

**BEFORE THE INDEPENDENT HEARINGS PANELS APPOINTED TO HEAR AND MAKE
RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS ON PROPOSED CHANGE 1
TO THE REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION**

UNDER	Schedule 1 of the Resource Management Act 1991 (the Act)
IN THE MATTER OF	Hearing Submissions and Further Submissions on Proposed Change 1 to the Regional Policy Statement for the Wellington Region

REPORTING OFFICER RIGHT OF REPLY OF SARAH LEA JENKIN

ON BEHALF OF WELLINGTON REGIONAL COUNCIL

HEARING STREAM 1 – GENERAL SUBMISSIONS

7 July 2023

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1 My full name is Sarah Lea Jenkin. I am a Technical Director at GHD and the reporting officer for the General Submission topic in Hearing Stream 1.

2 I have prepared this Reply in respect of the matters raised during the hearing of matters in Hearing Stream 1:

- General Submissions

3 I have listened to submitters in Hearing Stream 1, read their evidence and tabled statements, and referenced the relevant written submissions and further submissions to the relevant Hearing Stream 1 topic.

4 My Section 42A Report, at paragraphs 16-18, sets out my qualifications and experience as an expert.

5 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

SCOPE OF REPLY

6 This Reply follows Hearing Stream 1 held on 26 – 30 June 2023.

7 The Reply covers:

- Feedback on matters raised by submitters during the hearing; and
- Responses to questions of Officers from Panel members that were unable to be answered during the hearing.

8 I have provided an updated Accept/Reject table (Appendix 1 of my s42A report) in Appendix A.

RESPONSES TO POINTS RAISED DURING HEARING STREAM 1 – MR M RACHLIN – PORIRUA CITY COUNCIL

9 During the hearing Mr Rachlin raised a concern that my s42A assessment did not set out the basis for my recommendation to accept in part Porirua City Council's submission point S30.0122. The basis of the submission point is that there is a lack of an evidence base to

support the approach taken to most topics in Change 1, and the s32 assessment does not adequately address the approach or assess costs and benefits.

- 10 I have reviewed Porirua City Council's original submission again and I consider submission point S30.0122 is a general submission. As outlined in my s42A report at paragraph 14 and re-iterated in my rebuttal evidence at paragraphs 22 and 23, I consider my recommendation should have been 'no decision required'. I have provided an updated Accept/Reject table (Appendix 1 of my s42A report) as Appendix A to this Right of Reply.

RESPONSES TO QUESTIONS FROM PANEL MEMBERS

- 11 Following my s42A Officer presentation and summary of my report, Chair Nightingale asked two questions seeking clarification of various points in my report. Answering these questions required further information which I did not have to hand at the time. I have now had the opportunity to seek out the relevant information. The questions that I cover in this Reply are:

- Whether a further evaluation under Section 32AA of the Resource Management Act is required for changes to Proposed Change 1 to the RPS to give effect to the National Planning Standards.
- What is the status of the Wellington Regional Growth framework, the Future Development Strategy, and the Wellington Regional Housing and Business Development Capacity Assessment and how were they considered in Proposed Change 1?

- 12 My responses to these questions are set out in the following sections.

Whether a further s32AA evaluation is required to give effect to National Planning Standards

- 13 I agree with Chair Nightingale that a s32AA evaluation is not required when recommending amendments to Change 1 to give effect to the National Planning Standards. Clause 10(2)(ab) of Schedule 1 of the Resource Management Act 1991 (the Act) requires a s32AA evaluation for decisions on provisions and matters raised in submissions. However, Section 58I(3)(a) of the Act states that amendments to give effect to the mandatory directions of the standards must be made without using the processes set out in Schedule 1 of the Act.

Status of the documents

14 I have been advised by Council officers that the status of the documents identified by Chair Nightingale is:

- Wellington Regional Growth Framework (WRGF) – this is a non-statutory document and therefore is not captured by s61 of the Act and the RPS doesn't have to be in accordance with nor have regard to the WRGF. The WRGF will inform development of the FDS.
- Future Development Strategy (FDS) – I have been advised by the Council that an FDS is being developed, as required by Clause 3.12 of the NPS-UD, and that consultation is anticipated later this year. Clause 3.17 of the NPS-UD requires GWRC to have regard to the FDS when preparing or changing RMA planning documents. However, Change 1 did not have regard to an FDS as one was not in place when Change 1 was developed and hence it is not relevant for the purpose of complying with s61(1)(da) of the Act.
- Wellington Regional Housing and Business Development Capacity Assessment (HBA) – the May 2022 version is the most recent. The HBA is a relevant document in terms of s61(1)(da) and it has informed preparation of Change 1 as required by Clause 3.20 of the NPS-UD. I have been advised by Council officers that an update to this document is currently in development but there is no clear information about when it will be released. The updated HBA will inform development of the FDS.

15 The status of these three documents and how they are considered within Change 1 will be re-visited in Hearing Stream 4 – Urban Development and an update provided at that time.

DATE:

7 July 2023

Sarah Lea Jenkin

Technical Director, GHD