

WELLINGTON REGIONAL COUNCIL

PROPOSED CHANGE 1 TO THE WELLINGTON REGIONAL POLICY STATEMENT

MINUTE 28

QUESTIONS FOR REPORTING OFFICERS AND APPOINTMENT OF SPECIAL ADVISOR

Questions for Reporting Officers

1. As we have been preparing our Recommendation Report, we have identified some issues (which we think are errors or typos) that we would like to ask Council officers for clarification on, in accordance with our powers in section 41C of the RMA.

HS3: Climate Change – Natural Hazards subtopic

- a. In the JWS for the Climate Resilience and Nature-Based Solutions topic, the planners participating in Topic 7 – **Objective 20**, agreed on the following consequential amendments to Policies 52 and CC.16.
 - d) The participating experts also agree that consequential amendments should be applied to Policies 52 and 16 to reflect the amendment to the Objective as follows:

52(e): adverse effects on *Te Mana o te Wai*, mahinga kai, ~~Te Rito o te Harakeke~~, taonga species, natural processes, or ~~the local~~ indigenous ecosystems and biodiversity;

CC.16(e): A consideration of *Te Mana o te Wai* and ~~Te Rito o te Harakeke~~;

The amendment proposed to **Policy CC.16(e)** suggests deleting “Te Rito o te Harakeke” and not replacing it with an alternative. Can Dr Dawe or Mr Beban please advise if this is an error in the JWS or if the planners agreed to not replace “Te Rito o te Harakeke” with any other text? This may be an issue that is addressed in the Council Reply to Minute 23 (para 6.b) due on 30 May.

- b. In her Right of Reply to the HS5 provisions, Ms Pascall (in conjunction with Ms Guest), proposes amendments to the explanation for **Policies CC.4, CC.4A and CC.14A**. These amendments include a cross reference to “Policy FW.XX”. In our review of this provision, it seems to us that the cross-reference should in fact be to “Policy FW.X – Hydrological control for urban development”. Can Ms Pascall please confirm?

- c. Can Ms Guest or Ms Pascall please advise whether Policies CC.4A(a) and CC.14(c) (of the version included in the HS5 Right of Reply) should have the words “climate change mitigation”, “climate change adaptation” and “climate-resilience” italicised as defined terms, or should these same terms not be in italics in Policy CC.4(c)?

HS3: Climate Change: Energy, Waste and Industry

- d. Can the Reporting Officer please advise whether “small and community scale renewable energy generation” in **Policy 11(b)** and the explanation should be italicised as a defined term.

HS5: Freshwater and Te Mana o te Wai

- e. We have identified errors in the cross references in Policies 18A and 40A as proposed to be amended in Ms Pascall’s Reply evidence. There may also be errors in the ‘transposition’ of the NPS-FM pathways into these provisions. For instance:
 - i. Policy 18A(b)(v)(c) – the cross reference to Policy 14(m) is incorrect and may be “Policy 18A(b)(ii)”
 - ii. Policy 18A(b)(vi) – the cross reference to “clause (b)(i) to (b)(iii)” may be incorrect and should potentially read “clause (b)(i) and (b)(iii)” because ‘functional need’ is not part of the criteria for urban development in natural inland wetlands
 - iii. Policy 40A(c) applies Region-wide and therefore the ‘exemption’ in clause 3.22(1)(c)(iv) in the NPS-FM regarding activities occurring on land that is zoned as general rural, rural production, or rural lifestyle, may be inadvertently missing from Policy 40A(c)
 - iv. Policy 40A(c)(v)(d) and (e) – the cross references to clause (b)(ii) and (b)(iii) may be incorrect; they may need to refer to “subclause (c)(iii)” and “(c)(iv)” respectively
 - v. Policy 40A(c)(vi) – the cross references to clauses (c)(i) to (b)(iii) may be incorrect; they may need to read “subclauses (c)(i), (c)(iii) and (c)(iv)”.
- f. Can the Reporting Officer please review Policies 18A and 40A and correct any incorrect cross-references or errors in the transfer of the pathways from the NPS-FM?

- 2. We ask that the Council please provide the above information to us by **5pm on Thursday 6th June 2024**.

Appointment of Special Advisor

- 3. Schedule 1, clause 46 of the RMA allows the Chair of a freshwater hearings panel to appoint a special advisor who is able to assist the panel in any hearing and in any way the panel thinks fit. In our review of the Freshwater provisions in Proposed Change 1, we have

identified various drafting related issues that we would like to obtain independent expert planning advice on. Some of these issues 'cross-over' into P1S1 provisions, but this is to be expected with a dual planning process that is aiming to achieve integrated management.

4. No member of the Freshwater Hearings Panel has planning expertise. While we have received thorough and high-quality advice from the various Reporting Officers, and our views have been greatly informed by submitters' planning experts, we would like further assistance with the horizontal integration of provisions within and between chapters of Proposed Change 1.
5. We therefore appoint Ms Sylvia Allan, independent consultant planner, to assist us with our queries regarding horizontal integration, in particular on the following issues:
 - a. Allocation of responsibilities between the Regional Council and territorial authorities, particularly regarding Policies FW.6, 14(h), FW.3(k), 15, 41,42 and 61. At this stage, we have some concerns about potentially overlapping responsibilities and note this was a concern raised by various territorial authority submitters who provided us a range of, at times, quite different views from the Regional Council Officers.
 - b. Related to the first issue, we seek a 'horizontal integration' review of the provisions in HS3 and HS5 relating to hydrological control and nature-based solutions. Do Policies FW.3, FW.X and CC.4, CC.4A, CC.14 and CC.14A read well together and avoid unnecessary duplication? Are the roles and functions of local authorities clear?
 - c. Policy 52 (HS3 – Natural hazards) has been categorised as a FPP provision. It is closely aligned with Policies 29 and 51. We seek Ms Allan's assistance with the drafting of our recommended amendments to these provisions to ensure they are integrated and give effect to the NZCPS.
 - d. We may also require Ms Allan's assistance with drafting any recommendations following the Joint Witness Statement and Right of Reply for Hearing Stream 6 which is scheduled to be released tomorrow.
6. We have formed an initial view on the integration listed in paragraphs 4.a to c. above, and seek drafting advice from Ms Allan, in particular regarding the way the provisions work together across different chapters of the RPS. Given the short timeframe left for finalising our recommendations, we propose meeting with Ms Allan to discuss our questions and to help inform our views. Where Ms Allan's comments have informed our thinking, this will be recorded in our Recommendation Report.

Service on Council

7. Any evidence, submissions or other information required by this Minute, and any memorandum or application to the Freshwater Hearings Panel and/or P1S1 Panel should be

lodged by email to regionalplan@gw.govt.nz.

Dated: 29 May 2024

A handwritten signature in black ink, appearing to read 'D Nightingale', written in a cursive style.

D Nightingale
Chair
Part 1, Schedule 1 Panel
Freshwater Hearings Panel