisions in the Policy Statement. In some places
205 there is engagement with community and some places there's not. I just wondered
206 if you had a view on that please Dr Dawe.
207
208 Dawe: Yes. Whenever these assessments are undertaken there's always a group of
209 [00.15.00] stakeholders that are involved through that process, and in particular with natural
210 character it tends to be quite an emotive and animated topic for discussion. A
211 council would be extremely unwise to think that they could generate overlays or
212 identify coastal character without consulting with community – particularly land
213 owners and people that have a close and intimate connection with those areas that
214 are being identified.
215
216 The landscape architecture guidelines and the guidelines produced by the
217 Department of Conservation through the NZCPS guidance to Policy 3 have quite a
218 clear series of points that need to be taken into account and are expected as part of
219 that assessment; and engaging with stakeholders is one of the primary
220 considerations. It's a very important part of that process.
221
222 I am confident that councils in this region and certainly Greater Wellington
223 wouldn't attempt to undertake an assessment without properly engaging with the
224 community.
225
226 Wratt: That was pretty much the position that you had initially in relation to partnership
227 with mana whenua as well wasn't it?

228
229 Dawe: Yes, that's right.
230
231 Wratt: I just wondered why in this case the engagement with the community has been left
232 out of the requirement in the Policy. I don't think any submitters raised that, but I
233 do have a concern. It has been raised under other provisions.
234
235 Dawe: Yes. I guess in supplying that relief for Rangitāne, it recognises that I guess
236 historically mana whenua have felt excluded from a lot of the processes and have
237 just been seen as just another stakeholder. I guess it's recognising the deep spiritual
238 connections that mana whenua have to these landscapes, and can bring something
239 important to it that perhaps wouldn't be recognised through general consultation,
240 and recognising that there are Te Tiriti commitments and there are other policies
241 within the RPS that bring in that partnership approach. It speaks to, I guess, the
242 approach that Greater Wellington has been going down for a number of years now,
243 recognising mana whenua as partners with a lot of the areas of resource
244 management that we cover in the RPS.
245
246 I acknowledge those concerns that you are raising, but I do strongly feel that the
247 community would still be important stakeholders to consider during any sort of
248 assessment with natural character.
249
250 Wratt: I'm not suggesting that they're incorporating requirement for partnership with
251 mana whenua/tangata whenua should it be there. I am still questioning why you
252 wouldn't, and looking across the provisions and other topics as well, why you
253 wouldn't also include the comment around... I mean, I hear what you're saying,
254 you're saying that there already guidelines and processes in place, but why would
255 you not also note that in this policy? Perhaps you have answered it, but I am not
256 entirely clearly why you wouldn't include it.
257
258 Dawe: I guess it's seen as just such a part of the process, that it almost goes without saying
259 that that's what you would do. I guess that's kind of the feeling for these type of
260 policies.
261
262 Wratt: If you don't make it sit in the policy then it can be put to the side. I hear what you're
263 saying there.
264
265 One other question I had was, in the Rangitāne submission in evidence there is a
266 comment around amendment of Method 32 to also recognise partnership with mana
267 whenua, specifically around natural character assessments. Have you given that any
268 thought?
269
270 Dawe: I have yes. Method 32 is kind of a general method which instructs Greater
271 Wellington to partner with mana whenua on a range of different value
272 considerations that you could include natural character in that. But, because the
273 policy is so directive, it specifically states you have to partner with mana whenua
274 [00.20.00] and lists the assessment criteria that you need to go through. It felt unnecessary to
275 be adding that into Method 32 because it's also ready covered in Policy 3.
276
277 I would consider it to be redundant effectively. I guess the aim of the RPS in any
278 Policy is to try and keep it as streamline and simple as possible, without doubling
279 up necessarily within the Policy Statement.

280
281 I am confident that Policy 3 covers everything that is required to partner with mana
282 whenua.
283
284 Wratt: Thank you. Those are my questions. Thanks.
285
286 Chair: Thank you Commissioner Wratt.
287 Dr Dawe, in S42A, the amendments you recommend, you note at the end of the
288 explanatory text that natural character occurs on a continuum from pristine to
289 totally modify.
290
291 Dawe: Yes.
292
293 Chair: I just want to understand. I appreciate the scope of what was notified as part of
294 Proposed Change 1, but could you talk a little bit, just so I understand how this fits,
295 this provision – I'm protecting high natural character – fits within the RPS? Is there
296 protection given for areas that are classified as outstanding? And, what about the
297 other area – so Policy 13(1)(b) NZCPS. It may be there in the operative RPS, but I
298 would just like to understand how that fits together.
299
300 Dawe: There is a hierarchy when you are making these assessments, obviously from
301 outstanding through to landscapes that would be considered say moderate, of
302 having moderate character. There is a policy hierarchy from the most outstanding
303 and high natural character. You would apply a greater policy requirements for the
304 protection of those areas, but it doesn't mean that those areas that might be
305 moderate are somehow just left. There would be lower levels, but still some
306 measure of protection that is afforded those areas - if it's chosen that that's what the
307 community or the Council feels should happen. There is certainly the ability to do
308 that through the framework.
309
310 Chair: Thank you. Is that in the operative RPS?
311
312 Dawe: I am not a hundred percent sure. I could get back to you if you want that answering,
313 as to exactly what we have in the RPS. Because a lot of this is rule framework. It's
314 generally picked up by the District Plans to what you want protection.
315
316 Chair: I think that's the nub of the thing. I do want to have a better understanding of the
317 direction from the NZCPS and is Policy 3 meant to give effect entirely to Policy
318 13?
319
320 Dawe: Policy 3 is giving effect to the requirement to make an assessment of that coastal
321 natural character. Then it's up to the TAs to decide what level of protection they
322 want to have through their rule framework, from high through to medium, to low
323 coastal natural character.
324
325 Chair: I see. So the term 'high natural character' which isn't defined that leaves that I
326 guess flexibility for the Territorial Authorities.
327 Dawe: That's right. There is another policy that comes in around preserving and enhancing
328 those areas, in addition to identifying them and providing protection for them. That
329 again takes its cue from the NZCPS, and that is in the RPS.
330

331 Then we have another series of policies dealing with outstanding natural character
332 and landscapes as well.
333

334 Chair: Okay, thank you. So Policy 3 is not intended to be a comprehensive
335 implementation.
336

337 Dawe: It's not a standalone. Yes there are other supporting policies around it. I should have
338 clarified, sorry.
339

340 Chair: That's okay. Dr Dawe, do you have those policies at the top of your head?
341

342 Dawe: Not off the top of my head. But, we can supply them to the panel.
343

344 Chair: We might actually just put a question in a minute to cover in reply.
345 [00.25.00]
346 Appreciate it's not the scope, but I think it's relevant in terms of our role I
347 understanding how Policy 3 implements Policy 13.
348

349 Dawe: In doing these assessments I did analyse the other policies within the RPS. That
350 information is to hand. It's not off the top of my head. I can get that quickly to you
351 within the day if you wish.
352

353 Chair: We're happy to put a question in the Minute that follows soon after the hearing. We
354 can address it then. Thank you. That clarifies that for me.
355

356 The explanatory text you have there about natural character being on a continuum,
357 do you have a view at all about whether it would be helpful to put some signposting
358 in here in reference to the other provisions in the RPS that pick up the other
359 elements of Policy 13?
360

361 Dawe: It could be of benefit if the Commissioners feel that would provide that clarity
362 around that policy. I would be happy to add that into the explanation.
363

364 Chair: Thank you. I think we have seen that in other provisions in the RPS. It's not a
365 completely novel approach for this document.
366

367 Dawe: That could be easily done.
368

369 Chair: Thank you. I knew there would be an answer because Mr Murray Brass in his
370 evidence says he's comfortable that this gives effect to Policy 13. I didn't think
371 there was a gap anywhere, I just wanted to understand that for myself.
372

373 Dawe: Sure. If you feel that it would be useful to have that additional explanation, saying
374 that there are other policies, and that this sits within a suite of policies dealing with
375 natural character, and that it's not just standalone, that may be useful.
376

377 Chair: I will talk with the other Commissioners. I think that would be helpful, but we'll
378 record that in a Minute.
379

380 I also just had a question, and again this is just to help my understanding the context.
381 Mapping and identification of these areas, where is the Council at with that process?
382

383 Dawe: There are a number of reports that have been produced already for the region, and
384 Greater Wellington is embarking currently on a seascape study, looking at the
385 coastal natural character from the mean high water springs outwards – so a lot of
386 the terrestrial side of the coastal environments have been mapped. We're getting
387 there. It's in process.
388

389 Chair: That mapping, does it contain areas of high natural character?
390

391 Dawe: Yes, in those assessments everything is looked at and then there's an assessment
392 made on whether it's high, medium, low or outstanding, whatever the case may be.
393

394 Chair: I see. Say there was an area that was identified as outstanding natural character, do
395 you see that creating any issues with Policy 3 and its reference to this direction in
396 relation to high natural character areas?
397

398 Dawe: As in between outstanding and high?
399

400 Chair: Between outstanding and high.
401

402 Dawe: Generally the outstanding refers to landscape values, whereas the high natural
403 character is what you might use within the natural character framework; so there's
404 a slight difference there. The reason for that is when you're looking at landscape,
405 because it brings in cultural and spiritual values, that's generally where the term
406 'outstanding' is reserved for. It gets a little bit confusing, because natural character
407 is a component of that landscape assessment. So that outstanding tends to be
408 reserved for very particular what is considered outstanding by definition. The rule
409 frameworks support that. But, obviously, unless you're in Fiordland or someplace
410 like that, there's been a lot of modification to our natural landscapes.
411 [00.30.00]
412 So that does affect the degree in which you might consider something outstanding
413 versus high or moderate.
414

415 Chair: Thank you. That outstanding might be more in relation to like a Policy 15 NZCPS
416 identification?
417

418 Dawe: Correct.
419

420 Chair: Were there any other questions arising from that? No. Thank you Dr Dawe for
421 explaining all of that, that was very helpful.
422

423 We might move onto Mr Schwer on the Consequential Amendments.
424

425 Schwer: My name is Louis Daniel Schwer. I am a Policy Advisor at Greater Wellington
426 Regional Council. I am the Reporting Officer for the Consequential Amendments
427 topic.
428

429 A total of 37 submission points, 23 further submission points, and further four
430 general submissions were received on the provisions relating to the consequently
431 amendments topic.
432

433 Some of the key issues raised were consequential amendments, adding an
434 implementation deadline to Methods 1 and 2; whether Method 3 should contain

435 explicit direction for Treaty party involvement; and whether Method 5 should be
436 deleted.

437
438 My S42A Report recommended an array of consequential amendments to Method
439 1, Method 2 and Method 4 and these were either as a result of specific submissions,
440 or they were a result of where amendments have been made to policies throughout
441 the hearing streams, where policies listed in these methods have been deleted, or
442 where new policies have been added where they should be listed in these methods.

443
444 Also recommended amendments to Method 1 and Method 2 to include an
445 implementation deadline. I will note that Methods 1 and 2 already do contain an
446 implementation deadline of the sort, but the amendments I'm proposing make that
447 deadline a little bit more measurable, to instil a bit more confidence.

448
449 I recommend rejecting the submissions seeking explicit direction for Treaty partner
450 involvement in Method 3 on the basis that I consider doing so would be inconsistent
451 with the intention of the method, and also inconsistent with the evidence provided
452 by the reporting officer for Hearing Stream 3, Ms Allwood in her right of reply.

453
454 I also recommend in my report rejecting the submission seeking the deletion of
455 Method 5, on the basis that Method 5 effectively has to be there as a result of
456 s.62(1)(i) of the Resource Management Act 1991.

457
458 This topic of consequential amendments was only addressed in the evidence of
459 Suzanne Rushmere, on behalf of the Upper Hutt City Council. It was noted there
460 that further consequential amendments may be required to Methods 1, 2 and 4,
461 pending the Panel's recommendations and caucusing.

462
463 It was also noted that there is minor error in Method 4 where the Wellington
464 Regional Council should be included in the list of District and City Councils. If the
465 Panel wishes, that can be addressed through change amendments in the right of
466 reply.

467 [00.35.00]
468 No rebuttal evidence was written as no specific relief was sought through submitter
469 evidence.

470
471 I will also note that there's a minor error where Method 5, the list should be referred
472 to as 'Local Authorities' rather than District and City Councils, as that list in
473 Method 5 does include Wellington Regional Council.

474
475 Subsequently, the list in Method 4 should also be referred to as Local Authorities
476 once the Wellington Regional Council is added to that list. Again, that can be
477 addressed through change amendments in the right of reply if the panel wishes.

478
479 I am open to any questions.

480
481 Chair: Thank you very much Mr Schwer.

482
483 Your Method 1, you recommended adding in at the end of that method – this is
484 about District Plan implementation – that the implementation of the various policies
485 written there will commence as soon as reasonably practicable, and then you have

486 added, “and must be given effect to through the next relevant plan chance, or full
487 plan review.”

488
489 I have a few questions about that. As I understand it you’ve recommended that
490 because of... well actually, I won’t assume. I think it's because of what the officers
491 have recommended to those actual provisions in their evidence, but I wasn’t sure
492 how... to me there’s a bit of misalignment. For example, Policy CC2, which I
493 appreciate you might not have in front of you, but it's in the transport climate change
494 provisions; and Ms Allwood’s final recommendation on that provision is that by 30
495 June 2025 District Plans shall include objectives etc.

496
497 Isn’t that inconsistent with them what you’re suggesting, which is that that policy
498 is implemented through the next relevant plan change or full plan review?

499
500 If you need to reflect on that, that’s okay. You might not have the answer to that
501 right now.

502
503 Schwer: Just before Method 1 reads “and must be given effect to through the next relevant
504 plan change or full review,” that’s additional to where it states that the process to
505 amend District Plans to implement the listed policies will commence as soon as
506 reasonably practicable, unless otherwise specifically directed within the policy.”

507
508 I would consider that would be sufficient to address where those policies have
509 otherwise stated timelines that may not specifically align with what is stated
510 following.

511
512 I don’t have those policies in front of me, so I can go and provide a more thorough
513 statement on that in my right of reply if you like.

514
515 Chair: I see that now. I guess maybe because it may be the way that the wording is
516 constructed. It might be okay. It might even be something that... I might see if Ms
517 Manohar has any suggestions on. It's just that we wouldn’t want the method to
518 obviously cause any confusion about what applies.

519 [00.40.00]
520 Can we ignore the direction in the specific policy and actually then give effect to
521 that in a full plan review, which I am sure there would be some councils who would
522 be quite grateful if there was that opportunity; possibly just given some of the
523 comments we have had from them?

524
525 We just want to make sure that that’s clear and that if there is a timeframe in a
526 particular policy that takes precedent over this option of giving effect to it through
527 a full plan review, or the next relevant plan change.

528
529 I think we might put out a question to maybe have another look at that wording that
530 you’ve recommended, just to make sure it is as clear as the intention.

531
532 From my brief look I think it's mainly those transport provisions in the climate
533 change topic, but it would be good to actually see if any of these other policies that
534 are mentioned in Method 1 have any specific timeframes for implementation.

535
536 We might ask for your help with that.

537

538 Some of them are not in the scope of Proposed Change 1, but I don't think that
539 causes any issues. It might also be a question for Ms Manohar. We'll put that in a
540 Minute as well.

541
542 Did anyone else have any questions?

543
544 Kara-France: Kia ora Commissioner Kara-France Mr Schwer. Have I pronounced your name
545 properly?

546
547 Schwer: Louis Schwer.

548
549 Kara-France: Thank you. I do have a question in regards to Method 3 in your s.3.18, Method 3,
550 Wellington Regional Land Transport Plan Implementation. I just want to draw your
551 focus to that, regarding your decision not to include Taranaki whānui at point 74,
552 in relation to the relief sought by Taranaki whānui.

553
554 Was your position taken given that tohunga whiriwhiri is established to report
555 directly to the CO in regards to tangata whenua relationships to ancestral lands and
556 other matters? Was that your reasoning? It's a committee already established to
557 represent and discuss cultural values and the like.

558
559 Schwer: My stance was informed by what I considered to be the intention of the Method,
560 but potentially more so the evidence provided by Ms Allwood in her right of reply
561 in Hearing Stream 3, which discusses mana whenua/tangata whenua representation
562 on the Regional Transport Committee. I will just get that up.

563
564 My understanding of Ms Allwood's evidence there is that the Regional Transport
565 Committee, because it's appointed under the Land Transport Management Act, it's
566 effectively of a similar order of documentation as the
567 [00.45.00] Regional Policy Statement itself, and therefore is potentially inappropriate to
568 provide specific direction on the form and construction of that committee through
569 this process.

570
571 Essentially my reasoning is that it's the inappropriate place to do so, regardless of
572 my positions otherwise on the relief sought.

573
574 Kara-France: Thank you.

575
576 Wratt: Thank you for your report Mr Schwer. I have a question around the section on
577 categorisation against the freshwater planning process and PIS1. My interpretation
578 of what you have presented is essentially following the rationale that was given in
579 the original PC1 documentation; whereas in some of the other hearings that has
580 been reviewed quite significantly. In particular, I would draw your attention to Mr
581 Wyeth in Hearing Stream 2 in his right of reply evidence. He notes, and this is
582 particularly in relation to the integrated management provisions, and he says, in
583 question 9, 42.1 I think in his right of reply, that "the integrated management
584 provisions by their nature address a wide range of resource management issues and
585 are much broader than freshwater quality and quantity. On this basis it seems
586 inappropriate for the integrated management provisions to be considered through a
587 more streamlined statutory planning process intended for freshwater specific
588 provisions."

589

590 I just wondered if you had actually looked at that treatment across the other hearing
591 streams, because to me those comments that Mr Wyeth made in relation to
592 integrated management also would apply to these methods that don't just apply
593 specifically to freshwater – they have a broad application.

594
595 Schwer: I haven't looked at those exact parts of Mr Wyeth's report that you refer to. I can
596 go away and potentially respond and write a reply if you would like in regards to
597 that, but I will say that my assessment of the methods against my FPP assessment
598 was based on the fact that because these methods do list policies that are specifically
599 about – not directly relate to the protection of enhancement of freshwater quality
600 and quantity. Because it's effectively implementing those policies, I considered that
601 it was part of that FPP, or should be part of that FPP process as well.

602
603 Wratt: I think it would be useful for you to have another look at the way that those
604 allocation of provisions, or categorising of provisions has been dealt with in the
605 right of replies through the hearing process for some of the other hearings. Thank
606 you.

607
608 Chair: Thank you Commissioner Wratt. Mr Schwer, we'll frame up the specific question
609 about that and put that in the Minute as well.

610
611 Commissioner Wratt did you have anything further?

612
613 Wratt: No that was my question thank you.

614
615 Chair: I actually have another question Mr Schwer – just back to that method we were
616 looking at before, Method 1. There are some policies that are regulatory policies
617 [00.50.00] that are part of Proposed Change 1 that are not in this list, for example, Policy
618 CC4A and 14. I think they came in actually through Ms Guest's recommendations
619 in her rebuttal evidence. Recently the Council provided a list of all of the regulatory
620 policies which that might actually be sitting within Hearing Stream 6. Anyway, it
621 was dated 8 April. I can't remember where it's sitting, if it's in part of HS7 or the
622 previous hearing stream – this one Ms Pascall is saying.

623
624 It might be really useful, and as we are getting closer towards the end of this
625 process, we are thinking very much about horizontal and vertical integration of
626 these provisions, it would be useful to look at that list of regulatory policies, which
627 the Council has already kindly provided and see if there is anything that is missing
628 in the list in Method 1. We'll also put that into a Minute.

629
630 Appreciate that you're talking here about Territorial Authority implementation,
631 District Plan implementation, but I think that breakdown in that list is clear as to
632 functions.

633
634 This might be a question again for Counsel, but if as a result of our deliberations
635 we recommend changes that require consequential amendments, my understanding
636 is that we can recommend those and Mr Schwer's S42A doesn't set the complete
637 scope of consequential amendments, and that this was really just quite an early
638 heads-up for submitters about what is there. But, you have also signalled Mr
639 Schwer that there could be other changes coming from our deliberations. I just
640 wanted to clarify that there were no scope issues. I'll put that in a Minute as well,
641 just so we have a record of that Ms Manohar. Thank you.

642 I think that might be all that we had. Thanks very much.
643
644
645 Ms Nixon, shall we do one more before the morning adjournment?
646
647 Submitters have I think generally reached a point where they're pretty comfortable
648 Mr Watson with your provisions. Let's see if we can get through the next report
649 quite quickly, which I think we can. Over to you. Thank you.
650
651 Watson: Tēnā koutou katoa Chair Nightingale and members of the hearing panel. My name
652 is Shannon Watson. I am the author of the 'definition' section 42A report for
653 Hearing Stream 7. I am Technical Lead Planning with GHD. I have been contracted
654 by the Council as Reporting Officer for this topic. My qualifications and experience
655 are set out in my S42A Report.
656
657 The scope of my report was the submission points relating to amendments to the
658 definitions of National Grid, Regionally Significant Infrastructure and the Strategic
659 Transport Network.
660
661 I also recommended changing the categorisation from the Freshwater Planning
662 Process of the RMA to the Part 1 Schedule 1 (P1S1) process because I consider the
663 provisions are related to the activities themselves rather than their effects on water
664 quality and quantity.
665
666 The Council received 31 submission and further submission points on the
667 provisions relating to this topic. There were a further 12 general submission points
668 which were also relevant and were considered in my section 42A report.
669
670 I have recommended a number of amendments based on the submissions in my
671 section 42A report and further amendments through my rebuttal.
672
673 I understand that all this evidence will be taken as read, so I am just going to
674 summarise key recommendations that I have made.
675
676 Regarding the National Grid definition, I recommended an amendment to the
677 definition of National Grid to align with the definition in the National Policy
678 Statement Electricity Transmission as that's what the Regional Policy Statement
679 [00.55.00] must give effect to and is what plan users will be referring to when considering
680 activities which interact with the National Grid.
681
682 I note that there were changes to the National Policy Statement for "electricity
683 transmission" that were proposed in 2023, which included an introduction of some
684 new definitions around those activities. They introduced a new definition for
685 Electricity Transmission Network with essentially replaces the National Grid.
686
687 However, no changes have been gazetted at this point in time. There has been
688 nothing else from a consultation period. No record of consultation or signal from
689 the government as to what they're going to do with recommendations that have
690 come out of that consultation period.
691

692 At this point in time my recommendation is that the definition of National Grid and
693 the current NPS is the most appropriate. I note this approach is supported by
694 Rebecca Eng’s evidence on behalf of Transpower.

695
696 In relation to the Regionally Significant Infrastructure or RSI definition, the
697 majority of submissions received on this topic were requests to include new
698 activities in the definition or to increase the scope of those activities in the existing
699 definition.

700
701 I understand that in developing the definition of RSI in the RPS, activities needed
702 to meet two tests to be included. First, they had to be considered infrastructure –
703 meet the definition of Infrastructure in the RMA, sorry – and secondly, that the
704 activities must be considered to have regional significance or provide benefits for
705 the whole region.

706
707 I have therefore recommended rejecting submissions related to requests to include
708 activities that do not meet these tests. I have also recommended rejecting
709 submissions where there is a pathway for activities to be recognised within the
710 definition already, or where there is a risk of creating uncertainty for plan users.

711
712 I have also recommended a minor amendment for interpretation and readability in
713 relation to the Port’s activities.

714
715 The remaining issue, I thought, in contention at this hearing was the submission
716 from WIAL seeking to increase the scope of the Airport’s activities to include
717 supporting infrastructure and structures and specific reference to their adjacent
718 seawalls.

719
720 Through my rebuttal evidence, I have outlined why I do not consider the relief
721 sought from WIAL to be appropriate. This centred on two key points or concerns.
722 Seawalls in a general sense, in my view, are not consistent with the definition of
723 Infrastructure in the RMA. There is a risk of planning or scope creep if activities
724 not considered infrastructure are then included in the definition. The second
725 concern was, inconsistency within the definition if only some specific activities are
726 included and others are not. There are other examples of RSI with seawalls or other
727 infrastructure which are either required to protect the activity from natural hazards
728 or even form part of the land in which the activity is undertaken that are not
729 specifically recognised in this definition.

730
731 Given the high level and overarching strategic focus of the RPS, there’s a risk in
732 listing only specific items or activities in the definition, and all relevant matters
733 cannot be included and therefore in my view it is more appropriate for activities to
734 remain general.

735
736 Based on the current definition, owners and operators of other RSI need to
737 demonstrate that their supporting or ancillary infrastructure, structures and
738 activities are a part of, or are required to operate or upgrade ‘infrastructure’ to be
739 consistent with the RSI definition and I think a similar framework should apply to
740 the airport.

741
742 While I disagree that seawalls in a general sense are Infrastructure, I believe there
743 is a pathway for the seawalls to be consistent with the RSI definition in the Airport

744 context without specific reference to them needing to be made. This is on the basis
745 that the seawalls could be considered land used either wholly or partly for the
746 landing, departure and movement of aircraft, and could also be an installation used
747 in connection with the Airport and its administration. In this way the seawalls
748 would be consistent with the definition of Infrastructure.

749
750 This forms a basis of my recommended amendment in my rebuttal evidence, which
751 reflects the intent of the amendment made in my s42A report and also responds to
752 the relief sought from WIAL while maintaining the integrity of the definition.

753
754 My recommended amendment includes scope for activities to be considered RSI if
755 they meet the definition of infrastructure or can fall within the definition of airport
756 in the Airport Authorities Act – which also meets the definition of Infrastructure in
757 the RMA.

758
759 This is consistent with the key principle of the RSI definition, that an activity must
760 be Infrastructure, and also provides WIAL with an opportunity to demonstrate that
761 an activity is consistent with this definition on a case-by-case basis as part of a plan
762 making or consent process in future, if there are other activities that come up for
763 consideration.

764 [01.00.00]

765 This is also consistent with the approach that other RSI providers must take in
766 relation to their supporting or ancillary activities or structures.

767
768 In relation to the definition of Strategic Transport Network and its use in the RPS,
769 following review of evidence from Upper Hutt City Council (UHCC), I
770 recommended a consequential amendment to Method 16 to reflect the Strategic
771 Transport Network instead of the Strategic Public Transport Network.

772
773 Finally, I acknowledge the evidence received from Ms McGruddy on behalf of
774 Wairarapa Federated Farmers late last week (her hearing speaking notes regarding
775 water storage). As outlined in my s42A report and rebuttal and earlier in this
776 summary, in my view there are two criteria that have to be met for an activity to be
777 included in the RSI definition: has to meet definition of Infrastructure under the
778 RMA, and also has to provide region wide benefit.

779
780 My opinion has not changed in regard to rural water storage and my view remains
781 that not all water storage (including rural water storage) will have region wide
782 benefits.

783
784 It is not clear from Ms McGruddy's statement what criteria or scale water storage
785 or supply networks will need to meet or reach to be considered to provide region
786 wide benefits. For example, a farm dam or pond does not provide regional benefit,
787 but would be recognised if rural water storage and supply networks were included
788 in the definition. It is also a little bit unclear to me why water storage infrastructure
789 needs to be included in the RSI definition when it is already identified as specified
790 infrastructure in the NPS-FM.

791
792 If the NPS-FM stated water storage is 'nationally or regionally significant' and
793 needed to be recognised as such then I agree it should be reflected in the RSI
794 definition in the RPS.

795

796 But, Infrastructure that is included in the specified infrastructure definition is only
797 included insofar as it relates to that NPS. Having water storage included as RSI
798 would have much broader consequences than just freshwater provisions. For
799 example, water storage is not specified infrastructure in the National Policy
800 Statement for Indigenous Biodiversity (NPS-IB) but including it as RSI would
801 make it so, and may provide a less rigorous consenting pathway where the
802 indigenous biodiversity provisions are triggered. I don't think that was the intention
803 of the NPS-FM.

804
805 I also note there are other examples of specified infrastructure that are not reflected
806 as RSI in the RPS - that includes defence facilities, flood control, protection and
807 drainage works - despite being listed as specified infrastructure.

808
809 As Ms McGruddy points out, Ministry for the Environment are encouraging
810 regional councils "to begin the process of identifying appropriate infrastructure in
811 their policy statements and plans". My reading of the evidence in Hearing Stream
812 5, in particular the rebuttal and right of reply evidence of Kate Pascall is that GW
813 have identified off-line water storage as the appropriate water storage infrastructure
814 in the Wellington context.

815
816 I am happy to address this issue more fulsomely in a right of reply after hearing
817 from Ms McGruddy tomorrow and respond to any questions that the panel has.

818
819 Happy to answer any questions the Panel may have in relation to this statement or
820 my evidence.

821
822 Chair: Thank you very much. Thank you for appearing today when you're clearly battling
823 a bug there.

824
825 Mr Watson, I have a question about the definition, about the changes you
826 recommend to the definition including Wellington International Airport in the RSI
827 definition. We heard during the Climate Change hearing stream about the various
828 operations and activities that occur within the airport – so, car rental facilities,
829 logistics and that sort of thing. My understanding is that those operations are not
830 intended to be captured by this definition because they are not Wellington
831 International Airports infrastructure, building, installation and equipment.

832
833 But really, the addition of the last part there that you recommend, that it includes
834 infrastructure, buildings, installations and equipment not located on airport land, I
835 just wonder whether that wording might need to be tightened up a little bit.

836 [01.05.00]

837 I know that in other definitions of RSI elsewhere there's some references to
838 infrastructure owned or operated by a particular provider. I know putting in that
839 language might then make the airport's infrastructure out of step with other wording
840 in the definition.

841
842 It's just that I have that concern that we wouldn't want for example a car rental
843 facility to try to make an argument that it was RSI. Have you got any comments on
844 that?

845
846 Watson: Yeah, I have thought long and hard about this definition and potential kind of
847 unintended consequences, and I guess the intent of the amendments to reference

848 installation and equipment not located on airport land was to recognise things such
849 as navigational aids, lighting towers, meteorological stations and those sorts of
850 things that the airport need and are critical for the airport to operate safely that
851 aren't necessarily located on or near the airport. They've got towers on islands, hills
852 and things to aid navigation. It was to capture those sorts of things.

853
854 I think it can be managed in the sense that it has to tie back to the operation of the
855 Airport itself, rather than just be associated with the Airport. I think that's probably
856 the key; so it has to be used in connection with the operation of the airport.

857
858 After your questioning, there is potential for that to be tightened up I think.

859
860 Chair: Thank you. Ms Dewer acting for the Airport had said she was comfortable with
861 your recommendations and had asked if we had any questions. At that point I didn't.
862 So it's only really just as you have been talking that the question came up.

863
864 We'll put a question in the Minute and it might be that you could have a discussion
865 with Hunter or Ms Dewer and see if you can come to some agreement on an
866 amendment that will make it clear that this is limited to infrastructure that's
867 owned/operated by the Airport. We'll put that in a Minute after tomorrow.

868
869 The only other question I had was this point that Ms Rushmore makes about
870 Strategic Transport Network. In the definition of RSI that is there in capitals,
871 Strategic Transport Network, but I understand in Method 16 are you talking more
872 broadly about the Strategic Transport Network and not specifically this term in the
873 RSI definition, or is it the same thing?

874
875 Watson: It's the same thing. In Change 1 the definition was changed essentially by removing
876 'public' from that terminology, and so consequential amendments needed to be
877 made elsewhere where that definition was changed. It wasn't picked up. It was I
878 guess consequential to Method 16 to pick up that that change has occurred, because
879 Strategic Public Transport Network is no longer a defined term – it's been changed
880 to Strategic Transport Network.

881
882 Chair: That's fine. Does it matter then, should it be in capitals in Method 16? It's possibly
883 quite a minor point.

884
885 Watson: Yes, Strategic Transport Network is a defined term so it should be in capitals, sorry.

886
887 Chair: Thank you. I think how the other officers or how the RSP deals with defined terms
888 is obviously keeping them in italics. Just something that you could come back to
889 us. We'll put that in the Minute as well.

890
891 Watson: Sure.

892
893 Paine: Good morning Mr Watson. Just exploring that recommendation that you have got
894 [01.10.00] about RSI for Wellington Airport, when you were talking before about installations
895 you mentioned or gave us a list of examples of what installations may relate to, and
896 in that list I notice seawall didn't actually pop into that list. In your mind does the
897 seawall we are talking about here come under installations?

898

899 Watson: When I had initially looked at that definition I did not think so and that was the
900 basis of my response in my s42A Report. I did not think that it would meet the
901 definition of installation or building. Upon further reflection and looking at things
902 I guess a little bit more carefully, and after reviewing legal submissions from
903 Counsel, I understand that there's no reason why a seawall cannot be considered an
904 installation under that definition.
905

906 Paine: I suppose my second question then, considering what you have just said and what
907 was in the legal rebuttal, why isn't it recognised? Or, is there a place where there's
908 a definition for installations? I'm just wondering why it's not actually in the RSI, in
909 the definition itself?
910

911 Watson: Are you asking why something is not in the RSI definition itself?
912

913 Paine: When I was reading through, and I read through your reports in the rebuttal and the
914 rebuttal for the legal, and the fact that from the Airport's point of view the seawall
915 was critical to their operations. I note in a lot of your narration and explaining why
916 other things are relevant in the definition you use the words 'critical'. Do you not
917 think that the seawall is critical to the operation of Wellington Airport? I suppose
918 that's the nub of my question.
919

920 Watson: No, I consider the seawall is absolutely critical to the operational integrity of
921 Wellington Airport.
922

923 Paine: You don't?
924

925 Watson: They are absolutely critical to the operation of Wellington Airport.
926

927 Paine: Do you see why I am a wee bit confused? That if the seawall is critical to it, and it
928 can be considered an installation, and yet it's not in that definition. I will leave that
929 there. It's something for me to ponder.
930

931 I'm not asking the question as properly as...
932

933 Watson: Sorry, I'm not quite understanding. What I am saying is I think there's a pathway
934 for the seawall to be considered an installation under that definition, which is why
935 they don't need to be specifically referenced in the definition.
936

937 Paine: Right. And, that pathway is what?
938

939 Watson: Under the installation. The seawall as an installation.
940

941 Paine: Thank you Mr Watson.
942

943 Wratt: It's relatively minor but the wording around the definition that we have been talking
944 about in terms of recognising the Airport's ancillary activities. You say Wellington
945 International Airport infrastructure, including its infrastructure and any buildings,
946 installation and equipment on or adjacent to any such area used in conjunction with
947 the Airport and its administration.
948

949 I think use of the word ‘such’ there, ‘any such area’, I am not quite sure what that
950 such area relates to. I wonder whether it would be clearer if that word was actually
951 deleted and it just said, “adjacent to any area used in connection with the airport”.

952

953 Watson: Yes, I tend to agree with that thought process.
954 [01.15.00]

955 That is a reflection of the definition in the Airport Authorities Act. I was just trying
956 to make sure that the activities that might not necessarily meet the definition of
957 infrastructure on their own are consistent with the definition of Airport, which
958 would allow them to meet the definition of infrastructure in the RMA as a
959 consequence of that.

960

961 Wratt: I appreciate where you’re coming from if it's a word used in another context. It just
962 doesn’t seem to me to make sense within the context of that statement in the RPS.
963

964 Watson: Yes, sure. I agree with that sentiment.

965

966 Wratt: That’s it. Thank you. Happy for you to consider that when you’re coming back with
967 any fine-tuning of your recommendations. Thank you.
968

969 Kara-France: Sir, Mr Watson, I just really want to echo in regards to the Wellington International
970 Airport and the matter of seawall. I appreciate in terms of also the Counsel’s
971 highlighted statement in regards to navigation installation and the wording here
972 which is, “be includes any land adjacent to.” I’m assuming, hearing from the
973 kōrero, that that’s where seawall actually fits into this particular policy, is that
974 correct?
975

976 Includes any land adjacent to and used in connection with that building facility
977 work, apparatus, equipment or place.
978

979 Watson: Can you clarify what section?
980

981 Kara-France: Page-5, navigation installation, point 18 in Counsel’s rebuttal – the aerodrome.
982 “Respectively the following definitions from s.5 of the Civil Aviation Act 2023
983 then become relevant.”
984

985 Really the point making for me, is that there is an issue highlighted already in the
986 submissions from the Wellington International Airport about the seawall, but yet
987 there seems to be no reference to that wording itself, even though you’ve just
988 highlighted that within the installation sections it is covered – like, means any
989 building, facility at (a); and then (b) includes any land adjacent to and used in
990 connection with.
991

992 Am I correct to have that understanding that seawall fits in (b)?
993

994 Watson: You are referring to legislation that has not been gazetted yet. That’s the future
995 terminology to be used in the future Civil Aviation Act once it's enacted. The
996 current legislation the definition of navigation installation is in a separate piece of
997 legislation called the Civil Aviation Authority; and that specifically has a definition
998 of installation which doesn’t necessarily tie back to the definition that’s used in the
999 Airport Authorities Act.
1000

1001 The definition used in the Airport Authorities Act of installation could be broader
1002 than the definition of installation in the Civil Aviation Act.
1003
1004 Thank you.
1005
1006 Chair: Thank you Mr Watson. As I understand it where we are at is that a seawall comes
1007 within the definition of installation and that the Airport is comfortable that it does
1008 so. There is perhaps an outstanding issue which we will put in a Minute about can
1009 this definition be tightened up so it's clear that it applies to infrastructure that is
1010 owned and operated by the Airport, and not anyone that happens to be doing
1011 something like operating a car rental business in the Airport.
1012
1013 We've had quite a discussion about seawalls but I think that's where we are at, at
1014 the moment.
1015
1016 [01.20.00] Thanks very much. Thank you for acknowledging Mrs Gruddy's points that she's
1017 raised. We will be hearing from Wairarapa Federated Farmers tomorrow and again
1018 we'll come back to you if there is a question coming, once we have heard that
1019 evidence. Thanks so much.
1020
1021 We'll take an adjournment now till I think 11.15am. We will come back to Ms
1022 Zollner's report in Variation 1. Thanks very much. See you shortly.
1023
1024 [Break taken]
1025
1026 Chair: Kia ora, nau mai haere mai. We are going to start our discussion on the s42A Report
1027 on admitted submission points. Ms Zollner, over to you, thank you.
1028
1029 Zollner: Tēnā koutou Commissioners. Ko Mika Turner tōku ingoa. I am the Reporting
1030 Officer for the omitted submission points topic.
1031
1032 This topic covers 13 submission points that have not yet been addressed in previous
1033 hearings and have therefore been identified as omitted submission points.
1034
1035 The submission points in this topic generally relate to indigenous ecosystems, Te
1036 Mana o te Wai, hydraulic neutrality and integrated management, or they're general
1037 submission points which apply to all provisions.
1038
1039 Most of these 13 submission points either do not seek any specific relief or seek
1040 that provisions are retained as notified.
1041
1042 My approach with most of these submission points was therefore to be consistent
1043 with analysis and recommendations that have been made by previous reporting
1044 officers, and often they're already considered similar submission points and similar
1045 relief, and therefore had made recommendations accordingly.
1046
1047 There's two submission points which apply to all of Change 1 and which seek relief
1048 that has not yet been specifically considered in hearings to date, or I couldn't I find
1049 I guess general consideration of them.
1050

1051 The first of these relates to the chapeau of consideration policies, in basically
1052 seeking that the chapeau is amended to state that they cease to apply once that
1053 policy has been affect to in the District Plan.

1054
1055 The specific sought that they ceased to reply to consents and notices of requirement.
1056

1057 In my s42A Report I disagreed with a blanket approach through the chapeau and
1058 instead recommended that each policy that should be assessed for whether there's
1059 a particular reason why it might need to fall away in consenting decisions.
1060

1061 The second point that was general related to the consistency of all definitions with
1062 the National Planning Standards or the relevant National Policy Statement. In
1063 response to this I assessed all of the definitions that were notified in Change 1 and
1064 I found that most reporting officers had already considered consistency with
1065 national direction through their analysis in previous hearing streams.
1066

1067 In response to these 13 submission points I recommended only one minor
1068 amendment to the definition of Te Mana o te Wai and that was to improve clarity
1069 regarding it's reference to the National Policy Statement for Freshwater
1070 Management 2020.
1071

1072 This topic was addressed only in the expert evidence of DoC and the evidence of
1073 Murray Brass, which was supportive of my recommendation regarding
1074 consideration policies. I did not consider it was necessary to prepare rebuttal
1075 evidence.
1076

1077 Thank you. I'm happy to take questions.
1078

1079 Chair: Thank you very much Ms Zollner.
1080

1081 I have a question about the point about the relationship between terms in Change 1
1082 and NPSs. I think we have had legal submissions about that relationship from Ms
1083 Anderson and her team before. I'm actually now struggling to remember exactly
1084 what that was about.

1085 [01.25.00]

1086 Commissioner Paine and I were just talking about this in the break actually. If Te
1087 Mana o te Wai was in the future to change in the NPS-FM, the reference is Te Mana
1088 o te Wai in Change 1, would they be captured in time as the term is defined in the
1089 NPS-FM 2020?
1090

1091 Zollner: I guess this particularly raises I guess the reason why the definition needs to be
1092 really clear about which version of the NPS it's referring to. The practice as I'm
1093 aware, and whenever a National Policy Statement is referred to in Change 1 or in
1094 the RPS, the date is always given, so that's it's very clear, particularly in this case
1095 of the Te Mana o te Wai definition where it just refers to clause 1.3. It needs to be
1096 very clear which version of the NPS is being referred to. Obviously when Change
1097 1 was notified that was the meaning that was being referred to.
1098

1099 Future changes to an NPS or potentially to therefore the definition of Te Mana o te
1100 Wai are a matter for future changes to the RPS potentially, but I just felt it was
1101 important to be very specific in this case, so that you don't have a situation where

1102 there's confusion about which NPS – particularly with the NPS-FM where we have
1103 had four or five versions. It needs to be very clear which one we are talking about.
1104

1105 Chair: Thanks very much. That would apply to there's quite a few cross-references, I think
1106 specified infrastructure. There will be a whole lot of things. That might actually Ms
1107 Manohar be an example of a good consequential amendments issue. If we felt that
1108 a particular NPS was not identified correctly with its date in a provision, I
1109 understand that could be done, or we could recommend that a consequential
1110 amendment. There's no issues about scope that come from that.
1111

1112 Thank you. I haven't done this yet Ms Zollner but I think that your s42A connects
1113 actually to one of the very first 42A reports that we had right at the very beginning
1114 about general submission points. The matters that you have identified in your report
1115 they're not covered by that general 42A?
1116

1117 Zollner: The process that the reporting officer for Hearing Stream 1, Ms Jenkin took, was
1118 that there were some general submission points which she addressed, which I guess
1119 didn't need to be assessed at a provision level and could kind of be addressed at a
1120 more strategic or overarching level. There were some submission points in that
1121 stream that Ms Jenkin identified as, 'actually this is a general submission point but
1122 every reporting officer needs to address it in relation to their provisions.'
1123

1124 There are some other examples, for example, I think there's a PCC submission that
1125 seeks greater regulatory certainty. That's an example where that submission point
1126 was considered by every reporting officer throughout the hearings. I have identified
1127 that both of these submission points are of that nature. They really probably should
1128 have been considered by each reporting officer for each hearing, which is why I've
1129 done quite a comprehensive look at them in relation to all of the relevant provisions.
1130

1131 Chair: Thank you. That's really helpful. Would that be the same – there was that general
1132 submission point I think from the Upper Hutt City Council (don't remember the
1133 exact words) a comprehensive planning review.
1134

1135 Zollner: Yes, that was another one.
1136

1137 Chair: Is your understanding that every officer who has prepared a s42A report has looked
1138 at that submission point?
1139 [01.30.00]

1140 Zollner: Yes. It's my understanding that they should have provided a recommendation and
1141 response to those. I think it was a list of about 15 from memory, or ten maybe. And,
1142 these two submission points are of that nature. They need to be considered in
1143 relation to each provision I think.
1144

1145 Chair: But, these have sort of been orphaned in the sense that they're not specifically dealt
1146 with in any other s42A?
1147

1148 Zollner: Yes.
1149

1150 Chair: And, from your review, these are the only ones that you've found of that nature?
1151

1152 Zollner: Yes. These are the ones we've picked up.
1153

1154 Chair: Thank you. That gives me some comfort in terms of the job that we've got ahead
1155 of us. Thank you very much for that.
1156

1157 Ms Zollner, just one thing I want to clarify. As I understand your evidence you're
1158 not yourself recommending any specific changes, but you are making the
1159 connection between what officers have recommended and linking them to sort of
1160 orphan submission points. Have I got that right?
1161

1162 Zollner: Yes, just with the exception of the minor amendment to the Te Mana o te Wai
1163 definition. I replaced NPS-FM with National Policy Statement for Freshwater
1164 Management 2020. Aside from that it's basically a case of linking previous analysis
1165 for recommendations to those.
1166

1167 Chair: Counsel has recently provided us a table of the consideration policies. Were you
1168 involved with that exercise?
1169

1170 Zollner: Are you referring to the regulatory and non-regulatory policies in the assessment?
1171

1172 Chair: Yes.
1173

1174 Zollner: Yes I was.
1175

1176 Chair: Just checking because you've done this comprehensive look. Good to know that
1177 you're involved with that as well.
1178

1179 I think that's all we had. Thanks very much for your time.
1180

1181 We have our last s42A Report, Mr O'Brien talking about Variation 1. Kia ora,
1182 welcome.
1183

1184 We'll just pass over to you.
1185

1186 O'Brien: Thank you. Kia ora Chair and Commissioners. Ko Sam O'Brien tōku ingoa. I am
1187 Policy Advisor at Greater Wellington Regional Council.
1188

1189 As you are aware I am not the original s42A author for this topic, so I will make
1190 note now that I adopt the contents of the s42A Report for Variation 1 to Proposed
1191 Change 1's original policy statement prepared by Mr [01.35.01].
1192 [01.35.00]

1193 My statement today will give the context of Variation 1, an overview of the key
1194 submission points and cover the key issues that remain in contention.
1195

1196 Variation 1 seeks to give effect to clause 3.3 in the National Policy Statement for
1197 Freshwater Management 2020 by inserting long-term freshwater visions as
1198 objectives into Proposed RPS Change 1.
1199

1200 Variation 1 is required to ensure the effective functioning of the hierarchy set out
1201 in the NPS-FM. The vision objectives will inform environmental outcomes and
1202 target attributes and dates in the Natural Resource Plan (NRP).
1203

1204 NRP Plan change 1 includes environmental outcomes for Te Awarua-o-Porirua and
1205 Te Whanganui-a-Tara Whaitua, and accordingly Variation 1 sets out a vision

1206 objective for each of those Whaitua. They detail ambitious freshwater visions to be
1207 achieved by the year 2100.

1208
1209 The visions were based on statements from the Whaitua Implementation
1210 Programme (WIPS) produced as part of the wider Whaitua process.

1211
1212 Further consultation on the draft provisions was undertaken with mana whenua,
1213 Territorial Authorities and Wellington Water and Central Government ministries.

1214
1215 I will now give an overview of the key matters raised by submitters.

1216
1217 There were 30 original submission points and 35 further submission points. Firstly,
1218 submissions raised concerns with the engagement process and whether it met the
1219 requirements of s.3.2(b) of the NPS-FM. As mentioned the visions were developed
1220 from information provided within the respective Whaitua implementation
1221 programmes. The Whaitua programmes were extensive multi [01.36.50] processes
1222 that engaged significantly with tangata whenua and the wider community.

1223
1224 In my view this represents an engagement approach that is consistent with the
1225 requirements of the NPS-FM.

1226
1227 The majority of submissions related to the drafting of the long-term freshwater
1228 vision objectives for Te Awarua-o-Porirua and Te Whanganui-a-Tara. The changes
1229 requested are varied and relate to a range of different parts of the respective
1230 provisions. Amendments have been provided in response to several of these
1231 submission points.

1232
1233 The recommended changes for both objectives include changing the reference to
1234 natural water-flow, to natural form and character; reframing clause 7 around visions
1235 not being compromised; changes to clause 4 around safe and healthy public access
1236 including waka ama and swimming as recreational activities.

1237
1238 The recommended amendments that apply exclusively to the objective for Te
1239 Awarua-o-Porirua include the inclusion of reference to the values of Ngāti Toa
1240 Rangatira and changes promoting progressive improvements towards the
1241 freshwater vision.

1242
1243 The only recommendation solely for Te Whanganui-a-Tara is the inclusion of
1244 reference to mana whenua in clause 1.

1245
1246 Two different amendments were sought to figure 3.4, the first requesting it be
1247 replaced with a region wide map and the second requesting that the notified map is
1248 split into part freshwater management units. Both changes were recommended to
1249 be rejected on the basis that the notified map works in highlighting to
1250 geographically small Whaitua, and that the visions are set at the Whaitua scale with
1251 the current figure reflecting this.

1252
1253 Two sets of expert submitter evidence were provided in response to the s42A
1254 Report. Both related to clause 4 of each objective and the inclusion of amendments
1255 to ensure appropriate public access through the s42A Report.

1256

1257 I agree with the evidence provided that highlighted potential conflict of the clause
1258 with existing public access rights, and I therefore recommend amendments to
1259 clause 4 in both objectives through my rebuttal evidence.
1260
1261 Thank you. I will welcome any questions.
1262
1263 Chair: Thank you very much. I will see if anyone has got any questions.
1264
1265 Paine: Good morning. Just wondering on clause 4 when we talk about safe and healthy
1266 access. What's 'and healthy'? Can you just explain that for me please?
1267 [01.40.00]
1268 O'Brien: Healthy access provides for the ability of people to use freshwater bodies and
1269 ecosystems in a way that is not unhealthy. That relates to water quality and those
1270 matters.
1271
1272 Paine: I tied it to 'access'. It says 'safe and healthy access' and I was just trying to see
1273 where it fits with the word access. I understand what you're saying, I was just
1274 wondering whether that's the right place for it. Thank you.
1275
1276 Wratt: No questions from me. Thank you Mr O'Brien. That's a very clear outline of your
1277 views in the process. Thank you.
1278
1279 Chair: Thank you very much for your report and your evidence. I just wanted to ask some
1280 questions of clarification just to check that I understand. You've probably covered
1281 all of this, but it's useful to have a discussion about it, to check my understanding.
1282
1283 Objective TAP, which is 3.4.A, as I understand it the notified version was
1284 developed by Ngāti Toa Rangatira. The amendments that you have recommended
1285 in the s42A and then that change in the rebuttal, to delete the agreement of private
1286 land owners, are these in the nature of drafting changes to ensure clarity? You're
1287 applying your drafting skills as a planner to these provisions, but really the intent
1288 of the visions as expressed by Ngāti Toa Rangatira are all still captured in this
1289 objective? Have I understood how that works?
1290
1291 O'Brien: I think as I understand your question they're drafting changes in response to
1292 submissions as well. Ngāti Toa provided further submissions and the majority of
1293 them relate to their further submissions.
1294
1295 Does that answer your question?
1296
1297 Chair: So this is still Ngāti Toa's vision statement isn't it, and then it responds to in
1298 particular relief that they have sought through this process and they're happy with
1299 this version and the amendments you've proposed?
1300
1301 O'Brien: Correct.
1302
1303 Chair: Then the same with Objective TWT.
1304 [01.45.00]
1305 Wratt: Can I just clarify an aspect of that please? Mr O'Brien, you commented that these
1306 were visions that had been developed through the Whaitua Implementation
1307 Processes, but we are now hearing that this is a vision that was drafted by Ngāti
1308 Toa Rangatira. Can you just clarify that for me? As I understand the Whaitua

1309 Implementation Processes, those are a collective community stakeholder iwi
1310 process and not just come from the iwi.
1311

1312 O'Brien: The basis for the visions comes from the WIPs and the Whaitua Implementation
1313 Programme. As far as I'm aware, as I wasn't involved in this process, Ngāti Toa
1314 gave feedback on those draft copies and helped develop them further and obviously
1315 provided their feedback through further submissions as well. It's both I guess is
1316 correct.
1317

1318 Wratt: Thank you, yes. That clarifies it. The reason I'm asking is in terms of the
1319 engagement process, which is both with mana whenua/tangata whenua and the
1320 wider community. I just wanted to I guess clarify that it was both, that wider
1321 engagement process. Thank you.
1322

1323 Chair: Thanks Commissioner. I guess that reflects the values that were expressed by Ngāti
1324 Toa Rangatira through the WIP processes.
1325

1326 O'Brien: Correct.
1327

1328 Chair: In that collaborative way that Commissioner Wratt has talked about.
1329

1330 Kara-France: Kia ora Mr O'Brien. Can you please confirm that Ngāti Toa Rangatira are the iwi
1331 authority for the Porirua rohe please?
1332

1333 O'Brien: Yes they are our mana whenua partner.
1334

1335 Kara-France: Iwi authority? Mana whenua and iwi authority?
1336

1337 O'Brien: I am not sure of that personally.
1338

1339 Kara-France: Of the Porirua rohe?
1340

1341 O'Brien: I am not familiar with that sorry. I just know that this was written as a mana whenua
1342 partner.
1343

1344 Kara-France: Thank you. Kia ora.
1345

1346 Chair: I think that takes us to the end of the s42A presentations. Thank you all again very
1347 much for your time and your work on these reports.
1348

1349 I think we have got the opportunity to ask Ms Manohar some questions. Was there
1350 anything that you wanted to raise with us?
1351

1352 Manohar: Commissioner, if you don't mind I could just quickly respond to a couple of the
1353 things that have been raised this morning and maybe pre-empt some of the
1354 questions I may receive.
1355

1356 Emma Manohar. I am Counsel for the Greater Wellington Regional Council. We
1357 filed brief legal submissions dated the 8th of April for this hearing stream,
1358 responding solely to the legal submissions filed by the Wellington International
1359 Airport, outlining our position that we do not consider the seawall to be a building
1360 in the context of that phrase in the resource management framework, but that it

1361 could still fall within the definition of RSI within the Regional Policy Statement;
1362 and then at paragraph 21 of those legal submissions we set out why it wasn't
1363 appropriate to expressly reference the seawall, or why we consider it appropriate to
1364 expressly reference the seawall in that definition, given the high level nature of the
1365 RPS and consistency with how other infrastructure is referenced within that
1366 definition.

1367
1368 In respect of the consequential amendments topic, acknowledged the questions
1369 asked around Method 1 and probably Method 2 where that new timeframe has been
1370 added by the reporting officer. My understanding is that there was no intention to
1371 change timeframes and other policies as a result of that, and that there may be a
1372 little bit of ambiguity as to where in the Method that new additional text has gone,
1373 but we can work with the Reporting Officer to clarify that.

1374 [01.50.00]

1375 I am not familiar with all of the specific policies and which ones have timeframes
1376 and which ones do not, but the intention was to provide that clarity where there was
1377 no timeframe provided was my understanding, or where there was the 'as soon as
1378 reasonably practicable timeframe but not further direction.'

1379
1380 In respect of that same topic, around the categorisation of methods, each reporting
1381 officer has gone through that process and expressly considered the provisions in
1382 light of the tests or framework that's been applied consistently throughout. I just
1383 wanted to note there that the approach has been one where a provision is not split
1384 across topics. So whilst the method may refer to some non-freshwater policies, if
1385 there are freshwater policies in there, and the test has been applied on the provision
1386 as a whole. But, again the reporting officer has undertaken to come back to the
1387 Commissioners on that.

1388
1389 In respect of consequential amendments, my understanding is that's the expectation
1390 that there will likely be some further consequential amendments. The reporting
1391 officer's report is a reflection of this current point in time on changes that may not
1392 have been picked up throughout the other hearing streams, and that there will likely
1393 be consequential amendments arising from amendments made by the panels as a
1394 result of submissions and refinements, and that generally there is scope. You will
1395 still need to apply the scope test but there is generally scope for consequential
1396 amendments from submission points or relief within scope of the plan change.

1397
1398 Then the final point, the cross-referencing to the National Policy Statements, we
1399 addressed that expressly in our submissions of the 13th of February for Hearing
1400 Stream 6 and the rebuttal submissions. Whilst that was that was in the context of
1401 the NPS for indigenous biodiversity the position remains as per what Ms Zollner
1402 just discussed with the Panel, that where there is the express reference to the current
1403 or NPS-FM 2020 it would remain a reference to that document regardless of any
1404 subsequent changes and a further update or further plan change to the RPS would
1405 be required to reflect any changes, unless the NPS-FM directed that in some way.

1406
1407 Those were the little updates from this morning, in reflection of discussions.

1408
1409 I'm open to any further questions.

1410
1411 Chair: Thank you. I have got some questions just from that Ms Manohar.

1412

1413 The consequential amendments point, I've been thinking about this recently
1414 because in this very fast-paced world that we all are working in the FDS has been
1415 adopted I think just last month. That's one area where I was thinking about our
1416 recommendations will probably result in some consequential amendments. For
1417 instance, I think the introduction to that regional form chapter refers to the
1418 Wellington Regional Growth Framework. I understand that now the FDS has been
1419 adopted that the Wellington Regional Growth Framework could probably be
1420 replaced with reference to the FDS.

1421
1422 When I was thinking about this, and it is a point that some submitters have raised
1423 in Hearing Stream 4, if we were to recommend changes like that are we actually
1424 denying anyone an opportunity to comment? I don't know if you have got any
1425 thoughts now that you can share on that?

1426
1427 Manohar: I haven't expressly thought about the FDS and what that may mean Commissioner,
1428 but we can come back in writing using that as an example of something.

1429
1430 Just going back to our original submissions we filed on the 8th of June, that sets out
1431 the scope case law as per motor machinists. In there at paragraph 26 it's got an
1432 acknowledgement that some extensions to a change are not excluded incidental or
1433 consequential are permissible if they require no substantial s.32 analysis. That's not
1434 a very clear answer but we can consider that and come back, using that FDS
1435 Hearing Stream 4 example as an expressed one.

1436
1437
1438 [01.55.00]

1439 Chair: That specific example of the reference in the introduction is probably nice and
1440 confined, but then we have got other provisions obviously within that chapter that
1441 also refer to, or could potentially refer to the FDS and that might start to get a big
1442 greyer.

1443
1444 I'll have a look at those. I'll put a specific question in the next minute that comes.
1445 That would be really useful to get clarity around the extent to which we can
1446 recommend consequential changes like that.

1447
1448 Manohar: Appreciate that Commissioner. Just to reiterate, in terms of the scope tests you've
1449 obviously got the two different ones – scope of the plan change, or Change 1 will
1450 always be relevant. For the P1S1 provision scope of submissions will also be
1451 relevant.

1452
1453 Chair: Ms Zollner did indicate very clearly in her s42A for that topic that the FDS was
1454 there and it was coming. But, we'll have to think about whether if we recommended
1455 a consequential change, if anyone could feel that they didn't have enough notice
1456 and didn't have a fair chance to comment, it's probably very specific to the
1457 particular provision that we're looking at.

1458
1459 Then I think the only other question I had was the comment you made about not
1460 splitting categorisation. If there's a provision that for example refers to Te Mana o
1461 te Wai in a list and all the other paragraphs of the provision refer clearly to P1S1
1462 matters... let me rephrase - or if they refer to matters that do not relate to freshwater,
1463 I understand the Council's view is that it's appropriate for that entire provision to
1464 be categorised to the Freshwater Planning Instrument.

1465
1466 Manohar: I'm not sure Commissioner if it's as straight forward as that. I think there was
1467 subjective analysis that went with that, as to what that meant. I don't think it was
1468 as clear cut as that, but I would need to familiarise myself with what those directions
1469 were. It's been a while since I've looked at that. I think we covered that in Hearing
1470 Stream 2 or Hearing Stream 1.
1471
1472 Chair: Commissioner Wratt, I know you've been looking quite closely at the freshwater
1473 provisions recently. Something that I was looking at just last week, that was an
1474 example, and I think it was in Hearing Stream 4, where there was one reference
1475 within a provision to freshwater and then the rest of the provision, so 90 percent of
1476 the provision was not referencing freshwater matters. The officer had
1477 recommended that that be categorised as a freshwater provision.
1478
1479 We'll probably have to go back to maybe your most recent submissions on this
1480 point. I can't remember where they came up.
1481
1482 Manohar: I can't off the top of my head either Commissioner. But, my understanding is that
1483 there's a "must" in s.80A that directs that if it is a freshwater provision it must go
1484 a certain way. The subjective analysis is as to whether it was a freshwater provision
1485 or not in the first place. But, if it's part freshwater provision I understand it will go
1486 through the FPP- process.
1487
1488 Chair: Yes, that was my understanding as well.
1489
1490 Wratt: I guess looking back particularly at Mr Wyeth's assessment, and I haven't got the
1491 exact term in front of me, but I think he commented that his assessment was that in
1492 [02.00.00] essence the P1S1 process should be the start point; and where the freshwater was a
1493 relatively minor part then it should really be P1S1 and not put into the freshwater
1494 process.
1495
1496 There obviously is a need to have a further look at that, and make sure that we have
1497 a consistency in the way we are addressing it.
1498
1499 Manohar: That is something we can confirm as to how that has been approached across the
1500 hearing streams. Just looking at our submissions possibly the 7 July 2023
1501 submissions are where it's first addressed, but I can't confirm a certainty that further
1502 submissions didn't change that in any way. But, we can confirm that because it is
1503 an important point.
1504
1505 Chair: We'll confer and put our question on that to you in a minute, just in the usual way
1506 we have been doing.
1507
1508 Actually, Mr Watson, you have recommended that the definitions that are within
1509 the scope of your topic are all P1S1. There's another chapter where an officer takes
1510 a different view in terms of saying, "If a defined term appears in a freshwater
1511 provision then the definition should be coded freshwater," which is I think a
1512 different recommendation from you as a sort of matter of principle I guess. That's
1513 something else that I think we probably just need to get all of that together, where
1514 we have identified that and put that also in a minute. I do think consistency on that
1515 approach, as Commissioner Wratt said, is important.
1516

1517 It's difficult to navigate these two processes. I know this is a point that the Otago
1518 RPS Panel talked about in their recommendation report that they released a couple
1519 of weeks ago. It is really tricky when we are moving between these two processes,
1520 and coding things correctly so people understand what any appeal options they've
1521 got are.
1522

1523 Wratt: What I referred to earlier when I had my earlier question was Mr Wyeth's right of
1524 reply evidence of 28th of July for Hearing Stream 2 and it was in paragraph 42 of
1525 that. I know it's been addressed elsewhere but that was one that I went back to.
1526

1527 Chair: Ms Manohar, I have one further question on the natural character provision, so
1528 Policy 3. Change 1 obviously has to give effect to relevant national direction.
1529 Policy 3 and the other provisions, Dr Dawe is going to put together for us. If there
1530 is a gap in implementing Policy 13 of the NZCPS is the Panel required to try to
1531 address that gap to the extent there is scope?
1532 [02.05.00]

1533 Manohar: Something I will need to come back to you on. My understanding is generally that
1534 is the case – if there is scope within the plan change to give effect to higher
1535 direction. The RPS must give effect to the NZCPS in this case, where again scope
1536 within the plan change and scope within submissions if we are looking at P1S1 and
1537 not a freshwater provision if we're in the coast. Potentially that is something that
1538 would need to be considered as what submissions have expressly sought in that
1539 regard. But, I would need to have a look at Policy 13 and what was intended here
1540 through the changes to Policy 3 to provide more guidance on that one.
1541

1542 Chair: I think you did also provide some legal submissions on this point. It came up in
1543 relation to I think Ms Tancock for Winstone Aggregates and the relief they were
1544 seeking around providing for aggregate supply and specified infrastructure
1545 references. I think you did cover this. I probably need to go back and have a look
1546 at that.
1547

1548 We will put in our Minute the questions for Dr Dawe. There may not be a gap in
1549 implementation, so that would resolve that well. But, if there is something missing
1550 then I think there will be this question of if there is scope through submissions to
1551 address any gap in Policy 3 we'll probably need to come back and talk to you then
1552 about whether we're required to address that gap.
1553

1554 Manohar: I think it's the required too that I just need to consider a little bit more. We have, as
1555 you mentioned, provided submissions in the context of the NPS-FM. We have also
1556 had submissions in the context of the NPS for Indigenous Biodiversity, and I think
1557 submissions also on the NPS-HPL in respect of some of the urban development
1558 topics and the NPS-UD. They all have slightly different implementation directions
1559 in the NPSs themselves. I just need to have a moment to consider the requirements
1560 or the NZCPS expressly.
1561

1562 Chair: Thank you. Anything further for Ms Manohar?
1563

1564 Paine: Not a question. Just to say my discussion with Mr Watson was helpful. Thank you.
1565

1566 Chair: I think that might be it. Ms Manohar if we don't see you again in person I just want
1567 to say on behalf of the Panel thank you so much to you and Ms Anderson, Ms
1568 Rogers and the whole team for providing us with really clear and very useful legal

1569 submissions all throughout this process. There will probably be a bit more to come
1570 until June when our report is delivered. I just want to take the opportunity to thank
1571 you in person.

1572
1573 Manohar: Thank you Commissioner, I appreciate that. Thank you Commissioners.

1574
1575 Chair: We are ahead of time, which may be the first time ever Ms Nixon. We'll take a
1576 break for lunch.

1577
1578 Rangitāne, is 2.00pm the earliest that they could... that's fine. We'll be taking an
1579 extra-long lunch break and we'll be back again for Ms Burns and Ms Craig at 2pm.
1580 Thank you.

1581
1582 [Lunch break taken - 02.09.10]

1583
1584 Chair: Kia ora koutou. Welcome back to the afternoon session for Day 1 of Hearing
1585 Stream 7. Nau mai haere mai Ms Burns and Ms Craig. Kia ora. Great to see you.
1586 We have read your evidence and your submission. Ms Craig your evidence as well.
1587 Feel free to take that as read, but we would love to hear from you if you would like
1588 to take us to the key points for this topic.

1589
1590 [02.10.00]

1591
1592 Craig: Tū taua mai i runga
1593 Tū taua mai i raro
1594 Tū taua mai i roto
1595 Tū taua mai i waho
1596 Kia tau ai te mauri tū
1597 te mauri ora ki te katoa
1598 Haumi e, hui e, tāiki e

1599
1600 We have a saying in the Wairarapa, about our tipuna, Tūteremoana. It says, "Te
1601 tama whakaiti, tūranga rau, e tītī te upoko ki te kura a rangi." Which roughly
1602 translates to the young man who ascended hundreds of courtyards or marae and his
1603 head was adorned with a feather from the sky. Our tipuna was revered as a leader
1604 because he was knowledge in our mātauranga. It was one of the qualities that is
1605 talked about generations after he has passed and left Te ao Mārama. Mātauranga
1606 Māori is a way in which we see the world within our te ao Māori lens. It is
1607 completely different to how you see the world in a te ao Pākehā lens and with
1608 western science.

1609
1610 It is our proven science. It is an intergenerational view of our whenua, our awa, our
1611 āngi and te ao. Within te ao Māorism it is important to understand that our role and
1612 our rights of tangata whenua comes to us through our whakapapa. Te Tiriti o
1613 Waitangi only reaffirmed those rights. Partnership is the bear minimum that you
1614 can do. We are always striving for the return of our tino rangatiratanga and mana
1615 motuhake, and that you as tangata tiriti and tauwi remember what Te Tiriti o
1616 Waitangi actually means for yourselves and yourself as an organisation. Even
1617 though you write kupu like partnership in a policy document that still manipulates
1618 and changes what was originally signed.

1619

1620 Especially while we are in a time when organisations and people are voicing their
1621 words of hate that remove our existence as tangata whenua, or that try to remove
1622 our existence as tangata whenua, we need to actively be calling out the behaviours
1623 that we want to be seeing.

1624
1625 You have the power to be consistent in the way in which you write policy
1626 documents, and the repetition of particular parts of these policies that we have
1627 called for, and others too, especially around partnering with mana whenua that calls
1628 to do mātauranga Māori in partnership with us; is to ensure that it actually happens
1629 on the ground and is consistent. Because I can assure you it is not happening on the
1630 ground every day. These policies set out the bear minimum behaviour and it's really
1631 about what legacy do we want to leave for our mokopuna to come – which also
1632 leads me into timeframes.

1633
1634 The best time to have started supporting Papatūānuku to heal herself was 184 years
1635 ago. The best time to start after that is right now. No more should be people be able
1636 to trade off the survival of Papatūānuku for money or planting a tree. We want to
1637 ensure that if your actions work to destroy Papatūānuku that you will be haunted
1638 by the actions that you do; that you as an organisation will do everything in your
1639 power to ensure that doesn't happen.

1640
1641 Our kaumātua have had to witness the destruction of our waterways, taiao and our
1642 whenua in the their lifetime. It would be nice if we can start to rectify that before
1643 they end their life in te ao Mārama.

1644
1645 Your policy documents, the actions that you do right now and further more in the
1646 coming weeks will drive the future we want for our mokopuna. Don't let time slip
1647 away, don't let the right actions slip away for another decade: let's do the right
1648 actions now so we can spend our time supporting Papatūānkuku to heal.

1649
1650 I will now pass to Maggie for her to give her planning evidence.

1651
1652 Burns: Tēnā koutou Commissioners. I have been asked to provide planning evidence on
1653 this matter on behalf of Rangitāne o Wairarapa. Thank you for allowing the time to
1654 speak on this topic. As usual I will take my statement of evidence as read and would
1655 just like to reiterate a few key points.

1656
1657 I note I am largely supportive of the recommendations in the s42A reports. I have
1658 provided evidence specifically on Policy 3 relating to partnership with natural
1659 character identification, and I respond briefly to a query raised by Commissioners
1660 on the replacement of Te Rito o te Harakeke throughout Change 1.

1661
1662 In my evidence I have set out reasoning for including specific reference to
1663 partnership with mana whenua/tangata whenua for identification of natural
1664 character in Policy 3.

1665
1666 In my opinion, while the plan provides some general direction for partnering with
1667 mana whenua/tangata whenua none are specific to natural character identification.
1668 Adding reference to partnership in Policy 3 will ensure consistency with other issue
1669 specific policies.

1670
1671 Dr Dawe in their rebuttal has accepted this addition.

1672
1673
1674 [02.15.00] I also raise concern regarding the inclusion of specific reference to Policy 13 of the
1675 NZCPS and the explanation of Policy 3, noting my concern that it might be
1676 misconstrued to mean that Policy 13 is the only relevant policy in the NZCPS.
1677
1678 I also responded briefly in my evidence to the query in Minute 23 regarding the
1679 replacement of Te Rito o te Harakeke with decision-making principles for
1680 indigenous biodiversity throughout provisions in Change 1.
1681
1682 I acknowledge and understand the reasoning provided in the response from Ms
1683 Guest and Dr Dawe on where replacement or amendment may be necessary
1684 throughout the various provisions.
1685
1686 Just to clarify, I am not opposed to the wording provided by the officers in their
1687 response memo relating to these provisions. They ensure and analysis of most of
1688 the relevant issues and ensure that Te Rito o te Harakeke is replaced throughout
1689 Change 1. However, I believe the inclusion of decision-making principals could
1690 provide a more fulsome assessment in some of those provisions.
1691
1692 While I acknowledge that decision-making principles may increase the amount of
1693 analysis required for some of those policies, there may already be crossover where
1694 for example Te Mana o te Wai is referenced along mātauranga.
1695
1696 I don't share the same concerns about complexity. In my opinion a refinement to
1697 the amendment to Policy 52 for example could include wording to the effect of
1698 indigenous ecosystems and biodiversity, including consideration of the decision-
1699 making principles for indigenous biodiversity.
1700
1701 Thanks again for your time. I will pass back to Ms Craig to close our presentation.
1702
1703 Craig: I just wanted to finish off with something, that I actually opened when we first
1704 started our hearings with, which is a waiata that talks about. It's very simple. It's
1705 taught to my kids, my pēpi at Kōhanga. I won't sing it because my voice is terrible
1706 because I've got a cold again – hopefully not Covid. It talks to the different stages
1707 of us coming into Te Pō, and the birthing of Rangī and Papa.
1708
1709 *Ko te pū*
1710 *Te more, te weu, te aka, te rea*
1711 *Ko te waonui te kune, te whē, te kore, te pō*
1712 *Ki ngā tāngata Māori nā Rangī rāua ko Papa*
1713 *Ko tēnei te tīmatatanga o te Ao*
1714 *Ko tēnei te tīmatatanga o te Ao*
1715 *Mauri ora*
1716
1717 Chair: Kia ora. Thanks very much. Again, really important points that you make. We have
1718 really appreciated at every hearing stream you have presented to us and provided
1719 really critical context for Rangitāne o Wairarapa, which is supported by very clear
1720 planning evidence. On behalf of the Panel think you very much for your really
1721 thorough engagement in this process.
1722
1723 I have some questions for Ms Burns. I might as well start.

1724 Ms Burns, your point about in the explanation text to Policy 3, saying that Policy 3
1725 does more than implement Policy 13 of the NZCPS, I agree. I can see Policy 2 of
1726 the NZCPS for instance also being implemented through the officer's rebuttal
1727 recommendation. But, when I read that explanatory text I didn't see that it was
1728 saying Policy 3 is only implementing Policy 13 and nothing else, I just wondered
1729 what you thought about that. Instead of deleting Policy 13 from that introductory
1730 text, could there be another way of showing that's doing more than just
1731 implementing Policy 13.
1732

1733 Burns: Yes, absolutely. I get your point there. My thinking on that has been that perhaps
1734 there is a way that there could be a middle ground there of some further explanatory
1735 [02.20.00] text that says, "largely Policy 13" or "Policy 13 alongside others."
1736

1737 Something along those lines that just makes it really clear that while Policy 13 is
1738 the main policy that Policy 3 is implementing that it doesn't mean that it's
1739 exclusively Policy 13.
1740

1741 So yes, certainly there could be some middle ground there.
1742

1743 Chair: Thank you Ms Burns. We'll put that question to Dr Dawe in the Minute that will
1744 be coming out following the hearing of submitters for this stream.
1745

1746 I don't know if you caught any of the discussion this morning, but we are also going
1747 to be asking Dr Dawe about the other aspects in Policy 13 and how they are
1748 implemented in the RPS. Policy 13 also talks about outstanding natural character
1749 and other areas of natural character. So even though we might not have scope we
1750 would like information on how that has been implemented in the RPS if it has been.
1751

1752 We will put that question to Dr Dawe as well.
1753

1754 Ms Burns, thank you as well for your comments on Te Rito o te Harakeke, your
1755 evidence rather. That was presented before 8 April when the Council provided its
1756 comments to us. They went through all of the provisions in Change 1 that referred
1757 to Te Rito o te Harakeke. They have looked at each of those and given their
1758 recommendations for how that wording should change in their view.
1759

1760 Have you had a chance yet to look at those 8 April comments?
1761

1762 Burns: I have yes.
1763

1764 Chair: But, you're still of the view as I understand that that reference to the decision-
1765 making principles is appropriate for... it as in the indigenous biodiversity topic
1766 wasn't it.
1767

1768 Burns: I think 52 which was one of the climate change and natural hazards provisions.
1769

1770 Just to be clear, as I said, I am not opposed to the wording they've provided. I think
1771 they have done a really thorough analysis on that. My only outstanding concern is
1772 I guess that I don't agree that there's too much complexity in those decision-making
1773 principle for them to be included in that policy. There is going to be some cross-
1774 over there between what Te Mana o te Wai talks about. The local expressions
1775 certainly talk about mātauranga and that's also in the policy.

1776
1777 I agree with the rest of those amendments made. I think Issue 5 I agree with what
1778 is being provided there by Ms Guest. So just Policy 52 for me is outstanding.
1779
1780 Chair: Policy CC16, and sorry, I haven't looked to see whether Rangitāne o Wairarapa
1781 had any scope on that, but the recommended change there was to delete Te Rito o
1782 te Harakeke and replace it with the relationship of mana whenua/tangata whenua
1783 with indigenous biodiversity.
1784
1785 At the risk of asking you something that I'm not sure you have scope to comment
1786 on, did you have a chance to think about that provision?
1787
1788 Burns: I haven't thought about that provision in a lot of detail sorry, no.
1789
1790 Wratt: Can I just clarify your comment around Policy 52 and the decision-making
1791 principles? I haven't got it open in front of me. Sorry if I'm not up with the detail
1792 there. Are you wanting to have specific reference to the decision-making principles,
1793 or are you saying that you would like to have the decision-making principles
1794 actually listed in that policy?
1795
1796 Burns: Reference to them.
1797
1798 Wratt: Thank you. That's just clarifies it. Thanks.
1799
1800 [02.25.00]
1801 Chair: Ms Burns, in the morning session there was a discussion with counsel for the
1802 Council and also Ms Zollner about the way in which NPSs are referenced. The
1803 discussion said that Ms Zollner recommended that when Te Mana o te Wai was
1804 referenced you also say Te Mana o te Wai in the NPS-FM 2020. Because if a future
1805 NPS was to change that you've sort of captured that definition in the provision as
1806 it was.
1807
1808 Does that same point come up in the decision-making principles for indigenous
1809 biodiversity if that is cross-referring to the NSP-IB.
1810
1811 Burns: Yes I assume it would. Obviously the decision-making principles are in this version
1812 of the NPS-IB. If that was a concern that the NPS-IB was likely to change, and this
1813 was obviously referring to that version, then that concern would be relevant.
1814
1815 Chair: Thank you. I can't recall if the definition in Change 1 to decision-making principles
1816 for indigenous biodiversity references the NPS-IB, I guess it's 2023. Do you know
1817 otherwise? We can look that up.
1818
1819 Burns: I can't remember off the top of my head sorry. Possibly.
1820
1821 Chair: We'll check I think that point about being specific, about the NPS and identifying
1822 it when it is referenced. I think that's a point that we took from the morning. Thank
1823 you.
1824
1825 I will see if anyone else has any questions.
1826

1827 Paine: Tēnā korua. Ms Burns, my questions have all been answered, so thanks for that. Ms
1828 Craig, I would just like to say thank you over this period of time for the insights
1829 that you have given to the Panel and the Rangitāne values and tikanga. Kia ora.
1830
1831 Chair: We wish you well with the recovery of your virus.
1832
1833 Unless Commissioner Wratt had anything else I think that was really clear. Once
1834 again thank you so much for your commitment to this process and engaging on
1835 what I believe has been every single topic. We really, really appreciate that. Your
1836 points will be absolutely thoroughly considered in our deliberations.
1837
1838 Burns: Thank you very much.
1839
1840 Craig: Thank you.
1841
1842 Chair: I think we are actually at the end of hearing of submitters for the day, so we will
1843 close with a karakia.
1844
1845 Guest: [Karakia]
1846
1847 Chair: Kia ora. Thanks everyone. We'll be back again tomorrow at five minutes to ten.
1848 Thank you.
1849
1850
1851 [End of recording 02.28.46]

Greater Wellington Regional Council

Transcription
Hearing Stream Seven – Small Topics, Wrap Up and
Variation 1
Day Two – Tuesday 16th April 2024

SUBMISSIONS

Proposed Change 1 to Regional Policy Statement for Wellington Region

Hearing Dates: Monday 15th to Tuesday 16th April 2024

Location: Venue: Naumi Hotel, 213 Cuba Street, Te Aro, Wellington 6011

Hearing Panel: Commissioner Dhilum Nightingale (Chair)
Commissioner Glenice Paine
Commissioner Gillian Wratt – **Appearing virtually both days.**
Commissioner Ina Kumeroa Kara-France

Hearing Advisor: Jo Nixon

-
- 1 Chair: Mōrena. Good morning. Nau mai haere mai to day two of the hearing of submitters
2 for Hearing Stream 7 – small topics, wrap-up and Variation 1.
3
4 We heard from the s42A authors and the Council team yesterday and also the
5 submission of Rangitāne o Wairarapa. This morning we welcome to begin with Ms
6 McGruddy from Wairarapa Federated Farmers. Good morning Ms McGruddy, can
7 you hear me okay?
8
9 McGruddy: Commissioner.
10
11 Chair: I hope the connection Ms McGruddy is okay. Do you mind just saying a few more
12 words just so we can connect the connection is okay?
13
14 McGruddy: Good morning Panel. Happy to be here for the last hearing.
15
16 Chair: Great. Welcome. We can hear you well. Thank you very much for that.
17
18 Ms McGruddy, we've obviously read the Wairarapa Federated Farmers'
19 submission. It is good to see you again. I believe you have presented to us on every
20 hearing stream.
21

22 Sorry, apologies, the karakia, I was getting ahead of myself. Let's start with the
23 karakia. Sorry Dr Dawe.
24

25 Dawe: Let's do that.
26

27 *Whakataka te hau ki te uru*
28 *Whakataka te hau ki te tonga*
29 *Kia mākinakina ki uta*
30 *Kia mātaratara ki tai*
31 *E hī ake ana te atakura*
32 *He tio, he huka, hauhū*
33 *Tihei mauri ora*
34

35 Chair: Kia ora. Thank you Dr Dawe.
36

37 Ms McGruddy we have read your submission. We will hand over to you for your
38 presentation for this topic.
39

40 McGruddy: Thank you Commissioner. I am just going to speak this morning to two topics –
41 Variation 1 and RSI, but before I do that I am just mindful this is our last hearing.
42 I would just like to briefly take the opportunity to thank some of the people who
43 have perhaps helped us and the process go smoothly. One would be our livestream
44 man and I think his name perhaps might be Paul. I have tuned into a lot of the
45 livestreams and I think he's done a great job; so thank you to that gentleman. Also
46 the hearing administrators, Jo Nixon. Jo has in my experience always been very
47 prompt, efficient and approachable and we appreciate that.
48

49 I am just going to very briefly reiterate that of course all these substantive hearings
50 that we have already had, biodiversity, climate, water, this one and that one, that
51 the relief sought from Federated Farmers stands in respect of all those substantive
52 matters, including in respect of a couple of areas that are under consideration I think
53 here, the consideration policies. Just to briefly reiterate that our position that we
54 have expressed at various hearing is that while they appropriately direct regional
55 and district plans they should also be directing resource consents.
56

57 Regulatory and non-regulatory policies, the Panel asked counsel to relook at some
58 of those and we made specific and substantive recommendations in respect to the
59 balance of regulatory and non-regulatory policies in various of the earlier hearing
60 streams – certainly in respect to climate change, also in biodiversity and also in our
61 water.
62

63 Our position on those various policies stands.
64

65 Turning to the two specific matters that I will speak to this morning, the first one is
66 Variation 1. I think perhaps three issues here. One is the scale at which long term
67 visions are developed; the process for developing them; and the content of those
68 long-term visions.
69

70 I will just very briefly flag here that I have caught up with Otago RPS decision,
71 which of course has been traversing very similar matters to which we are traversing
72 here.
73

74 Scale: our first point is that on our reading of the NPS the scale is intended to be
75 FMU, or part FMU – not region wide and not Whaitua wide.

76
77 In terms of process, Council is relying on the Whaitua process and we certainly
78 [00.05.00] agree that the various Whaitua have had so far they have had a pretty
79 comprehensive and integrated approach to pulling together various of the
80 community, iwi and stakeholders to have a think about where we are at, where do
81 we want to get to and how best to get there. It's kind of an integrated package.

82
83 The next step is coming for us [05.25] into the statutory processes.

84
85 At the moment, the long-term vision component is dislocated in time and space
86 from the rest of the package. That's unfortunate because we have got some
87 submitters here, and we've got other submitters, and arguably a more
88 comprehensive set of Whaitua specific submitters sitting over there attached the
89 NRP Change 1 Process. Certainly appreciate that the NPS directs that this bit gets
90 done at the RPS, but nevertheless in the context of the WIP itself being conceived
91 and progressed as an integrated package, it does seem very unfortunate that we have
92 got such a fragmented process here and we certainly think it would be more
93 coherent if Variation 1, the long-term vision, was progressed more in tandem and
94 in parallel with that NRP Change 1 process.

95
96 In terms of content, the WIP themselves didn't present long-term visions as such.
97 Instead, Council has relied on trawling through the WIPs to pull out bits that they
98 think would be appropriately be expressed as long term vision.

99
100 Then what is at issue is the extent to which Council have done a good and faithful
101 job of pulling those bits out. Our view would be that the WIPs certainly spoke to
102 and emphasised environment values. They spoke to and emphasised cultural
103 values. But, equally they also spoke to social and economic values. For example, I
104 have in front of me an extract from the Porirua WIP, page-18, and this is Porirua
105 explaining the values that underpin the WIP – again an integrated thing.

106
107 It's headed up, 'You've spoken: we've heard,' and together we value... and then
108 it's got a list of half a dozen matters which are valued within the WIP. Yes there's
109 ecological health. Yes there's mahinga kai. Yes there's accessible recreation. Also,
110 there is economic uses of water and waterways. The use of water and waterways
111 provides for economic opportunities and benefits.

112
113 On our reading, Council have emphasised some aspects of the WIP in the long-
114 term visions and neglected others. Social and economic values at the moment
115 they're down the bottom there. There is an aspect of including them but with a
116 caveat, subject to. Our suggestion is that at the level of a long-term ambitious but
117 achievable long-term one hundred year vision, it's is not appropriate to have caveats
118 on this one or that one.

119
120 Turning to the definition of RSI, what's an issue here and of specific interest is rural
121 water storage and supply. Perhaps the very first question is, we know that roads,
122 telecommunications and energy classify as infrastructure. Does water also classify
123 as infrastructure? I think part of the answer is in the RMA definition of
124 infrastructure which includes a water supply distribution system, including a
125 system for irrigation.

127 [00.10.00]

128 Next text is infrastructure. Does it also meet the test for being regionally significant
129 infrastructure? Yes in respect of urban water, but not currently in respect of rural
130 water.

131
132 I did listen in briefly to Council yesterday speaking to this point and kind of
133 acknowledging out submission. There was a suggestion that perhaps it was a scale
134 game, that maybe it's just the big stuff that qualifies as being regionally significant.
135 I'm not sure that that is the case.

136
137 For example, in respect of airports, RSI includes airports kind of from one extreme
138 to the other. We've got Wellington International Airport at one end and we've also
139 got Hood, and if anyone knows Hoody or [11.01] it's actually quite small, but
140 nevertheless big and small.

141
142 In respect of roads yes we've got the strategic transport network and also we've got
143 various local arterial roads.

144
145 In respect of electricity, yes we've got the national grid and also we've got various
146 generation facilities which might just be supplying little local networks, and that
147 might be a little solar farm, little wind farm, or little hydro facility. We've got a
148 little hydro facility here in the Wairarapa.

149
150 So it's not clear to me that scale is a precursor to qualifying as being regionally
151 significant.

152
153 I think another aspect there touched on yesterday by Council was, yes, but some
154 versions are good and some might not be. Some versions might be beneficial and
155 other versions might not be. But, I'm not sure that that's quite the test for RSI either.

156
157 Wind energy and wind generation in and of itself, it might be deemed to be broadly
158 beneficial, but this wind farm here in this outstanding natural landscape might not
159 be. But, that's not a barrier to a generation of electricity being accepted as being
160 regionally significant infrastructure.

161
162 It goes back to what's the intent and the purpose of having this definition of
163 regionally significant infrastructure. There's perhaps a couple of aspects to it. One
164 is that it's recognising that the community as a whole benefits from these
165 investments in infrastructure, be it roads, be it energy, be it water.

166
167 In respect of water it seems to be coming down to if it's urban it's okay but if it's
168 rural it's not. One qualifies and the other one doesn't. If it's water out of stream then
169 it's okay, but if it's in-stream then it's not. But, that doesn't quite stand up because
170 there are no qualifiers attached to the urban water.

171 I'm not at all clear what the Council's reservations are. Because whatever the
172 Council reservations are about including rural water storage and supply systems as
173 part of a network at a range of scales, and I will just briefly mention here that the
174 Ruamahanga Whaitua Implementation Plan, the WIP, and the Wairarapa Water
175 Resilience Strategy both emphasise water storage at a range of scales, which might
176 be regional, which might be community, which might be two or three farms
177 operating together, or might be on-farm. But, like the roads, and like energy and
178 [00.15.00] like renewable energy, the water infrastructure, be it urban or rural, its multiple
179 small parts which add up to a resilient region well-served by its infrastructure.

180
181 Just a final on this and I won't repeat what we said at Hearing Stream 5, but in
182 Hearing Stream 5 where we did speak to the specific topic of rural water storage,
183 the first national adaptation plan emphasises water security. MPI emphasised rural
184 security. Both of those were in the context of the climate challenges that we have.

185
186 So, in summary, I hear a couple of the questions that Council are posing in respect
187 of including rural water storage in the definition of RMI. I am not clear that the
188 same tests about scale or desirability have been applied to the other elements which
189 are included in the definition. Without that clear analysis our relief stands that the
190 definition of RSI should include rural water storage and infrastructure.

191
192 Thank you Commissioners.

193
194 Chair: Thank you Ms McGruddy. Can I just check my notes are correct? Did you say they
195 haven't applied the same reasons of scale, and was it desirability? Sorry, I might
196 have misheard. I am just checking.

197
198 McGruddy: It's was Mr Shannon Watson speaking yesterday to the Panel. He countered in terms
199 of scale and his other question was in respect of criteria. He went on to talk about
200 the distinction between in-line and offline water storage.

201
202 There is no question that the RPS has got a policy which promotes offline storage.
203 But, having said that, that's not a reason in and of itself to not include rural water
204 storage or any kind of storage, because it's already got urban, in the definition of
205 RSI.

206
207 If rural water storage and supply distributed network, because that's what it in effect
208 would be, a distributed network, is it carte blanc for every second farm to bung in
209 an instream dam? No of course it's not – in the same way that a solar farm won't
210 just get put anywhere without any further ado, or a windfarm, or a road.

211
212 Chair: Thank you Ms McGruddy. Maybe if we start with this point because we're thinking
213 about it now.

214
215 This online and offline, I'm just looking at the definition of RSI and the operative
216 RPS. This is the distinction between the local authority water supply network,
217 which includes the intake structures and treatment plants. You're saying that rural
218 water storage, and correct me if I'm wrong, but is rural water storage as it is on
219 individual farms?

220
221 McGruddy: At a range of scales Commissioner. At a range of scales. For example, the Panel
222 may or may not have seen on the six o'clock news last night that the Waimea dam
223 finally launched. I'm sure Commissioner Wratt is familiar with it. Twenty years
224 ago they had a drought and they decided they needed some decent water storage.

225
226 [00.20.00] Twenty years later we've got another drought and everyone is very happy and
227 goody we've got reliable water.

228
229 The Wairarapa version of the Waimea dam was Wakamoekau. That's a project
230 that's currently on pause. It's in the foothills up above Masterton and would supply
231 a decent chunk of the valley. That was the concept. Shall I call that district scale?

232

233 Then at another level there's potentially community scale, which might be in a
234 particular catchment with two or three contributing farms and helping service a
235 small settlement as well, in the same way that renewable energy, a solar farm might
236 do the same job.

237
238 Then at another level we've got farm scale.

239
240 The benefits of it, in terms of regional significance, certainly the Council is correct
241 that the list of specified infrastructure, up in the NPS-NS, that list of specified
242 infrastructure does include a consenting pathway for water storage. It made it in
243 there along with various of the other roading and various other kinds of
244 infrastructure.

245
246 The other line of inquiry for Council is, if it's already in there as being specified
247 infrastructure we don't need to mention it here in the RPS, in the definition of RSI.
248 But, that doesn't quite hold water either because if the argument is that if you got
249 mentioned as being specified infrastructure over there, therefore you don't need get
250 mentioned here. We need the half of the rest of all these infrastructure types that
251 are currently included in the definition.

252
253 So that's not an argument for not including rural water storage here, the fact that
254 water storage is mentioned over there. Same for Policy 18. I don't have Policy 18
255 in front of me but Council suggested yesterday that if Policy 18 mentions promoting
256 offline water storage well that sort of does the job for rural water storage. No it
257 doesn't. My memory tells me that there's quite a number of other activities
258 mentioned in Policy 18. So is that a reason for them to all get taken out of the
259 definition of RSI.

260
261 I think we are very much in a position at the moment where we have got the old
262 definition of RSI and they're not being challenged as to the scale, desirability, what
263 exact form or shape would they take and how big or small are they. They're not
264 being subject to any of those tests. But, the proposal to add a new item, and it's not
265 a huge stretch, because as I say the RMA already has a definition of infrastructure
266 and water is included. The urban version of the game is included.

267
268 I don't think we've quite had the rigor of analysis yet.

269
270 Chair: Thank you. Probably the last question I have on that point is just relating to the on-
271 farm water storage. Is it your view that that's including that in the definition of RSI
272 and it is appropriate and it doesn't matter that it may not have that wider regional
273 broader impact that the other bits of infrastructure that are listed in the definition
274 have.

275
276 Ms McGruddy, I'm not sure if we have lost you.

277 [00.25.00]
278 Hello, can you hear me? I think the connection just dropped out.

279
280 McGruddy: Yes, I missed all your questions Commissioner.

281
282 Chair: The question was I understand the point I think about community scale and that
283 broader regional scale. My question was about on-farm water storage that is for that
284 particular site, that particular farm. Do you see any issues with that infrastructure
285 being included with in the definition of RSI, given that it may not on the face of it

286 seem to have that same regional significance that the other types of infrastructure
287 have in that definition?
288

289 McGruddy: Yes, I understand your question Commissioner. Just going back to the NPS-NES
290 that speaks of water storage with national and regional benefits. It doesn't
291 specifically say local benefits. Maybe that's the level at which your questions is
292 couched as well.
293

294 There's a curious thing going on where there are various people who don't love
295 water storage per se. They especially don't love big storage. But, they are very often
296 okay with smaller storage. So there's almost a little Catch-22 going on where the
297 distributed network of smaller storage might be seen to provide resilience from the
298 ground up, distributed network of small units, farm scale units and deliver resilience
299 that way, as being a preferable pathway with less environmental impact than the
300 biggie, the big Waimea, the big Wakamoekau, the big new Wellington storage units
301 to deal to their drinking water crisis.
302

303 So I understand your question Commissioner. In and of itself a single farm scale
304 storage system is that big enough to qualify as regionally significant? I think the
305 answer kind of depends on whether the regional network of distributed small scale
306 alongside medium and larger scale units adds up to a system which delivers at the
307 regional scale water security and water resilience.
308

309 So accepting your question, and I understand what you're coming from, the risk is
310 that if you drop out the small ones, which actually a lot of people are okay with,
311 and they would deliver the result in some, the risk is if you drop them out because
312 actually they're too small, then there's a Catch-22 that the policy framework gets
313 skewed towards the biggies.
314

315 Chair: Thank you Ms McGruddy, that's very clear. Then of course you've got people
316 saying that they have more impacts. I understand the point.
317

318 I can't remember – I was looking through the climate change provisions, the latest
319 version that the Council officers support. I thought it was in here, but it might have
320 actually been in Hearing Stream 2. You might recall.
321

[00.30.00]

322 There is some policy support that the Council officers now think appropriate for
323 rural water storage. I can't quite remember where that is.
324

325 McGruddy: That would certainly be welcome if there's been a change in some of those, because
326 up until now they've been quite dogged on yes urban is good, and no rural doesn't
327 need to be included.
328

329 I certainly welcome it if there's been a change in some of those other places where
330 that was recommend. But, again, I would like to the line of reason and the line of
331 logic. If in that other place they now agree yes urban and yes rural, then equally
332 here we just need that clarity of reasoning.
333

334 Chair: I will need to check that point. It might have come up in Hearing Stream 2. This is
335 all part of the integrated task that we have now, reading the provisions across the
336 different hearing streams. Thank you. As always you have explained that really
337 clearly. It has helped our understanding of that issue.
338

339 I have got some other questions but I might maybe just see while we are on this
340 theme of rural water storage if the other Commissioners want to ask anything about
341 that.

342

343 Wratt: I have a question please.

344

345 Chair: Sure.

346

347 Wratt: Thank you Ms McGruddy for your extensive explanation there. When I look at the
348 RSI definition, you've commented on the comparison between the way other
349 infrastructure is dealt with in comparison with the rural water supply. But I do note
350 that there are also some proviso's around that other infrastructure. For example, in
351 terms of facilities for generational transmission of electricity, it does say where it
352 is supplied to the national grid and/or the local distribution network; and facilities
353 for the electricity distribution network says, "Where it is 11kv and above." So there
354 are provisos.

355

356 I guess in my head I'm just wondering is there a definition that we could develop
357 for rural water supplies, which didn't leave the door completely open but did
358 provide for acknowledging that there are regionally significant water storage and
359 supply in the rural areas that aren't local authority water supply networks.

360

361 It's not quite as simple as rural versus urban, because it doesn't say that urban water
362 supplies are okay. It is actually local authority water supply network.

363

364 McGruddy: I appreciate the question Commissioner. Potentially the answer, and you're kind of
365 leading to it, is can we exclude the small ones? Can we exclude single farm units?

366

367 Wratt: I guess I understand where you're coming from. You're saying if you've got good
368 on-farm local storage then that's reducing the pressure for the need for larger scale
369 and improves the overall regional supply. I understand where you're coming from
370 but I also hear that we do have the whole RPS trying to put some frameworks
371 around what is and isn't acceptable.

372

373 McGruddy: Just to reiterate, I do appreciate the question Commissioner. I have toyed with this
374 in my own mind, and same for Commissioner Nightingale's question.

375

376 Wratt: I guess you could say the same thing in terms of electricity generation – an
377 individual solar panel on top of a roof reduces the demand across the regional
378 network.

379 [00.35.00]

380 McGruddy: That's a good example Commissioner. If we look at facilities for the generation
381 and/or transmission of electricity, where is it supplied to either national grid, or
382 local distribution network. Now, that does actually provide for... and actually I will
383 give you an example of this, and again I'm in the Wairarapa, down the South
384 Wairarapa. It's a dairy farm and they've put in a battery of solar panels. It's not just
385 one. By this definition it qualifies. It would be part of it. It's facilities for generation
386 of transmission and it's supplying into the network.

387

388 Again, I will stick with solar for a minute, in the Wairarapa context, jeepers, we've
389 got half a dozen on the go. We've got three or four in the Wairarapa Valley which
390 are 200 hectares plus, then we have got a little one off to the side and they're going
391 to be going straight to the national grid and up to Auckland. Then we have got a

392 little one off on the side there, that that's going to be supplying it just into the local
393 network.

394
395 I do appreciate your point. I just want to be really clear about that. Appreciating
396 your point that perhaps this is not intended to apply to just one little panel on the
397 roof. Nevertheless, the definition as expressed here, doesn't make that distinction
398 actually. It doesn't actually make that distinction Commissioner.

399
400 Wratt: That's a good question around definitions, but the next definition does talk about
401 facilities for the electricity distribution network, but that excludes private
402 connections to the local distribution network.

403
404 McGruddy: That one does. I almost think that the best example to stick with, if the Panel is of
405 a mind to contemplate or to direct Council to contemplate this, would be arguably
406 a useful one to think about is the renewable energy one; because of its nature
407 renewable energy is relevant for two reasons. Firstly, it's part of that climate change
408 adaptation and response. Be it water security, be it renewable energy, they're part
409 of that climate response package. They're both either the big mother farm or the
410 big mother dam, or a distributed network. The benefits of it accrue from the
411 facilities. Be it renewable energy, or be it water, the benefits accrue from the
412 distributed network at a range of scales.

413
414 I'm not necessarily seeing the merits of trying to find an exclusion for small scale.

415
416 Wratt: What is the requirement on the farm at the moment if they want to put in their own
417 local storage on their farm, the consenting requirements?

418
419 McGruddy: We touched on this briefly at one of the earlier hearing streams, I think it was the
420 water one. A key crossover area where you hit consenting challenges is in respect
421 of wetlands. I won't go into great detail but the context there is that in the last five
422 years or so the definitions of wetlands have got wider, wider and wider. It's not
423 irrelevant that the NPS-NES, the first iteration of specified infrastructure didn't
424 actually include water storage for your information. Federated Farmers and
425 doubtless others brought it to MFEs attention. Not least because of that MPI work
426 stream, speaking to the fundamental importance that if we want to transform the
427 New Zealand economy we are going to have to make that investment in water
428 storage.

429 [00.40.00]

430 The key crossover and key consenting hurdle is in the relationship with the watery
431 stuff – in particular wetlands, just because that's the operational functional
432 requirement that you kind of locate in those low lying areas. That's a key area of
433 crossover.

434
435 Again, be it water storage or any of this other infrastructure, regional significant or
436 specified infrastructure, none of them get a carte blanche. They all are still subject
437 to the effects management hierarchy; they're all still subject to, "Do they need to
438 be in that location? Is there an alternative?"

439
440 None of them get carte blanche.

441
442 Wratt: Thanks very much. Thanks for that response. There's a bit more thinking to happen
443 in this context. Thank you.

444

445 Chair: Thank you Ms McGruddy. I think the other key submission point you had on this
446 topic was about Variation 1. I will just see if any of the Commissioners have any
447 questions. I have one question but I will see if someone else would like to go first.
448
449 Commissioner Wratt did you have any Variation 1 related questions for Ms
450 McGruddy?
451
452 Wratt: Yes, I think I did. I got a bit distracted with that first water storage one. If you have
453 got some questions you do.
454
455 Chair: Sure, I'm happy to go first. Ms McGruddy I understand your relief for both Te
456 Awarua-o-Porirua long-term vision, and Te Whanganui-a-Tara. I understand they
457 are the same so I will just have one in front of me. I have the Te Awarua-o-Porirua
458 provisions. I just want to understand Wairarapa Federated Farmers relief... I think
459 it's the submission point where you sought that the words "have a natural flow" be
460 replaced with "have natural form and character" and the officer recommends that
461 change be accepted.
462
463 There's the private land owner point which we also heard a bit about yesterday.
464 But, what I really wanted to talk about is the point you made (sorry Ms McGruddy
465 I have too many things open) you said "it's not appropriate to have caveats" is I
466 think what you said in your presentation. I just want to make sure I understand that
467 in terms of the relief that you're seeking. Are you able to just explain that point a
468 bit further?
469
470 I understand that you wanted some text in here talking about water being valued
471 for growth and production of food. I understand that but I didn't quite get the caveat
472 point.
473
474 McGruddy: We're on clause 7 down the bottom. It currently reads: "The use of water and
475 waterways provide for social and economic use benefits." So what we are
476 suggesting is a full-stop, instead of going onto "the caveat provided that..."
477
478 This is a roughly one hundred year vision. It's an aspiration. It's long-term. In the
479 long-term we want thriving this and that. All those other elements, six, they're just
480 expressed in and of themselves. There's a value about recreation and access – full-
481 stop. There's a value about being resilient to climate change – full-stop. There's a
482 value about mahinga kai – full-stop.
483 But, then you come to the economic values and it's not a full-stop. They're not just
484 expressed in and of themselves as being part of the aspiration for 2100. They only
485 get to happen subject to something else.
486
487 So, no caveats.
488
489 I will just briefly say two things: firstly, that the expectation with long-term visions
490 is that they're ambitious and achievable. If we are going to be ambitious, let's
491 ambitiously strive for meeting all the values – the environment values and the
492 cultural values, and the social values, and the economic values. Let's boldly strive
493 for a future where they're all provided for, full-stop.
494
495 The second and very brief point, I mentioned that I have only briefly (haven't read
496 the whole thing) but the Otago RPS decision also deals with the same issues. My
497 reading, though caveat brief, but my reading of my Otago RPS decision is that it

498 also grappled with the extent to which is was a prioritisation thing, which of course
499 is up in the air a little bit now; the extent to which the long-term visions should be
500 prioritised. I think on my reading (again very brief) they said, “No, no, not at that
501 level, not at that level.” The questions about priorities and allocating this one and
502 that one, and that one can happen and that one can’t, etc. etc. no, no, that happens
503 at another level; at that first higher overall long-term level, no. You can legitimately
504 aspire to giving full and generous effect to all the values is my reading of it.
505

506 Chair: Thank you Ms McGruddy. That’s the management of effects that arise from
507 activities. I understand now the point about where should that be expressed? Is it
508 appropriate to express that in the vision, or should that flow down into objectives
509 and other provisions. I understand that point. Thank you.

511 Wratt: While we are on that point there is a degree of a proviso under point four in relation
512 to recreation where it does say, “where appropriate”. So it's not that there’s nothing
513 around provisos.

514
515 I guess I would just make the comment, and I guess for me it explains why that
516 proviso is in there, which is that when you look at the history of our water use for
517 social and economic benefit, it has resulted in significant degradation of our water
518 supplies.

519
520 There is a reason for putting in there that yes we do want social and economic
521 benefit, but we also want it not to be continuing to cause degradation of our rivers,
522 lakes and streams.

523
524 McGruddy: I cannot disagree with the point that you’re making Commissioner. I think the
525 pathway towards 2100 is their scope for promoting and achieving environmental
526 improvements alongside providing for social and economic values. Yes, clearly I
527 think there is. But, I would go back to that this is a 2100 vision.

528
529 Wratt: I guess I would say perhaps in response to that, which is that the vision is that we
530 can do that. We can provide for social and economic benefits and not compromise
531 the health of our waterways. To me that is the vision: that we want to do it without
532 that compromising.

533
534 Chair: Thank you. We have exceeded our time limit. I will just check if Commissioners
535 Kara-France or Commissioner Paine have any questions on anything that Ms
536 McGruddy has presented to us on.

537
538 Paine: No. Thank you Ms McGruddy. It's very clear to me. Thank you.

539
540 Kara-France: Kia ora Ms McGruddy. It's been an honour to meet you over this period of time.
541 Thank you for your presentation. Ngā mihi, ngā mihi, ki a koe e te rangatira. Kia
542 ora.

543 [00.50.00]
544 McGruddy: Kia ora Commissioner.

545
546 Chair: Ms McGruddy we don’t have any further questions for you. Just to also emphasise
547 we have found your presentation every time very clear and really appreciated the
548 context that you bring to the issues as well – really important to help our
549 understanding. Thank you so much.

550

551 We are not closing the hearing today. Obviously there is going to be some Council
552 officer reply and a Minute which will be coming out requesting some more
553 information. So there's more to come, but thank you very much again for appearing
554 at what I think has been virtually every hearing stream, and for your really
555 comprehensive submissions and presentations. Thank you.
556

557 McGruddy: Thank you to our Panel.

558

559 Chair: Kia pai te ra. Have a good rest of the day.

560

561 McGruddy: You too.

562

563 Chair: We will now go straight onto Ms Rushmere for Upper Hutt City Council. Welcome
564 Ms Rushmere. We have your planning evidence and of course the City Council's
565 submission. We can take that as read. I see you have got someone joining you as
566 well.

567

568 Sorry, I should say, would you like us to go through some introductions or are you
569 comfortable you know who we are?

570

571 Rushmere: Happy for some reintroductions if that's possible please, just to reacquaint myself.

572

573 Chair: Absolutely. That way we can also meet your colleague.

574

575 Ko Dhilum Nightingale tōku ingoa. I am chairing both the Freshwater Panel and
576 the P1S1 Panel. Welcome to Hearing Stream 7, small topics wrap-up and Variation
577 1.

578

579 Paine: Tēnā kōrua. Ko Glenice Paine tōku ingoa. I am an Environment Court
580 Commissioner and I am on both panels. Kia ora.

581

582 Chair: I should note Gillian is joining us online because of travel disruptions yesterday.

583

584 Wratt: Kia ora kōrua. Ko Gillian Wratt tōku ingoa. As our Chair said, I couldn't get to
585 Wellington yesterday and it didn't seem cost-effective to come across especially
586 this morning, although the fog has dissipated and it's a beautiful day in Whakatū
587 Nelson today; so yes, I'm like you on Zoom.

588

589 Welcome back to the hearings.

590

591 Kara-France: Kia ora kōrua. E ngā rangatira o Upper Hutt City Council. Ko Ina Kumeroa Kara-
592 France tōku ingoa. Independent Hearing Commissioner.

593

594 Ko Ina Kumeroa Kara-France taku ingoa. Ko Waikato Tainui, ko Ngāti
595 Kahungunu, ko Ngāti Tūwharetoa, ko Ngā Rauru, Ko Te Ati Haunui a Pāpārangi.
596 E ngā whānau, e ngā iwi, e ngā hapū i ngā takiwā. Nō reira, tēnā tātou katoa. Nau
597 mai, haere mai e kōrua. Kia ora.

598

599 Rushmere: Kia ora.

600

601 Chair: Over to you Ms Rushmere. Some introductions would be appreciated thank you.

602

603 Rushmere: Kia ora. Ko Suzanne Rushmere tōku ingoa. My colleague is Gabriella. We have
604 kind of done a bit of a tag-team I guess in terms of some of the hearings. Gabby has
605 appeared at some and I have appeared at others, so we just thought it would be
606 useful to have us both I guess at the last one.

607
608 Gabriella: Kia ora.

609
610 Rushmere: Just wanted to start off by thanking you for the opportunity to speak to day.
611 Probably won't take up the twenty minutes that we actually requested – that's
612 largely just with the timescales that have been available in terms of the information
613 that was presented last week, and I just haven't had the chance to go through in
614 more detail than the general comments that were made in the statement of evidence.
615 I was hoping I might just be able to take you through some points of interest I guess
616 for us, with regards to that statement of evidence.

617 [00.55.00]
618 Firstly we have reviewed the rebuttal evidence that has been received. I am
619 comfortable with the rebuttal evidence with respect to definitions. We had sought
620 some relief with regard to the definition of the strategic transport network, and are
621 comfortable with the position that's been recommended in the rebuttal evidence for
622 definitions.

623
624 I tried in my statement of evidence not to kind of re-litigate work that we have done
625 previously, or relief that we sought previously, except where I think it relevant to
626 the integration hearing or the wrap-up hearing I guess.

627
628 Just in terms of the statement of evidence, if you're comfortable I will go through
629 some of the key points we wanted to raise with that.

630
631 Firstly turning to a full legal and planning review, Upper Hutt sought that in its
632 original submission. I think probably it's just as important at the end of the process
633 than it is at the start, because presumably there have been some changes
634 recommended and there may be further changes that come through this hearing that
635 would be useful to undertake that full legal and planning review.

636
637 With particular regard I think to some of the verbs that have been used, one of the
638 issues I wanted to raise with that is in specific relation to Policy CC.11. I note that
639 in the most recent information from Council that that's been identified as a
640 regulatory policy; however notwithstanding the issues that we have raised
641 previously in submissions on that policy the verb 'encourage' is in my opinion a
642 bit strange when it comes to a regulatory provision, and that would seem to lend
643 itself more readily to a non-regulatory provision if the verb wasn't changed. Like I
644 said, that's notwithstanding the fact we've got a wider concern about that policy.

645
646 So just that verb review I think is pretty important as part of an integration exercise
647 at the end.

648
649 We have obviously noted some inconsistency duplications throughout plan changes
650 as part of evidence that individuals from Council have provided in the past,
651 particularly around CC.4 and CC.14. I acknowledge that obviously that was part of
652 the caucus and [58.04] but just a general check in terms of duplication I think will
653 be helpful at the end of the process.

654

655 The scales associated with some of the provisions are I think quite unmanageable
656 from a Council's perspective and have some regulatory issues under the RMA. In
657 particular the transport ones there's a required action in District Plans by June 2025.
658 Again, it wasn't really clear whether that was the start of from notification or from
659 when that provision was made operative. Obviously if it's operative the RMA
660 provides us two years from notification to get a decision from Council. June 2025
661 is coming up to us pretty quickly.

662
663 I guess I just want some clarity on whether that's notification or decision, and even
664 then, not wanting to go back over concerns we've raised previously, but I just
665 wonder whether a better approach across the plan, where it is appropriate to do so,
666 rather than setting a specific date, that it would be in the next appropriate plan
667 change. That's pretty consistent with some other documents – in particular I think
668 the NPS-IB, but forgive me if I am wrong.

669
670 I just wonder whether there's a general view across the plan that looks at whether
671 timescales are appropriate, and then where possible to do so to use phraseology in
672 the next appropriate plan change, rather than setting deadlines that can't be
673 achieved by Territorial Authorities.

674 [01.00.00]

675 In my statement of evidence I did I guess reserve position in terms of the integration
676 until we're seeing the provisions that were released on the 8th of April I have to
677 confess I just haven't had the time in the last week to be able to go through those.
678 So I would be grateful if my general comments in the statement of evidence could
679 stand, rather than providing some additional commentary at this stage.

680
681 In terms of consequential amendments, just noting obviously, as previously, there's
682 probably going to be quite a bit of change coming through. I think there has been
683 already. I am just making sure that that sort of follows through by making
684 consequential amendments across the plan. I raised a couple of particular methods
685 in the statement of evidence that noted that it referred to policies that may be subject
686 to change, so may require that consequential amendments. I see there wasn't a
687 rebuttal evidence for that release, so it's difficult to provide additional commentary.

688
689 I just wanted to say that even though I've identified some specific methods in the
690 statement of evidence, there's a boarder plan look, I guess, of consequential
691 amendments would be needed.

692
693 I just wanted to offer obviously if there is an opportunity for caucusing. I'm quite
694 comfortable to do that, but obviously that's down to the Panel. With the integrating
695 coming through by right of reply it may be difficult for some submitters to be able
696 to involve themselves in the process, if that caucusing type of activity doesn't
697 happen. Obviously put faith in the Panel I guess, if we have raised in it in our
698 statement of evidence, that that's noted and will be taken on-board.

699
700 That's it really. Apologies. Like I said, I haven't had a chance to take a deeper dive.
701 I just appreciate if those general comments were taken on-board going forward.

702
703 Chair: Thank you very much. Ms Rushmere, I apologise because I had intended to ask Mr
704 Schwer yesterday and I understand he is online and listening, but I meant to ask
705 him about your relief on Methods 1, 2 and 4 regarding consequential amendments.
706 I'm sorry I forgot, but we do have the opportunity to put this question in writing
707 and get his response.

708
709 You had raised these points in your evidence about these methods. I think there are
710 at least a couple of points where the officer's opinion is outstanding.
711
712 Let me start with Method 4. I think you note the point that in Method 4 the Greater
713 Wellington Regional Council is not included in Method 4 as one of the councils
714 required to implement that method.
715
716 Rushmere: Yes.
717
718 Chair: Is that point still outstanding in your view?
719
720 Rushmere: Yes, from what I have seen. I think the point I was making there is that some of the
721 policies that are noted in Method 4 are an action for Regional Council. It would be
722 useful I think, and would provide some clarity for plan users if Regional Council
723 reflected in that method as one of the authorities that give effect to it.
724
725 Chair: One the policies you mention is Policy CC.14A which is a consideration policy for
726 Regional Council on consenting and also review of regional plan.
727
728
729 [01.05.00]
730 Rushmere: Yes.
731
732 Chair: Policy CC.14 is I think the equivalent for districts.
733
734 Rushmere: Yes.
735
736 Chair: Then CC.4 which is about regional plan implementation. That's a direction
737 obviously not for the RPS, but for Regional Council with its regional plan making
738 functions.
739
740 Rushmere: Yes.
741
742 Chair: I would like more certainty that we have covered all of these comprehensively and
743 they've been allocated to the right methods. We'll ask Mr Schwer to do that
744 assessment. We signalled that yesterday.
745
746 I did have a specific question on these methods. Was it Method 1 and 2?
747
748 This is the point that you said, the integration point. Your original relief was that
749 clauses (a) to (f) are deleted. This is in that suite of CC.14. But, can I just check?
750 The relief was that they're deleted but you have also noted here in your evidence
751 that there's a level of duplication that could be removed. So is the relief still to
752 delete or is it to address the duplication?
753
754 Rushmere: I guess the relief is due to wanting to address the duplication, but in addressing the
755 duplication there may be a rejoining I guess of those policies. If there's a rejoining
756 of those policies then you might need to just delete from the methods. That was just
757 a consequential amendment I guess in respect of I said, "If you bring those back
758 together it could end up just having a CC.4, and not a CC.4 and CC.4(a) – in which
759 case don't refer to 4(a) in the method.
760

761 Chair: Thank you. I think the only other thing I wanted to raise, the planning review relief
762 that you have sought, and to me this is about this very important exercise of
763 integration between the topics, because obviously each council officer through the
764 process ending with its reply has been doing this review of everything they've heard
765 and analysing all the submissions and giving their final recommendations.
766
767 Is that planning review what you're suggesting as helpful – is doing a planning
768 review across the chapters to assess integration?
769
770 Rushmere: Indeed, yes, and just to make sure that the provisions are across the plan and
771 implementable within the context of s.30 and s.31 of the RMA. It's resource wise
772 as well as planning wise able to be implemented by local authorities and that kind
773 of goes back to some of those timeframes. Just making sure that the plan is legally
774 sound once all the provisions are brought back together again. It's legally sound and
775 it can be implemented by Territorial Authorities and regional councils within the
776 framework that they're operating in.
777
778 Chair: We are obviously constrained in terms of process and also timing. How would
779 suggest that could happen? You've talked about caucusing is one option.
780
781 Rushmere: Yes, that would be one option. I guess if the hearing is not closed there may be an
782 opportunity that sort of full set of provisions that are all put together to be put out
783 for review. I guess I along with others just haven't had the chance. I see there was
784 a full set of provisions put out in terms of that climate change topic, but obviously
785 that didn't extend across as far as I can see, and maybe I missed something across
786 [01.10.00] the whole of the plan change. So, there could be opportunity to have a look at that
787 through either a caucusing type session or just another reconvened hearing. I'm
788 conscious I don't want to put those additional pressures on people if there's a better
789 way or simpler way of doing something.
790
791 Chair: Thank you Ms Rushmere. We are all wanting a well-integrated document. I really
792 appreciate your point.
793
794 Do any of the other Panel members have any questions for the Upper Hutt City
795 Council team?
796
797 Wratt: Thank you Ms Rushmere. No questions from me.
798
799 Chair: I think that was all that we had, but do want to thank you very much for not only
800 your presentation today but throughout the process. We have really appreciated the
801 insights and evidence you have brought to help us with our consideration of these
802 provisions. Thank you.
803
804 Rushmere: Thank you.
805
806 Chair: Have a good rest of the day.
807
808 Rushmere: I will and you. Thank you.
809
810 Gabriella: Thank you. Ka kite.
811
812 Chair: That brings us to the end of the hearing of submitters for not only Hearing Stream
813 7 but also the entire Proposed Change 1.

814
815 We do have some acknowledgements. Shall I pass over to Mr Mike Watts from the
816 Regional Council for his closing on behalf of Council? Thank you.
817
818 Watts: I would just like to take the opportunity to acknowledge and thank everyone who
819 has been part of this process really; all of the submitters, everyone who has come
820 and presented at these hearings, all the local iwi who have been involved throughout
821 the process. It's clear that there's been a huge amount of care and consideration,
822 passion and knowledge that have been put forth to this process, and that's going to
823 be really valuable for all of us in getting to the right place.
824
825 Lastly, I just want to say thank you to the Panel for your insight and guidance
826 throughout this.
827
828 Chair: Ngā mihi nui. Thank you.
829
830 I would also like to just make a few acknowledgements. Judge Newhook and the
831 officers of the Freshwater Commissioner, Ms Paula Hammond, thank you very
832 much for all of your support behind the scenes with the freshwater panel. I guess
833 assisting us with this. It is complex running two processes in parallel. We have
834 appreciated your support with that.
835
836 Obviously Matua Thompson who's presence we have greatly missed. He had to
837 pull out of the hearings for family reasons. We wish him and his whānau all the
838 very best.
839
840 The Ngami Hotel – we've had all our hearings here. Paul Vitcom Audio Services
841 and the Transcription Service ATS, thank you also for your professionalism and
842 support through these hearings. The Council's business support team – Ms Coffee,
843 Ms Vauxhal, Mr Coates. You've provided numerous documents and other support
844 for us. Thank you very much.
845
846 Ms Nixon and Ms Middendorf our hearing advisors. We obviously couldn't put on
847 the hearings at all without their support, so we really acknowledge and are grateful
848 for all that you have done.
849
850 Greater Wellington Regional Council staff, Mr Watts, Ms Aanenson and Mr
851 Hickman. There's many, many others, and of course all of the s42A authors. It's an
852 understatement to say so much work has gone into all of your reports.
853 [01.15.00]
854 Just to reiterate what Mr Watts said about the care that you have put into everything
855 that you have provided us. We really appreciate and acknowledge all of your hard
856 work.
857
858 The Council legal team, who I also acknowledged yesterday, but again thank you
859 very much for being very responsive and helpful for us with the questions.
860
861 Of course all of the submitters, the experts, the advisers – everyone who has
862 presented and engaged on this process.
863
864 I think the extent of the red lining, blue lining and green lining that we've got so
865 far on the provisions is a testimony to all of your efforts. It's your submissions that

866 have cause the Council officers to revisit the initial notified provisions and to
867 reassess those in light of your evidence and submissions. Thank you very much.

868
869 As I said I think at the very beginning, this is your process and you have all been
870 hugely instrumental in your participation in it.

871
872 Probably to acknowledge as well my fellow Commissioners, thank you as well. It's
873 been a pleasure and an honour. We do have a substantial task ahead of us but I
874 know that we're up for that challenge, bringing these provisions and everything we
875 have heard to date, and supported the integrated management of these absolutely
876 critical issues for the region.

877
878 With that I might actually pass on to see if any of the other Commissioners would
879 also like to share some thoughts or acknowledgements themselves.

880
881 Paine: Kia ora, thank you Dhilum. Just short from me – I would just like to thank you for
882 your chairmanship, your guidance and you're delivery of everything that has
883 happened on the panel. Thank you.

884
885 Chair: Kia ora. Anyone else like to speak. No pressure. Commissioner Wratt would you
886 like to make any comments?

887
888 Wratt: Thank you Madam Chair. I won't repeat your acknowledgements individually, but
889 certainly as you have said acknowledged the tremendous input and support from
890 both Council staff and submitters. A lot of work for our Council team and I think
891 really their professionalism and the effort they have gone to, to consider the
892 submission points and a lot of work that has gone into refining the provisions as we
893 have worked through this process. Certainly to acknowledge that.

894
895 The significant work that submitters have put into these processes, often some of
896 that without any payment, which is a significant contribution to important issues
897 for the region.

898
899 An acknowledgement to all those involved. I hope that you see that we do justice
900 to all the work that has gone into the hearing process to date. I know that what
901 comes out at the end won't please everybody, but I hope that it will show that we
902 have taken into account all the work that has gone into getting the provisions to
903 where they are now.

904
905 Thank you. Dhilum, thank you for your work in chairing the Panel – not an easy
906 task.

907
908 Chair: Kia ora Commissioner Wratt.

909
910 We won't be closing the hearings today of course. There is still quite a bit of work
911 to come. Obviously the Council reply for this topic, and there may be further
912 information requests that are coming as we really focus on achieving integration of
913 these provisions both across the plan and also from the national direction in flowing
914 [01.20.00] into the provisions.

915
916 So we won't be closing the hearings today.

917

918 We are tasked under the Act to deliver our recommendations to Council in mid-
919 June and that is the date that we will be working very hard to achieve.

920
921 If anyone does wish to communicate anything to us then in the usual way you can
922 contact Mrs Nixon through the hearings advisory email.

923
924 Have I missed anything – looking at Ms Nixon? I do hope I have made all of the
925 acknowledgements.
926 Commissioner Kara-France?

927
928 Kara-France: Kia ora. Closing waiata is Whakaaria Mai. Please stand.

929
930 I believe we have some words. Kia ora.

931
932 Whakaaria mai tōu ripeka ki au
933 Tiaho mai rā roto i te pō
934 Hei konā au titiro atu ai
935 Ora mate hei au koe noho ai
936 Whakaaria mai tōu ripeka ki au
937 Hei konā au titiro atu ai
938 Ora mate hei au koe noho ai
939 Āmine

940
941 *E tō mātou Matua i te rangi,*
942 *Kia tapu tōu ingoa.*
943 *Kia tae mai tōu rangatiratanga.*
944 *Kia meatia tāu e pai ai ki runga ki te whenua,*
945 *kia rite anō ki tō te rangi.*
946 *Homai ki a mātou āiane he taro mā mātou mō tēnei rā.*
947 *Murua ō mātou hara, me mātou hoki e muru nei*
948 *i ō te hunga e hara ana ki a mātou.*
949 *Aua hoki mātou e kawea kia whakawaia;*
950 *engari whakaorangia mātou i te kino.*
951 *Nōu hoki te rangatiratanga, te kaha, me te korōria,*
952 *Ake, ake, ake.*
953 *Āmine.*

954
955 Chair: Kia ora.

956
957
958 [End of recording 01.23.26]