

Greater Wellington Regional Council

Transcription

Hearing Stream Three – Climate Change

SUBMISSIONS

Proposed Change 1 to Regional Policy Statement for Wellington Region

Hearing Dates:	Monday 28 to Thursday 31 st August 2023
Location:	Venue: Naumi Hotel, 213 Cuba Street, Te Aro, Wellington 6011
Hearing Panel:	Commissioner Dhilum Nightingale (Chair) Commissioner Glenice Paine Commissioner Gillian Wratt Commissioner Ina Kumeroa Kara-France
Hearing Advisors:	Jo Nixon Whitney Middendorf

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- Submitter: Dr Sarah Kerkin S96
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- Submitter: Horticulture New Zealand S128 / FS28
- Submitter: Peka Peka Farm Limited S118 / FS25
- Submitter: Waka Kotahi NZ Transport Agency S129 / FS3
- Submitter: Director-General of Conservation S32

Hearing Stream Three Climate Change – Submitter Record of Appearance

Submitter Organisation/Person	Names of people who appeared at the Hearing	Appearing
Beef + Lamb New Zealand	Dave Harrison - General Manager for Policy & Advocacy	Online
DairyNZ	Claire Hunter - Director for Planning Consultancy for Mitchell Daysh David Cooper - Principal Regional Policy Advisor Roger Lincoln - Principal Regional Policy Advisor	In person
DAST - Doctors for Safe Active Transport	Dr David Tripp	Online
Director-General of Conservation	Murray Brass - Senior RMA Planner Katherine Anton - Senior Solicitor	Online
Horticulture New Zealand	Michelle Sands - General Manager Strategy and Policy Jordyn Landers - Senior Planner	In person and online
John Hill	John Hill	In person
Kainga Ora-Homes and Communities	Nick Whittington - Barrister Victoria Woodbridge - Senior Planner Brendon Liggett - Manager of Development Planning	In person
Masterton District Council	Karen Yates - Interim CE	In person and online
Meridian Energy Limited	Andrew Feierabend - Statutory Advocacy Strategy Manager Christine Foster - Planning Consultant	In person
Ngā Hapu o Otaki	Dr Aroha Spinks - Managing Director Denise Hapeta - Kaihautū	Online
Peka Peka Farm Limited	Mitch Lewandowski - Resource Management Consultant	In person
Philip Clegg	Phil Clegg	In person
Porirua City Council	Katherine Viskovic - Legal Michael Rachlin - Principal Policy Planner Rory Smeaton - Principal Policy Planner Torrey McDonnell - Principal Planner	In person
R J Anker	Bob Anker	In person
Rangitāne o Wairarapa	Maggie Burns - Planner/Policy Advisor Amber Craig - Kaiwhakahaere	Online
Sarah Kerkin	Sarah Kerkin	In person
Shar McDonald	Shar McDonald	In person
Spark, Chorus and One NZ (formerly Vodafone)	Tom Anderson - Principal Planner Graeme McCarrison - Engagement & Planning Manager	In person
Te Ātiawa ki Whakarongotai	Claire Gibb - Senior Consultant	Online
Upper Hutt City Council	Suzanne Rushmere - Senior Policy Planner Gabriela Rojas - Senior Policy Planner	In person

Submitter Organisation/Person	Names of people who appeared at the Hearing	Appearing
Wairarapa Federated Farmers	David Hayes - WFF President Kate Wyeth - WFF Deputy President Robert Hickson - WFF Executive Paul Melville - FFNZ GM Policy and Advocacy Peter Match - FFNZ Regional Policy Manager Elizabeth McGruddy - FFNZ Senior Policy Adviser	In person and online
Waka Kotahi NZ Transport Agency	Catherine Hepplethwaite - Consultant Planner Evan Keating - Principal Planner	Online
Wellington International Airport Limited	Jenna Raeburn - GM Corporate Affairs Amanda Dewar - Barrister Claire Hunter - Planner	In person
Wellington Water Limited	Caroline Horrox - Planning Specialist Morgan Slyfield - Legal counsel for Wellington Water Angela Penfold - Senior Planner	In person

Transcription Hearing Stream Three – Climate Change Day One

SUBMISSIONS

Proposed Change 1 to Regional Policy Statement for Wellington Region

Date: Monday 28 August 2023

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

Hearing Panel: Commissioner Dhilum Nightingale (Chair)
Commissioner Glenice Paine
Commissioner Gillian Wratt
Commissioner Ina Kumeroa Kara-France

Hearing Advisors: Jo Nixon
Whitney Middendorf

1 Chair: Mōrena. Karakia tatou.
2
3 Natasha: I would like to acknowledge the Chair and the Panel and acknowledge mana
4 whenua of the Greater Wellington Region and mana whenua of Whanganui-a-
5 Tara, since our hearings are held in beautiful Whanganui-a-Tara.
6
7 I will open with karakia.
8
9 *Whakataka te hau ki te uru*
10 *Whakataka te hau ki te tonga*
11
12 *Kia mākinakina ki uta,*
13 *Kia mātaratara ki tai.*
14
15 *E hi ake ana te atākura he tio,*
16 *he huka, he hauhu*
17
18 *Tihei mauri ora!*
19
20 Chair: Kia ora Natasha. Tēnā koutou katoa. Nau mai haere mai ki te kaupapa o te rā.
21 No he raka ki tūpuna na poneke ahau, kei tapu te ranga oi noho ana toku toro aka
22 tamariki. Ko Dhilum Nightingale toku ingoa. Nō reira tēnā koutou, tēnā koutou,
23 tēnā koutou katoa. [00.57]
24

25 Mōrena, good morning. Welcome everyone. My name is Dhilum Nightingale. I
26 am a Barrister in Kate Shepherd Chambers and an Independent Hearings
27 Commissioner. I live in Tapu Te Ranga Island Bay and Te Whanganui-a-Tara,
28 Wellington.

29
30 It is a pleasure to welcome you all to the first day of the hearing of submissions
31 on the Climate Change Topic Hearing Stream Three, for Proposed Change 1 to
32 the Regional Policy Statement for the Wellington Region.

33
34 Jo, we don't need to do health and safety? We've done all of that.

35
36 We are the Independent Hearing Panels that will be hearing submissions and
37 evidence and making recommendations to Council on Proposed Change 1. PC1
38 is being heard through two processes: a standard Schedule 1 process that will
39 hear submissions on non-freshwater provisions, and the Part 4 Schedule 1
40 Process the freshwater process that will hear submissions on freshwater
41 provisions.

42
43 In Minute 11, I advised about changing membership on the panels. Chair
44 Thompson had to make the very difficult decision to withdraw from the
45 freshwater hearing panel for family reasons. We are all very sorry to hear this
46 and our thoughts are with Commissioner Thompson and his family.

47
48 I have been appointed by the Freshwater Hearing Commissioner as Chair of the
49 Freshwater Panel, and will also continue my role as Chair of the Part 1 of the
50 Schedule 1 Panel.

51
52 This means that both panels now have completely overlapping membership,
53 which will help, we think, to promote integration and alignment not only
54 between the processes but also most importantly integration in the Change 1
55 Provisions.

56
57 Each Hearing Stream contains a mix of freshwater provisions and non-
58 freshwater provisions. We will be mindful of the specific functions and powers
59 of the panels through the hearing.

60
61 Both panels will sit jointly for all remaining hearing streams.

62
63 As confirmed in previous minutes, we may make recommendations for re-
64 categorisation of provisions between P1S1 and Freshwater Planning Instrument
65 processes in our recommendation reports. The final decision on this will be with
66 Council.

67
68 I would like to invite the Panel members to please introduce themselves.

69
70 Paine: [Loss of audio – 03.40]

71
72 Wratt: Kia ora koutou katoa. Ko Gillian Wratt tōku ingoa.

73
74 I am from Whakatū, Nelson. I was originally appointed just as the Freshwater
75 Commissioner into the Freshwater Panel, so I'm an Independent Freshwater
76 Commissioner. I have now been appointed also to the P1S1 Panel, as the Chair

77 of now both panels mentioned, and we now have the common membership of
78 both panels.
79
80 My background is in science. Yes, I am on both panels and see a lot of familiar
81 faces around the table, around the room, from our last hearing. Kia ora koutou.
82
83 Kara-France: Tēnā koutou katoa. Te whare e tū nei [Māori 04.58].
84 [00.05.00]
85 Ko Ina Kumeroa Kara-France tōku ingoa. [Māori 06.01]
86
87 I am an Independent Hearing Commissioner. I have been appointed to both
88 Panels – Freshwater Planning Process and Part 1 Schedule 1.
89
90 I am full-time employed with WSP New Zealand Limited, Tāmaki Makaurau,
91 Transport & Planning, Māori Business Services, as the Kai Tautoko Māori
92 Mātua [07.01], Senior Advisor Māori. I am advocate for mana whenua on sites
93 concerning the legislation that protects mana whenua, cultural values and sites
94 of significance. I advise our engineers, architects and wider teams and our clients
95 accordingly on these matters, with a clear focus on mana enhancing
96 collaboration.
97
98 I have been newly appointed to the New Zealand Conservation Authority, Te
99 Pou Atawhai Taiao O Aotearoa, as a board member, nominated by Te Puni
100 Kōkiri and appointed by the Minister of Conservation.
101
102 Nō reira, tēnā koutou katoa.
103
104 Chair: Just a few quick general housekeeping points. Hearings are being recorded and
105 being livestreamed. If you could please speak into the microphones and say your
106 name before you speak, because that will be helpful for the transcript.
107
108 We will start the Climate Change Hearing Stream today with presentations from
109 the Council reporting officers and I think also some brief legal submissions from
110 counsel for the Council, and technical experts will be speaking to their evidence
111 and responding to questions from the Panel.
112
113 There are six S42A Reports, so a lot of information to work through.
114
115 On behalf of the Panels can I just express my sincere thanks to the Report
116 authors, other Council staff, the experts, for the very comprehensive reports.
117 That has certainly really helped us to understand the issues and we look forward
118 to your presentations today.
119 We will start hearing from submitters tomorrow, through until the end of the day
120 on Thursday.
121
122 If everyone could please just check that their cellphones are turned to silent
123 mode.
124
125 The presentation times are set out in the schedule. There will still be, I think, a
126 bell ringing when you are getting close to your time, just to help us all stay on
127 track.
128

129 Before we start, just the point that Commissioner Kara-France just made about
130 her recent appointment to the New Zealand Conservation Authority, we have
131 [00.10.00] talked about this as a Panel. We don't believe that this raises any issues of
132 conflict. The New Zealand Conservation Authority is closely involved in
133 conservation planning and policy development affecting the management of
134 public conservation areas administered by the Department of Conservation; but
135 it does not have that same advocacy role from my understanding. If anything, it
136 keeps an eye and checks that the Director General and DoC are performing their
137 functions well.

138
139 We don't think that there is a conflict, but if anyone wishes to raise an issue –
140 and I will also be checking in with the Department of Conservation when they
141 present later this week – they are very welcome to contact us through the Hearing
142 Advisors.

143
144 With that, are there any points of process or any admin matters that anyone
145 would like to raise?

146
147 I think I have covered the housekeeping points. Is there anything other
148 members?

149
150 We will get under way. We welcome the Regional Council for their opening.

151
152 **Greater Wellington Regional Council:**

153
154 Anderson: Tēnā koutou katoa. Ko Kerry Anderson tōku ingoa.

155
156 Good morning everyone, Kerry Anderson and Emma Manahara is here with me
157 today – Legal Counsel for the Regional Council.

158
159 I was just going to give you a little run down really on the plan for the day. You
160 will see there wasn't a particular slot for legal submissions, because the
161 submissions filed were very brief. But, Mrs Manahara and I will be here during
162 the day to answer legal questions as we go through the reports.

163
164 The intention is that Ms Guest will start with a general background and overview
165 before we get into all the S42A Reports. The intention, subject to what the Panels
166 wish to do, was that the 42A author would present their summary first, followed
167 by the technical evidence, if there was any in those groups, and then maybe move
168 to the questions after the two sets of summaries – albeit not all 42A authors have
169 a technical report.

170
171 That was really all I had to say before I hand over to Ms Guest.

172
173 Guest: Tēnā koutou Commissioners. Ko Pam Guest tōku ingoa. Ko Kaitohutohu Mātua
174 ahau.

175
176 Good morning. I am a Senior Policy Advisor for Greater Wellington. Thank you
177 for the opportunity to speak to you today about the new Climate Change Chapter
178 in Change 1.

179

180 I was responsible for initiating and coordinating this new chapter. Today I am
181 the Reporting Officer for the climate resilience and nature based solutions topic,
182 which I will be speaking to this afternoon.

183
184 I just wanted to, before we started the presentations from the team, to give a brief
185 overview of the driving forces behind this new set of provisions and the
186 architecture of the RPS Climate Change Chapter.

187
188 This slide that you can see before you, last year a gentleman called Dave Lowe
189 gave a presentation to Greater Wellington. Dave was one of the first scientists
190 to start charting the rise of atmospheric carbon dioxide from a research station
191 in our very own Baring Head. In his talk, Dave talked about the image of earth
192 as seen from space and he explained how this beautiful thin blue line, that you
193 can see on the screen, a film of only about five to ten kilometres is what enables
194 life on our planet; and how continuing to see this thing blue line of five to ten
195 kilometres continuing to be filled with greenhouse gases makes no sense
196 whatsoever. Having chartered it for the last fifty years, chartered the rise of CO2,
197 how it continues to fill him with despair that people are not listening to his
198 message. But, he is not without hope.

199
200 As we are all only too acutely aware, climate change is impacting our
201 communities now. These impacts will increase and the rate of increase is
202 happening faster than anticipated.

203 [00.15.00]

204 Every week seems to see another significant event on the evening news and new
205 terms slipping into our vocabulary. Floods, slips, marine heatwaves, heat domes,
206 atmospheric rivers and wildfires have all caused significant damage to our
207 communities and the natural environment over the past few months even.

208
209 In May this year the inter-governmental panel on climate change released their
210 latest report. It amounted to thousands of pages of scientific review of human
211 knowledge on climate change, and it boiled down to one final warning: Act now
212 or will be too late.

213
214 Recently, a review of a book called *'Not too Late: Changing the Climate Story
215 from Despair to Possibility'* dropped into my newsfeed. A core message from
216 this was that it will be a series of small and imperfect changes that will edge us
217 closer to building the momentum in a critical mass that we hope will eventually
218 shift the status quo, and that if we all act now that a climate resilient future is
219 still possible.

220
221 We're seeing RPS Change 1 as one such small and probably imperfect shift in
222 the status quo.

223
224 On the back of this, Greater Wellington declared a climate emergency in 2019
225 and determined to include a new climate change chapter in Change 1. The
226 climate change chapter captures Greater Wellington's ambition to be proactive,
227 bold and a strategic regional leader in this space. This is one of the quotes from
228 Darren [16.38] who is the Chair of GWRC.

229
230 When RPS Change 1 was being developed near on two years ago, there were
231 four key issues that Council wanted to see included. It's impetus was the NPS-

232 UD, the National Policy Statement for Urban Development. The Council could
233 just have gone ahead and introduced this new set of provisions to enable further
234 housing intensification, but the Council determined that they wanted to actually
235 look at the issues in tandem; they wanted to bound urban development with
236 climate change, biodiversity, freshwater and other matters, to make sure that we
237 didn't enable that further development without actually putting the
238 environmental boundaries around it.

239
240 In terms of the Climate Chapter itself, it's got a set of eight new objectives.
241 Climate Change is across cutting issues, so it actually affects the whole of the
242 RPS document and none of the objectives from the other topics actually
243 influence, have climate change wrapped into them.

244
245 There's there main tranches of policies and methods that we have developed to
246 actually give effect to those objectives. I just want to quickly talk about that
247 architecture.

248
249 The first one is about addressing the cause itself and the greenhouse gas
250 emissions. We have got five key sources of emissions. You will see that some
251 of the topics are focused on that. Mr Wyeth will be talking about agriculture,
252 energy waste in industry. We have a team here talking about transport, and that
253 will be the reports that you will be hearing this morning.

254
255 The second tranche of policy provisions are around what we call nature-based
256 solutions, which as you're probably aware is using the natural environment to
257 actually help us react and respond to climate change. That can be from both a
258 mitigation perspective, so using forests and wetlands to reduce carbon
259 emissions, but also to provide resilience – so in terms of things like having sand
260 dunes to protect our communities. We see nature-based solutions as a bridging
261 across the both mitigation and adaptation.

262
263 Then the third tranche of policies around building climate resilience and
264 adaptations, addressing natural hazards, looking at adaptation planning and what
265 we can do to help our communities to be prepared for the change that's going to
266 come for the next twenty or thirty years. Even if we get on top of greenhouse
267 gases, we know that there's a big change that's coming; so we are looking to
268 actually support our communities as best and as fast as we can.

269
270 You will see in the tables that actually try and pull things together. They're a
271 little bit confusing, but they do show that for each objective we have a whole
272 range of policies and methods. Some of the policies are from other parts of the
273 RPS. Again, we've tried very hard to have an integrating framework to the RPS,
274 to try and pull everything together from different areas.

275 [00.20.00]

276 In concluding, I would just like to highlight the critical role that we as planning
277 professionals have to play to support our communities to respond to the climate
278 emergency, and to look for every possible opportunity to ensure that the climate
279 response is front and central to resource management decision-making.

280
281 As neatly summarised by the Secretary-General, the IPCC Report is a clarion
282 call to massively fast-track climate efforts by every country in every sector and

283 on every timeframe. Our world needs climate action on all fronts: everything,
284 everywhere, all at once.
285
286 Thank you. I will hand over to Mr Wyeth.
287
288 Wyeth: Just waiting for the presentation to load.
289
290 Chair: Just while you are getting that ready Mr Wyeth, Ms Guest, thank you for those
291 opening comments.
292
293 Just on the issue of architecture I did have a question about some provisions.
294 Feel free to respond later, but maybe just while we are waiting I can ask these
295 questions now.
296
297 There were some provisions that seemed to be part of Proposed Change 1, but I
298 couldn't actually see them allocated to a specific topic. Those provisions are:
299 Method CC.10 – and sorry if they are there and I have missed them; Method
300 CC.10 and Method CC.7. Definitely those two and there might actually be one
301 more as well. So, maybe just on that point of architecture if you wouldn't mind,
302 or one of the Council officers coming back on that please.
303
304 Guest: Sure. Will have a look into it. It may be that there were no submissions on the
305 provisions, which is why they're not there. But, that should have been indicated
306 if that was the case. I will come back to you on those.
307
308 Chair: Thanks Mr Wyeth.
309
310 Wyeth: Tēnā koutou katoa. Good morning Hearing Panels. My name is Jerome Wyeth,
311 the Reporting Officer on behalf of Council for the Climate Change general topic.
312 I am going to provide a brief presentation that will cover the provisions in this
313 topic, key issues raised in submissions, key recommendations in my S42A
314 Report in response and then I will conclude with a brief overview of outstanding
315 issues and submitter evidence and my rebuttal evidence recommendations in
316 response.
317
318 In terms of the provisions addressed in this topic, as the Panel is aware, Change
319 1 introducing new Climate Change Chapter, Chapter 3.1A. This topic covers
320 introductory text and the six climate change regionally significant issues in that
321 chapter. It also addresses five climate change objectives – Objective CC.1, CC.2,
322 CC.3, CC.7 and CC.8. It addresses one policy which is Policy CCA the key
323 objective, which provides direction to Regional District Plans to include
324 provisions to prioritise reducing greenhouse emissions; Method CC.1 which is
325 a non-regulatory method to support, enable and implement a climate change,
326 education and behaviour change programme; and Method CC.2, which is a non-
327 regulatory method to develop guidelines around avoiding, reducing and
328 offsetting greenhouse gas emissions.
329
330 Lastly, it also covers one anticipated environment result and for climate change
331 definitions.
332
333 As expected, there was a significant number of submissions on this topic –
334 approximately 342 original submission points and 246 further submissions

335 points. Broadly the key issues in submissions relate to the extent to which
336 Change 1 should address climate change mitigation at all.

337
338 The potential for the provisions in Change 1 to duplicate or conflict with national
339 policy and legislation concerns with the emissions reduction targets in Objective
340 CC.3, and in particular the extent to which these can be achieved under the
341 RMA, and within the RMA respective functions and Regional Councils and
342 territorial authorities; and concerns around Policy CCA, particularly how it
343 would be implemented and some concerns around the practical challenges of
344 creating an offsetting regime for greenhouse gas emissions.

345 [00.25.05]

346 In terms of the key recommendations in my S42A Report, at a broad level I
347 recommend retaining the general intent of the provisions, on the basis this is a
348 regionally significant resource management issue that requires immediate
349 action; amendments to clarify some of the outcomes sought in the objectives,
350 while retaining the general focus and intent of those objectives; some substantive
351 amendments to Policy CC.8 to provide more specific direction on the approach
352 to reducing and avoiding emissions and taking less focus on offsetting
353 emissions; refocusing Method CC.2 to focus on developing guidelines to support
354 the implement of CC.8. Importantly, I see these two provisions working in
355 tandem to ensure that when CC.8 is developed it's done in a coordinated and
356 cost-effective manner that is aligned with the national climate change response.

357
358 I also recommend a new definition of greenhouse gas emissions which
359 incorporates the notified definitions of greenhouse gases and emissions.

360
361 In terms of the outstanding areas of contention in submitter evidence, there is
362 still some residual concerns around the achievability of the Climate Change
363 Objectives under the RMA, in particular CC.1, CC.2, CC.7 and CC.8.
364 Some remaining concerns with the Objective CC.3 and the emissions reduction
365 targets. Again, some concerns around the achievability of the targets under the
366 RMA, the sector specific targets and how the targets will be practically assessed
367 through planning and consenting processes.

368
369 Also a number of concerns with Policy CC.8 in terms of the application to
370 Territorial Authorities, some concerns around the complexity of the policy, and
371 some requests that it be deferred until the guidelines under Method CC.2 are
372 available; and conversely also some requests to strengthen the wording of the
373 policy.

374
375 Broadly in response, I recommend that the objectives are retained, as I believe
376 they serve a clear resource management purpose and are achievable under the
377 RMA.

378
379 I do however recommend some changes to the introduction section of the chapter
380 to clarify the role of the RPS within a broader national climate change context;
381 also clarifying that Objective CC.3 is not intended to be applied as a hard limit,
382 or as an allegation regime between different sectors.

383
384 I do recommend amendments to Objective CC.3 to simplify the Objective, to
385 focus on two key targets and remove the transport specific targets.

386

387 Minor amendments to Objective CC.7 and CC.8 to clarify scope, and I
388 recommend retaining the policy direction in Policy CC.8 while expanding on
389 the explanation.

390
391 I will now hand over to Mr Roos.

392
393 Roos: My name is Jake Roos. I have been asked and involved with the RPS in a
394 technical capacity, to answer questions related to emission reduction, targets and
395 pathways, globally, nationally and regionally.

396
397 My background is in climate change mitigation and local government; a field
398 which I have been involved in for over twenty years.

399
400 I will use my time now to set contact for such targets and explain why I am of
401 the firm belief that we can exit the dire predicament that the human race finds
402 itself in by cutting our greenhouse gas emissions strongly and quickly.

403
404 Can I have my first slide please?

405
406 I will start with these graphs. The one on the left are the measurements of
407 atmospheric CO₂ concentration taken at Baring Head, at the mouth of our
408 harbour here. Ms Guest referred to earlier that Dave Lowe was involved with
409 that, so we have a connection. The record of global CO₂ concentration through
410 direct measurement goes back to 1957 or thereabouts, at the top of [29.45].

411
412 This section here starts in the '70s. As you can see, it is going upwards, and in
413 fact, it seems to even be slightly curving upwards in not just a straight line.

414 [00.30.00]
415 Nothing seriously has dented this trend during this period. There was a stock
416 market crash, the World Trade Centre, the global financial crisis, the Covid
417 pandemic, etc. You will notice that's not had any significant effect on that trend.

418
419 On the right hand is a measurement of the methane concentration in the
420 atmosphere. This is showing an alarming upwards curve as well, a much
421 stronger one, which is actually out of step with known emissions of methane. It
422 could be due to an actual feedback effect, a tipping point in the climate, that
423 warmer temperatures are causing organisms to produce more methane. So,
424 methane emissions are going up very strongly too.

425
426 This is global CO₂ over a much longer timeframe, in fact 800,000 years – all the
427 orange part derived from ice cores from Antarctica, which recorded the
428 concentration of CO₂ in the atmosphere over that period.

429
430 As you can see, it's never been above 300 parts per million in all of that period,
431 and now we are up at 420. The human race as a distinct species emerged as far
432 as we tell about 200,000 years ago. So, the human race has never known
433 anything like this. In fact, CO₂ concentration reaching period height, which is
434 similar to the Pliocene three million years ago, and during that period in history
435 there were crocodiles living at the North Pole.

436
437 This is a shorter timeframe, since the last ice age, which ended approximately
438 12,000 years ago. This period is referred to as the Holocene. This is a

439 reconstruction of temperatures during the Holocene. We seem to be thoroughly
440 outside those boundaries now as well; so the global temperatures are at least one
441 degree warmer than the pre-industrial average, and the Holocene thermal
442 maximum is around about point seven.

443
444 The human race relies on agriculture which requires a stable climate. All of
445 human civilisation has developed during this period. Prior to this we were
446 hunter-gatherers, nomads. We are outside known safe boundaries for the
447 support of our mode of living.

448
449 This graph illustrates the global greenhouse gases; so that's all gases and not just
450 CO₂, measured by the GWP method, to put into a common unit of CO₂
451 equivalent, and have been increasing significantly since 1990. The blue bars
452 show the projected effect of all of the nations of the worlds pledges, called the
453 NDCs, toward curbing emissions and where that will put us in terms of
454 emissions. Basically pledge and targets are stronger than the actual policies in
455 action which sit behind those targets. As you can see, it causes a minor deviation
456 downwards in emissions.

457
458 The green pathway is the medium pathway consistent with limiting global
459 warming to 1.5 degrees with low or limited overshoot this century, with a 550
460 percent probability; so half a change of limiting warming to 1.5 degrees.

461
462 We can see that the commitments of governments around the world are
463 massively inadequate.

464
465 I think it is important to talk about this 1.5 degrees compatible pathway. As I
466 said, these pathways only have a 50 percent chance of achieving the goal and in
467 fact what is put into the IPCC reports is an ensemble of different projections into
468 the future. Often we concentrate on the median of all of those different scenarios
469 in the ensemble.

470 [00.35.04]

471 What that means is that half of the scenarios have much higher levels of
472 emissions reduction. Essentially, if you took the median scenario, you're taking
473 a 50 percent coin flip on a coin flip. There's a 75 percent chance that you will
474 not achieve the objective.

475
476 We're talking about the future of the human race here. I like to use the analogy
477 of, "Would you get on an aeroplane if you knew it had a 75 percent chance of
478 crashing on that flight?" But, of course it's much worse than that: it's not just
479 you getting on the aeroplane, it's the entire world.

480
481 The more our emissions are cut the better off we'll be. We don't have perfect
482 information about the future. These models can only provide insight into what a
483 safe pathway would be, but we do know, and science tells us very strongly, the
484 more we cut emissions the better off we will be. Every contribution helps –
485 especially when it comes to these climate tipping points, where it's not just
486 incremental change in the climate system, but there is a sudden dramatic change
487 in the climate system. I have given several examples in my evidence, but one
488 would be the loss of the Amazon, which completely converts into a savannah
489 after a certain temperature rise; a methane release from the permafrost in the
490 Northern Hemisphere, or the complete loss of Arctic sea ice at the North Pole.

491
492 Next slide please.
493
494 This graphic is a representation of what New Zealand is doing in relation to the
495 Paris Agreement goals. The black line is our historical emissions and the blue
496 line is what our agreed policies such as the Emissions Trading Scheme and the
497 whole suite of things on the Statute books in New Zealand will do to reduce our
498 emissions.
499
500 Chair: Excuse me Mr Roos, sorry to interrupt you. On the version that we are seeing, I
501 think because the timer is at the bottom of our screen we've got a quarter of our
502 screen that we can't actually read. Is it possible to change that whole bottom
503 right hand part? We can't actually read. Sorry to interrupt you.
504
505 Roos: I have the same issue. You won't be able to see it there either.
506
507 Chair: Please continue. I'm sure our AV expert will be able to help. Thanks.
508
509 Roos: There is a graphic on the left and one on the right. The one on the left includes
510 an allowance for what is economically efficient for New Zealand to do and the
511 right hand side is a straight forward fair share, which reflects our emissions today
512 and our emissions over the history of New Zealand, which are much higher than
513 the global average in that of many countries.
514
515 Even though what you see is that when economic efficiency is taken into
516 account, NDC, that is our pledge to the world, is almost sufficient, but on a
517 straight forward fair-share basis it is insufficient.
518
519 The first green dot, the 1.5 degree model domestic pathway, that is the median
520 scenario I was referring to earlier, and the lower dot, the green square, is the fair-
521 share dot; so that again reflects our historic emissions and our higher emissions
522 today.
523
524 Again just taking the median scenario, yes if every nation in the world within
525 their country achieved the median scenario that would add up to what we needed
526 to do globally, but it would be grossly unfair because some countries have very
527 low emissions and others have very high emissions.
528
529 Anyway, our domestic targets are actually far short of our NDC target. I think
530 that is a really very important point; that New Zealand already has two different
531 sets of targets – carbon budgets and what's enshrined in the Climate Change
532 Response Act and our NDC. Our NDC is almost in line with 1.5 degrees, if you
533 don't use a fair share, but our legislated domestic targets are not. In fact, they
534 are nearly 100 million tons short of that NDC target.
535 [00.40.10]
536 A massive shortfall which the government plans to make up for by buying
537 reductions of emissions from overseas, but there is no clear pathway for us to do
538 that at present.
539
540 Often it's said that because New Zealand is a small country therefore we should
541 be excused from action, but clearly the logic of that is somewhat shaky, given
542 that there are countless emissions sources in the world and any of them viewed

543 in isolation as a percentage of global emissions is of course tiny. If that logic
544 extended means that no-one would do anything, and clearly we can't do that.
545
546 I will also just round-up by talking about short-lived gases. That's been
547 something that it's been objected that we don't have split gas targets for the in
548 the RPS Objective CC.3.
549
550 Essentially, it doesn't provide any additional insight into what we should doing.
551 We know we need to cut emissions of short-lived and long-lived gases. The more
552 we cut them the better off we will be. The use of split gas really does not change
553 that picture to any meaningful degree.
554
555 Essentially, it's often said that methane omissions don't need to be nett zero.
556 Certainly they can't be gross zero because there are all sorts of natural processes,
557 including our food production that produces methane. They can be reduced but
558 not to zero. Emissions pathways with a higher likelihood of the achieving the
559 goals of the Paris agreement essentially have the warming effect of short-lived
560 gases like methane being offset by removals of CO2, i.e. they are nett zero or
561 nett negative for all greenhouse gases.
562
563 Finally, just on the topic of targets, I've talked a lot about science. Targets can
564 only be informed by science. In and of themselves science cannot tell politicians
565 what the targets should be, because there are all these global equity issues and
566 of course local equity issues that need to be addressed.
567
568 However, if we waited until we had perfect information before setting policy
569 objectives, we wouldn't have any at all, because we will never have perfect
570 information.
571
572 Whether a target is achievable or not depends on many factors, but one of those
573 is the level of effort that's made to achieve it.
574
575 Thank you very much.
576
577 Chair: Thank you. We might start with questions for Mr Wyeth if that suits the panel.
578
579 Paine: Thank you Mr Roos. I find this really complicated, what you have just been
580 talking about.
581
582 Can you just explain for my understanding a "fair share", our fair share, as in
583 New Zealand's fair share of the whole global situation? That's what you're
584 saying.
585
586 Roos: The "fair share" approach recognises the contribution that different countries
587 have made to total emissions. For example, the lion's share of emissions over
588 the history of the world have been emitted by the United States, who had their
589 economy running faster on fossil fuels sooner than many other countries, who
590 have basically come late to the fossil fuel party. Those emissions over their
591 history have caused, to a large extent, the warming that we have seen today.
592
593 CO2 in particular accumulates in the atmosphere; so historic emissions matter
594 essentially, in terms of where we are at and where we need to get to.

595
596 A fair share approach recognises that essentially if we think of the amount of,
597 say carbon dioxide, that we can emit into the atmosphere and stay below 1.5
598 degrees as a cake, certain countries have eaten most of the cake, and there's only
599 a little bit of cake left.

600 [00.45.00]

601 A fair share approach would say, "Instead of just dividing the remaining slice of
602 cake evenly between all the countries of the world, why don't we recognise the
603 fact that some countries have already eaten most of the cake." That would
604 include basically all of the developed nations, including New Zealand. We have
605 had extremely high emissions per capita and per capita is usually the way that
606 it's assessed, over our history because of agriculture and deforestation in the 20th
607 century.

608
609 Paine: Thank you. That was the per capita is what I was looking at.

610
611 The other thing, and I understand what you were saying about short-lived gases
612 and long-lived and methane, and that we need to cut our emissions. The
613 argument about methane not being counted or being split is not an argument at
614 all.

615
616 Can you just explain that a little more to me?

617
618 Roos: Of course. Methane has an average lifespan in the atmosphere of around about
619 twelve years and then it is mostly removed by natural processes. But during that
620 time he traps a lot of heat from the sun. The widely used method of getting all
621 these different greenhouse gases, not just methane, into a common denomination
622 is using something called global warming potential, which is basically to work
623 out their warming effect and then average it over a common time period. The
624 commonly used time period is one hundred years.

625
626 Methane causes a lot of warming in the short term, but it peters off. If you
627 average it over a whole hundred years per ton of methane emitted, there is 27
628 more times warming from methane than carbon dioxide.

629
630 When we talk about CO2 equivalent, it's basically getting all gases into the same
631 unit of CO2, and that is how much warming does it cause per ton to CO2?

632
633 The criticism is that because methane falls out of the atmosphere more quickly
634 then eventually you get into a state where if you maintain constant methane
635 emissions then there will be a constant amount of warming; but it won't be
636 increasing. Whereas CO2 because it accumulates in the atmosphere, if you have
637 a constant of emissions, cumulative emissions keep going up and therefore
638 warming keeps increasing.

639
640 The argument is we don't have to reduce short-lived gases as much, we just have
641 to keep them steady or reduce them a little bit to neutralise additional warming.

642
643 What that ignores is the fact that the flow rate of methane we have at the moment
644 is already causing a big chunk of warming that we have experienced pre-
645 industrial times. Effectively, the emitters of that methane have claimed part of
646 that 1.5 degrees that we have allowed ourselves and said, "This is ours. We

647 won't take anymore, but we're going to keep what we have got." Grandfathered
648 entitlement, if you will.

649
650 But, in fact, if we are trying to stay below 1.5 degrees, if we reduce emissions
651 of short-lived gases then we'll actually cause a little bit of cooling. That chunk
652 of 1.5 degrees that they're occupying at the moment will start to shrink down;
653 will start to shave off a few tenths of a degree off the global temperature, which
654 is enormously useful when you're trying to limit global warming.
655 Essentially, reducing methane and other short-lived gases is enormously helpful
656 to meeting the Paris agreement goals, as agreed by the government itself when
657 it signed up to the global methane pledge at the 2022 or possibly 2021
658 conference and parties, which was basically a pledge saying, "Let's all focus on
659 methane, otherwise we're going to shoot straight past 1.5 degrees."

660
661 Paine: Thank you Mr Roos. That's really helpful.

662
663 Madam Chair I have just a couple of questions for Mr Wyeth.

664
665 Good morning Mr Wyeth. One of the things in your S42A Report, you talked
666 about, and you have done so, an Objective CC.8, removing the words "iwi" and
667 "hapū" and we have just mana whenua/tangata whenua.

668 [00.50.10]

669 I was just wondering, the weight, or how the Council would view a submission
670 from a hapū or from individual Māori. I how does that sit?

671
672 So, we've got mana whenua/tangata whenua. Does that include a hapū? How
673 are those decisions made?

674
675 Wyeth: I guess it's maybe a question more for counsel, but I guess my understanding is
676 the term mana whenua/tangata whenua was agreed with all the partners in the
677 region and that's why that wording has been used throughout the Change 1
678 provisions. I guess my understanding is that counsel knows who mana whenua/
679 tangata whenua is, and who the iwi partners are, and if they got any request from
680 a hapū in relation to what those terms meant, then that's really a conversation
681 between counsel and hapū to work that out I guess.

682
683 Paine: I understand. I probably wasn't talking about levels of primacy or anything like
684 that. It was if we're not mana whenua/tangata whenua and we're Māori, are we
685 a community? What are we? I am just trying to find somewhere in here that says,
686 "This is where you are," and the weight that the Council might append to that.

687
688 I understand what you're saying Mr Wyeth.

689
690 Wyeth: I guess those provisions like Objective CC.8, is my understanding directly aimed
691 at mana whenua partners, so iwi authorities in the region.

692
693 Paine: I will just leave that there for people to ponder. Thank you Madam Chair.

694
695 Kara-France: Kia ora Mr Roos. Thank you for your presentation. Much appreciated.

696
697 You spoke about the science having limited solution base. In regards to
698 mātauranga Māori... first of all, I've done a big reading exercise on all the

699 documentation and I can see clearly and I acknowledge your treaty partners and
700 you're at the decision-making table with your mana whenua/tangata whenua and
701 iwi Māori, Ō Te Whanganui-a-Tara, and it certainly is evident with in the
702 documentation that I have read. So, congratulations.

703
704 A lot of what I have read however is in terms of an acknowledgement from
705 Ātiawa Ki Whakarongotai, they've mentioned here in regards to te ao Māori and
706 mātauranga Māori solutions. Have you explored that further in regards to the
707 taki that you hold and you have just presented to us?

708
709 Roos: Specifically I was asked to comment on targets and what would be an
710 appropriate level of reductions, and what the options would be. I haven't been
711 asked to go deeply into the methods that we would use to achieve those targets.
712 I'm obviously aware of a wide range of them, but we could undertake many
713 different combinations of approaches; and that hasn't been set through the RPS,
714 it's more of a high level direction which is aligned with science and is informed
715 by things like making a fair share contribution.

716
717 In terms of achievability absolutely there is a lot of content in the RPS regarding
718 the methods and using nature based solutions. Ms Guest might want to comment
719 on what other content we have there.

720
721 Guest: Thank you. Maybe we can come back with a more fulsome list of provisions
722 that actually pick up on te ao Māori, but just one quickly checking through the
723 document, we have Method CC.1 which is around a climate change, education
724 and behaviour change programme which is recognising the need to include te ao
725 Māori and mātauranga Māori perspectives in that. There are a number of other
726 methods, things like nature-based solutions, where we talk about working in
727 partnership with our mana whenua partners. It's integrated through a number of
728 provisions. We're happy if you would like us to package those together, if that
729 would be helpful we could do that.

730 [00.55.00]

731 Kara-France: Thank you Ms Guest and Mr Roos.

732
733 In regards to the te ao Māori perspective and mātauranga Māori, it's ancestral
734 knowledge handed down through generations. That ancestral knowledge is
735 handed down by atua. Everything is interconnected in the ecology and the
736 biodiversity system, in the perspective of te ao Māori.

737
738 Everything has a place. Everything has a role and specific work to do within that
739 ecology system. For example, if you get rid of a beetle it has an adverse impact
740 on Māori perspective, etc. etc. They do have mechanisms in terms of the atua,
741 to actually remedy, avoid and emission gas based on te ao Māori perspective,
742 which I really encourage you to explore with your treaty partners further in terms
743 of their mātauranga Māori solutions concerning emission gases, because there
744 are solutions there.

745
746 May I also add that mātauranga Māori is also Māori science and acknowledged
747 as Māori science. I encourage you to please explore further conversations with
748 your treaty partners.

749
750 Kia ora.

751
752 Wratt: I have a comment/question for Mr Wyeth. Perhaps just a quick question though
753 first for Mr Roos. The 1.5 degree sea target, what is the current level that the
754 globe is at? Compared to that 1.5 degrees where are we now in relation to that
755 target?
756
757 Roos: The UN Secretary General used the figure of 1.2 degrees, which certainly was
758 reached during 2016 and quite possibly we have exceeded in the last month or
759 so. I believe July was the hottest July ever recorded.
760
761 Global temperature is driven by human release of greenhouse gases, but also the
762 other processes that occur in nature. One you would have heard a lot about is La
763 Nina and El Nino, which is essentially to do with the amount of heat being
764 released from the ocean. The ocean does us massive favours with regards to
765 climate change. It absorbs about half of human emissions of CO2, making the
766 ocean more acidic unfortunately. It takes half away and it absorbs about 95
767 percent of the heat of the sun as well. It's an absolutely massive heat sink.
768
769 The issue with El Nino is that some of that heat, due to circulation patterns within
770 the ocean comes out, and the balance between what heat is stored in the ocean
771 and what heat is stored in the atmosphere changes. So, you have both effects
772 going on at the same time.
773
774 We are experiencing a whole set of new extremes now because of El Nino couple
775 with the base level of warming that we have caused.
776
777 Wratt: Thank you. Hence the urgency which you are putting in your presentation. We
778 are rapidly approaching that 1.5.
779
780 Roos: Absolutely. We will probably pass 1.5 degrees before 2030. The question is for
781 how long?
782
783 When there is these references to low or limited overshoot, there are some
784 emission pathways where temperatures go quite a long way above 1.5 degrees,
785 but by drawing emissions out of the atmosphere we cool the earth back off again
786 to below that level. Obviously that's extremely risky because if the temperature
787 increases you could trigger points, and of course you have all the extreme
788 weather associated with that higher temperature until things get better, which is
789 again an outrageously dangerous thing to do.
790
791 Wratt: Thank you.
792
793 My Wyeth, this is sort of a comment and sort of a question. In relation to the
794 provisions and the amendments you have proposed to the provisions, and the
795 submissions in particular from the Territorial Authorities, there seem to me to
796 be quite a gap between those – between the aspirations of Greater Wellington
797 Regional Council and some of the submissions coming through from the
798 Territorial Authorities.
799 [01.00.10]
800 That will really be some questions for the submitters when we are hearing from
801 them, but my question for you really is, how is your thinking now in terms of

802 the alignment between Greater Wellington Regional Council and the Territorial
803 Authorities that your Regional Policy Statement will apply to?
804

805 Wyeth: I guess it's fair to say the aspirations in relation to climate change are somewhat
806 different between local authorities in the region, and obviously Greater
807 Wellington is quite ambitious in that respect.
808

809 I guess from a planning perspective how I looked at it, is that both Regional
810 Councils and Territorial Authorities have functions in relation to greenhouse gas
811 emissions and climate change. Obviously more points or discharges fall within
812 the remit of Regional Councils, but Territorial Authorities play an important role
813 in my view in helping to reduce greenhouse gas emissions through controls and
814 land use activities.
815

816 Despite differences of opinion I think they have a statutory role in this area.
817

818 Wratt: Thank you for that. Thank you both for your very comprehensive reports and
819 your evidence today.
820

821 Chair: Kia ora Mr Roos. Can I just confirm? I do have some questions for you relating
822 to the agricultural emissions topic. You will still be here when we get around to
823 that later today? Okay, great, I might save those questions for then.
824

825 In your slides earlier (and is it okay to bring those back up – one in particular, I
826 think the very last one) I just want to check I understand the implementation gap
827 that you talked about.
828

829 You talked, as I understand it, about targets, and I think you're saying targets
830 around the world are stronger than the modelled action. I just want to understand.
831

832 Roos: Actually, the slide before this shows this a little bit more clearly, if you would
833 like to go back one.
834

835 We've got policies in action in darker blue Commissioner Nightingale, and
836 pledges and targets in the lighter blue. Essentially, what that means is
837 governments have said that they're going to do more than is actually on the
838 statute books, in terms of policies that would achieve those targets.
839

840 There's been assessment of the effects of all the policies that exist or are planned
841 and they don't add up to that much. The governments have said they've set
842 higher targets. Not that high as it turns out: they're not even close to 1.5 degrees
843 compatible, but there is a gap between the stated ambition and what they've
844 actually got in process to achieve those targets.
845

846 Chair: That green line, is that saying...
847

848 Roos: The combined effort of everyone in the world would reduce... that effort would
849 reduce emissions that much – because this is a graph of total greenhouse gas
850 emissions down, as you can see by approximately half by 2030 compared to
851 where they are now, that would be compatible with limiting global warming to
852 1.5 degrees with lower limited overshoot – 50 percent chance.
853

854 Basically, we're not on track at all. When I say we I mean all the nations of the
855 world.
856

857 Chair: So, the gap between what governments are pledging to achieve is not even...
858

859 Roos: Not even compatible with the Paris Agreement goals, correct.
860 [01.05.00]

861 Chair: The slide after this one, if you wouldn't mind. Thank you.
862

863 This shows New Zealand's rating and this is by the climate action tracker.
864 They're an NGO, but I understand that they're...
865

866 Roos: Highly reputable, yes.
867

868 Chair: This is saying that New Zealand, model domestic pathways, is this what has
869 been modelled by the Climate Change Commission and the ERP?
870

871 Roos: No, that's what is modelled by the climate action tracker. That's slightly
872 confusing. That is a pathway they've constructed, which was you can see it's
873 roughly halving emissions by 2030.
874

875 That would be not a fair share of the global effort to cut emissions, but it would
876 be an equal share. That's what the green line and the green diamonds show –
877 approximately halving of greenhouse gas emissions.
878

879 Chair: What have they based that on? Is that based on the governments nett zero by
880 2050?
881

882 Roos; No, it's based in IPCC scenario. As I was saying before, if the world, every
883 country, all emitters, reduced emissions by about half by 2030 then we would
884 have a fifty percent change of staying below 1.5 degrees warming; or that is to
885 say half of the scenario show that.
886

887 That was the 25 percent, two coin flips I was talking about before. It's the two
888 coin flip path with fair portioning out of the cake, with everyone getting an equal
889 share of the cake. That's New Zealand getting as much cake per capita as
890 everyone else. Whereas, the green square is the fair share, which recognised
891 we've eaten a lot of cake already.
892

893 Chair: The policies in action, they've also modelled that. They've looked at what New
894 Zealand is saying it will achieve?
895

896 Roos: Yes. It shows policies in action and what they thing everything we've said we'll
897 do will achieve, and our NDC target is what we've pledges to the world, to the
898 UN FCCC.
899

900 The actual domestic targets, the domestic carbon budgets, which cover the
901 period from 2011 to 2030, as I said before, that's 100 million tons short. So, if
902 you can imagine, if we achieve our carbon budgets, which there are currently
903 insufficient actions in train to achieve anyway, but say we did achieve and stay
904 within those carbon budgets, then I guess we would land somewhere halfway
905 between the NDC and policies in action.

906
907 Chair: Is this on the left or this based on fair share?
908
909 Roos: On the left. Not fair share.
910
911 Chair: So, you said we go halfway between...
912
913 Roos: The model policies in action and the NDC target. Like I say, that's approximate.
914 What's known is that we are 100 million tons of emissions short in our domestic
915 carbon emissions budgets for the period 2021 to 2030. You can imagine, that's
916 approximately 11 million tons per year. You can see the lines on that graph are
917 separated by 20 million tons. If we achieve our emissions budgets we will not
918 end up the NDC target, we will end up somewhere above it and we'll have to
919 buy the difference from overseas.
920
921 Chair: So, at best, we're somewhere highly insufficient and almost sufficient.
922
923 Roos; Correct.
924
925 Chair: I appreciate this is a massive question but why does the Climate Change
926 Commission then feel confident that the pathways that they set and the ERP, if
927 those are met that we will be able to achieve nett zero by 2050.
928 [01.10.00]
929 Roos: Because they are working according to the Climate Change Response Act,
930 which says that we will contribute to achieving a 1.5 degree sea emissions
931 reduction globally; which a contribution to could be any size. You could
932 contribute one percent, a hundred percent, .0001 percent. It's all a contribution.
933
934 So, from a legal perspective there is no issue. Also, including that, because it's
935 been enshrined in law they have to treat methane differently. It's actually the
936 main explanation for the difference between the domestic emissions budgets and
937 the NDC.
938
939 Chair: I didn't realise we're running out of time. I will move on with my other questions
940 I've got.
941
942 The whole framework, so starting with the climate legislation, the ERP which is
943 also now part of the legislative framework, can you explain, or maybe this is a
944 question for Mr Wyeth, how regional targets are actually set? Is it the RPS that
945 sets those? I know we've also got the Regional Land Transport Plan and we've
946 got various other strategies. Where does Wellington Region's targets come
947 from? How are they set?
948
949 Wyeth: My understanding is there's no legislative requirement to set regional targets
950 anywhere, it's more an ambition that certain local authorities have done –
951 Auckland Council for example, and Wellington City would be another one.
952
953 There's no expectation in the CCRA as I understand around regional targets.
954 But, obviously Greater Wellington decide to set them to address what they
955 perceive is a significant issue and give them some legislative weight through the
956 RPS.
957

958 Chair: The Climate Change Commission talk in it's Low Emissions Future for Aotearoa
959 Report about how central and local government need to be aligned and work
960 closely together to achieve emissions budgets and targets. It's important to
961 ensure that central and local government actions support the same climate action
962 goals.
963
964 You're obviously aware that there are various submitters that talk about the
965 targets being proposed in PC1 are out of line with what the government is staging
966 New Zealand will do. Mr Roos, I read your evidence, which was very helpful,
967 talking about how it's okay to aim higher because it's about contributing to nett
968 zero.
969
970 If you've considered the rebuttal evidence that submitters have presented on this
971 point, has your view on that changed?
972

973 Roos: No Commissioner Nightingale it has not. There is currently no national effort to
974 apportion national targets or carbon budgets out to the regions, or local
975 government at all. The wording around working with local government is quite
976 non-specific about exactly what that means. Every amount of emissions
977 abatement we can achieve is helpful.
978
979 This idea of inconsistency, everything is pointing in the same direction, so I just
980 can't see where that would cause an issue.
981

982 Chair: The Regional Emissions Reduction Plan which you refer to in para 75 and I
983 think also in your rebuttal statement, could you talk about who sets that? How
984 is that developed?
985

986 Roos: The Greater Wellington Leadership Committee has that as a project. You might
987 be aware of the purpose of the Committee, which is all the councils including
988 Horowhenua and Central Government – doing spatial planning essentially.
989 [01.15.02]
990 They're working on that project. They have said that they will not set any targets,
991 they will just have essentially a strategy and action plan to help achieve other
992 targets, whatever they might be. It could be the RPS target, it could be the
993 national target, or it could be some other target.
994
995 How that's agreed I guess is a consensus building might have to be reached. I
996 think there is going to be difficulty in motivating parties that aren't members of
997 the leadership committee to do anything, since it will be a non-statutory
998 document.
999

1000 Chair: In Objective CC.3, and I am looking at the version with Mr Wyeth's
1001 recommended changes, there are some submitters I think Dr Kirk... sorry, I
1002 think their relief is on Policy CC.5.
1003
1004 My question is about whether the words "nett greenhouse gas emissions" should
1005 be "gross" – or if nett is the appropriate word to use there. This is in Objective
1006 CC.3.
1007

1008 Roos: The difference between nett and gross emissions is essentially the inclusion of
1009 forestry and the effect of forests in either causing emissions or actually more
1010 frequently removing CO2 from the atmosphere.
1011
1012 A target that's "nett" includes forestry: one that is "gross" does not.
1013
1014 If we had only a gross emissions target it would be silent on what contribution
1015 would be expected from the forestry sector. It would also need to be a different
1016 target because if you just said 50 percent gross there's actually a much strong
1017 requirement for reducing emissions than 50 percent nett.
1018
1019 Chair: The anticipated environmental result that Mr Wyeth suggests refers to nett
1020 greenhouse gas emissions being reduced, and yet Policy CC.8 which sets out the
1021 hierarchy for reductions talks about in the first instance gross emissions are
1022 avoided or reduced, and where that doesn't happen then offsetting increases in
1023 nett are avoided.
1024
1025 Is that all consistent in your view?
1026
1027 Roos: Yes. There is no issue there. It's generally accepted that reducing gross emissions
1028 is a higher priority than reducing nett emissions; because if you can avoid putting
1029 say carbon dioxide into atmosphere you don't have to go to the trouble of
1030 removing it and storing it safely for millennia. That is the advantage of growth
1031 emissions reduction. That policy covers that off as a priority.
1032
1033 Chair: So, in (a) of Objective CC.3, it says, "Wellington Region are reduced to
1034 contribute to a 50 percent reduction in greenhouse gas emissions from 2019
1035 levels by 2030. Does that need to have gross or nett before it?
1036
1037 Wyeth: I'll comment. The targets in Objective CC.3 they are intended to be nett
1038 emissions; so the regional targets that include the contribution of forestry.
1039
1040 Policy CC.8 has a deliberate focus on avoiding increasing growth submissions
1041 as a priority; so sort of what Mr Roos said, that the priority is always to reduce
1042 grows emissions, and then there's a second order of priority to think about nett
1043 emissions.
1044
1045 We are trying to use gross emissions deliberately when we do. We're using nett
1046 emissions and gross emissions deliberately. So, basically, when you're not
1047 referring to nett emissions we're talking about gross emissions.
1048
1049 I would just like to clarify how I've recommended amendments to the definition
1050 of greenhouse gas emissions. I think there's an opportunity to make that clearer
1051 by saying when we are talking about greenhouse gas emissions we are talking
1052 about gross emissions, less expressly otherwise.
1053 [01.20.00]
1054 Wratt; Can I just clarify that?
1055
1056 In clause 8 and Objective CC.3, that just talks about reduction in greenhouse gas
1057 emissions. That doesn't say nett.
1058
1059 Wyeth: That should be nett.

1060
1061 Wratt: Just one other quick question if I may.
1062
1063 How do those targets that you've now got on there, contributing to 50 percent
1064 reduction in nett greenhouse gas emissions from 2019 levels by 2030 and nett
1065 zero by 2050, how do those align with government targets? Just in terms of that
1066 point that's been made about inconsistency of what Greater Wellington Regional
1067 Council target, compared to our national targets?
1068
1069 Wyeth: If I may answer that.
1070
1071 That is a stronger target than is set in law by the government.
1072
1073 Wratt: That's the target set in law. Is there anywhere else in government policy which
1074 does indicate anything aligned with these targets?
1075
1076 Wyeth: The NDC is stronger than the CCRA target. I haven't done an assessment of our
1077 target relative to the NDC, but they would be much closer together.
1078
1079 Chair: Mr Wyeth, do you think in Objective CC.3A that reference to Wellington
1080 Region would help there. Where it says from 2019 levels in the Wellington
1081 Region. I guess I'm just wondering if that contribution to a 50 percent reduction
1082 in greenhouse gas emissions is Wellington lowering emissions for Wellington,
1083 or does that not matter?
1084
1085 Wyeth: I guess my interpretation of the chapeau of that kind of objective is that it's quite
1086 clear it just relates to emissions in the Wellington, but we could give further
1087 consideration to clarify that.
1088
1089 Chair: My Wyeth, in Objective CC.7, which refers to people in businesses, I was
1090 wondering if it would be helpful to add local authorities in there, or do you think
1091 that wording is clear that that objective also applies to decisions taken by local
1092 authorities?
1093
1094 Wyeth: I think arguable it does, but the focus of that objective is really around the issue
1095 that people don't really understand what climate change means and the
1096 significant actions that need to be taken to respond to it. That's really the focus
1097 of that objective. It's more around that community and business understand; and
1098 to build that understanding, to then get appropriate mitigation and adaptation
1099 responses.
1100
1101 Potentially I feel that objective is better targeted at communities and businesses.
1102
1103 Chair: Objective CC.3 is implemented through Policy CC.1, which includes changes to
1104 district plans and regional plans. Policy CC.1 is in the transport topic. I guess I
1105 just wanted to confirm that Policy CC.1 is intended to support achieving
1106 Objective CC.3.
1107
1108 Wyeth: Yes.
1109

1110 Chair: Policy CC.8, Kāinga Ora make a statement. I think it might be the evidence of
1111 their planner. They say, “Offsetting is limited to regional plans.” I can ask them,
1112 but do you have any comment on that?
1113

1114 Wyeth: I don’t believe it’s limited to regional plans.
1115 [01.25.00]
1116 The exact mechanics of how this will work in practice still needs some work to
1117 figure out how to do that. That’s what Method CC.2 is. It’s intended to focus on
1118 how to work this out in practice. Given forestry is a land use activity, I can’t
1119 understand offsetting would just be limited to regional plans.
1120

1121 Chair: Mr Roos, in para 38, if you have got your evidence statement there, you say,
1122 “Provided those evaluating proposals for new activities under Change 1
1123 provisions consider their total global lifecycle emissions, and not just their local
1124 emissions, it’s highly unlikely that Change 1 would not be beneficial to global
1125 efforts to reduce emissions.”
1126
1127 Could you just explain that a bit further please?
1128

1129 Roos: Certainly Commissioner.
1130
1131 If you have an activity, if you look at the emissions associated with that activity,
1132 it will be through its entire process. Say it’s a product; say you’re building a flat
1133 screen television for example. The emissions associated with that television
1134 would be its manufacture, probably in China, it’s transportation to New Zealand,
1135 then you use it in New Zealand, you power it with New Zealand electricity, and
1136 then it gets disposed of somehow.
1137
1138 If you are trying to minimise the emissions of that activity, you really need to
1139 look at what’s happening outside our jurisdiction, otherwise perverse outcomes
1140 might happen when you are seeking to respond to climate change. In my
1141 evidence I give the example of hydrogen as just one. Hydrogen started as a way
1142 that we could address climate change. How it’s produced is absolutely critical,
1143 because at the moment most of the hydrogen in the world is made from natural
1144 gas. To be honest, you’d be much better just using natural gas than turning it
1145 into hydrogen. It’s actually higher emissions.
1146
1147 If you take a lifecycle view and you’re considering how the things you’re using
1148 are produced, wherever those activities occur in the world then you can avoid
1149 these perverse outcomes.
1150

1151 Kara-France. Mr Roos, in regards to hydrogen when it’s stored there is a problem with that
1152 isn’t there if it goes wrong?
1153

1154 Roos: Yes. In a word, hydrogen is highly problematic even when it’s produced from
1155 renewable electricity, which is the way that is being touted as the way forward.
1156 It’s an immensely complex and technically infrastructure intensive way of
1157 delivering energy and highly inefficient as well. Storage has to be reinforced
1158 vessels because hydrogen is the lightest element in the universe. It has to be
1159 massively compressed with hugely pressures to actually store a decent quantity
1160 of energy on a vehicle for example. Those pressures create dangers.
1161

1162 Chair: Mr Wyeth, Objective CC.7, there have been some submitters that have
1163 questioned this, saying that it would be impossible to measure that the objective
1164 has been achieved. I think in para 70 of your rebuttal you refer to that, but are
1165 you able to explain your views on that?
1166

1167 Wyeth: I think I address this in my S42A Report. There are various ways in measuring
1168 how an objective is being implemented. One way for Objective CC.3 that may
1169 through public surveys and understanding of climate change. It might be through
1170 monitoring community involvement in adaptation or mitigation efforts. So, I do
1171 believe it is measurable.
1172 [01.30.00]

1173 Chair: Policy CC.8 – the amendment you propose, I think it's in here, it might to the
1174 explanatory text where you talk about the limited role of district plans in
1175 reducing emissions from existing activities.
1176

1177 The Emissions Reduction Plan talks I think quite positively about the
1178 opportunities that are things that can happen in existing urban areas. For
1179 example, the Commission talks about the potential to retrofit current spaces, to
1180 make it more preferable for people to use active and public transport. I think
1181 there's references to adding green space. Certainly in Ms Guest's evidence, it
1182 might be her rebuttal, she talks about how developments can have green rooves
1183 and these nature based solutions.
1184

1185 My question is do you think that these provisions really direct new action
1186 required for new developments, or do you think that they provide enough
1187 support direction in terms of what people can do in existing spaces and
1188 developments.
1189

1190 Wyeth: Sorry if the intent wasn't clear there. I was more meaning around existing
1191 activities; undertaking activity in accordance with existing use rights. I do think
1192 at the time of redevelopment in existing urban areas for example there is a
1193 significant opportunity to move towards an urban form that supports greenhouse
1194 gas emissions.
1195

1196 Chair: At para 110 of your rebuttal, you refer to the anticipated AERs. I think you have
1197 suggested AERs for Objective CC.4, Objective CC.6. Have you thought about
1198 whether there is scope within the relief sought to include AERs for the other
1199 objectives?

1200 Wyeth: I guess in responding to the evidence of the Porirua City Council, when they
1201 identified some gaps in the Anticipated Environment Results which we agreed
1202 with, it sort of identified a bit of an anomaly that the Climate Change Objectives
1203 don't have a targeted anticipated environmental result for those, which is
1204 inconsistent with other RPS objectives and other Change 1 provisions.
1205

1206 I haven't seen any submission that specifically addressed that, or requested relief
1207 to that effect. I do think it would be preferable and appropriate to have a specific
1208 environmental result for each objective; but I guess there is a question of scope.
1209

1210 Chair: Is that something you might be able to look at for your reply?
1211

1212 Wyeth: Yes.
1213

1214 Chair: The term “carbon greenhouse gas emissions assessment” which I think you
1215 suggested definition for, when I look through the provisions I think that only
1216 comes up in Policy CC.11 in the Transport Chapter. It seems a very broad
1217 definition. Given time we might come back to it in Transport later today.
1218
1219 Urban areas and not urban environments were Objective CC.1. There were
1220 submitters that say, and I think it's Kāinga Ora, para (b) there, should say, “well
1221 functioning urban environments in line with the NPS-UD.” Again, feel free to
1222 address that in your reply.
1223
1224 I know in the previous hearing stream we had that discussion about natural and
1225 built environments. So, I don't know if it's come from that, but given the NPS-
1226 UD definition, just whether it would be better for that to say “urban
1227 environments”.

1228 Wyeth: I can briefly respond to that.
1229 [01.35.00]
1230
1231 It was intentionally intended to be a bit broader. Obviously NPS-UD has a very
1232 specific definition of urban environments, which encompasses most of the
1233 Wellington urban area. But, we are also wanting this to apply to Wairarapa
1234 township, for example, which might not necessarily be captured by that term.

1235 Chair: The very last one: apologies to the hearing advisors.
1236
1237 Policy CC.8A, Ms Woodbridge for Kāinga Ora says, and I think various
1238 submitters say, it's not actually clear just what is within the control of a district
1239 plan to avoid emissions. I know you've talked in detail in your evidence about
1240 managing land use activities and integrated management of land use and
1241 transport for example, but could you just explain: I think I'm clear on “avoid”,
1242 but could you explain “avoid or reduce where practicable”. People, just because
1243 it's human nature, aren't they going to look more to what they can reduce rather
1244 than avoid with the wording in that policy?
1245

1246 Wyeth: I think this depends on whether it's new activity; whether it's an significant
1247 redevelopment of an existing area, or whether it's an existing activity that's just
1248 coming up for re-consenting. I think it will vary depending on the context. I
1249 guess that's my recommendations Method CC.2 is all about how to work this
1250 out in practice and how Regional Councils and Territorial Authorities
1251 understand how to avoid emissions from new activities, how to reduce emissions
1252 at the time of redevelopment.
1253
1254 I guess my answer is that it will vary, but the whole intention is that given effects
1255 of that policy and the supporting guidance we'll work these things out.
1256

1257 Kara-France: Just in regards to the Aotearoa New Zealand Fest Missions Reduction Plan, it
1258 highlights the Treaty of Waitangi and mātauranga Māori. Are you
1259 acknowledging that within the policy from mana whenua and tangata whenua –
1260 iwi partners and treaty partners as well?
1261

1262 Wyeth: There are a range of provisions in the suite of Climate Change Provisions that
1263 talk to mana whenua interests, Objective CC.8 being one of them – the Method
1264 Ms Guest referred to earlier around ensuring climate change behaviour
1265 programme incorporates mātauranga Māori.

1266
1267 I guess my short answer is that the intent is that those considerations are weaved
1268 throughout the provisions.
1269
1270 Kara-France: That's great. Also including Te Tiriti o Waitangi?
1271
1272 Wyeth: Yes.
1273
1274 Kara-France: That's great. Thank you.
1275
1276 Paine: Mr Wyeth just a quick on in Objective CC.1. In your rebuttal you talk about not
1277 being opposed to adding into that objective regionally significant infrastructure.
1278 We've had lots of submissions on infrastructure and regionally significant
1279 infrastructure. But, you haven't actually got it in there, in your latest version on
1280 Objective CC.1 – unless I've missed it.
1281
1282 Wyeth: I guess my view is it's not necessary. That issue came up in response to the
1283 evidence of Meridian, where they thought there was a potential gap around
1284 renewable energy generation not being captured in that definition, or that
1285 referenced infrastructure sorry. My interpretation it is, so I see it as unnecessary
1286 to refer to regionally significant infrastructure here. I am also not opposed to it
1287 for added clarity, which is why it's not in the amended provisions.
1288
1289 Paine: So, you're leaving it up to us are you?
1290
1291 Wyeth: Why not.
1292
1293 Paine: Thank you Mr Wyeth.
1294
1295 Mr Roos, a really quick question.
1296 [01.40.00]
1297 When you were talking about that natural gas is better for the environment than
1298 hydrogen, is that a view of your colleagues in this area?
1299
1300 Roos: Commissioner Paine, I would just like to clarify I was talking about grey
1301 hydrogen which is made from natural gas. There are many different colours of
1302 hydrogen which are being talked about – green, blue and grey. My comment as
1303 in relation to grey hydrogen, which is hydrogen made from natural gas. If you
1304 look at the emissions per unit of energy that you would get from hydrogen, made
1305 from natural gas, versus units of energy from just using natural gas, it would be
1306 better just to use natural gas significantly so.
1307
1308 Really, the argument behind the use of hydrogen relates essentially to blue and
1309 green. Green is produced from renewable electricity by electrolysis which is
1310 technically good but unfortunately requires about three to four times as much
1311 renewable electricity as powering activity directly with the electricity – so say
1312 through an electric car, or electric boiler, or whatever it might be. Then blue
1313 hydrogen is this idea that we can produce hydrogen from fossil fuels and then
1314 capture the carbon dioxide as it's produced and pump it under ground as a carbon
1315 capture and storage idea; which unlike the other two methods is completely
1316 unproven. It just hasn't been done.
1317

1318 Paine: Thanks for that. Great.
1319

1320 Chair: Mr Wyeth, in your definition of climate change adaptation, can I just check. Is
1321 there a typo here? The process of adjusting to actual climate... should that be
1322 “climate change”?
1323

1324 Wyeth: Yes.
1325

1326 Chair: In the explanation to Policy CC.8, three-quarters of the way down, you talk about
1327 city and District Councils in relation to controlling greenhouse gas emissions.
1328 We’ve heard from various TAs saying that they have this limited ability to affect
1329 change here, and I’m just wondering if the word controlling there, if that might
1330 be better especially in relation to land use, if it talked about managing or
1331 influencing. There’s this pushback, as you will have seen, where they say,
1332 “There’s actually very little that we can do, especially in terms of existing
1333 developments.”
1334

1335 Wyeth: We can certainly look at clarifying that wording to put it in the context of “the
1336 function is to manage land use activities,” which obviously have greenhouse gas
1337 emissions associated with that.
1338

1339 Chair: On that same line: land use activities, that would cover subdivision I think, but
1340 again, if you think that there might be some working clarification there that
1341 would be great.
1342

1343 One more typo matter. This is Issue 5: the very last line there, “alongside the
1344 coast and fresh water bodies,” not freshwater bodies.
1345

1346 I do apologise.
1347

1348 Issue 6: many people in businesses lack the understanding.” The word
1349 “resources” which you are suggesting come in as a result of or through your
1350 rebuttal resources, the ERP in para 49, they talk about local government needing
1351 additional funding and resources in order to achieve and influence the land use
1352 changes they say are needed.
1353

1354 In your reply, or maybe it whichever officer is appropriate to address this, I
1355 would be really interested in having more information about the Council’s
1356 programme.
1357 [01.45.00]

1358 There’s lots of provisions that talk about supporting Territorial Authorities,
1359 guidance, changes that are needed to (in the words of Issue 6) “overcome social
1360 inertia, bring about behaviour change,” and quite a few methods that talk about
1361 the support that the Regional Council will be giving to TAs.
1362

1363 As part of our role we need to check that these provisions are most efficient and
1364 effective to achieve the objectives, and also are actually going to be workable.
1365 Getting more information on the Council’s suggested programme of action, is
1366 there a team that will be in place that can support this work, both in terms of
1367 community engagement to effect change, as well as importantly the work to
1368 support Territorial Authorities?
1369

1370 Wyeth: We can certainly look at providing a comprehensive response to that through
1371 reply evidence.
1372

1373 Chair: That would be great, thank you. I appreciate that some of these things might be
1374 still in planning stage, but just so we can feel confident that these provisions are
1375 going to be workable and will achieve the objectives.
1376

1377 Thank you. Thanks very much. We'll see you again after the break.
1378

1379 In terms of the schedule I realise we are behind. A ten minute break for a cuppa
1380 and we'll come back, thank you.
1381

1382 [Break taken 01.46.40]
1383

1384 Chair: Kia ora, welcome. We'll start with the transport topic. Thank you. If you could
1385 just introduce yourselves. We don't mind if you want to present sequentially or
1386 take questions from us after you have presented your evidence. Whatever works
1387 for you.
1388

1389 **Report Transport:**
1390

1391 Allwood: Tēnā koutou Commissioners. I am Louise Allwood. I am the Report author for
1392 the S42A for Transport. My colleague here is Mr Duncan Tindall. He is
1393 providing the technical Transport evidence.
1394

1395 I will read through my summary presentation and then I will hand over to Mr
1396 Tindall to do his. Then open to questions after that.
1397

1398 Tēnā koutou Chair and Hearings Panel. My name is Louise Allwood and I am
1399 the S42A Report author for the Transport topic which sits within the overarching
1400 Climate Change topic of Change 1.
1401

1402 I understand my evidence is taken as read, so I will provide a brief summary of
1403 the key matters raised in submissions and my recommended amendments in
1404 relation to this topic.
1405

1406 My colleague Mr Tindall is also present today to answer technical transport
1407 questions, and has provided technical evidence which is included within my
1408 report.
1409

1410 Approximately 245 original submission points and 135 further submission
1411 points were received on the provisions within the Transport topic. There are nine
1412 Policies and four Methods within this topic.
1413

1414 The following key matters were raised in submissions:
1415

- 1416 ■ requests for definitions to assist with policy application, e.g. transport
1417 infrastructure, low and zero carbon modes, optimising oval transport demand,
1418 maximising mode shift;
- 1419 ■ the use of verbs with some policies and attention created by them, by creating
1420 two directions within a single policy, e.g. consideration and regard;
- 1421 ■ the strength of provisions, i.e. the provisions are too directive or not directive
enough;

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- request for more tools, other than travel to my management plans;
 - lack of legislative support for provisions in greenhouse gas emissions;
 - the potential for exacerbation of social inequalities as a result of the provisions;
 - concerns about implementation including timeframes referenced in Policy CC.2 and Policy CC.3;
 - the scale at which policies could be applied;
 - practical implementation in rural areas and information requirements;
 - the types of activities that District Plans and District Councils have jurisdiction over and concern about the transfer of regional functions to Territorial Authorities, e.g. greenhouse gas emissions and the operation of public transports;
 - exemptions from some policies, say Wellington International Airport.

1436 As a result of analysing the relevant submission points, key matters and
1437 submitter evidence, I have recommended a number of amendments to the
1438 Change 1 Provisions to address the relief sought.

1439

1440 I have recommended amendments of a minor nature for a number of provisions
1441 on this topic, however the majority of the recommended amendments relate to
1442 Policy CC.1, Policy CC.2 and Policy CC.9 which I will focus on in this
1443 presentation.

1444

1445 A number of submitters sought clarification on the wording of Policy of CC1.
1446 These primarily related to what is meant by transport infrastructure, in the
1447 absence of a definition, and clarity on where and when this Policy applies.

1448 [01.50.00]

1449 Submitters are concerned the application of this Policy could be too broad, apply
1450 to a roundabout upgrade for example. Clarity was also sought on how this policy
1451 would be applied in a rural context.

1452

1453 I recommended significant changes to the notified version of Policy CC.1 to
1454 articulate what “optimised transport demand” and “maximised mode shift”
1455 means when applying the policy.

1456

1457 This has been included in redrafting clauses A to C. Supporting definitions for
1458 optimising transport demand and workable catchment are also recommended to
1459 support the implementation of Policy CC.1.

1460

1461 Transport technical advice from Mr Tindall was provided to support the
1462 amendments to Policy CC.1 with supporting definitions. The Policy explanation
1463 was also amended to specifically exclude aircraft and activities undertaken at
1464 Wellington Airport.

1465

1466 Further amendments are recommended in my rebuttal evidence as a result of
1467 submitter evidence to simplify the policy chapeau and reduce the focus Policy
1468 CC.1 had on directing development.

1469

1470 It is recommended to be amended by removing “providing for” and
1471 “concentrating development” to “support development”, noting transport
1472 infrastructure and the location of development are intrinsically linked.

1473

1474 The strategic location or spatial location of development will be addressed
1475 within Hearing Stream 4.
1476

1477 Further amendments are also recommended to the definition of optimised
1478 transport demand in workable catchments; noting workable catchments will be
1479 addressed collectively in Hearing Stream 4 and is only addressed in this Hearing
1480 Stream because of the terms introduced as part of redrafting Policy CC.1, and
1481 this topic is being heard before the Urban Development Provisions.
1482

1483 A number of submitters sought Policy CC.2 be deleted. The requirement for
1484 travel demand, management policies and district plans is not new. Policy 10 of
1485 the Operative RPS requires district plans and the Wellington Regional Land
1486 Transport Strategy to include policies to promote travel demand management
1487 mechanisms.
1488

1489 To my knowledge this has only been achieved for a few Territorial Authorities.
1490 Territorial Authorities submitted it is inappropriate that City and District
1491 Councils developed threshold targets which Policy CC.2 requires.
1492

1493 Submitters also raised concerns about who will prepare the travel demand
1494 management plans, and requested more clarity on the content and purpose.
1495

1496 I recommended amendments provide regional thresholds for Territorial
1497 Authorities to use as a starting point when developing their own local thresholds.
1498 The intention of Policy CC.2 is for developers and applicants to think in the early
1499 stages of a development about how the design would respond to the matters in
1500 Policy CC.2.
1501

1502 As a result of matters raised by submitters, and taking into account the advice
1503 provided by Mr Tindall, amendments are recommended to Policy CC.2 which
1504 provide a clearer direction to plan users when implementing this policy.
1505

1506 Greater clarity is provided by including clauses (a) to (c) which set up what a
1507 travel choice assessment must address and the inclusion of Table 1 which sets
1508 out regional thresholds.
1509

1510 Territorial Authorities are required to develop their own local thresholds.
1511

1512 I am also renaming Policy CC.2 to Travel Choice Assessment, which reflects
1513 the intended out come in a clearer way.
1514

1515 Consequential amendments are recommended to Method CC.3 and the
1516 definition of Travel Demand Management Plan recommended to be amended to
1517 Travel Choice Assessment to align with my recommended amendments to
1518 Policy CC.2.
1519

1520 Further amendments are recommended as a result of submitter evidence to
1521 separate Policy CC.2 into two policies to align with the two different outcomes
1522 sought, i.e. that these amendments clarify the interpretation and application of
1523 the policy, i.e. the requirements for a Travel Choice Assessment and resource
1524 consent applications and the requirement for Territorial Authorities to develop
1525 their own local thresholds.

1526
1527 Submitters sought more clarity on the implementation of Policy CC. 9, its
1528 deletion or amendments to it. Territorial Authority submitted that they cannot
1529 control the way that people travel, nor can they control the provision of public
1530 transport. This is a Regional Council matter.

1531
1532 In my view, they are road controlling authorities and they can influence how
1533 people choose to travel through District Planned Development Policies and
1534 Standards.

1535
1536 Concerns were also raised on the scale of the Policy application and clarity to
1537 the extent to which this policy could practically be implemented. For example,
1538 within rural and urban areas submitters stated it is unclear what optimising
1539 transport demand means.

1540
1541 As a result of concerns raised by submitters amendments to Policy CC.9 are
1542 recommended to clarify its purpose. Amendments include amending the title, a
1543 cross-reference to Policy CC.1 in relation to optimising transport demand and
1544 expanding the explanation.

1545
1546 Advice was taken from Mr Tindall’s technical Transport Planning Report to
1547 support the amendments. Further amendments were recommended as a result of
1548 submitter evidence and the cross-reference to CC.1 is removed, as I agree it
1549 complicates the Policy application.

1550
1551 Thank you. I will now hand over to Mr Tindall.

[01.55.00]

1552 Tindall: Tēnā koutou katoa. [01.55.19]

1553
1554
1555 My name is Duncan Tindall. I am the Technical Director of Transport for GHD
1556 with over 27 years’ experience in transport planning and traffic engineering.

1557
1558 My evidence in chief and my supplemental evidence are focused on how the
1559 proposed changes to the RPS could support a reduction in transport related
1560 greenhouse gas emissions. I outlined a hierarchical approach that I consider
1561 provides opportunities to reduce the impact from transport emissions across the
1562 region, including urban and rural areas, and across all land uses. This approach
1563 is referred to as the ‘avoid, shift, improve framework’.

1564
1565 At the top level I consider that the most effective tool for reducing transport
1566 related emissions is referred to as spatial planning. The process of considering
1567 the location of land use relative to other land uses, to reduce the distances that
1568 need to be travelled.

1569
1570 I do not consider that this means people have to travel less, or are to be dis-
1571 incentivised to travel, but good application of spatial planning provides
1572 communities with good accessibility to the goods and services that they need.

1573
1574 I have used a term of accessibility that in this context relates to the proximity of
1575 schools, healthcare, education, employment and essential retail, such as food, to
1576 residential areas. In the urban context this could mean that all of these are within
1577 a twenty minute walk. In a rural setting I expect and support the notion that these

1578 may well still be a significant distance away and this may be in locations where
1579 it is not practical to walk or cycle and there are no public transport options. So,
1580 in a rural area, the principle is that a ten kilometre journey in a private vehicle is
1581 still likely to produce somewhere close to half the emissions of a twenty
1582 kilometre journey in a private vehicle. Spatial planning is highly effective as a
1583 mechanism for achieving the objectives of reducing the impact.

1584
1585 As the distances reduce there is a second layer that I consider increasingly comes
1586 into play – the shift. In this sense, as the distance reduce the ability for people to
1587 choose a sustainable mode increases. That includes public transport where
1588 shorter journeys are more likely to be direct and viable than longer journeys, or
1589 at even shorter distances the proportion of people who can consider walking and
1590 cycling increases.

1591
1592 Again, I would highlight that the shift layer doesn't suggest people can't cycle
1593 longer distances, nor that everyone that everyone is able to or willing to walk
1594 even shorter distances; but as the distance to travel decreases over the
1595 population, the ability for people to choose modes that generate less emissions,
1596 such as walking and cycling, increases.

1597
1598 Finally, the improved level is about the provision of transport infrastructure that
1599 supports a reduction of emissions in use. This includes efficient public transport
1600 and private traffic in a manner that reduces the emissions per trip, such as
1601 reducing accelerations and decelerations related to stops for intersections or in
1602 queues.

1603
1604 I consider all of these layers are beneficial and complementary with the
1605 hierarchy being around starting with the void that has the greatest impact and
1606 then dropping to the improve, which is somewhat less impactful and efficient.

1607
1608 In further submissions several submitters queried the relationship between CC1
1609 and CC9. In my supplementary evidence I recognised through a pivot to focus
1610 on CC9 for the spatial planning, and not CC1 as was in my evidence in chief.

1611
1612 Overall my opinion on the appropriateness of the policy did not change, but I
1613 took on-board the expertise of the planning professionals in relation to the
1614 structure of the policy.

1615
1616 My evidence also presented discussion on the development and application of
1617 travel choice assessments. My evidence was written being cognisant of the
1618 ability for all the territorial authorities, to practically apply the policy in respect
1619 to the resources needed to review those assessments.

1620
1621 This informed my recommended trigger levels as being both aligned to those
1622 typically used for transport assessments, and being higher and therefore being
1623 met less often than some submitters requested. The structure I outlined allows
1624 for individual councils to introduce lower thresholds if they feel able to, and this
1625 I would expect would increase the effectiveness of the improved shift levels of
1626 the hierarchy.

1627 [02.00.32]

1628 However, it would also prevent an undue burden on those councils not currently
1629 resourced to review these documents in high numbers. As such, I see this as

1630 supporting a transitional approach to the application of climate change into the
1631 RPS.
1632
1633 I am very happy to take any questions that may help support the understanding
1634 of my evidence.
1635
1636 Chair: Mr Tindall, in para 5 of your evidence, a quick point of clarification. You say
1637 you have prepared this statement of evidence with the support of Ms Anna
1638 Solomon. Just confirming though that this is your statement, because I'm not
1639 sure if Ms Solomon is here and if we needed to ask questions.
1640
1641 You're happy to present this as your statement of evidence?
1642
1643 Tindall: Yes I am happy.
1644
1645 Chair: Para 25, the first sentence there, could you just explain that a little bit more? You
1646 say it's your experience that there's an increase in the proportion of trips
1647 undertaken by private car when the travel distance increases – presumably
1648 because other forms of transport become less available or accessible; and that
1649 across the vehicle fleet these journeys produce more emissions per trip than
1650 equivalent trips undertaken using other modes; and what that framework is
1651 trying to do is mitigate emissions from those journeys. Could you mind just
1652 talking to that paragraph a bit more.
1653
1654 Tindall: Short distances of one to two kilometres there's a choice that individuals can
1655 make as to what mode they use, be it walking, cycling or driving. As the
1656 distances get larger, so perhaps over five kilometres, it becomes quite a small
1657 number of people who would choose to walk that distance. There is still a
1658 significant and growing proportion who might choose to cycle that distance,
1659 particularly with the advent of E-Bikes and things, but as the distance again gets
1660 higher, perhaps to the 10, 15 or 20 kilometres, the number of people who would
1661 choose to cycle reduce.
1662
1663 In all practical terms, walking or cycling produces negligible emissions
1664 compared to the use of private vehicles and therefore the point being in
1665 paragraph 25 was highlighting that as we plan our land uses, if we are able to
1666 plan that in a way that allows people to have the ability to access those things
1667 they do regularly, such as going to school, going to healthcare, going to
1668 employment within a short distance, that gives more people the opportunity to
1669 choose walking and cycling and therefore modes of accessing society in a way
1670 that doesn't rely on generation of greenhouse gases.
1671
1672 Chair: That's really clear, thank you.
1673 [02.05.00]
1674 I'm interested in existing development, the extent to which Policy CC1 and the
1675 definition of optimised transport demand that Ms Allwood supports, and
1676 whether that will actually help to reduce barriers in the existing network to
1677 achieve the shift, improve... that framework.
1678
1679 Tindall: Yes, the avoid, shift, improve framework.
1680

1681 Mr Roos earlier gave quite a compelling presentation to my mind. I probably
1682 come from the other side which is the myriad of ways in which we are able to
1683 facilitate a reduction in those emissions from people's lives. It doesn't
1684 necessarily mean that every single change we produce will be the magic bullet,
1685 but all of these things layered up all help to contribute to an improvement; and
1686 that's where the hierarchical approach as it's framed comes in.

1687
1688 In terms of the situation where you have existing developments in place, people
1689 are still making journeys to and from other places throughout that time. If they
1690 are able to make that journey on a road which is perhaps less congested, so less
1691 stop-start journeys, then that in itself will lead to a reduction.

1692
1693 Also, if other land use changes are happening nearby, that may also help those
1694 people who currently, for instance, have to travel a long way to be able to get to
1695 a supermarket, to be able to buy food, or have to travel a long way to get
1696 healthcare. If those other land use changes near those existing places change,
1697 that helps or can support a change in the destination choice. Again, it doesn't
1698 mean everybody has to change to be using the nearest supplier of whatever it is,
1699 but it gives people the option, and if some people do make that choice, that helps
1700 contribute to lower emissions.

1701
1702 Kara-France: Ngāti Toa Rangatira made a comment of papakāinga, marae and pā. Are you
1703 aware the concept you speak of is already in practice in some strategically
1704 located whānau, hapū and iwi structures?

1705
1706 Tindall: Yes in general terms. I think it's one of the situations where not everything we
1707 do needs to be a brand new invention. Sometimes we can take inspiration from
1708 examples of where that's working, as you refer to some of those.

1709
1710 I think the policy, as I understand it, and again my understanding of this from a
1711 technical expertise, is such that it's an example of where we can refer to that as
1712 good practice, and bring that out into other areas so that more people can get
1713 similar benefits.

1714
1715 Wratt: I'm not sure which one of you this question is for, but I will pose it and then you
1716 can decide which wants to answer it.

1717
1718 Two questions: one relates to the Pekapeka Farms submission and they have a
1719 concern around there being an overly restrictive position providing for
1720 appropriate greenfield development. I guess their position is that, if you can
1721 locate a greenfield development appropriately in terms of services, accessibility
1722 etc. that you are talking about, that that shouldn't be dis-incentivised within the
1723 RPS. I am not clear – maybe I should be, but I am not clear in terms of the extent
1724 to which you did take that into consideration in your S42A Reports in rebuttal.

1725 [02.10.00]

1726 Tindall: If I perhaps start with that from a technical perspective and Ms Allwood may
1727 choose to add.

1728
1729 My evidence and my approach to this is one of supporting good choices and the
1730 avoidance of creating barriers. That's the situation here, which is the Policy as
1731 I've read it and understood it, both from intent and the way it's worded, is to give

1732 consideration to these factors when undertaking the planning; not to be, I can
1733 use the term 'ironclad', in its application.
1734

1735 There's a number of things that can be done to support development in a number
1736 of locations in ways that significantly contribute to ways which allow
1737 communities to reduce the impact. That may include specific provisions on the
1738 actual development of the site to facilitate electric vehicle charging, which may
1739 not be the full answer to this but it could be contributing. So, development can
1740 occur in a way that greenfield development can still be done in a way which
1741 minimises the impact rather than completely avoids.
1742

1743 The recognition also that of course not all development is residential. There's
1744 employment and we need to think about how people can get to jobs. Jobs support
1745 the investment in our community which enables some of the changes that we are
1746 going to need to make; so productivity is really important.
1747

1748 Commercial operations at the moment it's not practical for alternate fuel vehicles
1749 for many industrial uses at the moment. So, the thinking of where those are sited,
1750 but also the consideration of the actual site access to support today and future
1751 changes in access. I say it's not just for the goods but then for employees that are
1752 coming to work in the site as well.
1753

1754 I did note the submission. I considered that but I didn't consider that there was
1755 anything in the policy as I read and interpreted it, that was at odds with the notion
1756 of supporting the best that can be done on those sites through the policy.
1757

1758 Allwood: Thanks Mr Tindall. Just to add to that, I agree. I don't think the policy restricts
1759 greenfield developments. In terms of maximising mode shift, I think greenfield
1760 developments are a gold mine of achieving great outcomes, because they are
1761 starting from a clean slate, if you like, so they can consider lots of different
1762 mechanism. For example, if you're looking at block sizes, the widths of roads
1763 to make sure that buses can actually get down them with cars parked on both
1764 sides, connections to public transport, and then with the block sizes more
1765 effective in terms of walking and cycling connections as well too.
1766

1767 As I understand it, I don't see any unintended consequences with greenfield
1768 development.
1769

1770 Wratt: In summary, you're saying that you don't see anything in the provisions that you
1771 have put forward that is hindering appropriate greenfield developments?
1772

1773 Allwood: Agreed.
1774

1775 Wratt: I was trying to find it, but did they come up with any suggested amendments to
1776 the provisions? They have come up with some amendments, but in my notes I
1777 haven't got exactly what they were.
1778

1779 Allwood: They have, yes. It is in Appendix A of my rebuttal evidence on the table.
1780

1781 Wratt: I will check that. Thank you for that.
1782
1783

1784 [02.15.00]

1785 The other question was around the ‘doctors for active safe transport’. They
1786 requested in addition to Policy CC1 around improved health outcomes. I think
1787 the comment you gave to that was that while that’s a fair point it's not an
1788 appropriate point to be included in the provisions in this context.

1789
1790 Allwood: Correct.

1791
1792 Commissioner Nightingale, if I may, I can respond to the earlier questions you
1793 had around Method CC7 and Method CC10. They are both sitting within the
1794 Transport topic.

1795
1796 Method CC7 was retained as notified and Method CC10 is slightly amended,
1797 which is included in Appendix A of my S42A Report.

1798
1799 Chair: Thank you.

1800
1801 I would like to have a bit of a better understanding about how the relationship
1802 between the RPS and the Land Transport Management Act, in particular the
1803 Regional Land Transport Plan, how the two speak to each other, and what the
1804 directions are. It might be something that Ms Anderson or Ms Manahara might
1805 be able to help us with.

1806
1807 I appreciate the operative RPS has a lot of provisions that it says are aimed at...
1808 I’m just not sure what the direction is – if it's directing the RLTP or if it's things
1809 that need to be considered as part of the RLTP. In turn, I guess, I would like to
1810 have a better understanding about the flow from government funding, the
1811 government GPS on transport, and funding implications as well.

1812
1813 I’m sorry, I appreciate that’s a really massive subject, but just a summary
1814 because I feel I don’t quite understand that framework. If you want to comment
1815 now, otherwise I’m happy to have that in reply.

1816
1817 Allwood: I think that might be easier in reply if that’s okay.

1818
1819 Chair: Absolutely.

1820
1821 In Policy EIW.1 there is a reference there to the Wellington Regional Land
1822 Transport Plan including provisions. Ngāti Toa in their submission they say that
1823 the preparation of another plan, the Regional Transport Plan, to give effect to
1824 Policy 9 dilutes the policy intent. It might be that information Ms Anderson and
1825 her team are providing might help understand that, but I just want to really
1826 understand that submission point.

1827
1828 Ngāti Toa also makes the submission that the wording “promotes reduction” is
1829 not directive enough. I think they’re talking about the heading of this policy.
1830 They recommend that change to more directive wording. I appreciate you have
1831 probably covered that in your rebuttal evidence.

1832
1833 I think I will come back to that once we see a better understanding of the
1834 framework and how that RLTP fits in.

1835

1836 Allwood: I suppose I can provide a brief comment in that the Regional Land Transport
1837 Plan does need to be consistent with the RPS. It does need to take into a number
1838 of other documents or legislation. In terms of the word “promote” in my view I
1839 think that’s the right tone for this particular policy as it needs to sit within the
1840 Regional Land Transport Plan.
1841 [02.20.23]
1842
1843 Chair: In para 179 of your evidence there’s a reference there to the Wellington City
1844 Council requesting that Policy CC.1 is strengthened by the inclusion of a
1845 reference to the sustainable transport hierarchy.
1846
1847 What is that? Is that actually quite similar to the optimised transport demand
1848 framework?
1849
1850 Allwood: I think that might be a question better suited to Mr Tindall.
1851
1852 Chair: Wellington City Council are not presenting. If you are able to give it a shot.
1853
1854 Tindall: From my understanding of the term, where I have seen that used elsewhere, and
1855 again in this specific context perhaps defer slightly.
1856
1857 It's about prioritising those sustainable modes first. If I could maybe talk you
1858 through as an example. Perhaps if we were to go back a few years, what we
1859 would generally do would be to design a road, and then if it was possible to
1860 provide a footpath we would provide that. If there was time, without causing
1861 congestion, to put a pedestrian crossing in we would, and if there was enough
1862 road space left over then we would try and squeeze in a cycle lane. As I say, I’m
1863 going back a few years here. I did mention 27 years’ worth of experience, and
1864 that’s about where we were when I started.
1865
1866 Now it's very much the other way, which is that we really think from those
1867 sustainable uses first, which is to provide for the walking, cycling and public
1868 transport, and then we look at how we are able to provide the residual space,
1869 capacity and usage to something like private vehicles as well. Freight gets
1870 considered within that hierarchy again, generally over private vehicles,
1871 depending on the specific routes that we are talking to.
1872
1873 Chair: Thank you.
1874
1875 That leads to this question I had about the words “transport infrastructure” in
1876 Policy CC.1. Mr Tindall in your rebuttal I think you’re comfortable with Ms
1877 Allwood’s suggestion to delete efficient transport network and maximise mode
1878 shift from that policy.
1879
1880 What I am wondering is whether the words “transport infrastructure” there will
1881 actually best serve to achieve just what you were talking about before. Rather
1882 than doing things in the way that you had described, putting in a footpath and
1883 actually supporting mode shift.
1884
1885 I guess two parts to the question: the appropriateness of transport infrastructure
1886 in that policy to achieve the objective; and the impact of deleting efficient
1887 transport network and maximising mode shift from that policy.

1888
1889 Tindall: As I said in my opening statement this morning, between my evidence in chief
1890 and then through my rebuttal self and Ms Allwood engaged regarding the
1891 structure of the policies, that's led to what I believe is greater clarity in the
1892 purpose of CC1 and CC9.
1893
1894 I'm a lowly transport professional not a planner. For me, I always thought CC.1s
1895 would be starting at the top of the hierarchy and perhaps working down.
1896
1897 Where the policy does come through is CC.9 is the one that does that spatial
1898 planning side. I think that's the part where we are looking at land use here.
1899 [02.25.05]
1900 When we get to CC.1, that's very much in the space of the infrastructure side,
1901 so the physical part of the equation. That's where I support the amended wording
1902 and framing that Ms Allwood has put forward.
1903
1904 From my review of the submissions from several submitters, including Porirua,
1905 Upper Hutt, Waka Kotahi and others, they already came through with similar
1906 points regarding perhaps some overlap or confusion between CC.1 and CC.9, as
1907 presented in the S42A. Therefore I now agree with the proposed
1908 recommendations from Ms Allwood, and I believe that also covers the response
1909 to the submitters as well, in terms of providing what's needed for all three levels
1910 of the hierarchy but also in a way that provides clarity to those seeking to use
1911 those policies.
1912
1913 Chair: Thank you, that's really helpful.
1914
1915 Just on that point then, they're both regulatory policies aren't they Ms Allwood,
1916 but CC.9, when considering and particular regard should be given and then the
1917 spatial planning that you talked about. CC.1 if I understand correctly, that is
1918 about the actual physical infrastructure and supporting that to be either provided
1919 for in planning instruments or... this isn't about consenting is it – so supporting
1920 that in planning instruments. That is a very directive policy.
1921
1922 CC.1 speaks to is it the “improved” part, in particular of the avoid, shift... if it's
1923 talking about the physical infrastructure needing to support mode shift?
1924
1925 Tindall: Just before Ms Allwood maybe provides comments on that, the why side.
1926
1927 I think it's the shift and the improve, which is that it's the ensuring, as far as it's
1928 practicable, that there's no barriers to modes; so perhaps a lack of a cycle
1929 connection, or as Ms Allwood was talking earlier in a greenfield space and
1930 making sure that the lot sizes are such that there's the ability for footpaths or for
1931 public transport to pass through the site. So, whilst that's very much in a physical
1932 infrastructure sense, it also is that shift that it allows somebody the choice
1933 through the provision of that infrastructure.
1934
1935 Chair: Ms Allwood, the question from all of that is, are these policies aligned given that
1936 one is a direction for plan making, another is a consider requirement for
1937 consenting? There seems to be a difference in terms of the direction for both. Do
1938 you think that they're both aligned to achieve optimising transport demand?
1939

1940 Allwood: Yes Commissioner, in my view I think they do. You have Policy CC.1 that's
1941 directing the improved shift framework, which is focused around the Land
1942 Transport Infrastructure. Then Policy CC.2 is focused on the land development
1943 aspect which support Policy CC.1. Then you have Policy CC.9 which is acting
1944 as a stop-gap, if you like, until the plans are updated.
1945

1946 Chair: CC.2, as I read it, about the travel choice assessment, which sometimes it's not
1947 too uncommon to have consent conditions requiring integrated transport
1948 assessments – so an assessment of emissions anticipated from the development.
1949

1950 That's what I had thought CC.2 was providing for or enabling. Would that be a
1951 fair...

1952 [02.30.02]

1953 Allwood: I think Policy CC.2 its intention is around development thinking how they're
1954 going to provide for that mode shift; so it's around designing early and thinking
1955 early in terms of how people are going to want to get around for example cycling,
1956 walking, public transport connections and things. That assessment would be
1957 provided as part of a resource consent application, like you referred to.
1958

1959 Chair: So, it is a broader assessment. This is where that definition of carbon greenhouse
1960 gas emission assessments, I think, comes in. It's broader than that then, is I think
1961 what you are saying.
1962

1963 Allwood: Policy CC.11 and the carbon emissions assessment relates to specifically that
1964 policy.
1965

1966 Chair: And, that applies for new or upgraded Land Transport infrastructure.
1967

1968 Allwood: Yes.
1969

1970 Chair: The equivalent of requiring a developer to provide a transport assessment of
1971 emissions from a consented development and the emissions reductions could be
1972 achieved through providing more EV charging facilities, all of that sort of thing,
1973 where does that come in then? Is that part of CC.9?
1974

1975 Allwood: If it's in relation to transport infrastructure Policy CC.11 directs the provision of
1976 whole of life carbon emission assessments. Then Policy CC.3 is around enabling
1977 things like EV charging for vehicles, bikes, buses, cars, etc.
1978

1979 Chair: But, say if it's a new subdivision development, so it's not about land transport
1980 infrastructure, is there a provision that would promote, encourage a developer to
1981 provide that sort of carbon assessment?
1982

1983 Allwood: No, not to my knowledge.
1984

1985 Chair: Mr Tindall, did you have a comment on that?
1986

1987 Tindall: I note that you have been referring to transport assessments. Indeed, they're a
1988 way of really understanding the impact of sites and they're pretty well
1989 understood and well applied.
1990

1991 What the travel choice assessment is focused on is probably an overlap or an
1992 extension of that. If you refer back to my evidence in chief, it talks about starting
1993 that thinking really early in the process.
1994
1995 Transport assessments can commence early in the process and be thought
1996 through, but not always applied in that way. Sometimes they can become a
1997 quantification of the impact, as opposed to something that's used to influence
1998 and reduce – and in the case of a transport assessment, the number of vehicles
1999 on the network.
2000
2001 What I understood by CC.2 is that was really looking at understanding through
2002 the process how specific choices were being made to help promote that travel
2003 choice, i.e. give people the options to use modes that had less impact. That was
2004 my understanding of how CC.2 was contributing to it, by that early thought
2005 throughout the process.
2006
2007 My expectation is that the information that's required to prepare such an
2008 assessment is very similar and would share a lot of the early preparatory work
2009 that would be required or an integrated transport assessment. The skills needed
2010 to be able to put that together are largely equivalent as well. So, then when it
2011 comes to assessing that and understanding it, again I would expect there's a
2012 reasonable efficiency that could be gained from the local authority side, by
2013 undertaking that at a similar point in the process and by similarly skilled people.
2014 [02.35.12]
2015 It was very much when I was preparing my evidence and thinking that I did
2016 really try to build upon what is already there, in a way that could be readily taken
2017 on-board, to then be able to give some benefits, as I would see it, fairly quickly.
2018 So, that's where I believe CC.2 helps support that.
2019
2020 Chair: I just still am wondering if the reference to transport infrastructure in CC.11 is
2021 potentially too narrow to achieve the objective to which it is speaking to. I have
2022 a table mapping these out – speaking to Objective CC.3, which is the main
2023 objective about reducing emissions. But, the intention is that it is limited to new
2024 or upgraded transport infrastructure. That is the intention.
2025
2026 There are some submitters that had talked about how CC.1 uses that different
2027 wording “new and altered” and you have explained in your evidence that is
2028 deliberate – that is to try to capture where changes which are smaller than an
2029 upgrade made that the optimising of transport demand approach is needed.
2030
2031 As part of the work, or the further information that you will be providing, or the
2032 team will be providing about the Regional Land Transport Plan, Mr Tindall in
2033 para 49 of your evidence, you talk about the Regional Mode Shift Plan 2020.
2034 Again, if you could just explain if that is part of the RLTP, or how that fits in.
2035
2036 There have been various submitters talking about the limited ability to reduce
2037 transport emissions as a result of the MDRS but I think we will probably be
2038 coming to that in the urban topic. I might explore that there.
2039
2040 Some of these provisions have been much coded to that topic, but they're
2041 obviously very related. There are some policies that also speak very much to
2042 integrated transport.

2043
2044 When a Territorial Authority is assessing a consent proposal, and Mr Tindall the
2045 case studies you talked about are really helpful, but in terms of these provisions
2046 that are in front of us, are you or Ms Allwood able to talk through just how these
2047 provisions would be applied when assessing a consent application. I know the
2048 context here is probably very relevant, but if it was a consent application for a
2049 new subdivision, and I'm not sure greenfield or brownfield, but I just want to be
2050 sure that I really understand what would be directing them in these provisions
2051 when they're assessing that application.

2052 [02.40.10]

2053 Allwood: Thanks Commissioner. I can probably start if Mr Tindall wants to add further.

2054
2055 For a subdivision type application I think Policy CC.2 would be one of the main
2056 provisions; so that's directing the district plans to be updated and requiring them
2057 to provide a travel choice assessment. The need to demonstrate how they've
2058 thought about the design to optimise for a mode shift or provide a mode shift.
2059 We were talking previously around block sizes and walking and cycling
2060 connections, and things like road widths to make sure public transport can get
2061 down them. So, we would be looking at those kinds of things, and they would
2062 provide similar to any other technical assessment. It would be a technical
2063 assessment, that's the travel choice assessment, that would be one of many
2064 technical assessments that would support the resource consent application for a
2065 subdivision and that would be prepared by an expert like Mr Tindall.

2066
2067 In that technical assessment they would be able to point to points in the design
2068 that they have made amendments or improvements, how they're achieving the
2069 mode shift and reducing the reliance on cars. It's about providing options of how
2070 people want to travel around; so they're not having to rely on the car if they
2071 don't want to get around.

2072
2073 Policy CC.2 does that and then Policy 9 also does that to an extent, until the
2074 plans are updated. So, it's still having to look at how they've optimised transport
2075 demands around that, reducing the trip length, providing for mode shift and
2076 reducing any barriers in the design. Thank you.

2077
2078 Chair: Just as a quick follow-on from that though, if a Territorial Authority hasn't
2079 amended its plan to give effect to Policy CC.2 then it's Policy CC.9 that applies,
2080 which obviously they have regard to requirement under 104. But, if the
2081 independent transport expert says there could have been more things in the
2082 design, or that could have been done... because I guess a location is a location,
2083 so if it happens to be say 20 kilometres away from the closest retail centre, or
2084 real greenfield, the consent authority would they then... "avoid" is probably out,
2085 and they would be looking at what connections have they provided to support
2086 cycling and walking for example; so they would work through the hierarchy and
2087 the optimised transport demand and see what could be done, right down to the
2088 transport infrastructure.

2089
2090 Sorry, I don't want to put words in your mouth, but if you could just explain. Is
2091 that sort of broadly right?

2092
2093 Allwood: Hearing Stream Four will direct the strategic location of development, which is
2094 around reducing that trip length; so that's the first principal. That aside, yes, you

2095 would be looking at then providing what options can you provide around mode
2096 shift within the scope of your development, making a considered tiered approach
2097 as you step down that hierarchy and what you can do – what’s practical for that
2098 development to do.
2099

2100 Kara-France: Ngāti Toa speak about in their submission that where affordable high quality
2101 active mode and car-share infrastructure and public transport services are not
2102 available for our communities, we need to ensure that the policy intention is not
2103 disadvantaging our communities.
2104 [02.45.10]
2105 Also Ātiawa ki Whakarongotai also highlight the fact that the barriers to entry
2106 for Māori communities, in particular who do not live in the central city, have
2107 lack of access to public transport, etc. etc. And, that brings into alignment the
2108 statement made by Ngāti Toa in regards to the Regional Land Transport Plan
2109 should provide detailed frameworks, how this can be implemented with iwi
2110 partners and ensure a detailed co-design is worked with tangata whenua.
2111
2112 Has that taken place please? Is that the case? Do you have treaty partners in co-
2113 design regarding this matter please?
2114

2115 Allwood: Thank you Commissioner. I think that’s probably a question for the Council
2116 officers.
2117

2118 Kara-France: This is in regards to the Regional Land Transport Plan.
2119

2120 Allwood: My understanding from the Regional Land Transport Plan is that they have a
2121 committee. I would expect that there would be seats on that committee under the
2122 Regional Land Transport Plan.
2123

2124 Kara-France: Thank you for that.
2125
2126 Further, in regards to rural Māori who live on marae, there is evidence that
2127 there’s a safety matter, in regards to not only public safety, concerning high
2128 levels of transport passing through the corridor near marae. It is dangerous for
2129 those communities and that’s where I could see where Ātiawa and Ngāti Toa are
2130 leading to – not only the urban communities iwi Māori, but also rural
2131 communities iwi Māori who live near marae. The use of personal private car
2132 transport is a preferred mode, unlike the use of unavailability of public transport,
2133 walking and cycling given the safety factor.
2134
2135 Do you have any comment about that?
2136

2137 Tindall: I believe through my introduction today and also in the evidence, I’ve
2138 highlighted that we are talking about providing choices here for people. Choice
2139 comes from many things – physical ability, financial access to particular modes.
2140 So, I don’t believe there is anything contradictory in what we have been talking
2141 about with what you have just outlined. Indeed, if we actually go back to the
2142 spatial planning side, what I would see is that it probably encourages some
2143 greater thought as to how service provisions can be made and supported in a way
2144 that as you’ve talked some communities might have barriers of access to existing
2145 providing locations. That might help support a case to actually provide
2146 alternative services nearer. That can happen – the example of encouraging the

2147 provision of mobile services which come out to the community. That's a great
2148 way where perhaps there's three types of destinations – maybe there's education,
2149 there's employment; but if there's no healthcare, what often I've seen is that the
2150 obvious answer there is to provide mobile healthcare into that area so that that
2151 community doesn't all need to individually travel.

2152
2153 All the way through here I think what we are talking about is providing greater
2154 choices. In the case of people who are still going to be driving, for whatever
2155 reasons, those choices are there to minimise the emissions; but also to recognise
2156 that if other people are no longer driving on the roads, that perhaps provides that
2157 improved level, which is that those people who are driving may not be in as
2158 congested travel as they were before, so emissions get reduced by a reduction in
2159 that stop-start.

2160
2161 [02.50.00] There is other things that come in. You referenced the volume and safety issues
2162 of traffic on rural roads. My understanding and my interpretation of the policy
2163 about transport infrastructure, it is talking about providing appropriate roads
2164 when new roading is being provided. Safety is aside from what we are talking
2165 here. But, one thing I will perhaps note is that lower speeds, whilst in a free flow
2166 state i.e. not congested, a vehicle travelling at 60 or 70 kilometres an hour, just
2167 because of the air resistance, will produce less emissions per kilometre than one
2168 travelling at higher speeds. So, there is a link between the appropriateness of
2169 setting speeds and also a link to emissions as well. And, whilst outside of the
2170 scope of what we are talking here, that perhaps does link through to some of that
2171 safety concern that was raised by the submitter and that you have re-voiced there.

2172
2173 Kara-France: Kia ora. Thank you for your explanation and also your knowledge and guidance
2174 on this matter.

2175
2176 It still comes back to the point in regards to having tangata treaty partners and
2177 tangata whenua at the decision-making table in regards to co-designing. There
2178 are clear models throughout the country for example with mana whenua at the
2179 decision-making table and co-governance, co-management and co-design
2180 regarding transport corridor strategies with Waka Kotahi, local transport
2181 authorities as such.

2182
2183 Coming back to Ngāti Toa's point in their submission, I see you've got in the
2184 response, in regards... my question is in regards to the iwi partners at the
2185 decision-making table and co-design, in regards to the Regional Land Transport
2186 Plan itself. Can I just ask that that submission point and statement from Ngāti
2187 Toa is explained more in the reply?

2188
2189 Tindall: We note that and will refer to our Council colleagues to include that response.
2190 Thank you.

2191
2192 Chair: Ms Allwood at para 316 of your evidence you refer to the New Zealand Forest
2193 & Bird's relief where they seek a change to Policy CC.9 to change the wording
2194 to "ensure subdivision" rather than "particular regard shall be given".

2195
2196 I am not sure if that particular aspect of their submission point has been
2197 addressed in your evidence. Obviously you support the wording "particular
2198 regard shall be given."

2199
2200 Again, it's just the question that I have around whether this policy and CC.2 are
2201 aligned because CC.9 will apply before the District Plan changes are made.
2202
2203 Just any thoughts on whether “ensure subdivision use development” would be
2204 appropriate there.
2205
2206 Allwood: In my view, I think that might be too strong. I prefer particular regard. Policy
2207 CC.9 is capturing subdivision use and development, so it's everything. There
2208 won't always be situations where they can meet this, so there needs to be I think
2209 that flexibility in the policy until the plans are updated.
2210
2211 Chair: CC.2 is also subdivision use development, but expressed as a contribution to
2212 reducing emissions.
2213
2214 [02.55.00] There are quite a few submitters who support the new provision for freight
2215 movement. The Emissions Reduction Plan talks about the untapped potential, I
2216 guess, for improvements – emission reduction through changes and freight
2217 movement, including opportunities to reduce emissions through operational
2218 efficiency such as route optimisation. That seems to I think be what this policy is
2219 trying to drive, saying that the distribution centres... so again, that's spatial
2220 planning point isn't it, locating them.
2221
2222 Do you know if work is under way on a national low emissions freight strategy
2223 is recommended by the Climate Change Commission?
2224
2225 Allwood: I don't, sorry.
2226
2227 Chair: Are there any other opportunities within the scope of the RMA and certainly not
2228 a lot of submitters raise this point about what is possible within the scope of the
2229 RMA, but are there any other opportunities that you can see to support the move
2230 to a more low emissions freight transport system?
2231
2232 Allwood: As I understand it, with the National Emissions Reduction Plan, reducing
2233 emissions from freight is one of the areas that's identified as being quite
2234 complicated and will take quite a while to transition. Other than that, and
2235 obviously the spatial location of development and ensuring it's efficient in its
2236 network and the distance of travelling is reduced. Other than that there is not
2237 much.
2238
2239 Chair: Thanks for confirming that Method CC.7 and 10 are within this topic.
2240
2241 Method CC.3 was the other one that I seem to have lost track of. I think that's
2242 about travel demand management plans. There are some submitters that have
2243 requested some relief on that method.
2244
2245 Travel demand management plans, if you've got that provision there, this is
2246 about the Council assisting Territorial Authorities with determining land use
2247 thresholds for triggering a travel demand management plan.
2248
2249 I guess I'm just wondering about the relationship of that with the optimising
2250 travel demand requirements that you're promoting.

2251
2252 Allwood: Method CC.3, has been recommended to rename it to the travel choice
2253 assessment, so that supports Policy CC.2.
2254
2255 Chair: I'm with you. Thank you. It's not something different.
2256
2257 Kapiti Coast District Council opposed Policy CC.3. Has that become now part
2258 of the CC.2 or CC.2A. Do you know what's happened with Policy CC.3?
2259
2260 Allwood: Policy CC.3 is specifically around being enabling for infrastructure that supports
2261 low emissions modes of transport, so your EV charging network. Just making
2262 sure or updating the plans, so that they're not requiring a resource consent to
2263 establish EV charging points. That's the focus of that policy.
2264 [03.00.00]
2265 Chair: Mr Tindall recommends a definition I think of maximising mode shift, but I
2266 think Ms Allwood that your view or the general dictionary definition of that is
2267 enough.
2268
2269 Allwood: My understanding the way that we have amended Policy CC.1 with clauses (a)
2270 to (c) articulates what maximising mode shift is in conjunction when you read it
2271 with the definition of optimising transport demand so effectively. When you
2272 optimise transport demand you do achieve maximising a mode shift.
2273
2274 Chair: I think a question about the change of wording from "providing for and
2275 concentrating development" in Policy CC.1 to "supporting". Ms Allwood I think
2276 you say this leads too much into supporting the spatial location of development.
2277
2278 Again, this is about the transport infrastructure, so not the spatial planning which
2279 I understand now is in CC.9. I guess not that I understand that, I think those
2280 words make sense. If it's about the transport infrastructure, it perhaps can't
2281 influence the development of locations in the way that Policy CC.9 is seeking to
2282 do.
2283
2284 Though that questioning I think I have answered my question on that.
2285
2286 Allwood: Thanks Commissioner. I would just add that there is Hearing Stream Four and
2287 there will be a number of policies that will direct the spatial location of
2288 development.
2289
2290 Chair: It might that once we have heard submitters on Hearing Stream Four if we need
2291 to come back and look at anything here, we might need to send through some
2292 questions. Thank you.
2293
2294 In para 135 Mr Tindall you talk about an iterative process occurring. Do you
2295 mean as part of the process of negotiating or setting consent conditions and
2296 developing planning provisions with input from submitters. Is that what you
2297 mean by iterative process?
2298
2299 Tindall: If you can just give me one moment to find that paragraph. That's in my evidence
2300 in chief or the rebuttal?
2301
2302 Chair: Your first evidence.

2303
2304 Tindall: My expectation is that it's rare that anybody gets the perfect answer the first time.
2305 I won't claim that happens to me very often. Over my experience, normally a
2306 conversation between two parties over time leads to more robust and considered
2307 outcome, where more opportunities are realised and less obstacles are left.
2308 Again, that's the where the framework was set up to encourage an early dialogue
2309 to allow for those opportunities to be identified early and avoid abortive work,
2310 which was to gain the most value from the process with the least additional
2311 burden on any party.
2312
2313 Chair: Just on the thresholds, I understand these are the thresholds in CC.2(a), through
2314 the process of their plan changes, District City Councils can include thresholds
2315 that are more specific for their context.
2316 [03.05.15]
2317 Just to check I understand this correctly, say if there was a development in a
2318 rural area, that didn't have a hundred units within a walkable catchment, or if
2319 there was a commercial development of less than the 2500 square metres GFA,
2320 until that plan change or the District City Council does its plan change these
2321 thresholds would apply. So, if that development was below that say hundred
2322 units then they wouldn't need to apply the travel choice assessment.
2323
2324 Tindall: That's my understanding and expectation. When we developed the thresholds in
2325 response to submissions, which was offered and think there were some pros and
2326 cons with having these thresholds, trying to find something that was appropriate,
2327 for example Wellington City and also some of those rural areas we have already
2328 spoken about this morning, was going to be challenging.
2329
2330 What we did is we came up with some thresholds which do reflect also the ITA
2331 for simplicity; so all people can largely when to understand when to apply. The
2332 decision-making tree is relatively straight forward, but also set at a level that did
2333 not become stifling for some of the territorials where they aren't so resourced to
2334 be able to apply these to every development That would be inappropriate I feel
2335 and impractical. They were set at a level. But, the way as I understand the rules
2336 are set, it is perfectly possible for those councils who are so resourced and so
2337 mindful and where it's appropriate to set a threshold which would be lower and
2338 therefore apply to a greater number or greater proportion of those developments,
2339 and so achieve probably more benefits.
2340
2341 Chair: Obviously they can then apply different thresholds depending on zoning. You
2342 would have probably thought about whether differential thresholds are
2343 appropriate at this regional level – the basis of urban as opposed sort of more
2344 rural lifestyle type areas. I understand there is simplicity in setting these
2345 thresholds and then letting TAs work out what's appropriate for them.
2346
2347 Tindall: Correct. We did consider a number of different approaches and decided, or I
2348 recommend a simplistic approach here does have the flaw of being perhaps too
2349 simplistic in some ways for some aspirations, but at the same time it provides
2350 that backstop. I don't believe this should be where the long term thresholds
2351 would be for across all of the Greater Wellington area. I see this as a start point
2352 to be able to imbed the process, and then the ability for the local authorities to
2353 develop those more complex and nuanced thresholds they're able to review, and
2354 also implement as well. Because again, if I may hark back to Mr Roos diagram

2355 earlier today, it's not just about the policy, it's also about the implementation. So,
2356 that's something that I considered here with developing this was how it was able
2357 to be applied.
2358

2359 Chair: Just one final bit about how the policy says it will cease to apply when CC.2(a)
2360 is given effect through a District Plan. Presumably that would be if say a person
2361 felt that the District Plan hadn't given appropriate effect to this, say in a
2362 particular zone, and then I guess there would be potentially an argument about
2363 the application of this provision in that situation.
2364

2365 [03.10.00] I guess what I'm saying is that it could be objectively assessed. It's just whether
2366 there be any potential uncertainty about whether a District Plan had in fact given
2367 effect to Policy CC.2(a) or given appropriate effect to it.
2368

2369 Allwood: Commissioner Nightingale, I will just clarify: the Table 1 thresholds they aren't
2370 in effect at all. They are just as a guidance for the Territorial Authorities to use
2371 that to develop their own. Just clarifying that. So, there would be no thresholds
2372 until the plans updated themselves with their own local ones.
2373

2374 Chair: The wording says "the regional thresholds will cease to apply when the policy
2375 is given effect through a district plan" so...
2376

2377 Allwood: Yes, that was included to avoid any uncertainty with the regional thresholds
2378 within this policy, and the thresholds that may be sitting in the respective district
2379 plans.
2380

2381 Chair: I'm with you, I see. Thanks.
2382

2383 Paine: Just a short one for you Ms Allwood. In your S42A, talking about Policy CC.10.
2384 I will just read it for you. It's para 334. It's only short. "Waka Kotahi's request
2385 to be involved in drafting and further discussions on the wording of Policy
2386 CC.10," so you recommend no amendments be made to the policy and so further
2387 discussions were not required.
2388

2389 Did you know what they wanted to discuss, or because you had made your
2390 decision that there was no requirement to make adjustments that was it?
2391

2392 Allwood: Thanks Commissioner. No, I didn't approach them to assess what they would
2393 like included in their amendments, or to be included in drafting; generally given
2394 the number of submissions there was just not the time to include submitters in
2395 any redrafting.
2396

2397 Paine: I wasn't saying to include them, I was just sort of saying to consider them for
2398 inclusion. If you haven't had the discussion you couldn't do that. That's fine.
2399

2400 Just a follow-up question: How often is Regional Land Transport Plan updated,
2401 do you know?
2402

2403 Allwood: I think it might be every ten years but I would need to clarify that and come back
2404 to you.
2405

2406 Paine: I can't find it unfortunately. I think there was a reference I think to Waka Kotahi
2407 – and as I say I can't find it – saying that there are some targets in that plan. It's
2408 a 2019 plan. The recommendation from the writers in Transport are saying,
2409 "We'll deal with it when we update the plan," and that could be quite a way
2410 down the road, kicking he can down the road so to speak.
2411
2412 I just thought I would ask that question. Thank you.
2413
2414 Chair: Just following on from that, the RLTP is that what sets the... I don't know if
2415 targets if the right word, but the Wellington Region's bus and train commuter
2416 networks and services? I guess my question is just around this implementation
2417 issue, achieving better mode shift and it does require there to be suitable options.
2418 Is it the RLTP that provides? Mr Tindall I think might wish to comment.
2419
2420 Tindall: I think one of your earlier questions was for us to come back to you with the
2421 rather complex diagram that sets the hierarchy of policy plans and of course the
2422 most important part, the funding trail of all of this. Perhaps if we come back on
2423 that point in all it's diagrammatic glory, that would be the easiest way of
2424 confirming for you.
2425 [03.15.00]
2426 Chair: Thank you. Obviously this question of anticipated results and achievability of
2427 these provisions rather than putting in aspirational objectives and policies, just
2428 having confidence that there is a plan for how they will be achieved.
2429
2430 Is there an AER for these provisions Ms Allwood? Mr Wyeth mentioned that
2431 there seemed to be some gaps in the AER. Do you know if there is one for
2432 Transport?
2433
2434 Allwood: Sorry Commissioner Nightingale, could you please clarify what that is?
2435
2436 Chair: Sure. The RPS has a set of anticipated environmental results that it's expecting
2437 from the provisions. I'm just asking if there is an overall. If all of these
2438 provisions are in place and working as they are intended to do, what is the
2439 anticipated outcome?
2440
2441 Allwood: In my view that's what is set out in Objective CC.3.
2442
2443 Chair: If it's alright to look at that. Mr Wyeth has referred to some AERs that speak
2444 directly to Objective CC.4 and Objective CC.6. I think he did note that there
2445 may be some that are missing from the other objectives. But, then we talked
2446 about is there actually scope to include those now. There may not be, but if that
2447 is something that you wouldn't mind looking at that would be great.
2448
2449 Allwood: Certainly.
2450
2451 Kara-France: Mr Tindall, just in regard to Waka Kotahi's Māori strategy, could you just check
2452 whether or not that has been referred to when making decisions concerning the
2453 Treaty partner at the decision-making table please? So it's Hononga ki te iwi our
2454 Māori engagement framework, Waka Kotahi. Thank you.
2455
2456 Tindall: Thank you Commissioner. Will do.
2457

2458 Chair: Thank you Ms Allwood. Thank you Mr Tindall for your evidence and
2459 presentation. Sorry we have gone over but it's been a really helpful discussion
2460 than you.
2461
2462 I think we are going to adjourn for lunch. We are running really behind, so half
2463 an hour and we will be back. Thank you.
2464
2465 [Break taken for lunch – 03.18.05]
2466 **Energy Waste & Industry:**
2467
2468 Chair: Welcome back. We are resuming with the Energy Waste and Industry sub-topic.
2469 Mr Wyeth, thank you.
2470
2471 Wyeth: Good afternoon. My name is Jerome Wyeth, the Reporting Officer on behalf of
2472 Council for the Climate Change Energy Waste & Industry topic in Hearing
2473 Stream Three.
2474
2475 This summary statement will briefly cover the provisions in this topic, key issues
2476 raised in submissions, key recommendations in my S42A Report and response
2477 and then concludes with outstanding issues and submitter evidence, my rebuttal
2478 evidence, recommendations and response.
2479
2480 In terms of the provisions covered in this topic it deals with amendments to
2481 operative RPS provisions, rather than introducing new Climate Change
2482 provisions like other Climate Change topics.
2483
2484 In summary, the provisions include amendments to Policy 2 to expand the policy
2485 to cover greenhouse gases from industry; amendments to Policy 7 and 39, to
2486 have more focus on the emission reduction benefits of some form of
2487 infrastructure and renewable energy generation; amendments to Policy 11 to
2488 clarify the direction of the policy, and to be better aligned with the NPS-REG,
2489 the National Policy Statement for Renewable Electricity Generation;
2490 amendments to non-regulatory Policy 65 to have a stronger focus on reducing
2491 waste and efficient use of resources; and amendments to Method 17, to similarly
2492 have a greater focus on reducing waste and greenhouse gas emissions from waste
2493 streams.
2494
2495 There is approximately 136 original submission point and 126 further
2496 submission points on this topic. Broadly the key issues raised were whether the
2497 provisions were sufficient enough to enable a significant increase in renewable
2498 energy generation to support the national and region emission reduction targets;
2499 [03.20.00] whether the provisions sufficiently give effect to relevant national direction, the
2500 NPS-REG and the National Policy Statement for Electricity Transmission, or
2501 conversely conflict with recently national direction on industrial process heat.
2502
2503 Some concerns that some of the new terms introduced in the policies, in
2504 particular the reference to low and zero carbon regionally significant
2505 infrastructure around clear and problematic, and potentially create a new tier of
2506 infrastructure.
2507

2508 General concerns that the provisions are not strong enough in relation to
2509 regionally significant infrastructure more broadly and requests to include
2510 reference to mineral and aggregate extraction in the provisions.
2511

2512 In terms of the recommendations in my S42A Report, I recommend withdrawing
2513 the amendments to Policy 2 on the basis that this has been largely superseded by
2514 recently Gazetted national direction on greenhouse gas emissions from industrial
2515 process heat, which came into effect after Change 1 was notified.
2516

2517 Strengthening and refining the Policy direction in Policy 7, 11 and 39 relating
2518 to renewable energy generation with the intent of giving better effect to the NPS-
2519 REG and the climate change objectives in Change 1. This includes strengthening
2520 the policy direction and wording in Policy 7 and Policy 39 to recognise and
2521 provide for, and aligning terminology and the benefits of renewable energy
2522 generation with those in the National Policy Statement.
2523

2524 I also recommend amendments to uncertain terms while retaining the general
2525 direction of intent of the provisions in Change 1 to recognise the emission
2526 reduction benefits of certain types of infrastructure.
2527

2528 In terms of the key issues outstanding in submitter evidence, a number of
2529 submitters have requested that the policy direction, to strengthen the policy
2530 direction, are recognised and provided for, extends to all forms of regionally
2531 significant infrastructure and not just renewable energy generation.
2532

2533 Related to that was a number of requests for stronger policy direction and
2534 support and enable protect, etc.
2535

2536 Some concern that Policy 7 and Policy 39 duplicate, and that the later Policy 39
2537 should just be directed at consenting processes.
2538

2539 Remaining concerns that the benefits of mineral and aggregate extraction are not
2540 referenced in Policy 7 and Policy 39.
2541

2542 And, some concerns from Territorial Authorities that the District Plans have
2543 limited scope to implement some of the provisions in this topic.
2544

2545 In response, I recommend retraining the stronger direction for renewable energy
2546 generation, on the basis this gives effect to the NPS-REG and the climate change
2547 objectives in Change 1, and also to recognise that not all Regionally Significant
2548 Infrastructure contributes to reducing emissions in the same way.
2549

2550 I recommend an amendment to Policy 39 to make specific to make specific
2551 reference of the Electricity Transmission Network, also recognising this is an
2552 infrastructure of national significance.
2553

2554 Retaining operative provisions relating to promoting and enabling energy
2555 efficiency in buildings, noting that these are operative provisions and have not
2556 been amended through Change 1.
2557

2558 I also recommend retaining the focus of Policy 7 and Policy 39 on the benefits
2559 of renewable energy generation and Regionally Significant Infrastructure and
2560 not extending that to mineral and aggregate extraction.
2561
2562 I am not happy to take questions from the Panel.
2563
2564 Chair: Mr Wyeth, for Policy 2 I understand why you are recommending deleting para
2565 (c) given the recent national direction, but para (d) I didn't see an overlap with
2566 that and the NPS on industrial process heat. This may be something that we need
2567 to ask Ms Anderson and Ms Manahara to assist with. That recent national
2568 direction, I don't think that deals with that issue in para (d).
2569
2570 Wyeth: I guess there's two parts to that. Firstly, in terms of coal for domestic fires,
2571 certainly the national direction does not address that because it's above a certain
2572 threshold so it doesn't capture domestic use.
2573
2574 In my S42A I sort of talk to that. I say the extent of these emissions are so small
2575 in the region in terms of domestic coal use, and they've been phased out
2576 naturally, so I felt the need to retain that policy there was no real benefit in it
2577 from a emission reduction perspective anyway.
2578 [03.25.00]
2579 Large scale generators, I do believe that will have an overlap of its heat devices
2580 in actual national direction. It's the scale on which those operate. Large scale
2581 generators has a lot of overlap of heat devices in national direction. It's just the
2582 scale in which they apply. I can't off the top of my head remember the threshold
2583 for heat devices. In essence there's a lot of overlap.
2584
2585 Wratt: For large scale generators, where coal is used as a source of heat and energy, for
2586 example in dairy factories, would that come under there? Does that come under
2587 there?
2588
2589 Wyeth: That comes under national direction. It captures the definition of heat devices –
2590 any device that's used burning fossil fuels for the purpose of generating heat –
2591 so all industrial processes. The only thing, there's a threshold I just can't recall
2592 off the top of my head in which that applies. It's like a thousand tons of CO2 or
2593 something like that.
2594
2595 Wratt: So, you don't think deleting it out of here leaves a gap?
2596
2597 Wyeth: No. Industrial emissions are pretty comprehensively addressed in that national
2598 direction.
2599
2600 Chair: It's a prohibited activity in the NES if the device burns coal and delivers heat at
2601 less than 300 degrees Celsius, and that is RD if it delivers heat above 300 degrees
2602 Celsius. I guess maybe just a bit more information on the extent to which those
2603 two do overlap. I wouldn't mind feeling a bit more confident that that (d) could
2604 be ruled out on that basis, as opposed to... or the second part of (d) anyway.
2605
2606 Wyeth: Yes.
2607
2608 Chair: Policy 7, there was a submitter, it might have been Porirua City Council that said
2609 "Shouldn't the chapeau refer to objectives as well. I think your response to that

2610 was, if objectives is not mentioned there, that doesn't preclude District and
2611 Regional Plans from including objectives.
2612

2613 Just given the importance, as we have heard Meridian and others say this policy
2614 is, would you consider something like "to include policies and/or methods and
2615 may include objectives," or you just think that's not necessary?
2616

2617 Wyeth: I would certainly consider it. I would sort of read it as the same effect in practice.
2618 If was to give and effect to that policy I would read it and say it's not preventing
2619 me from including the objective to give effect to it. I think as I said in my
2620 rebuttal, it's the same wording that's used throughout the 4.1 regulatory policies;
2621 so maybe make a change. Might make other policies interpret it a bit differently.
2622

2623 I would support that change. At the same time I don't consider it to be necessary.
2624

2625 Chair: I hadn't realised it's at that same formulation as used in other provisions.
2626

2627 You have addressed Meridian's relief about recognising and providing for. That
2628 comes into (b). You have said that's justified on the basis of being a generation
2629 that will help to reduce emissions.

2630 [03.30.00]

2631 Connecting that renewable energy into the rest of the electricity network, just
2632 where recognise and provide for provision, whether you think that would be
2633 appropriate for other infrastructure that supports to deliver the renewable
2634 electricity.
2635

2636 Wyeth: I would certainly see it as appropriate for the Electricity Transmission Network,
2637 given that it's recognised as being nationally significant and it has it's NPS that
2638 has direction in that regard. I did sort of consider that, but the wording of Policy
2639 7, as it's set out, it quite clearly distinguishes between Regionally Significant
2640 Infrastructure and Renewable Energy Generation in a neat fit to provide that
2641 direction. The Electricity Transmission Network that supports Renewable
2642 Energy Generation wasn't an easy fix and wasn't something that TransPower
2643 has specifically requested in their original submission.
2644

2645 They do make the points in rebuttal evidence that they support broader – waiting
2646 for, recognise and provide for all Regionally Significant Infrastructures. I have
2647 said I don't support that, but I would probably support something that's specific
2648 to the Electricity Transmission Network.
2649

2650 Chair: The amendment that you do support in [03.31.43] is about recognising the
2651 benefits of providing for an efficient, etc. network, rather than going that step
2652 further, recognising and providing for it.
2653

2654 I also had a look in the operative RPS to see maybe if the existing provisions
2655 were enough, but I didn't see anything specific in there. Policy 7 is also about
2656 benefits, and Policy 8 is about protecting that infrastructure from incompatible
2657 development near it.
2658

2659 I appreciate there might be a scope point, but if it is, just because my
2660 understanding is that actually generating it is one thing, but then you need to
2661 actually also be able to move it.

2662
2663 Wyeth: I completely agree.
2664
2665 Chair: The change you recommend to definition of “small community scale” that is
2666 now consistent with the NPS-REG isn’t it?
2667
2668 Wyeth: Yes. Not word for word, but arguably the intent is the same.
2669
2670 Chair: In 39(e) wind solar marine renewable resources within the region – does that
2671 cover all of the regions sources?
2672
2673 Wyeth: That’s a good question, hydro being an obvious omission there. From my
2674 understanding I don’t anticipate that there’s potential for any new hydro
2675 generation in the Wellington Region. I think the general feeling there is just
2676 trying to maintain the status quo in relation to hydro generation.
2677
2678 Chair: There probably wouldn’t be scope anyway. I guess I was just thinking of...
2679
2680 Wyeth: Obviously solar was added through Change 1. That’s obviously grown
2681 significantly in terms of increasing throughout New Zealand.
2682
2683 Chair: Sorry, I’m jumping around a little bit here, but the deletion that you support to
2684 the explanation for Policy 2, when you are looking at the NES industrial process
2685 heat and NPS, would you mind also just confirming whether the large scale
2686 industrial boilers is also covered by that direction – just so that deletion that from
2687 the explanation there.
2688
2689 Wyeth: Yes.
2690 [03.35.00]
2691 Chair: In para 94, you refer to the Upper Hutt City Council submission point about it's
2692 concerns that low and zero carbon infrastructure is outside the control of District
2693 Plans to achieve. I see it as part of the theme of what this Council and some
2694 others are saying – the limitations of their functions under the RMA and the
2695 scope of what can be achieved. As I see it, if there is a framework that is enabling
2696 of this infrastructure, then it could help to deliver these outcomes and reduction
2697 of emissions.
2698
2699 Any extra comments on what they are saying in that submission point? I will ask
2700 them later this week but...
2701
2702 Wyeth: As you would have picked up, I thought some of those concerns were a bit
2703 overstated. The intent of the changes here is to recognise that some forms of
2704 infrastructure have these benefits and ensure that’s given weight in decision-
2705 making. That’s really what it's about.
2706
2707 They also raise concerns around the ability of district plans to control energy
2708 efficiencies, which is really a rollover of the intent of the RPS provisions. There
2709 seems to be some concern, as you’ve said, around climate change coming into
2710 scope and how can we deal with this. I feel a lot of those concerns are a bit
2711 unfounded.
2712

2713 Chair: There is a reference in the provisions and I think it's actually more the operative
2714 provisions, so it's probably not much scope, unless you consider it a
2715 consequential change; but in the explanation text in the operative RPS (and my
2716 note here says Policy 11 but maybe that's not correct) the text refers to the New
2717 Zealand Energy Strategy 2007 and the National Energy Efficiency Conservation
2718 Strategy 2007 and the need to give regard to those documents.
2719
2720 As I said, I'm not sure, unless it could be done as a consequential, but the New
2721 Zealand Energy Efficiency Strategy for instance there's now a 2017 to 2022
2722 document, is there is an opportunity to update those references.
2723
2724 Wyeth: I believe there probably could be scope. It was a pretty wholesale deletion or
2725 rationalisation of that explanation. Certainly Meridian in their evidence have
2726 talked about these new strategies that have come in and if anything increased the
2727 significance and importance of the strategies. I can certainly give that some more
2728 consideration.
2729
2730 Chair: That would be good. Might as well try to get those updated if we can.
2731
2732 In para 122 of your evidence, the first bullet point you talk about changes to
2733 Policy 11, recommending that you replace "reference to domestic scale and
2734 small scale" with "small scale and community scale renewable electricity
2735 generation activities."
2736
2737 Is there any impact of removing "domestic scale" from here, or will it be covered
2738 anyway by "small scale and community scale." I guess it's just a question about
2739 whether domestic scale is different from small scale.
2740
2741 Wyeth: The answer I guess is no. Small scale is like for the purpose of generating
2742 electricity for a particular site. In my view that covers domestic scale. My intent
2743 and my recommendations there was in line with the NPS-REG which
2744 specifically talks to.
2745
2746 Small scale in my opinion covers domestic scale.
2747
2748 Chair: If I wanted to put a solar panel and if that triggered a consenting threshold that
2749 would be covered under this policy?
2750 [03.40.03]
2751 Wyeth: That's my understanding/intent.
2752
2753 Chair: Staying in Policy 11, and energy efficient design, energy efficient alterations to
2754 existing buildings. Have there been some changes in the Building Code? I think
2755 somewhere, and I am not sure if it's in this topic, or in another evidence
2756 statement, I think you talk about some changes or some new requirements
2757 around achieving more energy efficient buildings. Does that ring a bell with
2758 you? I might have muddled up my S42A Reports.
2759
2760 Wyeth: No it's doesn't. I'm not aware of any specifics around Building Code
2761 requirements, around energy efficiency and design.
2762

2763 I would reiterate that Policy 11 in relation to energy efficient design and
2764 buildings is just a rollover of the RPS provisions. It's more around enabling
2765 rather than requiring.
2766

2767 Chair: Some submitters, Outdoor Bliss, Tony Chad and some others have requested
2768 some more changes to Policy 11, which I think you say are outside what Policy
2769 11 is intended to achieve. I think some of those changes are around that energy
2770 efficiency and building design.
2771

2772 Wyeth: Just going back to paragraph 15 in my S42A, the request for references to
2773 personal resource audits, other tools and personal resource management plans, I
2774 felt that was beyond the scope of what Policy 11 was intended to do.
2775

2776 Chair: Policy 39(c), having particular regard to protecting RSI from incompatible
2777 subdivision etc. would that cover direct effects and reverse sensitivity effects?
2778 It's any effects that impact that infrastructure?
2779

2780 Wyeth: Yes, that's certainly how I would interpret it.
2781

2782 Chair: There's this drafting matter which Ms Foster has raised about RSI infrastructure,
2783 those definitions. This policy is about renewable energy and Regionally
2784 Significant Infrastructure; and (b), (c) and (d) refer either to RSI or renewable
2785 electricity infrastructure. I just wanted to check, are all elements of this policy
2786 intended to apply to both?
2787

2788 Wyeth: The clauses I used the terms deliberately – I guess is the short answer.
2789 [03.45.00]

2790 [03.45.01] recognise and provide for direction for renewable energy generation,
2791 clause (a), I guess the softer direction, to recognise the benefits of all regionally
2792 significant structure in (b) in terms of protecting regionally significant
2793 infrastructure, which also includes, I guess, renewable energy generation is a
2794 subset of regionally significant infrastructure. Where clause (c) talks about
2795 protecting regionally significant infrastructure that also applies to renewable
2796 energy generation; and then (d) is specific to the operational and functional
2797 needs of renewable energy generation.
2798

2799 Chair: Again just following on from that point that I raised at the beginning of the
2800 questions about infrastructure that then supports that renewable electricity to
2801 actually go to where it needs to go, more is needed there, but I appreciate there
2802 would be an issue with widening it up to all RSI and also there may be a scope
2803 issue. Just as I was reading that, I just wondered whether there might be a
2804 possible gap.
2805

2806 Wyeth: I could certainly could give that more consideration. As I said earlier, I would
2807 support the Electricity Transmission Network being on the same par as
2808 renewable energy generation, being seen that way.
2809

2810 Although Trans Power didn't request that specifically, I think there is scope
2811 within what they have requested to give that some more consideration.
2812

2813 Wratt: In your key recommendations you note that in Policy 7 and 39 you haven't
2814 included mineral and aggregate extraction, which I think was as Winstones
2815 relieve sought. Could you just talk through that please?
2816

2817 Wyeth: I guess they sort of requested they be included in that policy, which has always
2818 been specifically focused on renewable energy generation and Regionally
2819 Significant Infrastructure, without in my view I guess providing enough
2820 rationale to support that.
2821

2822 In Hearing Stream 2, as you will recall, I recommended that mineral extraction
2823 be referenced in the Objective A. I do feel that they have a place there, but in
2824 terms of this policy they're specifically dealing with Regionally Significant
2825 Infrastructure and Renewable Energy Generation and I don't think it's
2826 appropriate to reference mineral aggregate extraction here – given that they are
2827 also covered in Chapter 3.11 if I recall.
2828

2829 Paine: That was one of my questions as well. The connection between infrastructure
2830 and you've got to have one to have the other don't you?
2831

2832 Wyeth: You've got to have the aggregate to have the infrastructure.
2833

2834 I guess in my opinion that's where that connection is better made at that
2835 integrated management kind of level, more so than at this policy level for Policy
2836 7 and 39, which I think are specifically around those benefits.
2837

2838 I do absolutely agree there's an integration connectedness issue that needs to be
2839 considered. I just don't think Policy 7 and Policy 39 are the best place for that.
2840

2841 Chair: Mr Wyeth I just have another couple more.
2842

2843 Policy 7 and 39, which I see are coined with one side on consenting and the other
2844 side on plan making, in Policy 39 you support "recognising and providing for
2845 the benefits of renewable energy." But, I think in Policy 7 you don't support
2846 Meridian's relief requesting "recognise and provide for". Is that because (a) is
2847 about RSI more generally.
2848

2849 [03.50.02] Wyeth: Confusingly they have got the clauses around the wrong way in Policy 7 and
2850 Policy 39. I do recommend "recognise and provide for" in relation to renewable
2851 energy generation, which is clause (b) in Policy 7 and clause (a) in Policy 39.
2852

2853 I have tried to make it consistent in terms of the direction in Policy 7 around
2854 "recognise and provide for" with Policy 39. Similarly for other regionally
2855 infrastructure it is recognised in Policy 7 and in Policy 39.
2856

2857 Chair: Thank you. I had missed that.
2858

2859 There are probably other provisions in the operative RPS that set out the
2860 requirement to manage the effects of this infrastructure. There's bound to be
2861 some provisions in there. These are all recognising the benefits and enabling
2862 them. I don't think there is anything in here that talks about managing effects.
2863

2864 Wyeth: No. My understanding is that all the biodiversity provisions or coastal
2865 environment provisions in the RPS would apply to renewable electricity
2866 generation. You would have seen Meridian sought some additional direction
2867 around enabling REGs subject to other chapters. I didn't think that was
2868 necessary to add that statement. I also made the point that there are some
2869 proposed amendments to the NPS-REG that consultation ended at the end of
2870 June, but they are intended to provide quite a consenting pathway for these types
2871 of infrastructure and I think it's best advanced through that work.
2872

2873 Chair: Meridian had also requested in Policy 7(a) a reference to recognising the role
2874 that their infrastructure has in sustaining the resilience of communities to the
2875 adverse effects of climate change.
2876

2877 Wyeth: Was that in relation to Policy 7 or Policy 39?
2878

2879 Chair: I have written down Policy 7. I might have got that wrong. I think your
2880 recommended changes in 7(b)(2) about contributing to resilience might address
2881 that. I need to actually go back and check if Ms Fosters is happy with that relief.
2882 I think they're presenting later this week Meridian.
2883

2884 Wyeth: The amendments to Policy 7(b) in terms of recognising those benefits, which I
2885 absolutely support, are also intended to align with the NPS-REG. It's much more
2886 specific. That's why there's quite of marked up amendments there, to give
2887 greater specificity around those benefits was the intent.
2888

2889 Chair: I think the very last thing is the explanation to Policy 65. I am not sure that the
2890 explanatory text now fully captures the amendments that you're recommending.
2891 In particular, the explanatory text does focus on waste. I suppose it does mention
2892 reducing greenhouse gas emissions. It's just the changes that you support about
2893 increasing the proportion of energy generated and used from renewable sources,
2894 and whether that's useful to add into the explanation. But, I do see you have a
2895 comment there about reducing emissions. That might be enough to provide the
2896 explanation for the policy.
2897

2898 Wyeth: I guess I would support an additional reference around renewable energy
2899 sources.
2900 [03.55.00]

2901 Chair: Okay. If you think that's helpful to add that into your reply that would be great.
2902 Thank you I think that was all that I had. Any questions?
2903

2904 Thanks very much Mr Wyeth. Another very comprehensive report, thank you.
2905

2906 **Agricultural Emissions:**
2907

2908 Chair: Ag Emissions. Welcome back Mr Wyeth. We are talking about Ag Emissions.
2909 When you're ready, thank you.
2910

2911 Wyeth: My name is Jerome Wyeth, the Reporting Officer on behalf of Council for the
2912 Climate Change Agricultural Emissions Topic in Hearing Stream Three.
2913

2914 I will briefly cover the provisions addressed in this topic, key issues raises in
2915 submissions, key recommendations in my S42A Report and finally conclude

2916 with outstanding issues in submitter evidence and my rebuttal evidence
2917 recommendations in response.
2918
2919 It's a relatively discreet set of provisions in the Agricultural Emissions Topic.
2920 The provisions include Policy CC.5 which is a regulatory policy that provides
2921 direction for regional plans to include provisions to support reduction in
2922 agricultural emissions.
2923
2924 Policy CC.13 is a consideration policy which provides direction to reduce
2925 agricultural emissions when considering resource consent applications for a
2926 change in intensity of type of agricultural land use.
2927
2928 Policy CC.14 is a non-regulatory policy aimed at supporting rural communities
2929 to improve rural resilience to climate change.
2930
2931 Method CC.5 which is a non-regulatory method relating to reviewing the
2932 regional response to reducing agricultural emissions.
2933
2934 Lastly, Method CC8, which is a non-regulatory method led by Greater
2935 Wellington to develop a climate change extension programme to support low
2936 emissions and climate resilient agriculture in the region.
2937
2938 Approximately 80 original submissions and 78 further submissions were
2939 received on this topic. Broadly the key issues related to whether Change 1 should
2940 address agricultural emissions and the potential to duplicate or undermine
2941 national policy initiatives. Strong opposition from the primary sector in
2942 particular to any regulatory policies relating to agricultural emissions.
2943
2944 Some quite divergent views on the agricultural emission target or direction in
2945 Policy CC.5. On the one hand a number of requests that it be strengthened, i.e.
2946 to reduce emissions rather than avoid increases in gross emissions. Others
2947 requested to delete it, on the basis it is unfairly targeting the agricultural sector
2948 in the region and a number of concerns how it would be implemented in practice
2949 and the potential impact on rural sector and rural communities.
2950
2951 A number of questions were raised about Policy CC.13. Again some uncertainty
2952 around how it would be implemented and what the impact will be on the sector
2953 and rural communities. Some general feedback from Territorial Authorities that
2954 it should not apply to them.
2955
2956 On the other hand, there was general support for non-regulatory Policy CC.15
2957 and Method CC.8, with some questions around the responsibility for
2958 implementing Policy CC.15.
2959
2960 In terms of key recommendations, I recommend amendments to Policy CC.5, to
2961 achieve a reduction in agricultural emissions to support the emission reduction
2962 targets in CC.5, rather the direction to just avoid increases in gross agricultural
2963 emissions. I also recommend increasing the flexibility as to how the policy will
2964 be implemented for a future regional plan change.
2965
2966 I recommend that Policy CC.13 is deleted on the basis that the costs of
2967 implementing the policy is likely to be greater than the benefits in terms of

2968 reducing agricultural emissions in the transmission period until Policy 5 is given
2969 effect to.
2970
2971 I recommend amendments to Method CC.5 to better support the implementation
2972 of CC.5 and minor amendments to clarify the intent of Policy CC.15 and Method
2973 CC.8.
2974
2975 In terms of outstanding areas of contention, these largely come from the primary
2976 sector and primarily relate to the application of Objective CC.3 to agriculture
2977 and Policy CC.5. There is still remaining strong feedback from the primary
2978 sector that the provisions in Change 1 relating to agricultural emissions should
2979 [04.00.00] be withdrawn; that agriculture should be removed from Objective CC.3 and
2980 therefore Policy CC.5 is unnecessary; that Policy CC.5 should be deferred until
2981 national policy in the climate change agriculture space is settled; and also
2982 concern that there is insufficient justification for the regulatory approach, for
2983 agricultural emissions in Policy CC.5. Also a number of requests to better
2984 recognise horticulture, food security and rural water resilience in the provisions.
2985
2986 At a broad level I recommend the Change 1 provisions relating to agricultural
2987 emissions are retained on the basis that there is a need to act now, as you have
2988 heard this morning. The agricultural comprises of roughly 44 percent of regional
2989 emissions, so Objective CC.3 there is a need to reduce emissions from the sector.
2990
2991 Also Policy CC.5 and Method CC.5 are intended to work in tandem together, to
2992 ensure that the regional response is complementary to the national approach. I
2993 do feel that some of the concerns raised in this regard are over stated.
2994
2995 Also, some of the requests around delaying it till the full of RPS as has been
2996 addressed in earlier hearing streams, a full review of the RSP is uncertain around
2997 if and when that would happen.
2998
2999 I do recommend minor amendments to CC.8 to make it clear that improving
3000 rural resilience also includes consideration of food security and rural water
3001 resilience.
3002
3003 I am now happy to take questions from the panel.
3004
3005 Chair: My Wyeth, Policy CC.5, is this also nett emissions reduction? There was a
3006 question on Objective 3 this morning and you confirmed that was nett
3007 reductions?
3008
3009 Wyeth: Policy CC.5 it's gross. The direction of travel is we need to reduce gross
3010 agricultural emissions, without seeing the quantum of what that may be, because
3011 it's too uncertain at this point in time. To me, that's the 2050 target, and there
3012 needs to be a reduce in gross greenhouse emissions.
3013
3014 Just on that point, I do feel the easiest way to clarify that may be through an
3015 amendment to the definition of greenhouse gas emissions; to say that it means
3016 gross unless otherwise specified.
3017
3018 Chair: That definition was one we looked at this morning wasn't it?
3019

3020 Wyeth: It's in the general topic.
3021

3022 Chair: That is actually I think relief that... I can't quite put my finger on it, but I think
3023 the relief that the Mangaroa Peat Land submitters had requested. Sorry, I can't
3024 find the place in your report where you talk about that. I think that they had
3025 wanted that to refer to gross emissions.
3026

3027 Wyeth: I believe they may have wanted it to be nett emissions.
3028

3029 Chair: Sorry, okay, I've misunderstood.
3030

3031 Wyeth: As discussed earlier today, the sort of broader regional target needs to be nett
3032 emission including the contribution of forestry, but in terms of these more sector
3033 specific sort of targets, my view if the direction of travel needs to be around
3034 reducing gross emissions. I think in this context gross is appropriate.
3035

3036 Chair: In your Appendix 1 recommended amendments, just to confirm, the strikeout
3037 you've got there for Policy CC.15 that I think should be CC.13. I think it's just
3038 a typo. I just wanted to check I hadn't missed anything.
3039

3040 Wyeth: That's correct.
3041

3042 Chair: In CC.15, the reference in there that you support to including rural water
3043 [04.05.00] resilience, Wellington Water had some concerns, and I can't recall actually if
3044 they were in relation to this policy or not, but concerns about ensuring potable
3045 water storage supplies are resilient to climate change. In fact, it might have
3046 actually been a point that was coded to the hazards topic.
3047

3048 Wyeth: I can't recall seeing that submission. In terms of the recommended amendments
3049 to Policy CC.15, I discussed them with Ms Guest and Mr Dawe, who are
3050 addressing those topics this afternoon. They may be better placed to respond.
3051

3052 Chair: I might come back to that. You support food security here. This is I guess where
3053 we get all of this integration. We'll leave that there. I'll come back to that point
3054 I think when Mr Dawe presents.
3055

3056 I see Mr Roos is still here because I have a question about emissions leakage,
3057 which comes up. Some submitters, possibly Dairy NZ, and there might be some
3058 others, that say having these provisions, as I understand it they're saying that the
3059 emissions could just be carried over into another region and the emissions occur
3060 there. Is that in a nutshell what the concept of leakage is about?
3061

3062 Roos: That is correct. The concept of leakage is that by regulating an activity on area,
3063 that activity just moves to another area that doesn't have those regulations and
3064 therefore there is no benefit to the climate. Having said that, that assumes that
3065 the activity moves wholesale – the entire activity moves. Of course that may not
3066 be the case at all, or it might be by degrees. Say some activity does leak into
3067 another region or another country, that is it gets displaced somehow and people
3068 set up shop elsewhere, whatever remains within the region is subject to the
3069 Policy and will be reduced. There is already that benefit. So, the dis-benefit of
3070 something moving would have to negate all of that benefit first.
3071

3072 Then with offshore leakage, in any case, other countries have NDCs and
3073 emissions reduction targets, so if there is pressure for them to increase their
3074 emissions because someone wants to set up a new activity there in response of
3075 moving out of New Zealand, they still need to achieve their target. So, that
3076 means that increase in emissions will have to be compensated for with a
3077 reduction somewhere else within their economy.

3078
3079 There are several different forces which are kind of pushing against leakage. I
3080 suppose it may happen particularly for emissions intensive commodities.
3081 There's no clear evidence that a reduction within New Zealand, or that is
3082 regulation within New Zealand would simply push it all overseas. In fact, I
3083 reference the Climate Commission's investigation, I think it's the Interim
3084 Climate Commission's investigation of exactly that issue in my technical
3085 evidence.

3086
3087 Chair: I think when I was looking through the S32Report earlier on, I've got a slightly
3088 better understanding of this issue now, of leakage, but do you know if there's
3089 any discussion in the S32Report about that cost-benefit analysis. I think
3090 submitters are saying that having these provisions might mean that they then
3091 take the agricultural activity to another region; so the Wellington region then
3092 loses the economic benefits of having that activity occurring here.

3093 [04.10.10]

3094 I think that's the point they are making. I will ask Dairy NZ about that.

3095
3096 It's probably quite hard to quantify but do you know if the S32Report looks at
3097 that? If you don't, that's okay, I can delve into it again.

3098
3099 Roos: I would have to refresh my memory. Are you asking if my report covered it?

3100
3101 Chair: I guess if there's been a cost benefit assessment of that point that they're making;
3102 so saying these policies are going to take away regional economic activity from
3103 the region. Just if there's been an economic assessment of that.

3104
3105 Roos: No, there hasn't been an economic assessment of the specific effective of these
3106 policies on whether there would be leakage or not. We have reference national
3107 level studies.

3108
3109 Also, I would like to note that in the Emissions Trading Scheme just recently
3110 they had a policy to try and reduce leakage by giving out free emissions units to
3111 highly emitting activities that would be vulnerable to leakage. Those allocations
3112 have been reduced significantly with the latest Bill that passed just a week ago.
3113 That instant recognition of the fact that other jurisdictions are upping their game
3114 with emission reduction policies, and the more they do that the less risk there is
3115 of leakage.

3116
3117 Kara-France: Just moving forward on the comment that you made in regards to emission gas
3118 and leakages, it's known that in sewerage ponds the sludge is taken away and
3119 put into landfills for example and it does build up. There are cases where they
3120 are in high capacity.

3121
3122 Is that a contributing factor to the emission gas problem?

3123

3124 Roos: Yes Commissioner. Disposal of sewerage sludge is an emissions source. It is
3125 particularly significant for those organisations that have responsibility for that.
3126 I know District Councils for example, or Wellington Water, that's usually one
3127 of their biggest emissions sources. At a regional level it's not so big. Total waste
3128 emissions represent about five percent of the region's emissions. That's actually
3129 counting transfers of waste over the regional border. So, even so waste from the
3130 region, including sludge – and I'm not sure if it is transported but if it was, we
3131 are still counting those emissions, even if they go into landfills outside of the
3132 region.

3133
3134 Kara-France: Thank you. I am aware of the Wairoa District Council transporting trucks just
3135 down the road to their landfill. Ngāti Toa Rangatira and also the other iwi groups
3136 have mentioned an objection to new landfills. Thank you for the clarification.
3137

3138 Chair: Mr Roos, I think the government has made some announcements recently on
3139 pricing agricultural emissions. This is a result of the consultation that was started
3140 probably almost a couple of years ago I think.

3141
3142 As I understand it, the Council's sort of general view is that while there's a range
3143 of mechanisms that are needed to reduce emissions and get us on the 2050 nett
3144 zero path, and pricing is just one, but there are a range of other things that are
3145 possible within the scope of the RMA; and then there are some submitters that
3146 are saying the pricing scheme is the best way of achieving emissions reduction.

3147
3148 Has there been anything that you're aware of that has come out in those recent
3149 developments that would change any of the policies that you support, in terms
3150 of reducing agricultural emissions?

3151 [04.15.15]

3152 Roos: Not to my knowledge. I was aware of the status of what was proposed earlier in
3153 the year. I need to check the details of the very latest version, which is setting a
3154 timetable for introducing the emissions pricing scheme. But, certainly in the
3155 earlier version that was made public there was not any contradiction.

3156
3157 As I covered in my technical evidence, already we have the emissions trading
3158 scheme, and as far as other non-agricultural activities are concerned, there are
3159 already complementary policies of all kinds that also act to try and mitigate those
3160 emissions. I see the situation with agriculture there being a pricing scheme and
3161 regulatory methods and possibly other approaches too. They are all
3162 complementary in that they are all seeking to achieve the same thing. In fact,
3163 compliance with one may automatically bring about compliance with the others.
3164

3165 Chair: Thank you. I think it is in one of the evidence statements prepared by Dairy NZ.
3166 I think it's Mr Lincoln. The reason I ask is because it comes back to the
3167 requirement that we have to consider whether these provisions are the most
3168 effective and efficient to achieve the objectives. I can't quite find it now.

3169
3170 Para 12, and don't worry if you don't have it, but Mr Lincoln talks about the
3171 national level agricultural greenhouse gas policy and He Waka Eke Noa
3172 partnership. I see that Method CC.8 is also very much about the Wellington
3173 Regional Council really driving a programme partnership engagement with
3174 stakeholders. It's a long way asking is there compatibility between these
3175 initiatives? So, what the RPS is trying to promote and achieve and what He

3176 Waka Eke Noa, and other national led initiatives are trying to achieve. Is there
3177 a possibility of over regulation or inconsistent initiatives? Any views on that?
3178

3179 Roos; I have had put an exploration of this topic in my technical evidence about how
3180 the two may work together – the RPS provisions and emissions pricing; in that
3181 essentially one may help the other. It's conceivable there is a situation where
3182 an activity is viable underneath the emissions pricing scheme, but under the RPS
3183 policies it is not reducing emissions, it is not compliant with Policy CC.5 and
3184 the additional guidance that we are going to bring out, that's proposed; in
3185 which case, that activity, that applicant would need to do more, and that would
3186 mean that the missions in that particular case increase to a greater extent, which
3187 as I explained would be beneficial to the climate.

3188 [04.20.05]

3189 There's two things pointing in the same direction and they're both pushing. On
3190 might push things slightly further sometimes, or the other one might. It just
3191 depends on the circumstances. Highly profitable activities can afford to pay an
3192 emissions price. They could highly emitting but if they're making good money
3193 of it, why not just pay the emissions price and carry on. In that circumstance it
3194 might come after the RPS lens and we actually there are opportunities to reduce
3195 those emissions, rather than just simply paying the emissions price. That's where
3196 I would see the RPS, the regulatory approach providing additional value.
3197

3198 Wyeth: If I could just maybe make a comment.
3199

3200 I guess there's two parts to it as well. In footnote 8 of my rebuttal evidence, the
3201 government recently announced changes to the ETS pricing system that will
3202 basically come into effect later, and that's under the Labour government. The
3203 National government said, "We'll implement something by 2030." So, you've
3204 kind of got this circle of ongoing uncertainty around what's going to be delivered
3205 at the national level.
3206

3207 My intent of how Policy CC.5 and Method CC.5 will interact is that there is time
3208 to make sure that these things are aligned and complementary. I think there's a
3209 risk of Greater Wellington coming under this overly regulatory approach on
3210 agricultural emissions is a bit overstated. I think once they get to that S32 for
3211 that plan change in the future, there will be a detailed assessment where it's most
3212 the efficient and effective approach to achieve objectives.
3213

3214 The direction of travel, I guess in terms of reducing gross emissions from
3215 agriculture is important.
3216

3217 Chair: Is Wellington Regional Council showing real leadership in terms of actions
3218 taken by Regional Councils when it comes to managing agricultural emissions?
3219

3220 Wyeth: Are you asking if Greater Wellington is ahead of the charge?
3221

3222 Chair: Not necessarily head of that charge, but just that leadership point which I know
3223 comes out and is referred to in the S32 as well, wanting to be leaders in this area.
3224

3225 Wyeth: I think that's a fair comment. I also think it's quite early days in terms of Councils
3226 thinking about climate change in this more proactive manner. I do feel that a lot

3227 of Regional Councils will be coming pretty quickly behind, and are watching
3228 this space pretty closely I guess.
3229

3230 Paine: Good afternoon Mr Roos. I have got our discussion about methane gas running
3231 around in my head. I am just looking at Dairy NZs evidence and Mr Lincoln,
3232 just his last paragraph. I just want to hear your thoughts about that. It's just one
3233 line: "Failing to consider the warming impact differences may over-estimate the
3234 methane reductions needed and create unnecessary social and economic impacts
3235 as a result." That would be true wouldn't it? Would it not?
3236

3237 Roos: Methane emissions if they increase have a much stronger... underneath the
3238 method, the all gases method, GWP100, increasing emissions would meant that
3239 actually the impact on the climate would be much greater. It does depend on that
3240 for example, whether omissions are rising, falling or staying steady. But, as I
3241 said earlier bundled up in there is an assumption about how much warming is
3242 the agricultural sector allowed to have? How much of that temperature increase
3243 between the pre-industrial temperature and 1.5 degrees, because if emissions
3244 continue that creates a block of warming that we all have to deal with.
3245

3246 This discussion that it's somehow unfair to calculate emissions using GWP100
3247 doesn't address the unfairness of the fact that methane is creating this warming
3248 just as 'squatter's rights' if you might want to call it that.
3249

3250 Paine: I suppose it's what lens you're look at through.
3251 [04.25.00]
3252 Roos: Yes.
3253

3254 Paine: Thank you Mr Roos.
3255

3256 Chair: I have now just found the notes I made about this cross-benefit issue that I was
3257 referring to before. Just a couple of questions and I will try to be quick about
3258 them.
3259

3260 Dairy NZs view is that the changes to Policy CC.5 that you support Mr Wyeth,
3261 they say that those changes mean that the policy is not really needed anymore. I
3262 wonder if what they are saying there – because the wording has quite a bit from
3263 "provisions that avoid changes to land use that result in increased gas emissions
3264 from agriculture," to provisions that support reductions to contribute to the
3265 emissions reduction target.
3266

3267 Obviously you support this policy and you do think it's going to have some
3268 benefits and will help to achieve that objective.
3269

3270 Masterton District Council asked in relation to this policy. They said, "Would
3271 this trigger farmer consent requirements?" Sorry, this is actually a regional plan
3272 requirement isn't it?
3273

3274 I think depending on where the regional plan ends up, could an outcome be that
3275 a Territorial Authority, say Masterton, may be required to include provisions in
3276 their plan; provisions that manage land use activities so emissions are reduced.
3277 I think number of cows on farms and that sort of thing.
3278

3279 I guess what I'm trying to get at is where would this provision potentially go in
3280 terms of impacts on Territorial Authorities?
3281

3282 Wyeth: The provision is clearly directed and currently worded as to regional plans. I
3283 guess in short I was a bit concerned around those references, to changes in their
3284 use practices and controls on that until we exactly know that's the most efficient
3285 and effective way to achieve the objective. So I think there's a lot of still live
3286 questions around exactly how this policy will play out in practice. But, because
3287 there is uncertainty around the provisions doesn't mean we shouldn't be acting
3288 now. I think the risk of not acting is greater. I still support the general direction
3289 of travel in terms of reducing agricultural emissions and allowing the time for
3290 that to figure out the most efficient and effective approach to do that through
3291 method CC.5.
3292

3293 Wratt: As I am looking at these provisions here, there is nothing here that is indicating
3294 a requirement for TAs to consider in their consenting processes. It's really all
3295 focused on the Regional Council providing support to farmers to improve and
3296 reduce their emissions. Is that how you would see it?
3297

3298 Wyeth: Yes, that's the intent. It's primarily a non-regulatory approach. I think it's just
3299 saying there may be some need for some regulation through Regional Plans, the
3300 details of which needs to be worked through in the context of the broader
3301 national policy.
3302

3303 In short, yes, no direct requirements on TAs to be considering agricultural
3304 emissions.
3305

3306 Paine: I am just looking at Objective CC.1. A lot of the submitters have talked about
3307 leaving in the date by 2050 and taking out the date; and if we take out the date
3308 then this objective means it must be done now. That's now what that objective
3309 is saying is it? Or, is it?
3310

3311 Wyeth: No, it's not basically. That's kind of where I landed with that. There's elements
3312 of that objective that will be achieved sooner, around some of these decisions
3313 being there forefront of decision-making; and it's around the journey of
3314 achieving a low emissions region – which you can try and set a specific
3315 timeframe around that, but it's more around “Here's the outcome we want to see
3316 for the region and here's the things that need to happen to get there.”
3317 [04.30.05]

3318 Chair: Mr Wyeth, of the three reports that you have prepared, do you have handy the
3319 provisions that you recommend be allocated to the FPI. I know you will have
3320 covered that in your evidence but I'm just wondering if you did have a list?
3321

3322 Wyeth: In short, I have recommended all of them, that were in the FPP process be moved
3323 to the standard Schedule 1 process.
3324

3325 Chair: So, they're in your three reports that you recommend be coded to FPI?
3326

3327 Wyeth: Yes, that's correct.
3328

3329 Wratt: There are still in some of the other provisions – currently they're still sitting in
3330 the Freshwater Plan provisions?

3331
3332 Wyeth: Correct. Yes.
3333
3334 Chair: Is that the last time you're presenting Mr Wyeth. Thank you very much again
3335 for your work on these reports. Really appreciate it.
3336
3337 Wyeth: Thank you.
3338
3339 Chair: We have two left. A short break. We'll take five minutes. Thank you.

3340
3341 [Break taken – 04.31.35]
3342

3343
3344 **Climate Resilience and Nature-Based Solutions:**
3345

3346
3347 Chair: Kia ora everyone, we are now up to the Climate Resilience and Nature-Based
3348 Solutions topic. Ms Guest, thank you. If you would like to present your evidence
3349 that would be great.

3350
3351 Guest: Tēnā koutou Commissioners. Thank you for hearing me again today to talk
3352 about the topic of climate resilience and nature-based solutions.

3353
3354 I am just going to quickly run over firstly what nature-based solutions are and
3355 then talk about the provisions and changes, as per Mr Wyeth.

3356
3357 The definition of nature-based solutions incorporates both the use of natural
3358 ecosystems and the incorporation of natural elements into built environments,
3359 for the purpose of reducing emissions and/or strengthening resilience. But, the
3360 really important thing about nature-based solutions is they have co-benefits,
3361 particularly for biodiversity. That's a huge benefit of nature-based solutions and
3362 needs to be a key consideration.

3363
3364 They can occur at a range of scales, at a catchment scale, an ecosystem scale,
3365 greenfield and brownfield. We will just briefly over those with some examples.
3366 There are two tranches of policies in the RPS. The first one is about protecting
3367 and restoring ecosystems outside of a development situation. Identifying
3368 ecosystems in our region that are important for nature-based solutions and
3369 looking to work with stakeholders to maintain, protect or restore those.

3370
3371 Then there's the situation where we have development and we would like to see
3372 nature-based solutions prioritised as part of development planning. That
3373 includes things like retaining water bodies, creating swells and rain gardens. Mr
3374 Farrant's evidence will talk about this in some more detail.

3375
3376 There is just a couple of examples of things that Greater Wellington is doing.
3377 The picture on the left they are just about to plant 240,000 trees on Belmont
3378 Regional Park. That's part of our carbon reduction strategy, and I think the plan
3379 is to plant a further 10 million plants in the next ten years, which is pretty
3380 impressive on our regional parks. Little ones, but recognising the value of
3381 wetlands for slowing the flow of water with the climate projections to come, as
3382 well as obviously important for biodiversity. Then the slide on the right shows

3383 a change in policy from our river engineering work teams, where they are
3384 actually providing room for the river to move; so not using stop banks right up
3385 to the edge of rivers but working backwards and planting the rivers room for
3386 their natural processes.

3387
3388 Mr Farrant is going to talk a little bit more about the use of nature-based
3389 solutions as part of development, and these next two slides just show how you
3390 can incorporate green elements when you're intensifying from one house to
3391 three houses, as enabled by the latest NPS-UD changes. Similarly, when you're
3392 actually going to higher density, building in nature-based solutions as part of
3393 that we think is really important for increasing the resilience of our communities.
3394

3395 [04.35.00]

3396 The provisions that we have talked about in my report, there are two objectives.
3397 The first one is about nature-based solutions being an integral part of mitigation
3398 adaptation responses. The second one is about the approach to permanent forest.
3399 This has primarily been driven by quite a large issue that's been raised over New
3400 Zealand but also in the Wairarapa, about the concern about rural communities
3401 being used as carbon sinks, and so our objective is recognising the need for more
3402 trees, but making sure that we actually put into practice of the concept of 'right
3403 tree right place.' So, if we're going to have more trees, let's get them into the
3404 areas that makes most sense and provides co-benefits for a whole lot of reasons.

3405 We have policies around climate resilient development protecting ecosystems,
3406 right tree right place, and some supporting methods for that.

3407
3408 The key issues raised in submissions: there were some concerns around the
3409 definitions for nature-based solutions, the highly erodible land, the forestry and
3410 a new definition was requested for climate resilience.

3411
3412 Similar to other topics there were concerns raised by our Territorial Authorities
3413 about the strength of direction to district plans, both to require climate resilience
3414 features and to prioritise the use of nature-based solutions. Again, similarly, the
3415 roles of TAs versus the Regional Council.

3416
3417 Some of the infrastructure providers questioned the relevance of the different
3418 climate resilience features that we set out in the policies to different activities.
3419 There was concern raised by a number of submitters, particular some submitters
3420 in Mangaroa Peatland area in Upper Hutt, about the role and approach of local
3421 government to protect and restore ecosystems on private land; the carbon sink
3422 issue and then a concern for Ag industry around direction to avoid plantation
3423 forestry and whether we are going further than the NES for plantation forestry.
3424

3425 The recommendations really hit on all those matters. We looked to clarify the
3426 relationship of nature-based solutions with green infrastructure. We have picked
3427 up the NES-PF definition for plantation forestry and made some other
3428 amendments. Got a new definition for climate resilience and water sensitive
3429 urban design.

3430
3431 The two big changes I think was around Policy CC.4 and 14, which are around
3432 the climate resilient development. I think the [04.37.35] is a raft of red drafting,
3433 which looks like there's been significant changes. I think the main thing to
3434 recognise there is basically the intent is retained, as are the climate resilience

3435 attributes that we're seeking; but we have changed the policies up to clarify the
3436 difference between district and regional functions, and we have also amended
3437 the chapeau to make it more clear that those features we are seeking to the
3438 appropriate type of development.

3439
3440 We have recommended deleting Policy CC.7 and 12 as drafted and integrating
3441 the clauses with the development policies, which I think is more efficient.

3442
3443 Then Policy CC.7 we have redrafted to clarify the approach when we are
3444 working outside of a development scenario, about working with the community.

3445
3446 Then the last set of changes are around the regional forest spatial plan. Not
3447 changes to the intent, but really adding detail to clarify the approach in response
3448 to questions from submitters.

3449
3450 That's a summary for myself. I think as we have done with the other
3451 presentations, if you are happy to hear from Mr Farrant next and then we can
3452 take questions at the end.

3453
3454 Farrant: Kia ora koutou. Ko Stuart Farrant tōku ingoa. Thank you for your time today. I
3455 am going to speak through the evidence that I provided, which was really
3456 intended to provide some context and background, to really explain the drivers
3457 for these change in approaches, and also the importance of taking action to
3458 ensure that our natural and physical resources, including the people and the
3459 environment that live in those are protected in this time of climate change.

3460
3461 Obviously we're having this conversation at a time when there's quite a lot of
3462 media attention around a lot of these issues, so a lot of that stuff that I speak
3463 through will not be new information I would imagine; but the recognition of the
3464 importance of that is increasing.

3465
3466 I will just outline some of the climate change stresses and impacts that need to
3467 be anticipated and addressed when planning and constructing new urban
3468 development in particular and not focused on rural development. I will discuss
3469 some of the risks to both people in the environment from a business as usual
3470 approach, and also explain the concepts of climate resilience and nature-based
3471 solutions and how these have been translated into the plan change.

3472 [04.40.00]

3473 If we have got some time we could also talk through a few examples around
3474 climate resilient features and also nature-based solutions.

3475
3476 I just want to pull a couple of these points out just to start with. Just to highlight
3477 the importance of adaptation to increase resilience of our communities, the
3478 natural and built environment to prepare for the changes that are already
3479 occurring; so really understanding that what we are talking about here is both
3480 protection but also enhancing and restoring outcomes.

3481
3482 Importantly here, just recognition that climate change and the decline of our
3483 ecosystem health and all the values that that supports are inseparably entwined.
3484 So, how we do development is having an impact on the climate, as you will have
3485 heard already through some of the evidence already I think; but also equally how

3486 we do development is having an impact on the environment, and it's certainly
3487 around there.
3488
3489 Just to start a really brief summary of what the future is increasingly lived.
3490 We've been talking about this for a number of years now and decades in fact. In
3491 the Wellington region we are talking about an increase in high intensity
3492 downpours. When we talk about this, we're not just talking about the large flood
3493 events that obviously places like Tāmaki Makaurau has recently experienced.
3494 That is one part, but also just high intensity rainfall interspersed with periods of
3495 dry weather; so increased periods of dry followed by heavy rainfall. And, overall
3496 a reduced annual total rainfall amount. That's quite a different climate to what
3497 we have been used to over the last decades. On top of that increase ambient
3498 temperatures at certain times of the year, which you may have heard talk around
3499 things like urban heat island effect, which I will talk about in a minute.
3500
3501 Obviously on top of all of this we have rising sea levels, which when we are
3502 talking about urban drainage is a particular important consideration to think
3503 about.
3504
3505 What are the risks? As a result of all of those, and also the tendency that we've
3506 had in the past, in the region to do development in a fairly traditional manner,
3507 without the use of things such as water sensitive and design, and environmental
3508 measures, the form and spatial layout of our urban development are having
3509 significant influence on the outcomes that we're seeing. These are all from a
3510 typical development, but I will talk through with an image in a moment, where
3511 we really maximise the yield of development within a development footprint.
3512 We maximise the amount of roof area, the amount of road and hard stand areas.
3513
3514 What we are seeing from a combination of those climatic changes, but also that
3515 business as usual development, is increased contaminant discharges to our
3516 waterways. That cycle of dry weather followed by heavy rainfall actually makes
3517 it more efficient for higher concentrations of contaminants including metals,
3518 hydro carbons and nutrients to be swept into our waterways – both freshwater
3519 and our coastal environment.
3520
3521 We are seeing increased instream scar and slumping. That's the collapse of the
3522 actual stream environment themselves. Obviously when that happens we have
3523 impacts on things like roads and properties being undermined, but we are also
3524 losing that habitat and it's flushed out. You get streams that are just devoid of
3525 that eco function.
3526
3527 We are certainly seeing more in the way of landslides, particularly across the
3528 hillier parts of Wellington, and they often have flow-on impacts onto other
3529 elements – particular things like water paths, and waste water pipes and things
3530 that flow through there, and also obviously an impact on the transport network.
3531
3532 The thermal stresses is both a human (and I mention heat stress down there) but
3533 when we look at increased temperatures there's a really big correlation with our
3534 indigenous biodiversity; so most of our taonga species and our freshwater have
3535 evolved to live with moderately cool temperatures that we're used to in New
3536 Zealand, so with this urban heat and increased temperatures of stormwater they
3537 are very adversely impacted, and that results in a loss of indigenous species, a

3538 loss of mahinga kai value, and a loss of just that ability for the communities to
3539 connect with waterways and to connect with the natural environment, which we
3540 know has significant health and wellbeing benefits.

3541
3542 In terms of human mortality and heat stress, this is an area that New Zealand
3543 perhaps is a little bit negligent on. We are seeing increasingly overseas that the
3544 human health cost from some of these heatwaves is exceeding the human health
3545 cost of other historical natural disasters. It is a significant amount. When we
3546 think about the elderly, the young, and people with comorbidities it's quite a
3547 significant threat I guess to our populations in the years to come.

[04.45.08]

3548
3549 Increased energy demands, largely through cooling; so creating more buildings
3550 that are needing to be cooled through increasingly stressed energy sources, and
3551 also just reducing that resilience to future climate change in general.

3552
3553 What the plan is proposing through the requirements around nature-based
3554 solutions and climate resilience are intended to deal with all of those as well as
3555 providing that increased resilience.

3556
3557 Ms Guest mentioned the definitions that were included and there are a lot of
3558 definitions out there, but I think the definition that's been provided around
3559 nature-based solutions is nice and succinct and really captures all the elements;
3560 so actions to protect, enhance or restore natural ecosystems. That's the nature
3561 that's already out there in the natural environment, but also the use of engineered
3562 systems that mimic natural processes, to reduce greenhouse gas emissions,
3563 and/or strengthen the resilience and wellbeing of humans, indigenous
3564 biodiversity and the natural and built environments to the effects of climate
3565 change.

3566
3567 It's really important that it's recognising both the role of natural systems, but also
3568 mimicking those natural systems in our urban environment, and it's responding
3569 to not just the environment, it's responding to the human element in the natural
3570 and built environments.

3571
3572 In terms of climate resilience the capacity and ability of the natural and built
3573 environment including people, communities, businesses, infrastructure and
3574 ecosystems to withstand the impacts and recover from the effects of climate
3575 change including natural hazard events. Again, that's really important to bring
3576 in the human element and also the commercial and environmental element, but
3577 also to recognise that we're dealing with not just natural hazard events; we are
3578 dealing with the day-to-day change in climate patterns that we're seeing are
3579 continuing to have that adverse impact on the natural environment.

3580
3581 Just got a couple of schematics that might be tricky to talk through, but I will
3582 try; which really was taking a case of what's increasingly happening, where
3583 we're seeing urban development and essentially subdividing existing lots. In this
3584 case I'm going from a single stand-alone property on a fairly typical residential
3585 lot, a 600 square metre lot with 120 square metre house – fairly typical. But,
3586 that's been subdivided up into three houses. Currently in the Wellington region
3587 there's no real clear and explicit around the guide to need to manage the climate
3588 resilience aspects of that and certainly no clear requirements around water
3589 sensitive design and nature-based solutions.

3590
3591 In that future [04.48.06] we've got three 200 square metre lots with 90 square
3592 metre dwellings. That's fairly typical. I'm sure we can all imagine that. But, we
3593 find is that when you run that through a model you're looking at around about a
3594 70 percent increase in the stormwater volume that comes off that same 600
3595 square metre lot, and that's largely happening in those small rainfall events that
3596 happen all the time and would normally be intercepted by the vegetation or the
3597 pervious areas, or in a natural forest would be intercepted by the forest.

3598
3599 There's also a 40 percent loss in urban greenspace at a time when we are
3600 recognising the need for as much greenspace as possible.

3601
3602 Through nature-based solutions, and this is completely indicative, so we've
3603 thrown in some rainwater tanks, some green rooves and some permeable paving.
3604 Obviously how that is done is there's a recommendation through to the
3605 Territorial Authorities to address that in a bit more detail, but you can quite
3606 readily get to a point where you can have a significant decrease in the stormwater
3607 volume from small rainfall events that normally would not enter into the
3608 environment, and also again in urban greenspace while still achieving increased
3609 development numbers.

3610
3611 Similarly, it's a fairly similar story, but this is at a larger scale where we are
3612 taking a cluster of houses and developing them as a typical greenfield
3613 development might occur. In that particular scenario there that we modelled,
3614 there's around about 110 percent increase in stormwater volume, so this is
3615 significant, and a 50 percent loss in urban greenspace. You can see the business
3616 as usual approach is having, I guess, a range of impacts that are not just
3617 environmental but they're also touching on those social and urban resilience
3618 questions.

3619 [04.50.00]

3620 Again through nature-based solutions, which are fairly well understood and
3621 fairly well required by a number of councils across Aotearoa, we can achieve
3622 those same sort of gains as we saw at the smaller lot.

3623
3624 That's really the main points I think. As Ms Guest said, the Policy CC.4 and 14
3625 really are the key parts. There's a number of provisions in there which require
3626 the amendments have separated them out into part A and B, therefore separating
3627 the requirements of the Territorial Authorities from the Regional Council, which
3628 I think I certainly support that.

3629
3630 I think that it's certainly presented in a manner now where having requirements
3631 around water sensitivity and design and nature-based solutions, and climate
3632 resilience can actually support the multiple range of benefits that we need in line
3633 with things like the NPS freshwater and Te Mana o Te Wai.

3634
3635 Thank you.

3636
3637 Wratt: Thank you for very much for those outlines, and for a couple of very thorough
3638 reports. Mr Farrant, it is certainly really interesting reading through your
3639 technical report. It makes for some great reading.

3640

3641 My first question is not addressed in your evidence but it relates to the allocation
3642 of these provisions, to the FPP or the P1S1. You haven't addressed it, but I guess
3643 my question for you is, in the recommendations from Mr Wyeth for the issues
3644 and objectives that he recommended shifting into P1S1, his comment was that
3645 he considered that the Climate Change Issue 2 for example does not have a direct
3646 enough association to matters that impact on water quality or quantity to be
3647 included in the FPI and he made a similar comment about the other provisions.
3648

3649 From my perspective, it seems that the same sort of comment would apply here,
3650 and that most of these provisions are actually addressing climate resilience and
3651 not addressing freshwater, but I'm interested in what your thoughts are on that.
3652

3653 Guest: I think there's an interesting distinction with the set of provisions that we are
3654 addressing here, and that a large part of climate resilience and nature-based
3655 solutions deals with water; so too much water, not enough water, nature-based
3656 solutions are an intimate part of dealing with the effects of water on communities
3657 and on the natural environment. So, I think there is a distinction here between
3658 this group of climate policies and the broader set.

3659 I agree with Mr Wyeth's recommendations in relation to his provisions, that
3660 there are much broader and water is kind of an equal sub part really of the
3661 impacts.
3662

3663 I think also the link back to the NPS-FM where there is a very clear link between
3664 recognising the importance of managing freshwater and climate resilience is
3665 some very specific provisions in the NPS-FM that directs freshwater
3666 management for climate resilience – which in my opinion then clearly directs us
3667 to recognise these as freshwater provisions under the NPS-FM.

3668 I think that's the distinction. The one policy that I have recommended not be in
3669 the FPP is the new recommended CC.7 which is around identifying ecosystems
3670 that provide nature-based solutions in a more general sense, and that's kind of
3671 at that big ecosystem scale, so it would be things like sand dunes and recognising
3672 their benefit from sea level rise; looking at the recognising the value of peat
3673 domes for climate change mitigation. It's a bigger area and water is not such a
3674 critical part of it. Whereas I think for these provisions, particular the CC.4 and
3675 14 is a lot of how do we manage water as part of development? It's quite critical
3676

3677 Mr Farrant might want to add to that.
3678

3679 Farrant: Just the one thing I would add to that is, it's perhaps a little bit unique in that
3680 how we manage particularly urban water in a development sense, you're
3681 addressing both mitigation and adaptation to climate change directly.
3682

3683 [04.55.00]

3684 But, also you're directly impacted by the climate that we're sort of confronted
3685 with; so it really is completely entwined across climate change and water.
3686

3687 The other consideration there is that obviously what happens in development has
3688 a direct relationship to water. It's very, very inter-woven and that's why you hear
3689 terms like holistic management and taking that bigger systems thinking
3690 perspective.
3691

3692 Wratt: I hear what you're saying and understand what you're saying, but it is interesting
3693 that in the text you've got here, there's really very minimal mention of
3694 freshwater. I think there's one freshwater management policy. The explanations
3695 in the text is all about relief from heat, restoring coastal dune lands. There is one
3696 leaving space for rivers and water sensitive designs.
3697
3698 Thank you. I understand your explanation.
3699
3700 Guest: My personal perspective is this whole categorisation is a terrible distraction. I
3701 wouldn't die in a ditch over which way these went, but I think if you actually
3702 look at whether it's a freshwater provision my opinion is they are.
3703
3704 Wratt: That separation probably becomes less of an issue now we just have one panel
3705 and we're all considering the whole thing.
3706
3707 A couple of other questions though.
3708
3709 In your examples for your nature-based solutions, one of the headings is
3710 'Reducing Greenhouse Gas Emissions' and then in brackets (Climate Change
3711 Mitigation) and the example you give are planting forest to sequester carbon and
3712 maintaining peat land to maintain carbon stores.
3713
3714 I guess peat land to retain carbon stores is reducing emissions, but planting forest
3715 is not actually reducing emissions, it's actually mitigating emissions. I just
3716 wonder whether instead of 'reducing' it would actually be better to use the
3717 'mitigating' word – so mitigating greenhouse gas emissions rather than
3718 reducing. Especially that you've given two examples and one of them is actually
3719 not reducing.
3720
3721 Guest: I agree with that observation. That title could well change to 'Climate Change
3722 Mitigation'.
3723
3724 Wratt: Then moving onto Policy CC.4, you have changed 'climate resilient' to 'climate
3725 responsive' and I just wondered is there any need to have a definition of climate
3726 responsive.
3727
3728 Guest: I guess we could say climate responsive is responding to. The reason for that
3729 change is the policy was climate resilient and then we brought in one of the
3730 aspects from Policy CC.7 and 12, which is around protecting the climate
3731 mitigation features and recognising that of some ecosystems; so then the policy
3732 became broader than just resilience.
3733
3734 I guess we could have a definition if it was helpful.
3735
3736 Wratt: To call it climate responsive makes sense to me, but I just wondered whether...
3737 it sounds a bit pedantic but there's definition for other things. Just something to
3738 consider when you come back in your reply.
3739
3740 Guest: I wonder whether the chapeau has the elements of mitigation, resilience and
3741 adaptation – whether a definition is needed. I can give you a response.
3742

3743 Wratt: Thanks. Another definition was the one of ‘permanent forest’. It talks about
3744 forest actively managed to maintain continuous canopy cover. Does that mean
3745 that a forest that’s not actively managed is not permanent forest?
3746

3747 Guest: So, developed this in line or in junction with our land management staff who are
3748 keen. I think there’s a concern about forest being planted and then walked away
3749 from, and not being in the first instance looked after in terms of pest control,
3750 which is pretty important for them to continue developing.
3751

3752 But, yes, I get your point in terms of natural forests that are maybe there in the
3753 National Park or Regional Parks.
3754

3755 Wratt: It might be a reserve. I mean, yes, sure you might be pest control, but that pest
3756 control isn’t necessarily... if it's predator controlled it's not necessarily
3757 managing the canopy, it's actually managing the predators that eat the birds,
3758 rather than being managed for continuous canopy cover.
3759 [05.00.04]

3760 Guest: We can have another look at that. I think it was around the whole people planting
3761 permanent forests and walking away – particularly pine. We can have another
3762 look at it.
3763

3764 Wratt: I wouldn’t want to lose that actively managed, but I just think perhaps the
3765 definition needs broadening, so that it doesn’t leave a gap around natural
3766 indigenous forest and reserves, or national parks or whatever.
3767 In method CC.6 identifying nature-based solutions for climate change, it talks
3768 about Wellington Regional Council in partnership with mana whenua, tangata
3769 whenua will identify ecosystems in the Wellington Region that should be
3770 prioritised for protection and restoration for their contribution as nature-based
3771 solution to climate change.”
3772

3773 I just wonder why that is restricted to partnership with mana whenua, tangata
3774 whenua and doesn’t involve engagement with wider community. It may be with
3775 Conservation groups for example, I’m sure Forest & Bird for example would
3776 well have some thoughts on ecosystems in the Wellington region and the
3777 scientific input into that.
3778

3779 Guest: I think the history of this clause is it started off being the Regional Council
3780 identify and then in liaison with our mana whenua and tangata whenua partners,
3781 they asked to have specific involvement in this method. On the other hand a
3782 number of Territorial Authorities said they didn’t see that they had a role here,
3783 so we were very happy to take the lead. But, yes, I understand your question
3784 about why the other parties are specifically mentioned.
3785

3786 I think when the Regional Council would do this sort of exercise they would
3787 probably naturally talk to other people, but that can be specified if that would be
3788 helpful.
3789

3790 Wratt: I guess I’m probably putting on my scientific background hat and thinking that
3791 we should be seeking science input into that as well as te ao Māori, which is
3792 perhaps the other side of the equation than the one Ina, Commissioner Kara-
3793 France would be exercising.
3794

3795 Guest: Certainly understand. We can have a look at amending that chapeau.
3796
3797 I think I just had one other question which is probably for Mr Farrant I think. In
3798 Mr Anker's submission, and it seems he's probably connected with the
3799 Mangaroa Wetlands group, he has a statement around more carbon dioxide
3800 being advantageous for indigenous biodiversity; increase the OT levels and
3801 temperatures; instead of being a decrease in bio-diversities there is evidence to
3802 indicate the converse is the case. He talks about the fact that more carbon dioxide
3803 is good for plant growth.
3804
3805 Would you like to comment on that?
3806
3807 Farrant: I'm not a botanist or a climate scientist. It's not something I could really
3808 comment on to be perfectly honest.
3809
3810 Guest: I think it's something Mr Ross is probably best placed to comment on, but he's
3811 gone. My understanding is you may get more growth up to a certain level, but
3812 not necessarily of our indigenous plants, which have developed in the
3813 environment as we've had over the last thousands of years. I think adding more
3814 carbon is not going to necessarily benefit those plants, and then there will be a
3815 limit where nothing is going to do that well.
3816 We can ask Mr Roos for a short response to that.
3817
3818 Farrant: I would also suggest that other obviously well understood impacts of CO2
3819 emissions on climate systems would likely have an adverse impact on those
3820 same ecosystems.
3821
3822 Wratt: Such as?
3823
3824 Farrant: Such as droughts, floods and landslides.
3825
3826 Wratt: High temperatures?
3827
3828 Farrant: Yeah.
3829
3830 Wratt: If you could ask Mr Roos for a response on that. Thank you, I think those were
3831 the questions that I had.
3832
3833 Kara-France: Kia ora. Commissioner Kara-France. I would just like to step back into our
3834 earlier conversation Ms Guest in regards to the nature-based solutions
3835 concerning te ao Māori and mātauranga Māori. You mentioned that it was
3836 acknowledged within or promoted within the education pathway.
3837
3838 Can you just elaborate more on that education pathway please?
3839
3840 Guest: I will just try and find that. If you bear with me I will try and find that method.
3841 It was Method CC.1.
3842
3843 Kara-France: That's okay. Maybe I will give you time to have a look at that. That's okay. I
3844 will give you time to look up that particular data.
3845 [05.05.07]

3846 Just another question in relation the Aotearoa New Zealand First Emissions
3847 Reduction Plan. A statement made by Minister James Shaw in regards to the
3848 prioritisation of nature-based solutions in our planning and [05.05.34] system,
3849 which he clearly stated in the introduction of that in regards to the Treaty of
3850 Waitangi, and mātauranga Māori to be acknowledged and there needs to be an
3851 emphasis on that within the plan, concerning nature-based solutions and the use
3852 of mātauranga Māori, which is acknowledged within universities and also within
3853 the United Nations Declaration of the Indigenous Peoples in regards to
3854 mātauranga Māori is acknowledged as an equivalent and same as mainstream
3855 science to be applied, such as the Māori compass and other cultural values and
3856 other tikanga and taonga which applied from the kaitiaki on that particular site.
3857
3858 I couldn't see what I'm talking about in your response in your report. Are you
3859 going to look at giving a reply to those matters?
3860
3861 Guest: I don't know they came up on submitter's evidence.
3862
3863 Kara-France: Yeah, they did. They certainly did.
3864
3865 Guest: Which?
3866
3867 Kara-France: Ngāti Ātiawa, ki Whakarongotai, Ngāti Toa spoke about the acknowledgements
3868 of te ao Māori and mātauranga Māori, indigenous biodiversity, indigenous
3869 knowledge. Also the Aotearoa New Zealand First Emissions Reduction Plan
3870 also speaks about that as well. Just really asking that question.
3871
3872 Guest: Certainly. There are a number of provisions. Just pulling up the one I mentioned
3873 before around the climate change, education and behaviour programme, which
3874 recognises the importance of te ao Māori and mātauranga Māori perspectives.
3875 We also have other methods. I think Method 32. I can't get them up at the same
3876 time but it includes working with our mana whenua, tangata whenua partners in
3877 identifying special areas of biodiversity and also for nature-based solutions. We
3878 work quite closely on these provisions with the Wairarapa iwi in particular.
3879 We've had particular interest and we've got a project over there at the moment
3880 developing some nature-based solutions with Ngāti Kahungunu. It's clearly a
3881 really important part of these provisions. Maybe I could put a package to show
3882 how it works in reply maybe; could show where that's mentioned through the
3883 different provisions.
3884
3885 Also the indigenous ecosystems topic which is going to be after Christmas will
3886 also respond to a number of those points.
3887
3888 I feel like there is quite a lot of recognition and provision for working with iwi
3889 and recognising those perspectives in the provisions.
3890
3891 Kara-France: That's really great. Thank you.
3892
3893 Also a point that Commissioner Wratt highlighted in regards to mainstream
3894 science in there, and other environmental groups to be acknowledged and also
3895 consulted with, is that part of the direction? Is that happening at this time with
3896 treaty partners at the table? Where everyone is at the table in terms of looking at
3897 a nature-based solution for those specific sites of high risk.

3898
3899 Guest: Fair to say it's an evolving area. The example I have just mentioned was a fund
3900 put out by MFE who were offering quite a large sum of money for regions to
3901 identify nature-based solutions; so there's a joint project with our science teams
3902 and Ngāti Kahungunu and Rangitāne are an integral part of that. I am not sure
3903 which other organisations are involved at this stage, but we do tend to actually
3904 involve other organisations like Niwa etc. as appropriate to the specific area.
3905
3906 Kara-France: That's good to hear. I'm aware of the Hawkes Bay pest management control,
3907 [05.09.20] which is based on te ao Māori principles. Everyone is in that space.
3908 Everyone. It works. Everyone is at the table. They have a voice for nature-based
3909 solutions. I just encourage that.
3910
3911 Thank you for your time. Kia ora.
3912
3913 Farrant: I will just quickly add to that too, just in a technical sense. I mentioned that the
3914 Wellington Region is probably somewhat behind other parts of Aotearoa with
3915 regards to how we protect and manage, or try to look after urban water. But
3916 elsewhere in the country this is done very much in terms of partnership with iwi
3917 and hapū. So catchment planning in terms of working through and understanding
3918 where those sites of mahinga kai and things are, and really doing that in a holistic
3919 way.
3920 [05.10.15]
3921 I do think that having more clarity in the Wellington Region around the
3922 requirement to protect the environment will then foster that partnership model.
3923
3924 I think it would be fair to say because of the way water works, almost any
3925 development site is going to have an impact on a site of cultural significance, be
3926 it [05.10.35] Harbour or a pipe stream like Waitangi or something. So it's pretty
3927 pervasive and a really good opportunity to work and get it together.
3928
3929 Kara-France: I think it certainly came up in Ātiawa and ki Whakarongotai and Ngāti Toa when
3930 they spoke about cultural values, sites of significance, impact on wāhi tapu etc.
3931 etc. which they recommend be acknowledged within the policy and visions,
3932 which you haven't spoken about as yet.
3933
3934 Therefore if we are talking about Te Mana o te Wai, if we're talking about water,
3935 I still would like to hear more about the mana whakahaere and the kaitiaki tanga,
3936 manaakitanga, governance, stewardship, care and respect and those principles
3937 within Te Mana o te Wai acknowledged and spoken about more if you're talking
3938 about water.
3939
3940 Guest: I think we'll find those provisions coming up more through the freshwater
3941 stream, with the Te Mana o te Wai statements. It's very implicit. All the
3942 principles are spelt out in those statements of interest.
3943
3944 One other thing is the Council had just developed a Māori [05.11.48] strategy,
3945 which is a biodiversity management strategy and that was in liaison with mana
3946 whenua and all our other stakeholders like Forest & Bird etc.
3947
3948 Kara-France: That you Ms Guest. The point I'm leading to is continuity. We have the Treaty
3949 of Waitangi and te ao Māori. Through the Regional Policy Statement there's

3950 consistency of language coming through. So when talking about nature-based
3951 solutions, and if you're not acknowledging Te Mana o te Wai in those principles
3952 within the nature-based solutions then you're putting a label to water which is
3953 irrespective of what the mana of Te Mana o te Wai is throughout the document
3954 and the National Policy Statement.

3955
3956 It doesn't make sense to me. I would suggest in your reply you would look at
3957 the continuity of wording and the continuity of language bringing the mana of
3958 Te Mana o te Wai through your documentation please.

3959
3960 Chair: Ms Guest, the NPS-UD Objective 8 places a requirement – Objective 8 and
3961 Policy 1F. It places requirements on urban environments and planning decisions
3962 to be resilient to the current and future effects of climate change, and planning
3963 decisions do include provisions in District Plans. There has been some pushback
3964 from some Territorial Authorities to these provisions in this topic, and my
3965 question is, do you think the outcomes that the Council is seeking to achieve
3966 through these provisions could be achieved solely on the basis of that direction
3967 in the NPS-UD? Or do you think that that's not enough and that this direction in
3968 the RPS is needed?

3969
3970 Guest: I think the direction in the RPS is totally consistent with achieving the NPS-UD
3971 direction, but a number of the District Plan intensification plan changes that
3972 came out this year or last year we felt didn't pick up on a number of the resilience
3973 features that we have set out in the RPS. The Regional Council actually
3974 submitted asking for those matters to be included in a number of the District
3975 Plans, and most of the responses were rejections from the officers at those
3976 Councils.

3977 [05.15.30]

3978 I think it's helpful for the RPS to be quite specific. I think it's helpful, as well as
3979 looking for consistency across the region. In fact, I think it's more than helpful.
3980 I think it's critical. I think that was Mr Farrant and not myself that gave a similar
3981 presentation at the District Plan hearings; almost that it's irresponsible if we go
3982 through another generation of housing without actually building in attributes for
3983 the changes that we know are already not just to come but they are already here.
3984 We have seen Auckland, we've seen Hawkes Bay. We see events every other
3985 week it seems. So we should not allow any further development to go on that's
3986 either in the wrong place, or is actually not setting the communities up to do well
3987 in the future.

3988
3989 Yes, I think there NPS-UD direction is great, but we need to see that given effect
3990 in the plans. I think the RPS helps to actually set out what that looks like without
3991 actually being so prescriptive that it means the districts can't actually put the
3992 provisions in that suits the area. We have said we want canopy trees and we need
3993 to be looking ahead to heat, but how they do that – whether they require one tree
3994 per hundred square metres, or whether they ask for a development contribution
3995 so that a tree can be put on a street. It's up to them how that works with different
3996 types of development, but I think it's entirely appropriate and necessary for the
3997 RPS to have this direction.

3998
3999 Farrant: I would say that my observation would be that the NPS-UD is actually used as
4000 an argument to not do these sort of provisions that we are talking about here.
4001 There is a feeling that the NPS-UD is requiring all councils to develop more and

4002 more intensively and therefore there's a false illusion that there is then not
4003 enough space to have the water sensitive design or nature-based solutions within
4004 those developments.
4005
4006 So it's often put up as a bit of conflict when really it's a perfect opportunity to
4007 work more holistically together.
4008
4009 Guest: I should acknowledge too that Wellington City Council have some really good
4010 climate resilient features into their plan.
4011 Chair: Certainly those images you showed before show that these nature-based
4012 solutions can be very compatible with the level of intensification that is directed
4013 by the NDRS.
4014
4015 The examples that you've got of the nature-based solutions and adaptation that
4016 can be possible within the built environment in Policy CC.4, CC.4(a), these to
4017 me seem like they are specific to first Territorial Authority functions and then
4018 Regional Council functions to provisions.
4019
4020 Just a question about hydrological controls in Policy CC.4(b). I just notice that
4021 it's not in the equivalent Regional Plan Policy. Is there a reason for that?
4022
4023 Farrant: It is in CC.4(a). I do see a change in wording in terms of it's talking about
4024 requiring stormwater volumes to be managed, which is what hydrological
4025 controls are really requiring to do.
4026 [05.20.00]
4027 Chair: I see.
4028
4029 Farrant: I think that's probably a good pick-up in terms of consistency.
4030
4031 Chair: I was just wondering if there was something specific that meant that was
4032 appropriate within the TA function as opposed to Regional.
4033
4034 Farrant: Typically it's in both. It's a requirement from a regional policy and then how
4035 that's achieved. That's really the approach that I guess has been taken here, is
4036 around trying to articulate the outcomes that are sought. But then exactly how
4037 those are delivered there's then a bit of, I guess, flexibility for TAs. Obviously
4038 were in an environment with future water entities and things, and there's ability
4039 to work in that.
4040
4041 Chair: If this provision was to merge together into one again, do you think that just
4042 given there is quite a lot of similar wording between both of them, do you think
4043 that it's just clearer to have them separated as District Plan and then Regional
4044 Plan requirements?
4045
4046 Guest: I think it probably is helpful. There's a number of aspects in 4 that are clearly
4047 not Regional Council functions, so it probably is helpful just to have it specified.
4048 You're right, where there are some of the same things we should use consistent
4049 wording, so will pick up on the point around hydrological controls or whether it
4050 should be stormwater volumes – and come back on that.
4051
4052 Farrant: I guess with a lot of these things there's often disagreement if you like, between
4053 where the requirements should lie, whether it's at TA or Regional level. I think

4054 if you do keep them together, it needs to be covered a Regional or District Plan
4055 and then that argument will just continue; whereas if it's explicit.
4056

4057 Chair: I see these provisions as also helping to achieve some of the provisions that are
4058 coded into the natural hazards topic, and obviously they're all in the RPS.
4059 Objectives 19, 20 and 21, which are about minimising impacts from hazards,
4060 and there is some reference to the effects of climate change in there as well, have
4061 you thought about alignment and integration between these provisions and the
4062 natural hazards provisions. Are you reasonably comfortable that there is good
4063 alignment between them?
4064

4065 Guest: Yes, we worked very much as a team when we were developing Change 1. I
4066 worked closely with Dr Dawe on these provisions. Possibly the tables need
4067 updating to show that some of these policies actually give effect of Objective
4068 19. I think they came together quite late in the piece. We could review to make
4069 sure that all the policies pick up.
4070

4071 Chair: Where Mr Dawe supports a definition of 'minimise', you're comfortable that
4072 that definition works in these provisions?
4073

4074 Guest: Yes.
4075

4076 Chair: Picking up a point that Commissioner Kara-France made about te ao Māori sites
4077 of significance to mana whenua and tangata whenua, I see Objective 20 Mr
4078 Dawe recommends amendments there to climate change adaptation activities,
4079 minimise the risks from hazards and impacts on, among other things sites of
4080 significance to mana whenua, tangata whenua.
4081

4082 It's just that point about consistency. But I think you're going to think about that,
4083 and see if you would recommend any changes there. That objective would
4084 obviously still be relevant but whether there's value in having it flow down into
4085 the policy.
4086 [05.25.15]

4087 Kapiti District Council oppose Objective CC.5. They don't support placing
4088 regulatory responsibilities on City and District Councils. How is Objective CC.5
4089 intended to be achieved?
4090

4091 Guest: This is right tree right place. There are a number of policies that sit under that.
4092 The key implementation is Method CC.4 which is around developing forest
4093 spatial plan. We have given discretion to District Councils to be involved or not.
4094 The Wairarapa Council very certainly wanted to be front and centre in that
4095 method, but acknowledge that may not be of interest to the Councils such as
4096 Wellington City or Porirua – they may not find it of interest. That's fine if they
4097 don't want to participate in that, but we still it as part of land use planning that
4098 identifying where trees are, and where they are in relation to water bodies, etc.
4099 It's not just a regional function. Although, I think for those policies the Regional
4100 Council would definitely be taking a lead and certainly leading the method.
4101

4102 Chair: I see you support the wording "partnership" approach with stakeholders as
4103 appropriate. That would bring in that flexibility.
4104

4105 Similarly, Kapiti Coast District Council oppose Policy CC.14 and say that other
4106 than water sensitive urban design the policy doesn't understand district planning
4107 and the limits of regulatory intervention in a district plan, and that non-
4108 regulatory methods should be used to achieve the outcome sought. But I think
4109 as you explained earlier in the absence of this direction, in your experience we
4110 are not seeing a lot of these provisions coming in to district plans?

4111
4112 Guest: Kapiti themselves do have a few things; so rainwater and re-use tanks for
4113 example. They're kind of leading the pack on that is my understanding.
4114 Wellington City as I mentioned have got a number of provisions. But I think it's
4115 not consistent and it's not comprehensive enough. We did pick up on clauses (e)
4116 and (f) of Policy 14 which is around efficient use of water and energy and
4117 appropriate building design are not regulatory functions of District Councils but
4118 they are adjuncts; they're things that they could actually influence through non-
4119 regulatory means.

4120
4121 So I think it's important things that we should be all trying to work on. MB might
4122 have a role obviously in building the Building Act, but something District
4123 Councils can incentivise. Again, it's been done. I think putting in "promoting"
4124 clarifies that we understand it's not a regulatory function.

4125
4126 Farrant: I would just add onto that that nothing in here is radically different to other what
4127 other parts of Aotearoa and internationally are doing. We're not talking about
4128 particularly challenging things. It's really just raising the bar I think. We need to
4129 be careful that we don't get blindsided into thinking this is difficult to achieve.
4130 It just takes a bit of a mind-shift change and perhaps working a bit more
4131 collaboratively with the development community and things. That's where I
4132 think the TA is a really strong role.

4133 [05.30.00]
4134 Chair: Mr Farrant your evidence statement in paragraph 60, there's a statement here
4135 about requirements being triggered by changes in land use or development, that
4136 in many instances they may not trigger regional consents or oversight because
4137 for example for developments with a permitted activity status.

4138
4139 What are the ways of achieving the outcomes intended by these provisions in
4140 the absence of a consenting requirement?

4141
4142 Farrant: I think that's really where the explicit requirements around district plans would
4143 come in, in terms of defining them either as standards or requirements, so that a
4144 permitted activity has to meet certain standards; but if those standards are not
4145 clear anywhere, then that's what currently is being observed at the moment.
4146 Many small developments are not required to do anything and therefore just
4147 continue to make, certainly from an urban water perspective, continue to make
4148 things worse.

4149
4150 Chair: Is there enough in the provisions to really support or encourage the incorporation
4151 of nature-based solutions into permitted activity standards, because given the
4152 submissions from some Territorial Authorities, they're saying that these are not
4153 TA functions.

4154
4155 I guess the question is just whether these provisions, you would actually support
4156 them even being more directive.

4157
4158 Farrant: Yeah, that's a tough question I think. I personally support the Regional Council
4159 having outcomes focused; being focused on what outcome we want to achieve,
4160 rather than explicit categorical means of how you achieve that.
4161
4162 I think that in CC.4 in terms of climate resilient development for the District
4163 Plans, Part B of that, which is requiring application of water sensitive design,
4164 hydrological controls and methods to improve water quality, I think that to me
4165 seems fairly clear that it's required. Exactly what that looks on the ground, that
4166 then needs to be developed by TAs and obviously the water entity is the other
4167 one that's hanging over all this.
4168
4169 I personally would like to think that this is clear enough, because the alternative
4170 is that it's very, very explicit, which then just increases that conflict between TAs
4171 and the Regional Council role.
4172
4173 Guest: I think it's pitched about right; just recognising there's already a strong pushback
4174 from Territorial Authorities. I think setting out the attributes and the outcomes.
4175 As I said before, actually leaving the Districts to do the metrics is the appropriate
4176 balance; and the Regional Council is really happy to work with the TAs in
4177 developing those.
4178
4179 Chair: Objective CC.4, which refers to the resilience of people and indigenous
4180 biodiversity environment, there are other provisions in the RPS that we've been
4181 looking at that refer to people in communities. Just again in terms of alignment,
4182 is that something that you might be able to consider?
4183 [05.35.00]
4184 The definition of nature-based solutions, the reference there reduce greenhouse
4185 gas emissions, is that broad enough to cover sequestration?
4186
4187 Guest: Yes, my response to Commissioner Wratt earlier, I think that's probably
4188 appropriate to change that title to Climate Change Mitigation.
4189
4190 Chair: I just want to confirm my understanding CC.14(a), so where they make or
4191 provide direction for plan making, changes, variations, etc. The title of these
4192 policies has consideration in it, but this will obviously be a "give effect to
4193 requirement".
4194
4195 Ms Guest is it your understanding that how this would work is that a Territorial
4196 Authority for instance would have to give effect to this. Sorry, could you explain
4197 how that give effect to requirement would work for these consideration policies?
4198
4199 Guest: There's a standard set of provisions across a whole suite of topics. I think maybe
4200 Mr Wyeth did have a section in his integrated management report on it, but the
4201 intent of this is in the interim period, while there's nothing in Regional District
4202 Plans that these provisions are a backstop. Firstly, it sets out what you must think
4203 about when you're developing a district plan. You must seek that development
4204 infrastructure provide for these matters. It's a direction to the plan developers.
4205 Then it's also a direction to consents that are coming in now in the absence of
4206 those provisions being ensconced in a regional and district plan, a notice of
4207 requirement for the TAs.
4208

4209 It has effect immediately, where as a District and Regional Plan Development
4210 process, as we know, is inordinately slow and could be a period of years before
4211 new provisions get drafted and adopted. That is where of these provisions kicks
4212 in.

4213

4214 Chair: The ‘sink’ verb there, have you thought about having anything more directive
4215 like ‘encourage’?

4216

4217 Guest: We did. I can’t give you an answer off the top of my head as to why we decided
4218 to go for seek, but I can come back on that.

4219 [05.40.00]

4220 Chair: Maybe when you’re considering that issue Ms Guest, because the explanation
4221 below the policy talks about taking all opportunities to provide for actions and
4222 initiatives; so just the relationship between that and the verb that you think is
4223 most appropriate to achieve the objective.

4224

4225 I have one more. There’s a reference to urban communities. In that same
4226 explanation, the very first paragraph, “while being of urban communities” and I
4227 know you have talked about how these are particularly relevant for urban as
4228 opposed to rural, and I’m not sure if that reference to urban communities would
4229 include rural residential, would include other zones other than your city centre
4230 and metropolitan etc. but just whether you think that it is appropriate to restrict
4231 the application of this to urban communities, and if so, if that term urban
4232 communities is the best term there.

4233

4234 Guest: I think it reflects its history of starting off as urban development. Yes, we could
4235 easily delete ‘urban’.

4236

4237 Chair: I think that’s done. Thank you very much.

4238

4239 Paine: Ms Guest, I just wondered, what does “leaving space for rivers to undertake their
4240 natural movement and accommodate increased flood waters” look like?

4241

4242 Guest: It looks like the picture that was on my presentation. Basically it means rather
4243 than buildings right up to the edge of a river, and putting a stop-bank right up
4244 hard against the river, that you actually recognise that rivers move and giving it
4245 space; so not building to the edge of it and not putting a stop-bank up.

4246

4247 When we are looking at new development or new flood plain management,
4248 actually having a sensible set-back. In some areas of course that would require
4249 large areas not to be built in. Dr Dawe can talk to this more, but that’s essentially
4250 the concept. There’s some work going on at Lower Hutt at the moment where
4251 they’ve brought up some houses that are right in behind the stop-bank and
4252 recognising the need to have that buffer.

4253

4254 It’s in my power point presentation. You’ll have that.

4255 Farrant: It’s all the buzz at the moment.

4256

4257 Kara-France: So big lessons learned from Ngāti Kahungunu in regards to Cyclone Gabrielle,
4258 where the stop-banks were actually causing a lot of the problems. In regards to
4259 what you have just mentioned, is that from the lessons learned and what
4260 happened in Kahungunu?

4261
4262 Guest: I think it's been recognised for a long time that the flood protection approach is
4263 not fit for purpose and it needs to change. There has certainly been a movement
4264 over the last probably decade to actually start doing things differently.
4265
4266 Kara-France: That's really great. And also the lessons learned in regards to forestry is not a
4267 solution at times, it's actually a contributor to adverse impacts, which is fairly
4268 evident in what had happened in terms of the slash in Te Tairāwhiti and Ngāti
4269 Kahungunu.
4270 [05.45.00]
4271 Guest: Again that's informing our policies around right tree, right place; so we need
4272 more trees, but let's make sure those trees go on our erodible hill country and
4273 catchments where you might have a sediment issue, so you're actually putting
4274 them in places where they have multiple benefits and not necessarily on
4275 productive farm land. I think that's that.
4276
4277 Also, just the restriction around plantation forestry on highly erodible land; that
4278 we have gone further than the NS for plantation forestry, but there's a good
4279 reason for that.
4280
4281 Kara-France: Thank you. I'm aware that a lot of the ministries are in that space in terms of
4282 recovery and restoration. A lot of funding commitments right across the
4283 economic spectrum of housing, health, employment, business, recovery, etc.
4284 People lost everything – rich and poor. Everything.
4285
4286 So from that lessons learned and everyone is waiting for the reports to come
4287 through, so those highlighted findings and things and recommendations can be
4288 applied. Is that what you're waiting for as well?
4289
4290 Guest: There has been one report from lessons learned from the forestry in Tairāwhiti.
4291 I took a quote from that in response to a submission questioning why the
4292 Regional Council thought they needed to go into the erodible land plantation
4293 forestry space. There's a very good quote in there about the fact that the NSPF
4294 is too weak and ineffective. That mirrors the experience of our land management
4295 officers on the ground trying to work with it. We felt that it was justification for
4296 the RPS pushing the bar on that.
4297
4298 I know the government is looking at the NS Plantation Forestry as well. We
4299 know what we should do. It's not rocket science.
4300
4301 Chair: Mr Farrant, just before you go, there's been lots of talk about [05.47.19] cities.
4302 Is that really what an sensitive urban design is?
4303
4304 Farrant: It is completely. It's just a different terminology that came out of China, because
4305 they didn't want to use water sensitive [05.47.30]. Same concepts.
4306
4307 [Break – 05.47.48]
4308
4309 Chair: Good afternoon. The last but certainly not the least in terms of importance by
4310 any means.
4311
4312 Topic on Natural Hazards. Over to you, thank you.

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Natural Hazards:

Dawe:

Kia ora koutou. Ko Iain Dawe tōku ingoa. I’m the Senior Natural Hazards Analyst at Greater Wellington Regional Council. I have been the Topic Lead on the Natural Hazard Provisions for Change 1 on the RPS. Just for your background and context, I was also the Topic Lead in the development of the hazard provisions for the operative RPS.

I am joined today with James Beban who assisted me in the S42A and the Rebuttal Evidence Reports. James is a specialist natural hazard planner. We co-authored both reports.

Today, what I wanted to do is just give you a brief outline of the main issues that were raised through the right of reply evidence, in particular on the introduction and issues, Objective 6, Policy CC.16 and 17 that address the climate change aspects particularly around adaption to the impacts from Natural Hazards; a little bit on Policy 52 as it relates to some of the mana whenua concerns and Method 52. Then there were some other matters around requests for new provisions in the Natural Hazard Provisions.

Starting at Objective CC.6, there was some discussion in the submission process and the right of reply about referencing Resource Management Planning within this Objective, and there was a request that it be removed. However, I argue that adapting to climate change requires a holistic approach that involves a number of different mechanisms and instruments and that may require regional or district plans; so it's important that it remains within that Objective to provide some legal strength to those adaptation processes – and that connects through to Policy CC.16.

[05.50.00]

In addition there are some other policies that Objective connects to, some of which have regional and district plan responses, including Policy CC.4, 14, CC.15 and Policy Freshwater 5 and 55.

With regard to Policy Climate Change 16 there are a number of original submissions requesting the recognition of the importance of food production and water security, as it relates to climate resilience in particular.

I agreed through my S42A Report that this is important and recommended some amendments to the introduction and issues to clarify those linkages through to the Climate Change and Natural Hazard Policies and Provisions.

This satisfied most of the relief that was sought, but in some of the right of reply there was a request that these linkages be further strengthened, in particular through Policy CC.16 and Method.22.

To address this, I recommended some changes to Policy CC.16 to highlight those connections in the explanation and to draw plan users to relevant policies in the RPS that are probably more specifically focused on rural climates and water resistance; in particular, Climate Change Policy 15 and Freshwater Policy 8.

4365
4366 To Climate Change Policy 15 specifically, I recommended that it specifically
4367 include rural water resilience and food security; and a new clause in Method
4368 CC.8 where that relates to that, to identify and assist catchment water user
4369 groups in the development of the adaptation plans.

4370
4371 There were also some concerns raised in submissions and the right of reply
4372 evidence that clause (c) in CC.16 appears to require a regulatory response,
4373 despite the fact that it's a non-regulatory policy and as such it should be deleted
4374 from that Policy.

4375
4376 However, like my arguments with regard to Objective CC.6, there will be in
4377 some instances a requirement if you're doing adaptation planning to use
4378 instruments within District or Regional Plans to implement such policies that
4379 may be required through your adaptation planning. For example, it might be
4380 managed retreat which you're not going to implement through voluntary
4381 processes. Therefore it's important that remains within the policy, highlighting
4382 that as a particular tool that can be used. But, it's not requiring that that be done;
4383 it's just highlighting that as one possible instrument that can be used.

4384
4385 In Policy 52 there is a request to delete reference to Te Rito o te Harakeke and
4386 replace it with taonga species.

4387
4388 In the drafting of RPS Change 1 there was a lot of discussions with mana whenua
4389 and tangata whenua about the use of these terms – Te Rito o te Harakeke or Te
4390 Mana o te Taiao. We were drawing at that stage on some of the exposure drafts
4391 of the National Policy Statement on indigenous biodiversity, and there was some
4392 preference to be using terminology that was included in that Policy Statement.
4393 However, since that's been released, and at the time that wasn't finalised, there
4394 was a decision that using Te Rito o te Harakeke was more appropriate because
4395 that's already a concept which is included in the RPS. So, I made a decision at
4396 the time to stick with that and that aligned with what was being decided in other
4397 parts of the plan as well – other parts of the Regional Policy Statement.

4398
4399 There hasn't been a final decision on that yet, and there is actually going to be
4400 some further review around the use of those terms in relation to te ao Māori
4401 within the RPS, but at this stage I recommended keeping that wording as it is.

4402
4403 Also in my opinion deleting that and including taonga species I recommended
4404 that not occur because Policy 52 makes a specific reference to ecosystems and
4405 biodiversity, and I think that taonga species is captured within those terms.

4406
4407 However, I did support some wording change for Policy 52, for it to be more
4408 inclusive of the recognition of sites of significance for mana whenua, and that
4409 may not be listed within plan documents for a range of reasons; but in particular
4410 acknowledging that some of those sites are taonga knowledge that are held
4411 expressly within iwi and hapū and they may not feel comfortable releasing that
4412 information into a public planning document.

4413 [05.55.05]

4414 Finally with regard to other matters there were some requests in the further
4415 evidence to include new provisions; in particular, a new objective specifically
4416 focused on resilient infrastructure with two supporting policies to undertake a

4417 programme of investigation, to understand the vulnerability of infrastructure in
4418 the region and include it resilience and adaptation planning.

4419
4420 In my rebuttal evidence I traverse this and argue that the relief sought for this,
4421 particularly in regard to infrastructure, to be addressed by those provisions is
4422 already provided for in the Natural Hazard and related Climate Change
4423 Provisions, including Objective CC.6, Policy CC.16, Objectives 19, 21 and
4424 Policies 29, 51 and 52. Expressly these provisions recognise the importance of
4425 infrastructure and direct that research is undertaken to understand the risks we
4426 face from natural hazards and climate change, that would include infrastructure,
4427 and that adaptation planning is undertaken to increase resilience of our
4428 communities, businesses, property and infrastructure to the long term impacts
4429 that we face from natural hazards, sea level rise and climate change.

4430
4431 I argued that relief is already provided for.

4432
4433 Lastly, there was also a request for a new policy that directs that te ao Māori is
4434 integrated across the climate change mitigation and adaptation activities, and
4435 that the use and benefits of mātauranga Māori is applied in a comprehensive way
4436 in natural hazard management.

4437
4438 I fully understand the intent behind this policy, but argue in my rebuttal evidence
4439 that the Change 1 amendments have been developed and written in such a way
4440 to achieve this recognition across the natural hazard and climate change
4441 adaptation provisions. In particular, te ao Māori, mātauranga Māori and working
4442 with mana whenua/tangata whenua on natural hazard and climate change
4443 adaptation is explicitly included in Objective 20, Policy CC.16 and 17, Policy
4444 52 and Method 22; and that this new policy probably wouldn't add anything
4445 further to the RPS than what has already been proposed.

4446
4447 The provisions are written and designed to be interconnected and used
4448 holistically. In my experience to date that's the way that they are generally
4449 applied. It's my full expectation that they Change 1 amendments to specifically
4450 include te ao Māori and mātauranga Māori would be implemented in the same
4451 way that the policies have been to date.

4452
4453 That completes a summary of my evidence. I will pass it over to James Beban.

4454
4455 Beban: Thank you and good afternoon. My name is James Beban and I was responsible
4456 for the drafting of the S42A Report on the Objectives 19, 20 and 21, Policies 29,
4457 51 and 52, and Method. 22.

4458
4459 As part of my opening statement I am just going to step through the intent of the
4460 changes to these provisions and what it is seeking to achieve, because in many
4461 cases just a tweak of the existing provisions that already exist and then what I
4462 see as the main outstanding issues that are probably still unresolved through the
4463 submissions, and just kind of my position on them.

4464
4465 In terms of Objective 19, the proposed amendments were relatively minor and
4466 did seek to clarify the outcomes sought by the Objective, as well as to make sure
4467 that climate change is more explicitly recognised within the objective.

4468

4469 The amendments also seek to introduce the words minimise and avoid, which is
4470 terminology that is generally considered to be more consistent with natural
4471 hazard risk management, or risk management as a whole generally speaking.

4472
4473 In terms of Objective 20, the operative wording of Objective 20 has a narrow
4474 focus on ensuring hazard mitigation and structural works do not increase the risk
4475 from natural hazard events. This objective has been rewritten so that it provides
4476 clearer direction that applies to both hazard mitigation, climate change and
4477 adaptation measures; so it's not just hazard mitigation and structural works.

4478
4479 The changes also to the Objective specifically outlines the impacts that need to
4480 be minimised of either hazard mitigation or climate change adaptation measures.
4481 This is currently not specifically recognised with in the operative wording of
4482 Objective 20; so it's basically broadening the horizon and giving more direction
4483 through to Council still on the matters that need to be considered.

4484
4485 In terms of Objective 21, the proposed amendments are to seek to ensure that
4486 the short, medium and long term impacts of climate change, including sea level
4487 rise, are more directly considered within this provision. The previous wording
4488 of the Objective did not include the differing timescales of climate change, as
4489 well as explicitly identifying the need to consider sea level rise.

4490
4491 The amendment to this Objective also introduces the requirement to consider the
4492 resilience of the natural environment to the effects of climate change and sea
4493 level rise. Essentially, the proposed changes are clarifying the matters that need
4494 to be considered under this objective when compared to the operative wording.

4495 [06.00.08]

4496 Policy 20 – and this is probably where some of the more substantial changes are
4497 starting to come through. The amendments to Policy 29 are providing further
4498 direction on how to undertake a risk-based approach when preparing District
4499 and Regional Plan for the purposes of natural hazards.

4500
4501 The proposed wording of Policy 29 is more prescriptive than the operative
4502 wording, which only relates to high hazard areas. As such, the proposed
4503 amendments are closing a policy gap in the RPS that relates to natural hazards
4504 which impact our communities but are not considered to be high risk.

4505
4506 For this reason, the amended policy wording relates to all areas that are impacted
4507 by natural hazards and requires a risk-based approach to identify whether
4508 hazards are being as either high, medium, or low. Depending on the hazard
4509 ranking Policy 29 then provides direction to the appropriate planning response,
4510 including avoiding subdivision use and development, and hazard sensitive
4511 activities in high hazard areas.

4512
4513 The amended Policy 29 also provides direction to consider the impacts from
4514 climate change over at least a hundred year planning horizon.

4515
4516 In terms of Policy 51, the proposed amendments provide further direction to plan
4517 users on where Policy 51 applies, or on those applications where Policy 51
4518 applies. Many of the changes are to ensure consistency between the wording of
4519 Policy 29 and 51, and by that I mean different tests undertaken when Policy 51
4520 may be applied, but maybe Policy 29 is not.

4521
4522 This is to ensure essentially the same risk-based approach to subdivision use and
4523 development, regardless which policy applies.

4524
4525 The proposed amendments also again introduce the words “minimise” and
4526 “avoid” which is consistent with Objective 19 and again brings in the
4527 terminology that is more consistent with natural hazard risk management.

4528
4529 The amendments to Policy 51 also brings in a more nuanced consideration of
4530 flood hazard under LIMS I and J compared to the existing operative wording.
4531 This change recognises current practice for the management of flood hazards
4532 and recognises that overland flow paths and stream corridors still need the ability
4533 to convey floodwaters. Under basically the operative wording of Policy 51 it just
4534 talks to a minimum floor level – it doesn’t talk about the need for the flood
4535 waters and not blocking them and having the conveyance issues that can arise.

4536
4537 The proposed amendments to Policy 52 provide further direction on what effects
4538 need to be considered and minimised when assessing hazard mitigation
4539 measures. The proposed amendments require broader consideration of the
4540 cultural and ecological impacts from hazard mitigation of works, as well as the
4541 impacts on natural processes when compared to the operative wording. There is
4542 also a stronger direction within the proposed policy wording to consider nature-
4543 based solutions.

4544
4545 The proposed amendments also bring in the consideration of the change in risk
4546 arising from altering natural processes as a result of the natural hazard mitigation
4547 works. The current operative policy wording does not have this required
4548 consideration.

4549
4550 With Method 22, this has just essentially been updated to ensure that the
4551 appropriate non-statutory methods are available to support the implementation
4552 of Objectives 19 to 21 and Policies 29, 51 and 52.

4553
4554 That’s kind of the general gist of what those changes are and what they are
4555 seeking to achieve.

4556
4557 In terms of the areas that are outstanding, in my view there’s three probably
4558 potentially key areas. One is the applicability of the New Zealand Coastal Policy
4559 Statement and the issues raised by Mr Brass, I believe, and how he sees his view
4560 of it versus where I fall in this matter; Horticulture New Zealand and the desire
4561 to increase food security or bring food security into the considerations of the
4562 objectives and policies; and then there’s a bit of consideration around Policy 29
4563 and the infrastructure providers, specifically the Telecommunication facilities
4564 which would like to be exempt from Policy 29, and Waka Kotahi which would
4565 like a relaxation of infrastructure considerations within high hazard areas, both
4566 where I have fallen in position, and I am comfortable with the positions that we
4567 have drawn. But, from the main areas of dispute, that’s probably where I see it
4568 lying at the moment.

4569
4570 Chair: Thank you.

4571
4572 I will be jumping around a little bit here – apologies for that.

4573
4574 I have a question about your changes to Policy 29. I think is one Mr Beban that
4575 you were providing evidence on.
4576 [06.05.00]
4577 Assessing the consequences to new or existing subdivision, so adding in the
4578 word “existing” here, what would a provision in say a District Plan that was
4579 giving effect to this, what might it look like in terms of impacts on existing
4580 subdivision use and development.
4581
4582 Beban: We have a lot of areas or have a number of properties that have been created by
4583 subdivision over the time that are currently vacant within the wider Wellington
4584 Region, and they’re often sitting in hazard areas. This ability brings in the ability
4585 to still bring some consideration of what may then go on that site, if it's an
4586 existing subdivision that’s been approved, to ensure that there’s still some kind
4587 of mitigation or some consideration of hazard going in; and it's not just building
4588 are then built on what is maybe an existing subdivision without that ability to
4589 consider or respond to it.
4590
4591 Chair: And, part of that response would have been as we have just heard, nature-based
4592 solutions?
4593
4594 Beban: Nature-based solutions. It can be directions to try to have setback distances of
4595 buildings or fault lines. Before if we moved away from climatic natural hazards
4596 to say a tech tonic process, it could be minimum floor levels. There are a variety
4597 of mitigation measures out there. The need for evacuation pathways or
4598 clearances for tsunami hazards for example.
4599
4600 Dawe: If I may add to that, the medium density residential standards which have been
4601 brought in requiring that’s your general residential zones are either medium or
4602 high density, if you have natural hazard overlays that are identifying some
4603 qualifying matter that says you shouldn’t be perhaps using the medium
4604 residential standards, you can use this to limit that intensification on those areas.
4605
4606 Chair: So, there’s a reference back to say the provisions in an RPS that would support
4607 that being qualifying matter?
4608
4609 Dawe: The District Plan could use that, correct.
4610
4611 Chair: You mentioned overlays. In terms of the relief sought about expanding that to
4612 other mapping that’s not regulatory, or not done as an overlay and that goes
4613 through a submission process, I think that’s Kāinga Ora’s relief, would that be
4614 in that instance captured do you know by that MDRS qualifying matter?
4615
4616 Beban: This is a well-known position held by Kāinga Ora in relation to this matter.
4617 Interestingly, it only relates to generally flood hazard overlays and not generally
4618 a broader natural hazard suite in terms of their concerns or their submission on
4619 this matter.
4620
4621 Every council has undertaken a different way to applying qualifying matters and
4622 within Wellington Region we have five District Councils and five different
4623 approaches essentially. Some do not have hazardous qualifying matter. Others
4624 have certain hazards and some have all hazards. There’s been quite an

4625 inconsistent approach regionally in terms of how we have applied qualifying
4626 matters.
4627
4628 The whole idea, that Kāinga Ora’s essential position is, flood maps get updated
4629 regularly, so therefore they best sit outside the plan. Therefore, the provisions
4630 would still apply to them. So, whether you have controlling development,
4631 avoiding development or managing in some way they would still apply, but they
4632 would be an out of map situation.
4633
4634 The position taken by many, or all District Councils in the region has been, if
4635 you’ve got one hazard map in the District Plan from a plan users perspective, it’s
4636 best that all hazards are mapped and you don’t have something sitting outside of
4637 it, because it creates confusion about where to look and where to get
4638 interpretation from. Equally, there’s natural justice issues if flood maps get
4639 updated, and put provisions down onto properties that didn’t have an ability to
4640 submit or be involved in part of the process, to feed into whether they believe
4641 the flood maps were correct, or whether the provisions were the right balance or
4642 not. The general view in the region has been the flood maps or hazard maps sit
4643 within the District Plan.
4644
4645 Chair: Are you aware of any Territorial Authorities in New Zealand that have accepted
4646 the mapping that’s outside the overlay?
4647
4648 Beban: Kāinga Ora regularly quotes Auckland as an example. Unfortunately, when
4649 Auckland did the unitary plan the flood maps were not up to standard. That’s
4650 why they were not included in the District Plan. It was many councils coming
4651 together with many different flood maps. I was actually involved in the review
4652 of whether they could be used for flood hazard mapping. Some instances it was
4653 vivid lines on paper. It wasn’t up to a required modelling standard.
4654 [06.10.00]
4655 Then Hamilton I believe is in the process of looking at taking their flood maps
4656 out of the District Plan. They’re the only two that I am currently aware of at this
4657 stage.
4658
4659 Dawe: I think what James specifically put his finger on there is that a lot of the hazard
4660 overlays that are being incorporated into the district plans in this region have got
4661 robust modelling and science that sits in behind them. After they have gone
4662 through that Schedule 1 process they’re a robust indication of where the hazards
4663 are and how we should be managing them in those areas.
4664
4665 Chair: The direction you’re recommending – actually some of this is in the operative –
4666 include overlays, objectives, policies, rules to avoid; so strong direction.
4667
4668 I understand the point you’re making about having that certainty for the
4669 community as well; having it in an overlay that they can pull up, they can see,
4670 and they can participate in that process.
4671
4672 Just looking at the Policy 29(d) is that “avoid direction”? No.
4673
4674 The risk-based approach that you talk about in (b) that applies to new and
4675 existing subdivision use development. But, the provisions to avoid subdivision

4676 use of development, that would not apply to existing? Am I reading that
4677 correctly?
4678

4679 Beban: It's probably a little bit of inconsistency in terms of how it's been drafted but the
4680 general approach that's been applied is that in your high hazard areas, essentially
4681 any new development is avoided. Porirua City, Hutt City, Upper Hutt City and
4682 Lower Hutt City has taken that approach. You have an avoidance of whether it's
4683 subdivision or additional residential unit. Basically the test drops to a functional
4684 and operational need only.
4685

4686 Then in your moderate to low areas it's you can undertake development
4687 providing you're mitigating or addressing the risks that are associated with that
4688 development, and you're basically minimising the risks as far as possible. Again
4689 that's a consistent approach that has flowed through at Territorial Authority.
4690

4691 Chair: That approach, the high to low, that applies to all hazards?
4692

4693 Beban: That is correct. Essentially what's undergone, you're undertaking essentially a
4694 ranking of your hazards for want of a better term, to determine your high. For
4695 example: areas that are impacted by coastal inundation currently, tsunami
4696 hazards with a return period of one percent recurrence intervals, Wellington
4697 Fault and [06.13.02] Fault eruption zones, are all considered to be high hazard
4698 areas. They have typically been the areas where new provisions coming through
4699 Territorial Authority are seeking to avoid development. Stream corridors or
4700 areas with really fast and deep flowing flood waters is another example.
4701

4702 Dawe: I think just to further clarify that, there's a logical process that Policy 29 steps
4703 people through, starting with identifying those areas affected by hazards, taking
4704 an approach to assess the impacts that might have on both new and existing
4705 subdivision. I guess the logical flow is that new and existing would flow through
4706 to (c) and (d) as well, even though it doesn't explicitly use those words in those
4707 two clauses.
4708

4709 Chair: Given I guess the importance of those words, if you could have another look at
4710 that in your reply that would be good.
4711

4712 Kara-France: Just in regards to Ātiawa ki Whakarongotai, we have a comment here in regards
4713 to partner with mana whenua in decision-making and management process with
4714 natural hazards to recognise and provide for their relationship with water, land,
4715 sites, wāhi tapu, and now the taonga.
4716

4717 You mentioned before, in regards to taonga, the use of the wording taonga
4718 species, is that you disagreed to the wording of taonga species. But here, when
4719 iwi Māori mention taonga, when you talk about biodiversity it's everything
4720 everywhere, which taonga. Taonga [06.14.58], which is everything everywhere.
4721 [06.15.00]
4722 Is that respect, or specifically taonga species that you posed?
4723

4724 Dawe: If you are stepping through a process of assessing the impacts, for example a sea
4725 wall or building a stop bank would have on the natural indigenous biodiversity
4726 and ecosystems, that would incorporate taonga species within that assessment.
4727

4728 That is my general experience. For example, looking at the effect that building
4729 a shared pathway might have an impact on the Blue Penguin population. The
4730 general way in which the assessment is made through those consenting processes
4731 is that all the impacts are taken into account on what may occur to the natural
4732 ecosystem or indigenous biodiversity. I think that does capture the taonga
4733 species as well.
4734

4735 Kara-France: Thank you. I am just going to acknowledge in regards to the acknowledgements
4736 here in your report, and certainly in the polices and provisions. It's
4737 acknowledged at a very high level. Thank you for that. There's a lot of thought
4738 gone into your policies and provisions in terms of the responses from your treaty
4739 partners and lessons learned. It certainly shows and I acknowledge that.

4740 Dawe: Kia ora.

4741

4742 Kara-France: Kia ora. Thank you.

4743

4744 Wratt: A couple of questions.
4745
4746 Have you given thought to the three provisions that are allocated to the
4747 Freshwater Planning Process? There is Issue 3, Objective 20 and Policy 52. Is
4748 your view that is the appropriate allocation for them?
4749

4750 Dawe: Yes. We covered this in the S42A and we looked at this again. It is still my view
4751 that they sit within the Freshwater stream Planning Process. There is explicit
4752 mention of Te Mana o te Wai in the objective and the policy.
4753
4754 There was some discussion if you mentioned Te Mana o te Wai or some aspect
4755 of your policy which has a connection to freshwater, even if it's one clause, is
4756 that still considered to fall within the Freshwater Planning Process? I think the
4757 decision was made that it would and so that's why I agreed that I'm happy for
4758 that to go through that planning process. I am not wedded either way.
4759

4760 Wratt: Subsequently some of the conversation has been around to what extent is it an
4761 impact on Te Mana o te Wai, freshwater; or to what extent is it much broader
4762 than that?
4763

4764 Dawe: I think whether it went through the Schedule 1 process or the Freshwater
4765 Planning, the same issues are going to be considered. I wasn't weathered either
4766 way, but it was just the bigger decision around the RPS Change 1 and how they
4767 were applied.
4768

4769 Wratt: The key issue I guess for submitters has been the different appeal processes
4770 through the two.
4771

4772 Dawe: Yes, understand that.
4773

4774 Wratt: And, that the rationale around the different processes for the Freshwater
4775 Planning Process has been that there was a desire by government to make that a
4776 shorter time process, to get issues with freshwater dealt to. I guess, to me, that's
4777 the broader context of whether it should be a freshwater provision or a P1S1.
4778

4779 Dawe: I'm happy to take direction of the Panel depending on how you see that.

4780
4781 Wratt: Okay.
4782
4783 A couple of questions in relation to Wairarapa Federated Farmers' submission.
4784 In relation to Policy CC.16 and Method 22. In Method 22 they request the
4785 addition of a clause around "assisting catchment and water user groups to
4786 develop adaptation plans." I don't think you responded to that. You may have.
4787
4788 Dawe: What I am suggesting is that that goes not within the natural hazard provisions
4789 as such, but that moves through into the Climate Change Method 8 I believe.
4790
4791 Method CC.8 I am suggesting that a new clause goes in there to identify and
4792 assist catchment and water user groups in the development of their adaptation
4793 plans.
4794 [06.20.00]
4795 The reason I suggested that is that both Policy CC.15 and CC.8 have been drafted
4796 up to specifically address rural water security and resilience and to deal with the
4797 adaptation to climate change. I felt that sat more naturally within that policy suite
4798 rather than the natural hazard.
4799
4800 Notwithstanding that, the Climate Change 16 Policy isn't necessary rural or
4801 urban. It doesn't mention those specifically. But, the way it has been crafted up
4802 it has more of an urban focus. But, that wouldn't stop you from developing
4803 adaptation plans in rural communities with that policy. But, I thought that there
4804 were other policies within the plan that align more naturally with what
4805 Wairarapa Federated Farmers were requesting.
4806
4807 I have put that through my recommended changes.
4808
4809 Wratt: Policy CC.8?
4810
4811 Dawe; Method CC.8.
4812
4813 Wratt: That is in your rebuttal report?
4814
4815 Dawe: In my rebuttal report. It was also mentioned in Jerome's report as well.
4816
4817 Wratt: Their other request was in Policy Climate Change 16, with an additional clause
4818 for climate adaptation options including rural water infrastructure.
4819
4820 Dawe: Yes. What I have suggested is that in Policy CC.15 that it specifically includes
4821 reference to rural water resilience and food security. So, there's a new addition
4822 to that policy to pick that up, so it flows through into that method to provide that
4823 line of sight between the two.
4824
4825 Wratt: It's not quite rural water infrastructure though is it?
4826
4827 Dawe: Well, it's water rural resilience, which may involve infrastructure. I guess it's
4828 slightly broader. It may involve infrastructure if it comes to the decisions that
4829 they choose on how they're going to provide that resilience.
4830
4831 Wratt: That was in Policy CC.15?

4832
4833 Dawe: CC.15.
4834
4835 Chair: Just on that issue of resilience and water, the relief of Wellington Water, I'm not
4836 sure if you or Mr Beban have addressed that; so that's you Mr Dawe.
4837 This in the evidence statement of Ms Horrocks. I know they request relief to
4838 Policy 7. They talk about their responsibility in managing the stormwater
4839 network and that managing it requires them to often undertake work in high
4840 hazard areas.
4841
4842 Dawe: Yes, that's right. I think through the S42A Report they were satisfied that the
4843 changes to allow that type of work in high hazard areas, that the relief was
4844 provided for them through that.
4845
4846 Chair: That's the functional operational change?
4847
4848 Dawe: Correct.
4849
4850 Chair: That functional operational argument could be made by infrastructure, in
4851 particular RSI, but it would be harder for other development to make that
4852 argument wouldn't it?
4853 [06.25.00]
4854 Dawe: It probably would because generally in those environments it is infrastructure
4855 that is being built in there. James you may have some other experience.
4856
4857 Beban: Generally speaking, it's only when it's been activities that have a real need. They
4858 can't be anywhere else. A port is a classic example, a marina or other activity
4859 that they don't have an option to locate away from it. Ninety-nine percent of the
4860 time my experience has been that it's been used in an infrastructure space.
4861
4862 Chair: I think I understand now. I did have a question about Objectives 19 and 20. One
4863 is, Objective 19 has "avoid or minimise" and Objective 20 has "minimise".
4864
4865 I think your explanation before clarified that for me – how those outcomes are
4866 achieved through Policy 29 with the different approach for high versus medium,
4867 low.
4868
4869 Then in 51, which has an "avoid or minimise".
4870
4871 The risk assessment approach happens at the plan making stage, but in Policy
4872 51 does that also take account of that low, moderate, high and have the "avoid"
4873 for high minimise for other hazards?
4874
4875 Beban: Yes it does. Policy 51 applies kind of to those situations where there may not be
4876 hazard provisions in play yet, because you might be going through a plan change
4877 process, or Council is giving effect to the RPS. Or, conversely, not every council
4878 when they have done their plan reviews have covered off all hazards. There's a
4879 range of factors for that. There's been budget constraints, political decisions or
4880 hazards that weren't seen to be important that now are in a classic example of a
4881 hazard that's been elevated and it's stated recently as "slope failure". So,
4882 following what happened up in Auckland and around the country recently, two
4883 to three years ago it was considered with it just through earthwork provisions,

4884 and now there's been a movement in the hazard community to actually it's a
4885 specific hazard that you map, deal and address in different ways. But, a lot of
4886 the earlier plan reviews have not picked that hazard up. So Policy 51 would then
4887 come in play.

4888
4889 Policy LIM G, [06.28.20] avoid in the high hazard areas and then Policy H
4890 brings in that consideration for the moderate and low areas.

4891
4892 Chair: So, "avoid" unless there's functional operational need, and low or moderate...

4893
4894 Do LIMS I and J apply to all developments, even the development where the
4895 hazards and risks assessed as high? Is that right?

4896
4897 Beban: Yes, that is correct. I and J are basically to flood hazard zoning. Stream corridors
4898 by their nature are defined as high hazard areas. If you're doing an operational
4899 functional need consideration assessment within there, so it is a piece of
4900 infrastructure, it is still important that that piece of infrastructure for example
4901 allows for the flood waters to still be able to convey down the stream corridor;
4902 otherwise it essentially acts as a dam and the waters will go somewhere that you
4903 didn't anticipate or want it to go.

4904
4905 Overland flow paths are generally recognised as a medium hazard area. They
4906 are areas where flood waters break out. They are very important for conveyance
4907 of flood waters. There was a fairly famous image of a digger in Nelson about a
4908 year ago going up a stream. It had water flowing all down it. That was an
4909 overland flow path in action. They often follow roads.

4910 [06.30.00]

4911 But, it's also important those flood waters be able to maintain conveyance. The
4912 operative wording here just being you just had to meet a minimum floor level in
4913 those areas and you're okay. This is actually bringing in the conveyancing.

4914
4915 Then in your other areas, which is generally your inundation areas, which is the
4916 majority of a flood hazard overlay, minimum floor levels is a very good starting
4917 point to kind of addressing the hazard risk associated there.

4918
4919 It's just bringing in the more nuanced approach we now take to flood hazard
4920 mitigation and management within the region.

4921
4922 Chair: There are a few of these policies in Proposed Change 1 where various reporting
4923 officers have said the policy won't apply once there's a plan change – as I say,
4924 Territorial Authority has given effect to the policy in a Plan change.

4925
4926 There are some submitters, in particular I think Upper Hutt City Council, who
4927 say that Policy 51 should not apply once the plan has given effect; so where the
4928 plan has already assessed the level of risk.

4929
4930 I guess I'm just wondering, is that clear? These RPS policies will still have
4931 regulatory impact even if a District Plan has given effect to the Policy, and it
4932 could act as another check and balance on the proposal, or it could potentially
4933 be adding some slightly different direction. It's just part of the consenting
4934 process isn't it?

4935 Dawe: I think it's important to maintain these, because as we grow in our understanding
4936 of the impacts from natural hazards and the sort of hazards that can impact on
4937 us, it may be that an overlay in a plan has not accounted for some new
4938 understanding. For example, the big Hikurangi subduction zone just off the coast
4939 there. There might be some new understanding about the tsunami risk or some
4940 impact from earthquake hazards which isn't captured within the overlays,
4941 because as we know the research is ongoing. It just captures situations where
4942 there might be gaps in a District Plan.
4943

4944 Beban: I would probably say there is a natural limitation to the number of hazards that
4945 have been planned for in District Plans at the moment. We've come a long way.
4946 It used to be traditionally fault hazards and flooding and that's about it. We've
4947 come a long way, but there are still gaps, like I said earlier, due to budget or
4948 political constraints.
4949

4950 Hazard mapping is very, very expensive. You're spending hundreds of
4951 thousands of dollars each time you create a hazard map. There's a natural
4952 limitation to what hazards you are mapping. Often Councils are kind of picking
4953 the worst. That doesn't mean they're not getting them all, but they're getting the
4954 most significant ones. But, there are still residual hazards or hazards that still
4955 need a response and that Policy 51 allows for that capture still to occur through
4956 the consenting process.
4957

4958 Chair: So, people will always be able to look back up to this policy and have it applying
4959 as a check?
4960

4961 Dawe: I've actually had experience with that, and using that policy where there was
4962 insufficient information in an operative District Plan. So, it does kick in and it
4963 has been used before.
4964

4965 Kara-France: Just in relation to avoiding and minimising adverse effects of hazard mitigation
4966 measures, in mātauranga Māori ancestral knowledge, whakapapa knowledge to
4967 a particular designated area of the kaitiaki, it was clear evidence that in the East
4968 Valley, for example, after Cyclone Gabrielle, that that valley is an historical
4969 harbour and they were warned not to develop in that valley by kaumātua, by
4970 tangata whenua kaitiaki, yet they went ahead and ignored mātauranga Māori.
4971

4972 Hence, I just want to reiterate in regards to the listening ear of the right of the
4973 policy to mātauranga Māori in that ancestral whakapapa knowledge. The kaitiaki
4974 they come from there, they were born there, they know that area. There were
4975 certain evidences right throughout [06.34.44] concerning mātauranga Māori and
4976 historical whakapapa knowledge ignored – where it could have been mitigated
4977 and avoided in the planning process.
4978

4979 So, just if lessons learned could be adhered.
4980

4981 [06.35.00]
4982 Dawe: I think so. I think when you undertake a process to understand the hazards, for
4983 example, it might be flooding or coastal erosion, whilst there is a use of
4984 modelling you never, from my experience, just rely on the modelling. You're
4985 usually looking at what previous events have occurred, you're looking at the
knowledge that is held in records about impacts from previous events, and

4986 increasingly that is involving Māori knowledge as well. You always ground
4987 truth any models through that process.
4988

4989 Kara-France: That's really brilliant. It's well-known through evidence that when regarding
4990 sites of significance, wāhi tapu, etc. etc. that one can get sick, injured and die.
4991 You see it quite often in corridors, in high accident areas of that particular matter.
4992 There is a wāhi tapu or site of significance in that designated area, of that
4993 impacted event.
4994

4995 Again, it's great that you have acknowledged the treaty partners and their voice
4996 coming through the Policy. I would encourage more application of that listening
4997 ear to the writer of the policy. Kia ora. Thank you.
4998

4999 Chair: I have a question about para 400 of your evidence. You talk about the regional
5000 climate change impact assessment. Does that involve engagement with
5001 Territorial Authorities? Is that the same as, I saw a reference somewhere to a
5002 regional natural hazards management strategy? Is that the same thing?
5003

5004 Dawe: The Regional Natural Hazard Management Strategy was developed a few years
5005 ago to try and coordinate the way in which the Regional Council and the City
5006 and District Councils worked together around natural hazard management,
5007 because there have been a lot of different things done across the region. The idea
5008 of this was to try and build in some consistency to ensure that there is genuine
5009 community engagement, that there is involvement of the political leaders and
5010 the science community. Part of what has fallen out of that is this regional
5011 vulnerability assessment to climate change. We did one for the coastal region
5012 and this one which is being undertaken at the moment is looking at a regional
5013 assessment of the impacts from climate change on our communities.
5014

5015 So, that's that type of information that we are looking to pick up and use for
5016 adaptation planning.
5017

5018 Chair: I was going to say, would that have some influence on plan making and it sounds
5019 like it would?
5020

5021 Dawe: Yes, at this stage it will be information that will guide decisions around our
5022 adaptation planning, and through those adaptation planning processes it may be
5023 that there's a need identified that there is some provision that needs to be
5024 incorporated in a District Plan or a Regional Plan to effect its implementation.
5025

5026 Chair: Just a question on Policy 52. Sometimes there's a reference to structural
5027 protection works and sometimes there a reference to hard engineering methods.
5028 So, (c) refers to "avoiding structural protection works or hard engineering
5029 methods." And, (d) only refers to structural protection works. Then the
5030 explanation refers to hard engineering protection structures.
5031

5032 Would it be okay to just see if that needs any refining in your reply?
5033 Actually, speaking of the reply, it would be really useful to have a set of all of
5034 the provisions that are coded to this topic in one document. At the moment we
5035 are moving between the notified and the version which doesn't have all of the
5036 provisions in your rebuttal evidence. If we could have one set that has them all

5037 track-changed. Feel free to use the colour coding that the other officers have
5038 used. If that works for you that would be really helpful.
5039

5040 Dawe: I think that's a very good point. There is wording in there that has just come
5041 through from the operative. There's been a lot of discussion around nature-based
5042 solutions.

5043 [06.40.00]

5044 There is a definition in the RPS currently for hard and soft engineering. I will
5045 have a look at that to see whether the structural protection works are covered
5046 under hard engineering. Previously there was non-structural and structural
5047 protection works. I will have a look at the consistency for that.
5048

5049 Chair: The AER again just on this consistency point. I see AER1 does refer to new or
5050 existing subdivision use development. That might just be another one if you
5051 could just have a think about is that the anticipated result expected from those
5052 provisions. That would be great. Thank you.
5053

5054 That was all the questions I had thanks.
5055

5056 Thanks very much Dr Dawe.
5057

5058 That is the end of Day One. Thanks again very much to all the reporting officers,
5059 Council staff, the Hearing Advisors. It's been a long but very useful day in terms
5060 of helping us understand the climate change related provisions.
5061

5062 We are hearing from submitters tomorrow and we are starting at 9.25am.
5063

5064 Good evening everyone.
5065

5066 Admin: [Karakia]
5067
5068
5069
5070 [End of recording 06.42.31]

Transcription Hearing Stream Three – Climate Change Day Two

SUBMISSIONS

Proposed Change 1 to Regional Policy Statement for Wellington Region

Date: Tuesday 29 August 2023

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

Hearing Panel: Commissioner Dhilum Nightingale (Chair)
Commissioner Glenice Paine
Commissioner Gillian Wratt
Commissioner Ina Kumeroa Kara-France

Hearing Advisors: Jo Nixon
Whitney Middendorf

1 Chair: Mōrena. We will start with karakia. Thank you Ms Guest.
2
3 Guest: *Kia hora te marino*
4 *Kia whakapapa pounamu te moana*
5 *Hei huarahi mā tātou i te rangi nei*
6 *Aroha atu, aroha mai*
7 *Tātou i ā tātou katoa*
8 *Hui e, taiki e!*
9
10 Chair: Tēnā koutou katoa. Nau mai haere mai ki te kaupapa o te rā. Ko Dhilum
11 Nightingale tōku ingoa. I am chairing the hearing today.
12
13 Welcome everyone. Welcome Mr Feierabend and Ms Foster.
14
15 We are starting hearing submitters today on Hearing Stream Three, the Climate
16 Change topic. We heard from the Council officers yesterday and this is the first
17 day of three days of hearing from submitters.
18
19 We will start with some very brief health and safety messages. The wharepaku
20 are down the corridor to the right, and the lift is along the hallway. If a fire alarm
21 sounds follow the instructions of the staff and wardens – exit via the stairway
22 and assemble on the grass in front of Victoria University. Don't enter until the
23 all-clear is given by the hotel staff. Drop, cover and hold if there is an earthquake,
24 and move to the higher ground in the event we hear there is a tsunami.
25

26 We made our introductions last time you were here, but just for anyone who is
27 listening online we'll do some very brief introductions again.
28

29 We are the independent hearing panel that will be hearing submissions on
30 Proposed Change 1. There has been some changing membership on the panels.
31 Chair Thompson had to make the difficult decision to withdraw due to family
32 reasons. We were very sorry to hear this.
33

34 I have been appointed by the Freshwater Commissioner as Chair of the
35 Freshwater Panel as well, and will also continue in my role as the Chair of the
36 Part 1 Schedule 1 Panel. Commissioner Wratt has been appointed to the P1S1
37 Panel.
38

39 That means that both panels now have completely overlapping membership
40 which we do believe will help to promote integration and alignment between the
41 processes and the provisions themselves.
42

43 As we have advised in minutes, we may be making recommendations for the re-
44 categorisation of provisions between the two processes. We are aware of the
45 different functions and powers of the panels under the different processes and
46 we will be keeping that in mind as we hear submitters.
47

48 If the Panel members could please introduce themselves that would be great.
49

50 Wratt: Mōrena. Ko Gillian Wratt tōku ingoa. As our Chair has mentioned, I was initially
51 appointed as an Independent Commissioner for the Freshwater Hearing Panel,
52 now also a member of the P1S1 Panel. I am based in Nelson, live in Nelson and
53 I have a science background.
54

55 Paine: Mōrena koutou. Bit of a frog in my throat, so I will make this short. Ko Glenice
56 Paine tōku ingoa. I am an Environment Court Commissioner and I am on both
57 panels.
58

59 Kara-France: Kia koutou katoa. Ina Kumeroa Kara-France tōku ingoa. I am an Independent
60 Hearing Commissioner on both panels for the FPP and P1S1.
61

62 I am also fulltime employed by WSP Engineering New Zealand Limited,
63 Tāmaki Makaurau, Transport & Planning, Māori Business Services, as the
64 [Māori 04.49] Māori Mātua. I am advocate for mana whenua in the role in
65 regards to legislation that protects mana whenua on sites from [04.56] to cultural
66 valleys and sites of significance. I advise our engineers, architects and wider
67 teams and our clients on these matters with a focus on mana enhancing and
68 collaboration.
69 [00.05.08]

70 Finally, I am a board member on the Te Pou Atawhai Taiao O Aotearoa New
71 Zealand Conservation Authority of just recent weeks. Nō reira. Thank you. Kia
72 ora.
73

74 Chair: Some quick housekeeping points.
75

76 Hearings are being livestreamed and recorded for transcription purposes. If you
77 could please speak into the microphones and say your name before you speak.
78 We will do that as well, as that is useful for the transcript.

79
80 Just to note: the hearing's website has a register of Panel conflicts.
81 Commissioner Kara-France's recent appointment to the New Zealand
82 Conservation Authority has been recorded on that register.
83
84 I don't consider that this role presented any conflict issues as the NZCA is an
85 independent statutory body that advises the Minister and Director General of
86 Conservation. I don't think there are any issues of conflict, but if anyone has any
87 concerns they are very welcome to contact me via the Hearings Advisor.
88
89 I think that is all I needed to cover. Thank you. Our Hearing Advisor today is
90 Jo, so if you have any queries regarding anything please feel free to contact her.
91
92 I might actually just ask if the Council staff or consultants in the room wouldn't
93 mind introducing themselves please.
94
95 Guest: Good morning, I'm Pam Guest. I am a Senior Policy Advisor with Greater
96 Wellington and am in charge of coordinating the Climate Change Chapter.
97
98 Wyeth: Kia koutou. Jerome Wyeth. I'm a Planning Consultant at Forsyth Consulting
99 and the Reporting Officer for the General Agricultural Emissions and Energy
100 Waste and Industry Topics.
101
102 Chair: Finally before we begin, submitters welcome to those in the room and those
103 online. This is really your hearing. We thank you very much for engaging with
104 the proposal and presenting your views on it. We have read your submissions
105 and any evidence you have prepared in advance. We do invite you to share the
106 key points that you wish to make. The Reporting Officers have also very
107 carefully considered your evidence and have prepared rebuttal evidence. At
108 times there is also technical evidence supporting that rebuttal. We do encourage
109 you if you have not already seen that to please read it, because it could be that
110 some of your submission points and relief is now supported by the officers.
111
112 If you are able to take us to the key points in which there are still matters
113 outstanding that would be very helpful for us.
114
115 We will of course listen with an open mind and ask any questions of
116 clarification.
117
118 We do have quite a full day of submitters, so in order to ensure things run
119 efficiently we do ask that we keep to time, and really that's probably more a
120 reminder for myself. There will be a bell that sounds two minutes before the end
121 of your allocated time. There will be another bell when there is about five
122 minutes of panel question time remaining.
123
124 Just to note: we did receive some requests for extended hearing time from
125 submitters and the hearing advisors were able to accommodate that within the
126 allocated time for this hearing stream.
127
128 Finally, if you could please make sure your cell phones are turned to silent. Also
129 just to note, if you're not presenting in this hearing stream please do note that
130 we will have considered your submission and will be taking it into account in
131 our deliberations.

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I will pass over to Meridian. Thank you and welcome.

Meridian Energy:

[00.10.00]
Feierabend:

Kia ora koutou. My name is Andrew Feierabend. My role with Meridian Energy is to undertake advocacy on its behalf with respect to its interest nationally, and in this context the Wellington Region. I am supported here with Lester who is engaged by Meridian to present to you formal planning evidence with respect to the S42A reporting. It is fair to say that in light of the rebuttal evidence that's been prepared Meridian is generally happy with the outcomes that have been promoted; although Ms Foster has presented or prepared a supplementary statement where there are points of disagreement. I will get her to fly through those in a moment, and then be available for questioning.

One of the things that I did ask Ms Foster to address in her primary evidence was the importance of renewable energy generation and the need to provide for it to address climate change going forward. She has usefully highlighted in her evidence the quantum of new development required to meet New Zealand's climate change obligations, which I think is important as part of the back-drop to your decision-making on this plan change.

I shall leave it there and move to Ms Foster to work through her statement that she provided you this morning.

Foster:

Mōrena tātou. Ko Christine Foster tēnei. Andrew has introduced me. You have my evidence. I am grateful to the thought that went into the S42A authors reporting on the submissions points that were made, many of which are actually agreed.

The little piece of paper I have given you is just my attempt to assist you by, for the record, clarifying what remains not agreed but what is also agreed.

Light bullet points, but I will read through them if that's alright.

The purpose of 1.3 is to confirm the points on which I agree with Mr Wyeth – and it is just his report that I focus on. I don't take issue with any points in Ms Guest's or other's reports.

In 2.1 I highlight the regionally significant issue No.1. Mr Wyeth and I had some differences around that. I just record that insertion of the wording that he has settled on and recommended to you would resolve the submission point that Meridian made.

At 3.1 I turn to the Objective CC.1 that responds to that issue and say in Part 5 of my statement of evidence that I support some of the amendments Mr Wyeth proposed to the objective and highlighted a potential misalignment in the definitions of infrastructure and regionally significant infrastructure that are used in the RPS. Mr Wyeth doesn't consider the explicit inclusion of the words "including regionally significant infrastructure is strictly necessary," and neither does he oppose the inclusion of those words. It remains my view that it would eliminate any future doubt as to the meaning and application of the objective if clause (c) clarifies that it replies to regionally significant infrastructure and with

185 that amendment I set out below what it would read, just for your assistance and
186 for completeness.

187
188 At 4.1 I address the wording of Objective CC.7 in Part 7 of my 14 August
189 statement of evidence. Mr Wyeth addresses it in his paragraph 63 to 74 of his
190 rebuttal, and he recommends amendments to that Objective in paragraph 71.

191
192 The amendments Mr Wyeth proposes do not in my opinion resolve the matter
193 completely that I raised in my evidence. The issue is, the importance of people
194 understanding not only how climate change may affect them individually and
195 what they individually ought to do to respond to that; but also important is the
196 need to understand that changes need to be made a community and a regional
197 scale to respond to the challenges of climate change – and I refer to my reasoning
198 set out in the referenced paragraphs. I think that should say 7.2, I beg your
199 pardon, to 7.5 of my statement.

200
201 If one included my recommended additional wording as a separate sub-clause
202 just for structural reasons together with Mr Wyeth’s recommended amendments,
203 I set out below how the objective might look to assist.

204
205 In the definition of climate change at 5.1, Meridian’s submission requested
206 explicit inclusion in the proposed new definition of climate change mitigation
207 of positive actions that assist in reducing greenhouse gas emissions, including
208 for example the development of renewable energy.

209
210 [00.15.00 At the end of paragraph 8.3 of my statement I proposed amendments to the
211 definition that capture actions as well as processes, but there was quite a lot of
212 detail there, and I accept the attraction of brevity in the wording of definitions
213 and I am satisfied that insertion of the words “actions and processes” as proposed
214 by Mr Wyeth captures the example of renewable electricity generation as an
215 action to assist adjusting to expected climate change effects. I therefore support
216 the wording Mr Wyeth proposes in paragraph 116 of his Climate Change general
217 rebuttal statement.

218
219 Mr Wyeth addresses Policy 7 his paragraphs 17 to 34, and in particular in 23 to
220 25 in relation to Meridian’s submission points. In parts 9 and 10 of my 14 August
221 statement I set out my reasons for proposing that Policy 7 recognise and enable
222 renewable electricity generation. Mr Wyeth considers my proposed wording
223 goes too far at this time and recommends recognising “provide for’ as better
224 reflecting the current higher order statutory instrument, the NPS for renewable
225 electricity generation.

226
227 Although I note that Mr Wyeth is comfortable recommending an enable
228 approach for small inter-community scale renewable energy generation in Policy
229 11.

230
231 Mr Wyeth’s view is that extending beyond “provide for to enable” should await
232 the confirmed the direction of the replacement NPS, renewable electricity
233 generation once that is gazetted. I accept Mr Wyeth’s point and agree that my
234 recommendation tries to get ahead of that – recognising the apparent direction
235 of travel in the future NPS and other relevant government policy that I
236 referenced in my August 23 statement.

237

238 RPS Change 1 provides an opportunity to make a statement about the
239 importance of renewable electricity generation to the achievement of greenhouse
240 gas reduction goals. However, Mr Wyeth makes a good point that the future NPS
241 renewable electricity generation may require insertion of enabling provisions in
242 regional policy statements and in plans, without using the Schedule 1 process,
243 and I agree that would be more efficient than attempting to achieve that same
244 outcome via the RPS Change 1 Schedule 1 process at this time. His point was a
245 good one.

246
247 Policy 7: I note that Mr Wyeth also proposes amendments to the explanation to
248 Policy 7 that capture the points that were also made in Meridian’s submission. I
249 support his proposed amendments.

250
251 Meridian’s submission did not propose any amendments to Policy 11. I reiterate
252 my opinion stated in my August evidence that I do not support the amendments
253 Mr Wyeth proposes to the definition of small inter-community scale renewable
254 energy generation. However, that is a small matter in the overall scheme of the
255 RPS and not I understand a particular concern to Meridian.

256
257 Policy 39: Mr Wyeth addresses the amendments I proposed to Policy 39 in his
258 paragraph 54 of his rebuttal statement. I accept his reasoning that there is no
259 need to insert reference to the greenhouse gas emission reduction benefits of
260 renewable electricity generation as this is already acknowledged in his proposed
261 Policy 7.

262
263 It is important in my view that these benefits are explicitly recognised
264 somewhere and Policy 7 as proposed Mr Wyeth achieves this.
265 The amendment I propose to the title of Policy 39, reflecting the recognise and
266 provide for wording, is a minor matter of consistency. The material changes
267 recommended by Mr Wyeth that I support are to insert the “and provide for” in
268 clauses (a) and (b).

269
270 On Policy 65 finally, Mr Wyeth has proposed some further amendments of
271 Policy 65 responding to suggestion that I made in Part 13 of my August
272 statement. I support the wording he proposes for clause (e) which relates to
273 increasing the proportion of energy generated and used from renewable sources.

274
275 Thank you. Happy to answer questions.

276
277 Paine: Mōrena Ms Foster. I have now got a whole lot of ticks beside your name, so
278 that’s really pleasing.

279
280 The only thing I just wanted to clarify is a paragraph that Mr Wyeth had, para
281 117 in his rebuttal. I think you have probably addressed that in your section 5.

282
283 In 117 Mr Wyeth says he is “not aware of definitions of climate change
284 mitigation” that refer to the development of renewable energy generation.

285
286 [00.20.00] I would welcome Ms Foster’s view on this.”

287
288 Foster: If one does a thorough Google search you will find that development of
289 renewable electricity generation is in other countries in the world seen as a key
290 support to climate change adaptation, facilitating movement of society away

291 from reliance on fossil fuels. So, to that extent I think it is actually key to it; not
292 an add-on but key to it. Bearing in mind that renewable electricity means a
293 number of things these days – wind, solar, hydrogen. A number of initiatives, so
294 yes.

295
296 Paine: Thank you Ms Foster. The supplementary evidence is really helpful.

297
298 Foster: Could I just add by saying perhaps I don't think one could do it without it. That's
299 the important point about the assistance that renewable electricity generation
300 will provide to that shift.

301
302 Chair: This might be a question for Mr Feierabend.

303
304 Policy 39 para (e) talks about recognising the benefits of utilising the significant
305 wind, solar and marine renewable energy resources within the region - and I
306 appreciate that Meridian might not have had relief on this point, but it may be
307 another submitter does – so hydro is not in that list. Are you aware of hydro
308 being a potential resource in the Wellington Region?

309
310 Feierabend: Not in the Wellington Region so much. I think it's wind and solar is where most
311 development opportunities are being looked at.

312
313 Chair: Thank you. There was a submitter that talked about that. It might have actually
314 been perhaps Wairarapa Federated Farmers, talking about the small scale on-
315 farm type hydro. That's okay. I just wondered your view on that.

316
317 Foster: Just to add to that, I think if it's at that small and community scale it's covered
318 by other policies as well that are the subject of this RPS change.

319 Chair: The definition Mr Wyeth supports is the same definition in the NPS-REG but
320 are you saying that's...

321
322 Foster: I thought it differed slightly. I am content with the definition from the NPS. I
323 saw no reason to change it. I thought was a difference.

324
325 Chair: I thought it was the same now, but Mr Wyeth might be able to clarify that.

326
327 Wyeth: It's slightly different in terms of the first part of the definition is “small and
328 community scale distributed electricity generation.” I haven't included in the
329 definition – it doesn't quite make the same sense to me, in reference to “energy”
330 instead of “electricity”.

331
332 I sort of clarify in my evidence that minor changes I don't really see that it
333 changes the intent of the definition, but they are slightly different changes in
334 wording, which is probably the point of difference.

335
336 Chair: I see. I think in your statement you have provided this morning that it doesn't
337 sound like you consider it a material issue for you?

338
339 Foster: I don't think it's a big deal. There are several differences in the way that people
340 refer to the use or harvesting and development of renewable energy to generate
341 renewable electricity; so, the thing they're using, the resources, the energy and
342 what they're creating is electricity, which is why it's renewable electricity
343 generation NPS for example.

344
345 A small point may become large in the future.
346
347 Chair: Looking at Policy 7 and 39, there seems to be some overlap in that they both
348 provide for benefits. They both have some recognition of RSI the contribution
349 to reducing emissions. Policy 7 is a direction for plan making and Policy 39 is
350 [00.25.00] also a direction for plan making and [25.01] and for consenting.
351
352 I guess I just would appreciate your view on whether there is any risk of any
353 inconsistent direction that could cause uncertainty when it comes to
354 implementation?
355
356 Foster: I have always seen the policies, for example 7 through 11, as directing plan
357 making. When the RPS was first initiated of course plans had not given effect to
358 the content on. I call them consideration policies for example 39 and 65. They
359 had particular force. They were the interim catch-all, the interim direction to
360 parties. They don't fall away or become irrelevant when plans have given effect
361 to, for example, Policy 7, Policy 11, they still have to be considered. But, the
362 work has been done. So, the heft, if you like in driving plan changes is in the
363 lower numbered directing policies in my opinion.
364
365 Chair: Thank you. That's really helpful.
366
367 I do have a couple more things.
368 The definition issue, RSI and infrastructure, would you mind talking us through
369 that. I just want to see if there is still a problem. I think your initial evidence
370 statement addresses that.
371
372 Foster: There is a table on page-12 of my August statement which sets out the difference
373 between them. There's a potential difference in the way that regionally
374 significant infrastructure captures more than just local distribution; whereas
375 infrastructure is a bit more restricting. It's just those subtle differences in the
376 wording.
377
378 I was around when the definition of regionally significant infrastructure was
379 included in the RPS. There was discussion at that time about whether it captures
380 lines, companies or distribution – and distribution beyond particular areas; and
381 the national grid because in Meridian's example, and I think this is still the case,
382 West Wind supplies a particular distribution area than just the national grid. It
383 was important to make sure that they're captured.
384
385 The definition of infrastructure is just not as explicit on that point.
386
387 Chair: It's your statement in para 5.5 Ms Foster. Objective CC.1 and Mr Wyeth supports
388 that para (c) now says the planning and delivery of infrastructure. As I
389 understand it, your preference is that that says including RSI.
390
391 Foster: Exactly, yes.
392
393 Chair: If it just said infrastructure is there a risk that Meridian's infrastructure would
394 not come within that definition?
395

396 Foster: Absolutely, yes, because explicitly in (d) is set out there. What would be
397 excluded with the use of facilities, lines and support structures in connection
398 with generation other than for a person's use. So, anything beyond that would
399 just be excluded if you just had the definition of infrastructure. So, it's important
400 that the definition includes regionally significant infrastructure which is that
401 higher order.
402

403 Chair: The electricity that Meridian's assets generate that is still for a person's use. So,
404 are you saying there's a problem with those words?
405 [00.30.00]

406 Foster: It confers I think the meaning generated to be used by that person. It's the use of
407 the word "person". The discussion at the time was around whether lines are
408 feeding individual people or whether they are feeding a supply grid for example,
409 the national grid. The definition of regionally significant infrastructure has an
410 importance difference in that respect. It explicitly includes feeding the national
411 grid and other distribution entities.
412

413 Chair: Thanks for clarifying that. If I recall correctly Mr Wyeth I think might be open
414 to the inclusion of those words. We'll see the reply.
415

416 Foster: I think there's a problem if it's restricted to infrastructure. I think it's
417 exclusionary and not intended I don't think by Mr Wyeth.
418

419 Chair: The comment you make in paragraph 17.3 about the statutory framework, there
420 are legal submissions from counsel for the Council on this point. It's an issue
421 with the transitional. Advice from counsel is that it doesn't actually preclude
422 because the RMA allows consideration of management plans and other
423 strategies under other legislations, so it could come in under that.
424

425 Did Meridian have any relief on the hazards provisions do you recall? No?
426 That's fine. Dr Dawe and Mr Beban have recommended some changes to
427 include to recognise the need for infrastructure to be resilient to hazards in those
428 provisions. That's a point that the airport has picked up.
429

430 Foster: Meridian is not a party to the submissions on those provisions but would
431 probably support anything along those lines.
432

433 Chair: I think the airport has been doing.
434

435 Finally, nature-based solutions as well. Even if Meridian doesn't have relief on
436 those provisions, I would be interested in your views and Mr Feierabend might
437 be able to comment on a question around the extent to which nature-based
438 solutions are perhaps factored into Meridian's planning and whether it is seen as
439 something that can actually help adapt to climate change. Is that something that's
440 on... that's okay if it's not, I am just interested in trying to understand the
441 importance of these provisions generally, and not only an urban sense.
442

443 Feierabend: I think they're relatively new concepts from discussing this issue with Ms Foster.
444 We're kind of supportive of it. We acknowledge that it can be argued that the
445 likes of solar could fit within that categorisation of nature-based solutions. Also
446 accept Ms Guest's propositions that she outlines in her evidence around, I guess,
447 the view that those activities that fit into that categorisation may not include.
448 [00.35.13]

449 It's one of those things, and I guess it's a bit like offsetting was, going back
450 probably ten years ago, there seems to be we're moving into a new space, and
451 kind of feeling around the edges of what that might be, if that makes sense.
452

453 Do we actively think of that in the context of from a company position? Probably
454 starting to think about it but haven't really come to a view is probably the best
455 way to respond to that question.
456

457 Wratt: No questions from me. Thank you for your very high quality reports in evidence
458 for us. Very clear and to the point. Thank you very much.

459 Chair: Can I just ask one thing. There have been new targets that the government has
460 set for renewable energy. If I remember correctly, it's actually edging towards a
461 hundred percent, or if not a hundred percent by 2030. Does Meridian feel that is
462 achievable and that the country is on track to meet that?
463

464 Feierabend: Good question. Is it achievable? There is a lot of time and energy being spent
465 internally within Meridian in terms of how it can contribute to meeting that
466 target. We're certainly from a development phase exploring opportunities across
467 the nation and looking at opportunities in this region.
468

469 I guess like any target to some degree that's going to be determined by the kind
470 of regulatory framework that's available to foster, enable, encourage
471 development. It does take a long time from a perspective of identifying a
472 prospect to actually developing it, consenting it and building it. We're involved
473 with a project in Hawkes Bay, Harapaki. That has been the system now for well
474 on two decades. It's just getting constructed.
475

476 So, no simple answer to your question. I would like to think that certainly by
477 2040/2050 we are at that hundred percent renewable. It would be great. But,
478 that's obviously got to be seen in the context also of being carbon neutral,
479 increasing demand. I think Ms Foster outlined in her evidence, or touched on at
480 the start of this presentation around what's the equivalent of a Manapouri Power
481 Station every two years – it's a lot of energy.
482

483 Chair: These provisions are one piece on the path to helping get there.
484

485 Feierabend: Correct.
486

487 Foster: The other thing that's important to note is that there are existing assets, for
488 example that Meridian has in this region. Some of the answer is new stuff, but
489 sometimes it's retrofitting or upgrading. Even those jobs have consenting
490 challenges. Those are probably your best bang for buck in starting to get
491 increased generation from existing resource and more efficiency; and they need
492 assistance as well. They're probably the ones that carry the least effects, so
493 probably warrant a little bit of a shunt in terms of positive policies. That's a
494 reality for the Wellington Region.
495

496 Paine: I see in your para 3.6 it's exactly what you were referring to about Manapouri
497 and that's why I'm thinking, 'Gosh, it's a big ask, what we are talking about,
498 when you've got those figures to look at.'

499 [00.40.00]
500 Foster: It's confronting.
501

502 Wratt: My question was just whether the provisions now within this RPS do enable
503 your comment about consenting issues, that there still are around retrofitting and
504 upgrading?
505

506 Foster: That's the background for my recommending "enable" a much more facilitating
507 expression. I accept Mr Wyeth's point that we are not there yet nationally.
508 Haven't been directed yet to do it. But, there is still an opportunity for this
509 Regional Policy Statement to do that. I think the signals are clear. The need is
510 clear. The current government signals are equally clear as to what is required. I
511 think it's an opportunity.
512

513 Wratt: Without enabling, there's not sufficient strength within here to, I guess, relieve
514 the consenting pressures that there might be, is that what you're saying.
515

516 Foster: I see that they will be different pressures whether they are for upgrading as they
517 will be for new, and the recognised 'provide for' goes as far as the statutes do or
518 the national policy does at the moment, and that's some assistance. 'Enable' has
519 its limitations as well though – just from experience in consenting projects of
520 this nature. 'Enable' would be of much greater assistance frankly – yes it would.
521

522 Feierabend: Just to add to that, there's a recent decision that's come out from the Supreme
523 Court called 'Otago Decision' which is quite interesting to read from the point
524 of view of saying language is important. I guess that language distinction
525 analogy can probably be used in the context of what we are talking about here,
526 because enabling does give a decision-maker a slightly different direction I think
527 as opposed to recognise and provide for.
528

529 Foster: Always moderated by the other policies of higher order documents – coastal
530 policy statements for example, the NPS indigenous biodiversity etc. But, these
531 projects are always at the forefront of that challenging space in reconciling those
532 competing values. Some of those competing values sometimes have very strong
533 directives, and in the context of that, recognise and provide for is quite weak.
534

535 Chair: Taking that structured analysis that the Court talked about.
536

537 The provisions in the operative RPS certainly there's one for protecting RSI, but
538 are these provisions that are part of this Proposed Change 1 are they the key ones
539 that enable and support that consenting process for your infrastructure?
540

541 Foster: Yes. The RPS change created the opportunity for that deliberately to facilitate
542 the adaptation that's required. The current RPS has a 'recognise the benefits of'
543 approach, which is quite a lot softer. So, yes, recognise and provide you takes
544 you a little bit further, but it doesn't in my opinion provide the foundation for
545 confronting that challenge.
546

547 Kara-France: Kia ora. It's not a pressuring question, but it's just in reference to a question that
548 Ngāti Toa highlighted in regards to cultural values and sites of significance, that
549 infrastructure are established within these sites of significance. What's your
550 opinion on that please?
551

552 Foster: I'm actually going to get Mr Feierabend because I think it goes to his experience
553 of how a company like Meridian actually shapes their project and makes
554 decisions about where they place things.

555
556 Kara-France: That's great to hear.
557 Foster: And, commissions expert advice from people who know about where one
558 shouldn't for example.
559
560 Kara-France: Excellent. Thank you.
561
562 Feierabend: I think whenever we undertake a prospecting activity or development we try to
563 connect with local whenua. That's our starting point. By way of an example
564 we're working through a process in Southland at the moment – context of a green
565 hydrogen project. Part of that process is actually engaging with Ararua, which
566 is a local rūnanga down there and part of Ngāi Tahu, to understand their values
567 [00.45.00] in relation to sites we are looking at, which will help us with site selection; and
568 understand as far as possible how the cultural value overlay can be
569 accommodated within the development; and ultimately try and establish
570 partnerships and relationships.
571
572 That's a little bit of 'mother's apple pie' because sometimes there might be a
573 divergence of opinion, but very much it's a Meridian kind of way to engage, find
574 out and understand and then ultimately develop a proposal that hopefully can
575 kind sync with those values. There there's conflict then obviously there's a kind
576 of stop-go mechanism as to decision-making in that space.
577
578 Kara-France: Thank you. Much appreciated.
579
580 Chair: Ms Foster, in Policy 11, if you have Mr Wyeth's recommended changes there,
581 this policy is very enabling of the provision we were looking at earlier – small
582 and community scale renewable energy generation. It enables a development
583 operation, maintenance and upgrading.
584
585 When you take that definition – and I'm just looking at the provisions in Mr
586 Wyeth's rebuttal – renewable generation for the purpose of using electricity on
587 a particular site or supplying to an immediate community, would Meridian's
588 Brooklyn Turbine come into that?
589
590 Feierabend: It's connected to the local grid, yes.
591
592 Chair: So it would.
593
594 Feierabend: Yes.
595
596 Chair: But generally, if I understand correctly, this policy wouldn't actually support
597 Meridian's larger scale infrastructure, is that right?
598
599 Foster: No, I think the distribution network is distinct from the national grid – local
600 distribution and lines distribution. That was the thinking at the time of
601 developing the definitions in the RPS.
602
603 Chair: So, this is more enabling because of that smaller scale of that infrastructure?
604
605 Foster: Yes, that's right.
606 Chair: Did Meridian have relief on Policy 11?
607

608 Foster: Meridian’s submission noted that it used the word ‘enabling’ with favour.
609
610 Chair: But, this is very much geared towards that smaller scale?
611
612 Foster: Exactly, yes it is.
613
614 Wratt: You did note that you don’t support the amendments Mr Wyeth proposed to the
615 definition of small and community scale renewable energy generation?
616
617 Foster: I think that the RPS can comfortable adopt the language of the current NPS until
618 that changes.
619
620 Chair: I promise this is the very final one.
621
622 Policy 7, some submitters have noted that it doesn’t refer to objectives; there’s
623 a requirement for policies and/or methods. But, Mr Wyeth said in his opinion
624 that doesn’t preclude objectives being included.
625
626 Ms Foster, do you have any views on that? Do you think it would be better for
627 that provision to refer to objectives?
628
629 Foster: Yes it would be more complete. In the general framework of the plans that fall
630 under this, in the District Plans in particular, it's not so much a Regional Plan
631 issue unless it's something dealing with water perhaps, or beds of rivers and
632 things – but it's a District Plan issue. They generally have statements of
633 objectives.
634 [00.50.00]
635 I don’t that there’s an experience of finding it incomplete though because the
636 RPS provides that through the Policy 39 consideration as well. It would knit
637 together better that’s true.
638
639 Chair: Thank you for your time.
640
641 Are you presenting again on future topics in PC1?
642
643 Foster: Yes I think we do.
644
645 Chair: We might see you again. Thanks.
646
647 **Masterton District Council**
648
649 Kia ora Masterton District Council online. Kia ora. Welcome to the hearing.
650 Would you like us to do introductions or did you hear our intros earlier?
651
652 I didn’t and I would welcome introductions thank you.
653
654 Chair: Kia ora. Ko Dhilum Nightingale tōku ingoa. I am the Chair of the Part 1
655 Schedule 1 Panel and now also now the Freshwater hearings panel because
656 regrettably Chair Thompson had to withdraw for family reasons.
657
658 Welcome. I will invite the other panel members to introduce themselves.
659 Paine: Kia ora. Ko Glenice Paine tōku ingoa. I am an Environment Court
660 Commissioner and I am on both panels.

661
662 Wratt: Mōrena, I'm Gillian Wratt. I was initially appointed just to the Freshwater Panel
663 but now also on the P1S1 Panel. Kia ora.
664

665 Kara-France: Kia ora. Ko Ina Kumeroa Kara-France tōku ingoa. Independent Hearing
666 Commissioner. I am appointed to both panels. Tēnā koe.
667

668 Yates: Kia ora. Ko Karen Yates ahau. I am the Interim Chief Executive of the Masterton
669 District Council. My normal job is the Strategy and Governance Manager here.
670 I am responsible for policy and strategy in corporate planning and that includes
671 climate change and environment within my portfolio.
672

673 Chair: Welcome. Sorry, I didn't quite catch your surname.
674

675 Yates: Kia ora Ms Yates. Welcome. The floor is yours. We have read your submission.
676 If you are able to take us to the points that you're still seeking, if you've had a
677 chance to look at Mr Wyeth's rebuttal evidence, it may be that some of your
678 relief is now supported. If you are able to take us to the key points that remain
679 that would be really helpful. Thank you.
680

681 Yates: Thank you. I appreciate the opportunity to talk to you today. This is just really a
682 presentation to take you through the key highlights of our submission - the
683 particular issues that are concerning the Masterton District Council and our
684 community. Then I'm happy to respond to any questions after that.
685

686 We have accepted the responses from Greater Wellington into a number of our
687 submissions. I can take you through those.
688

689 Firstly, our general feedback on the RPS Change 1 is that we are supporting –
690 we're neutral. There are a number of areas where we would like further clarity
691 and amendments within the proposal; and those really are around future clarity
692 and involvement in future work.
693

694 We do obviously acknowledge that the Change 1 aims to address key issues
695 relating to urban development, freshwater, climate change and biodiversity; and
696 that the NPS-UD are the drivers for the revised Change 1.
697

698 Our key areas that we support include agreement that mana whenua/tangata
699 whenua values are given effect to in decision-making and they are supported to
700 exercise their kaitiakitanga in decision-making – that's particularly in areas
701 around indigenous biodiversity, water and climate resilience.
702

703 In our submissions last year we asked that the Greater Wellington Regional
704 Council need to provide further clarity on how and when further changes will be
705 made to the RPS to integrate those up and coming national and regional reforms,
706 and how they impact on the Council in particular and it's communities. I'm
707 thinking things like RMA reforms and Whaitua implementation plans.
708

709 [00.55.17]
710 One of the key concerns that we have for the Change 1 is how the change is
711 going to be implemented across Councils in the greater Wellington Region.
712 There are several proposals that will impact differently on Tier 1 and Tier 3
713 Councils. Masterton is a Tier 3 Council. I am thinking particularly around public
transport, urban planning and design. We feel there needs to be greater clarity

714 around differentiation within Change 1 as to how that will apply to the different
715 tiers, because clearly we are quite different in Masterton compared to over the
716 hill as we like to say, and there may be some unintended consequences,
717 implications and costs for our communities if there is an expectation that those
718 changes and policies will apply equally across all of the councils within the
719 region.

720
721 Turning to Slide 3 Climate Change General topics, the key points for this we
722 want to highlight in our submission that we totally support imbedding climate
723 action within the RPS Change 1 now, rather than waiting for further national
724 direction.

725
726 We have our own Masterton direct district climate change action plan, and
727 there's aspects within there that fully support making those changes now;
728 particularly around things like community engagement and education around
729 climate change. We would like to move on those as soon as we possibly can.

730
731 Chair: Sorry to interrupt you. Were you sharing your screen? We can't see any...

732
733 Yates: No we are not. Are you also not sharing screens?

734
735 Chair: Have you got a slide pack?

736
737 Yates: We have a slide pack. We have shared it with the Council. We can also share it
738 here, if that's a help.

739
740 Chair: If you could that would be fantastic, then maybe email it through again.

741
742 Thank you. We can see that now. Great.

743
744 Yates: Great. We'll move to Slide 3. Sorry for that.

745
746 Chair: No problem. Thank you.

747
748 Yates: Picking up that our support for iwi and hapū being in power to make decisions
749 to achieve climate resilience within their communities. This is a really key
750 objective that we think reflects the partnership approach that Council obviously
751 would like to take, particularly around climate change, mitigation and adaptation
752 with mana whenua.

753
754 We want to acknowledge that although the greenhouse gas emissions reduction
755 targets we know that they do align with the IPPC targets, they are clearly more
756 aspirational than what we currently have in national legislation. We know that
757 does bring concern to parts of our rural community. Our rural community have
758 talked to us about this. Obviously our local community is quite heavily reliant
759 on agriculture and transport for its survival.

760
761 So we need to be able to identify some of the language has changed, now that
762 we are contributing to those overall targets within the Council and through those
763 policies and plans. We need to understand how that actually affects our
764 community and we don't want to clearly burden our community unnecessarily
765 in order to be able to contribute to those as a matter of equity for us across the
766 region.

767
768 Turning now to our natural hazard topics, we want to highlight our key
769 submissions here that our district resilience is a key theme both within the
770 Change 1 and within our Climate Action Plan. We totally support integration of
771 disaster risk reduction and hazard risk management with climate change
772 adaptation and planning. We have taken action already within our Council to
773 consider those. We think they need to go ahead in an integrated approach.

774
775 We support policy and consenting pathways that facilitate water resilience.
776 Water resilience in the Wairarapa, as I'm sure you know, is a key factor for us,
777 and particularly for onsite water storage. Policies 29, 51 and 52 we do support
778 those, but we have questions around how they fit with the flood management
779 and urban design and urban density priorities. As you will know, Masterton sits
780 behind flood management and stop-banks.

[01.00.00]

781
782 We clearly need to be able to grow, but how we do that in a way that doesn't
783 present ongoing problems for flood management and that we are actually able
784 to improve our flood management. It's actually getting clarity how that would
785 work with the policies and plans within Change 1.

786
787 Turning now to the agricultural emissions topic [01.00.24] foreshadowed of
788 community do have concerns around the targets that we have and want to
789 understand further clarity and what perhaps policy intent, particularly for the
790 methods that support agricultural emissions.

791
792 We would like to take a lead role given the nature of our community in
793 developing what those regional plans and policies are, particularly around
794 regional forest extent, reducing methane emissions and ensuring our rural
795 resilience to climate change; we would like to be around the table and we also
796 support our community being around the table – particularly in terms of things
797 like regional forest spatial planning; and as I say, understanding exactly the
798 policy intent around those agricultural intensification and what that means. For
799 example, are we talking about resource consenting for farming activities.

800 One of the key concerns that the community have already voiced to us is around
801 forestation and whether when we take a regional approach to that, that means
802 that the Wairarapa ends up being in a carbon sink. I know we have raised that
803 with your officers and they have assured us that wasn't the intention, but I think
804 the lack of clarity still remains; so that would be helpful to determine what that
805 means for our particular councils across the Wairarapa, compared to the other
806 councils within the region.

807
808 In terms of our nature-based solutions topics, we are particularly advocating for
809 local government guidance to be developed on nature-based solutions – what
810 they are, what's preferred, how they're going to be implemented and why. We
811 thinks that a really part. We totally support a healthy natural environment as a
812 key tool to creating climate resilience; so further clarity around what that might
813 look like would be helpful.

814
815 Also around the tree canopy cover target within the urban areas around what that
816 might mean, and how we are expected as a council to implement those, monitor
817 and enforce that target on an ongoing basis.

818

819 Turning now to our energy waster and industry topics. Again we are very
820 supportive of the methods and policies that contribute to waste minimisation and
821 energy efficiency. They are a key part of our climate action plan and also the
822 work that we are doing as a region, as you will know, on waste minimisation.
823 That's a key responsibility for us.

824
825 Understanding again how those methods and policies might impact for us as a
826 Tier 3 authority, there could be some serious affordability issues for our
827 community, given our ratepayer base and our low wage economy and
828 encouraging industry within our area as a key part of our spatial planning that
829 we're doing at the moment, as you know, from a regional basis. So, how those
830 actually impact on the ground for us in our communities.

831
832 Finally turning to our transport topic, with regard to transport, again it's a case
833 of Tier 3 and Tier 1. You will know that the Wairarapa doesn't have a great
834 public transport network. We are thoroughly supportive of ways to improve that
835 mode change, mode shift and out of cars; but how that can actually be facilitated
836 within such a large rural network of roading with limited public transport and
837 limited, for example, EV infrastructure; and the impacts then on our local
838 economy in order to be able to actually facilitate that. We feel that this topic in
839 particular has been quite metro-centric and we would like to understand better
840 how the policy can be actually given effect to on a sub-regional and district level.

841
842 That is the end of my presentation. I am happy to take questions from the Panel.

843
844 Chair: Thanks very much Ms Yates. If you don't mind stopping the share then we can
845 see you.

846
847 I have some questions, but I might just see if the other Commissioners would
848 like to ask you anything.

849 Kara-France: No I don't, but thank you very much for your presentation.

850
851 Wratt: Thank you for that presentation, that was very clear.

852 [01.05.00]

853 You obviously have concerns around the Tier 1 and Tier 3 which I'm hearing.

854
855 It also seems that quite a bit of what you're presenting is really for consideration
856 by Great Wellington Regional Council as they implement an RPS, rather than
857 requesting changes to the RPS document.

858
859 That follows onto my next question which is whether there are any changes that
860 you are seeing needed now that we have the rebuttal revisions to the RPS or
861 proposed changes to the Regional Policy Statement; or whether you are now
862 reasonably comfortable with what is in the documents?

863
864 Yates: There are no specific changes. If there is an opportunity to provide further clarity
865 within the Change 1 then we would welcome that. It's always better to have that
866 clarity within the document itself of course, but if it is more a matter of
867 implementation then we are happy to wait for that work to come through.

868
869 Chair: Thank you Ms Yates. What stage is the Wairarapa Combined District Plan at
870 now? I know it's been notified hasn't it.

871

872 Yates: It's due to be notified in October. We've had a draft plan that was put out and
873 we're just working our way through to get the proposed plan out.
874

875 Chair: That's yourselves, self Wairarapa, Carterton?
876

877 Yates: That's right.
878

879 Chair: Just out of interest I was having a look through that draft. I guess when Proposed
880 Change 1 becomes operative there may then need to be a plan change down the
881 track to obviously incorporate and give effect to that. That's just the continual
882 nature of planning isn't it.
883

884 I did not out of interest though that there are quite a few provisions and policies
885 in that draft that seem to be fairly well aligned with Proposed Change 1. There
886 is recognition about land use subdivision, development, changes needed to
887 support a multi modal transport system for example, that addresses the needs of
888 all users. The importance of having a well-designed transport network that
889 maximises opportunities for walking. I think there is about high traffic
890 generating activities.
891

892 This is actually the question I wanted to ask.
893

894 That provision refers to having ITA, Integrated Transport Assessment, prepared
895 that includes mitigation of effects through a travel demand management plan.
896 As I understand it, the provisions that Ms Allwood is supporting seems to be
897 reasonably consistent with that approach. The threshold in the draft Wairarapa
898 combined plan is quite low – it's 25 units in residential zones. What Ms Allwood
899 is suggesting is that district plans can include local thresholds for travel choice
900 assessments.
901

902 As I understand it, the framework would actually allow the Masterton District
903 to set the threshold at which these travel choice assessments are required.
904

905 I guess the concern which you have noted about recognising Masterton and its
906 needs, its community and the differences between Tier 1 and Tier 3, I do think
907 that the officers are acknowledging the importance of scale and context for a
908 particular community in these provisions.
909

910 If you haven't already seen the changes in the transport rebuttal evidence, that
911 may give some assurance.
912 [01.10.00]
913

914 You have noted concerns about afforestation being used disproportionately in
915 the Wairarapa. Are you able to talk about that a little bit more, and these
916 concerns about being in a carbon sink? Is that about having uncontrolled
917 plantation forestry in the district? What are the concerns there?
918

919 Yates: That really is from are the proposals going to be regional targets or district
920 targets – the thinking that there's probably a lot more land over on this side, the
921 hills, than there is on the Wellington side of the fill for afforestations; so if there
922 are policies and incentives for that planting to happen in order to be able to
923 provide the canopy to achieve afforestation, is that naturally going to fall on this

924 side of the hill; so effectively the Wairarapa ends up taking-up the slack for the
925 rest of the region on being able to meet those targets.
926
927 As I say, we've had assurance from officers at GW that that isn't the intention,
928 and that it is a sort of a working towards and contributing to, but it's just being
929 really clear on expectations in terms of what the targets will be and how they
930 will fall across the region and making sure that there's equity there.
931
932 Chair: I don't know if you have it in front of you but Policy CC.14, which is one of the
933 policies that has this contributing towards achieving – that's the one that says
934 ten percent of tree canopy cover; that talks about providing urban greenspace. I
935 am sure Ms Guest has covered this in her report, but I am not sure – I think that
936 would apply in the more urban areas of the district in my view, rather than saying
937 there should be this target of ten percent tree canopy anywhere in the district.
938 That might be something that Ms Guest might be able to clarify, either now or
939 in her reply.
940
941 Guest: Yes, CC.14 is very much around development. It's a development policy. The
942 policies that give effect to Objective CC.5 which is around increasing forest is
943 CC.6 and CC.18. They are very much focusing on encouraging more forest, but
944 in a right tree right place way. The forest spatial plan is the mechanism for
945 promoting/enabling that which is around the Regional Council working with
946 mana whenua and District Councils to actually identify what a target should be
947 and what a sensible way is of actually achieving that.
948
949 We talked there about more trees going into highly erodible land and areas with
950 sediment issues, so not looking at unfettered afforestation on farmland, and
951 that's what the intent of the policies is.
952
953 Chair: Ms Yates, do you know if there is much highly erodible land in the district?
954
955 Yates: I'm looking to my officers here. I am not aware of a lot of highly erodible land,
956 no. The issue for us really was around the development of that spatial plan and
957 being around the table there, and making sure that the community is as well, just
958 so that we can work together on how that might work through for our region.
959
960 Chair: Ms Guest supports that provision, saying “partnership approach including with
961 key stakeholders as appropriate.” So, acknowledgement there that there are
962 parties that would want to be involved with that.
963
964 You requested a clearer definition of nature-based solutions. If you have seen
965 the definition that Ms Guest now supports, are you more comfortable with that?
966 If you have that there – sorry if you don't.
967 [01.15.10]
968
969 Yates: My officers are nodding their heads saying they are comfortable with that.
970
971 Chair: Great, thank you.
972
973 Yates: Just coming back to that erodible land, the coastal around water way areas are
974 particularly prone to erosion, of which we have quite a lot in our area.
975

976 Chair: The approach in Policies 29 and 51 to hazard planning, hazard management, I
977 understand that the combined Wairarapa draft District Plan also takes this risk
978 based approach to that. The provisions in the hazards chapter talk about
979 identifying the areas of high, medium, low and planning for them accordingly.
980
981 I know you talk about this in your submission, but if you have had a chance to
982 look at those changes, are they heading in a reasonably compatible direction
983 with what the Council is thinking?
984
985 Yates: Yes, we accept those changes.
986
987 Chair: I had a note here about Policy 7 – in the energy topic. In your submission, you
988 say regarding Policy 7 you are neutral on it and you request further clarity on
989 how it would impact Tier 3 and note this is a significant affordability issue for
990 your community.
991
992 Can I just check that I'm on the right policy there? Policy 7 is about recognising
993 the benefits from renewable energy and regionally significant infrastructure. Are
994 the comments there about developing a plan change to give effect to that policy?
995 Can you explain the relief you're seeking now?
996
997 Yates: It was again just a question of how that would work for affordability for our rural
998 community and for us a rural provincial council, in terms of what the expectation
999 is around the investment in large renewable energy and regionally significant
1000 infrastructure. We don't have I guess the economic base and ratepayer base to
1001 be able to support really large scale investment in that area. So, how that would
1002 work through for us.
1003
1004 Chair: As I see this policy it's a direction for plan making but it would be used by
1005 infrastructure that's seeking to locate or develop.
1006
1007 There's wind generation in the Wairarapa at the moment isn't there?
1008
1009 Yates: There is small scale yes, and a couple of plan changes in I think for some
1010 consents for some more.
1011
1012 Chair: I think the very last point is on Policy CC.5, which is in the agriculture topic.
1013 Your submissions says that policy reads as not allowing land use intensification.
1014 I don't understand that to be the intent of it.
1015 [01.20.00]
1016 There is a question in your submission about what this would mean for farming
1017 activity, and would it trigger farming activity consent requirements. That is
1018 something that I'm pretty sure Mr Wyeth has addressed in his evidence. That
1019 policy he has recommended some quite big changes to it, including deleting the
1020 words avoiding changes to land-use activities. If you had any further concerns
1021 about that policy I don't know if Mr Wyeth could offer any clarification on it.
1022 This is just regarding the Council's submission point about whether the impact
1023 of this policy is that it would restrict land use intensification and its impacts for
1024 farming activities.
1025
1026 Wyeth: I guess my concern with the Policy CC.5 as notified, is that it implied there
1027 would be a future plan change regulating changes in land use activities. I guess
1028 my view is we don't know that's the most effective and efficient approach to

1029 reduce agricultural emissions; so my recommendation was to provide more
1030 flexibility around how that Regional Plan Change is given to effect to, which is
1031 I guess the essence of my recommendations.
1032

1033 Chair: A lot of the policies in this topic Ms Yates are now in that more non-regulatory
1034 working together, recognising there's a lot of change going on. Lots in the
1035 national direction space as well. They are taking a bit more of a slightly slower
1036 and very engagement based approach.
1037

1038 Yates: Our community would support that. It really is our voice on behalf of our rural
1039 community because they have raised those concerns as I'm sure you can
1040 imagine.
1041

1042 Chair: Just finally, I have had a look through the Climate Action Plan, and I just
1043 congratulate the Council on some really impressive innovative ideas on that. I
1044 wish you all the best with implementation. It's a fantastic example of a
1045 community. As you say Tier 3 taking real leadership and looking at what it can
1046 achieve, and supporting its community to move to a lower emission based
1047 society. I think it's a really impressive document.
1048

1049 Yates: Thank you for that. We're very proud of it too. I will certainly pass that onto the
1050 officers who have been involved.
1051

1052 Chair: Thanks very much for your time.
1053

1054 I think we are having a little break now. We are a little behind but we can
1055 probably take eight minutes – Jo has kindly said we can take ten.
1056

1057 [Break taken 01.23.28]
1058

1059 [Hearing resumes 01.37.40]
1060

1061 **Wellington International Airport Ltd:**
1062

1063 Chair: Kia ora. Mōrena Ms Dewar. Welcome back. Is it Ms Raeburn with you?
1064

1065 Dewar: Yes Ms Raeburn and also Claire Hunter our planner.
1066

1067 Chair: Welcome Ms Raeburn and Ms Hunter. I think we might have introduced
1068 ourselves to you last time, except maybe Ms Raeburn you weren't there. Would
1069 you like the Panel to do introductions, or are you happy that you know who we
1070 are?
1071

1072 Dewar: I'm happy that I know who you are. It's nice to see you all. As you haven't me,
1073 I'm General Manager of Corporate Affairs at Wellington Airport responsible for
1074 planning and sustainability.
1075

1076 Chair: Welcome. I will perhaps just note since you last present Ms Dewar and Ms
1077 Hunter there has been some changing membership of the panels. In case you
1078 haven't caught up, there is now a hundred percent overlapping membership of
1079 both the P1S1 and Freshwater Panels. Commissioner Thompson unfortunately
1080 had to withdraw from the process for personal reasons; and Commissioner Wratt
1081 was appointed by the Council to the P1S1 Panel. We are continually wearing

1082 both hats through the process and we'll do so right through to the end of
1083 hearings.
1084
1085 Welcome to the Climate Change Topic. Just so you know who the Council staff
1086 and consultants are who are in the room, if they wouldn't mind introducing
1087 themselves.
1088
1089 Guest: Kia or koutou. I'm Pam Guest. I'm a Senior Policy Advisor for Greater
1090 Wellington and reporting on the Climate Resilience and Nature-based Solutions
1091 Policy.
1092
1093 Wyeth: Kia ora koutou. Jerome Wyeth. I am a Planning Consultant at Forsyth
1094 Consulting and the Reporting Officer for the Climate Change General, Climate
1095 Change Agricultural Emissions, and Climate Change Energy Waste and
1096 Industry topics.
1097
1098 Allwood: Kia ora koutou. I am Louise Allwood. I am the reporting author for Climate
1099 Change Transport and Planning Consultant.
1100 [01.40.00]
1101 Chair: We have pre-read your evidence and your submission of course. The floor is
1102 yours top present and then I think we have got some questions we would like to
1103 ask.
1104
1105 Dewar: If I can start off, obviously the S42A rebuttal evidence assisted greatly, so that's
1106 reduced the Airport's concerns quite significantly. There is really only two
1107 issues that are outstanding, which Ms Hunter will outline. The first one relates
1108 to the amendments proposed to the introduction section, which relates to the roll
1109 of the RMA system within the national climate change statutory framework.
1110
1111 The other issue relates to Objective CC.4, which is the nature-based solutions
1112 and the need for this objective to recognise that it's not always possible or
1113 appropriate to use nature-based solutions. This is especially so for regionally
1114 significant infrastructure such as the Airport, where there are extremely limited
1115 design options for infrastructure projects given the locality and context.
1116
1117 I have to also apologise for an error in my legal submissions at paragraph 1.5.
1118 The reference there should be to section 61, sub-section 1(a). As you no doubt
1119 understand there was a pretty aggressive and challenging timetable for this
1120 hearing stream, so my apologies.
1121
1122 The latest S42A amendments now recognise those national change documents,
1123 the NAP and the ERP in terms of aircraft and some associated airport activities
1124 have been appropriately recognised.
1125
1126 In terms of the reallocation matters, I note that Objective CC.4 is listed as a
1127 Freshwater provision. In my submission, it doesn't meet the current legal tests
1128 and in fact in my submission it won't meet the future on either, in terms of the
1129 amended section 80(a). We referred to those legal tests in our original legal
1130 submissions for Hearing Stream One, so I am not going to obviously repeat
1131 those.
1132
1133 I note just going back to probably a general matter and in light of Objective CC.4
1134 is that in the New Zealand Planning Standards there isn't a Climate Change

1135 Chapter, and that was raised as a submission. The reasons in the MFE's
1136 recommendations on submissions report was that it didn't need a separate one.
1137 The decision-makers there were recommendation makers, and thought they
1138 would be going under the heading of the natural hazards chapter and that could
1139 be dealt with there.

1140
1141 The reason for raising that I suppose is to say yes, we all absolutely agree that
1142 Climate Change provisions are an important part of a policy document, but they
1143 shouldn't be elevated above other important issues.

1144
1145 I think what my major concern is from a legal perspective, and I think the
1146 Meridian presentation this morning, Mr Feierabend mentioned in terms of how
1147 they achieve a hundred percent renewable energy is that there has to be an
1148 appropriate regulatory framework to enable that. Consenting challenges are real.
1149 As we all know in the RMA world it's only one provision; it's sometimes only
1150 one word that will have a major impact on whether or not a consent can be
1151 obtained.

1152
1153 My concern about CC.4 is that it has the potential for unintentionally and
1154 unnecessarily making consenting more challenging by not recognising that it's
1155 just not appropriate in all circumstances, particularly at the airport where they're
1156 on the coast and there are particular management perspectives of an airport
1157 which don't allow some nature-based solutions for obvious reasons – aircraft
1158 safety; and that that should be recognised in this document.

1159 [01.45.15]

1160 Unless you have got any questions I will ask Jenna to step forward first, to see
1161 if you have got any questions of her and then Claire after that.

1162
1163 Chair: Thank you Ms Dewar. I did have some questions but I am happy to wait until
1164 the end, until we have heard Ms Raeburn and Ms Hunter. I did have some
1165 questions actually relating to the allocation of provisions issue and whether the
1166 position in your initial legal submissions, which as I understand it was that a re-
1167 notification of the FPP may be required, and whether you'd had a chance to think
1168 about that further in light of the approach that we were suggesting in Minute 5.
1169 We can come back to that point.

1170
1171 Welcome Ms Raeburn and Ms Hunter.

1172
1173 Dewar: Have you got any questions for Jenna? You've said you have read her evidence,
1174 so she's here willing and available to answer any questions you might have,
1175 unless you would like her to summarise her evidence.

1176
1177 Chair: I do have some questions.

1178
1179 Kara-France: Kia ora. Thank you Ms Dewar for your presentation. Just a question in regards
1180 to nature-based solutions. I was surprised at your comment there where airports
1181 are very good at planting nature-based solutions for their filtering systems, to
1182 capture leakages off airport runways and oil leakages.

1183
1184 For example, Napier Airport is very good at it – the nature-based solutions for
1185 their filtering systems. Therefore I was surprised at your comment, or in regards
1186 to your comment made regarding nature-based solutions. Of course it's plant per
1187 circumstance, per environment isn't it, but I just wanted to give you that

1188 comment that airports nationally are very good at planting nature based
1189 solutions for filtering systems. Kia ora.
1190

1191 Raeburn: There are possibly a couple of distinctions between Wellington Airport and
1192 some other airports: one would be the mix of domestic and international
1193 passengers. Being an international airport there are additional constraints on
1194 what we can do in the parameter around the international area for biosecurity
1195 and other reasons.
1196

1197 I'm not sure exactly what Hawkes Bay Airport have done but possibly they are
1198 not constrained in their land use in the same way that Wellington Airport is. We
1199 have very limited environment and are largely restricted to being able to operate
1200 a runway terminal on the land footprint that we have. There isn't always a lot of
1201 space for some of the planting and biodiversity projects that other airports would
1202 be able to undertake. That said, we do engage in a lot of projects off-site in our
1203 immediate local community to support biodiversity, natural projects, tree
1204 planting and those kinds of things where we can.
1205

1206 Kara-France: Thank you.
1207

1208 Paine: Mōrena Ms Raeburn. Just looking at your evidence and actually the last para in
1209 your evidence, you say, "Wouldn't it be easier to simply exclude aviation from
1210 the climate change provisions of the Proposed Plan Change." Is that feasible?
1211

1212 Raeburn: We believe that it is feasible and there are a number of other actions underway
1213 to address aviation emissions, and that it makes sense to address those on a
1214 national and international level. The S42A Report has essentially proposed
1215 doing what we have proposed here, which has alleviated most of our concerns.
1216 [01.50.00]

1217 Most of my evidence in light of the S42A Report if those recommendations are
1218 adopted could probably be set aside.
1219

1220 Paine: Thank you.
1221

1222 Wratt: Your comments about Objective CC.4, I understand that's one of your concerns.
1223 I may have missed it but I don't have any record of any proposed redrafting of
1224 that objective. Have you put forward an additional objective? Have you put
1225 forward something as an alternative or an addition?
1226

1227 Dewar: If you look to paragraph 55 (just to interrupt there, because I don't think that
1228 will be Jenna's hand).
1229

1230 Wratt: Whose submission? We have three pieces of evidence.
1231

1232 Dewar: In Claire Hunter's evidence at paragraph 55, which is page-12 of her evidence,
1233 and I think Claire has some further amendments or refinements to discuss with
1234 you as well when she gives her presentation.
1235

1236 Wratt: Yes, I have a new objective inserted into PC1 aligning the National Adaptation
1237 Plan.
1238

1239 Are you going to come back to that? I'm just asking where you would see that
1240 fitting into PC1.

1241
1242 Dewar: That's probably more appropriate for Claire to do that, given it's a planning
1243 matter.
1244
1245 Wratt: Let's come back to that when she talks to us.
1246
1247 Chair: Kia ora Ms Raeburn. At para 4.2 of your evidence you say the Airport's
1248 emissions intensity per passenger has decreased. How is that calculated?
1249
1250 Raeburn: That's basically a straight mathematical exercise to determine emissions overall
1251 and divide by the number of passengers to see how we are tracking, and to make
1252 sure as the number of passengers increases that that's not adding to our
1253 emissions profile.
1254
1255 Chair: Is that emissions including emissions from aviation, or is that the emissions in
1256 terms of operational activities of the airport other than flying.
1257
1258 Raeburn: It's the later, so Scope 1 and 2 emissions – everything that is directly within the
1259 control of the Airport company; but we are starting a process of tracking our
1260 Scope 3 emissions as well – so tracking the footprint of airlines that are using
1261 the Airport, of retailers who have a footprint on the Airport as well, transport to
1262 and from the Airport. We are hoping to have those figures ready for the end of
1263 the current financial year and progress towards our Airport carbon accreditation
1264 levels as well. That basically is an external verification of the way that we are
1265 tracking and monitoring emissions and to take that to the next level we need to
1266 include Aircraft emissions in that.
1267
1268 Chair: You talk in your evidence about those things, like the electric bus and the
1269 transport to and from that the Airport has got in place and is continuing to make
1270 improvements to. Is that the same in 4.3(b), this reducing overall energy use by
1271 thirty percent by 2030? Is that the operational related facility...
1272
1273 Raeburn: Yes, correct.
1274
1275 Chair: Aviation emissions, have I got it right that they are part of New Zealand's NDC,
1276 but they are currently sitting outside the CCRA?
1277
1278 Raeburn: Domestic emissions are included in our NDC. Domestic emissions are also
1279 included in the ETS. As far as the CCRA goes, emission reduction plans that
1280 have been released to date have focused on domestic emissions, but I think the
1281 next iteration will take international emissions into account, and that is
1282 something the Climate Change Commission is looking at and consulting on at
1283 the moment.
1284
1285 Chair: I just had a brief look at the ERP and there are some actions around air travel
1286 moving towards decarbonisation, including a move towards sustainable aviation
1287 fuel and other initiatives.
1288
1289 [01.55.00] The sea-wall upgrade project, I think it's mainly referred to in Ms Hunter's
1290 evidence. My question about that, and I do have some questions about the
1291 planning provisions, but leaving that aside, just in terms of Airport operations,
1292 what are the other things that are needed to ensure the facility assets are climate
1293 resilient and are able to adapt. I think you talk about the increased wave heights

1294 and forecasts, and there is quite a gap between what the sea wall currently
1295 provides for and what is anticipated.
1296
1297 Do you see that continuing to get worse? I guess the question is around, what is
1298 needed to ensure that the Airport can be climate resilient?
1299
1300 Raeburn: Claire can probably speak a little more to what is required in terms of the
1301 planning framework, but in terms of the sea wall projects, it's our major climate
1302 adaptation project. As you have noted, the seawall is significantly underdone,
1303 compared to how we would build it if we were build it new today.
1304
1305 It was built first in the 1950's – built to I think a 5.2 metre wave height, and now
1306 we are looking more like a 7.6 metre wave height that we need to build to. That's
1307 looking out into the future across the life of the sea wall at its next iteration. We
1308 don't see it getting significantly worse than that. It's not simply climate change
1309 which is contributing to that difference, but it's the better information that we
1310 have now compared to the 1950's and better data that we have about actual sea
1311 level and actual conditions that we need to build to.
1312
1313 So, it's a little about having more information, but a little bit planning for climate
1314 adaptation into the future as well.
1315
1316 In terms of our adaptation projects, that is the major one. It protects the entire
1317 airfield, the runway, the road and other infrastructure around the airport as well.
1318
1319 The other adaptation measure that we need to keep an eye on is stormwater
1320 development, which is always incorporated into our planning as we build and
1321 develop the airport. It's not a pressing issue in the way that the sea wall is at the
1322 moment, but it's definitely something that we need to ensure the planning
1323 framework and regulation enables us to keep progressing in the future.
1324
1325 Chair: Thank you. A last question I had is in para 8.8 you say, "It's important RMA
1326 tools do not depart from policy settings under the CCRA." I know we will pick
1327 this up again with Ms Hunter, but given the changes supported by the officers
1328 now, do you think that there is still this misalignment or that the provisions are
1329 now compatible with the direction that is set through the CCRA framework?
1330
1331 Raeburn: We think there still is a bit of an issue there, but I will probably leave that one
1332 for Claire to speak to.
1333
1334 Chair: Thank you.
1335
1336 Kara-France: Just in reference to your conclusion in your submission, you made a statement
1337 in 9.11, "However my view to the complexity of the issues in the existing
1338 national and international frameworks to address them, it would be easier to
1339 exclude aviation from the climate change provisions of the proposed plan
1340 change." Can you elaborate more on that please?
1341
1342 Raeburn: I think it's elaborated in the rest of my evidence. Dealing with aviation emissions
1343 is an incredible complex task and not something that can be confined to a
1344 particular plan, policy, region or city. It's something that we need to address on
1345 a national and international level, given the complexity of allocating those

1346 particular emissions to the point of landing, point of take-off or mid-flight
1347 emission stream. It's something that needs to be done with a wider focus. It is
1348 [02.00.00] also something that's being addressed through multiple tools and on a multi-
1349 lateral level as well.

1350
1351 So, it is our submission that aviation emissions should be treated differently; that
1352 they have a footprint confined to a single region or a single area that are easier
1353 to monitor and address. We have noted that that has been picked up in the S42A
1354 evidence as well. We were pleased to see that. We hope that will be the position
1355 the panel adopts.

1356
1357 Chair: Kia ora Ms Hunter. I understand you've got a summary, or you're happy to take
1358 us to the points of difference.

1359
1360 Hunter: Yes, I just thought I would start off by saying that Wellington Airport actually
1361 agrees with the S42A rebuttal evidence. There are just a couple of outstanding
1362 matters that Ms Dewar has touched on, so I thought I would just elaborate on
1363 those to start with, and then we can move to questions if that's okay with you.

1364
1365 Chair: Yes.

1366
1367 Hunter: The introductory text which has been proposed to be added by the S42A report
1368 writer is largely supported, however I question whether the statement that the
1369 resource management system plays a key role in helping to reduce greenhouse
1370 gas emissions is entirely accurate. The reality is that the RMA has only recently
1371 been amended to enable regional councils to manage such effects from
1372 discharges, and there needs to be quite a bit of work to existing regional and
1373 district plans around the country within the Wellington Region to get this space
1374 up-to-date and relevant in this regard.

1375
1376 I think we also need to be mindful that the RMA should not seek to unnecessarily
1377 duplicate existing legislation. I am somewhat concerned that locking provisions
1378 into a regional policy statement or plan which linger for another ten years can
1379 quickly become out of step with other mechanisms which have potentially
1380 greater flexibility and being able to proactively and reactively respond to the
1381 effects of management of climate change and emissions.

1382
1383 I therefore suggest just a simple change there, to delete the word "key" from the
1384 introductory section – "The resource management plays a key role," just delete
1385 the word "key" and then it just "plays a role in helping to reduce greenhouse gas
1386 emissions."

1387
1388 Then the other matter relates to Objective CC.4 which is the nature-based
1389 solutions. While accepted in certain developments and infrastructure proposals,
1390 nature-based solutions to climate change mitigation, adaption can play a part.

1391
1392 I think the way the provision is currently drafted it is too absolute and could be
1393 interpreted that nature-based solutions should be the only or at least the primary
1394 solution.

1395
1396 Wellington Airport in particular there are practical issues with this. For example,
1397 I understand that plantings and wetland creations are within scope of nature-
1398 based solutions; however such developments within the context of Wellington

1399 Airport could potentially attract bird life, which in the proximity of the location
1400 we are talking about here, would present a potentially significant safety hazard
1401 for aircrafts; and sea level rise, which is also an impact that is potentially very
1402 real at Wellington Airport, I am not aware of any nature-based solutions that
1403 could be feasible used to protect the existing infrastructure. So, hard engineering
1404 based solutions are the first and possible only option here.
1405
1406 Again, I suggest a relatively simple change to the wording of CC.4, just by
1407 noting nature-based solutions where these are an appropriate and integral part of
1408 climate change mitigation and climate change adaptation.
1409
1410 I am happy to send this drafting through to the Hearing administrators, to get
1411 that in front of you. Apologies for not having done that earlier.
1412
1413 Chair: That’s okay. Yes thank you, that would be helpful.
1414
1415 Hunter: Happy to answer any questions on the evidence.
1416
1417 Chair: Who would like to go first?
1418
1419 Wratt: There was the question I asked earlier which was, are you still proposing a new
1420 objective - “Resilient infrastructure projects and enhances the wellbeing of
1421 communities within the Wellington Region.”
1422
1423 Hunter: Yes. A lot of the focus of my evidence in particular was recognising that
1424 infrastructure is important in enabling infrastructure providers to be able to
1425 respond quickly and proactively. I think there is a bit of a gap there. It sort of
1426 talked about broadly in terms of Objective CC.1. Talked about well-functioning
1427 urban areas and well planned infrastructure certified. There is also references in
1428 CC.6 to resource management and adaptation planning increases the resilience
1429 of communities, and the S42A Report has included infrastructure there.
1430
1431 [02.05.00] There’s sort of nothing specific about that infrastructure is critical to the
1432 wellbeing of communities in these situations. We can kind of look to the Hawkes
1433 Bay situation, where I understand there Hawkes Bay was one of the only
1434 functioning pieces of infrastructure. A lot of people went there because it had
1435 generators. It was the only way in and out.
1436
1437 It’s really critical that these types of infrastructure can provide well-functioning
1438 infrastructure for the community during these times.
1439
1440 Wratt: I hear what you’re saying. The rebuttal evidence has significantly increased... I
1441 think you acknowledged that infrastructure is now given more acknowledgment;
1442 but you’re still saying you would like to see that additional objective. My
1443 question still is where would you see it?
1444
1445 Hunter: Where to put it. I think it could be a stand-alone objective. As I said, there’s
1446 reference to it in CC1, and there’s reference now in CC.6. It could just be a
1447 stand-alone objective within a general theme.
1448
1449 Wratt: Thanks for that.
1450

1451 Chair: Kia ora Ms Hunter. The relief in your evidence statement for Objective CC.7,
1452 and I understand now that you're pretty comfortable with what Mr Wyeth has
1453 proposed, but can I just ask for your view on this.
1454
1455 Ms Foster for Meridian Energy supports this objective changing so it says people
1456 in businesses understand the changes that need to be made to respond to the
1457 challenges of climate change. There's a subtle difference in what Mr Wyeth is
1458 supporting – people in businesses understand how to respond, but Ms Foster is
1459 saying it's important they understand the changes that need to be made to
1460 respond.
1461
1462 I think there is slight subtlety in wording change there.
1463
1464 Your relief in your evidence says, “have an ability to implement”.
1465
1466 If I understand correctly, that is sort of saying, “What is actually within our
1467 power of control? What can we actually achieve within our context and the
1468 means available to us?”
1469
1470 Hunter: I think that feeds into what I was saying before, in terms of enabling particularly
1471 infrastructure providers to have that flexibility via the regulatory regime to
1472 respond to these matters, so that they can respond quite quickly and are quite
1473 agile to make changes that respond to climate change impacts, mitigation or
1474 adaptation requirements. I think that's the important part there.
1475
1476 It's having a planning regime that provides flexibility to respond to these matters.
1477
1478 Chair: The provisions that Dr Dawe and Mr Beban support in the natural hazards
1479 chapter, and we are getting a consolidated set – so at the moment we're looking
1480 across two documents, in their rebuttal and in their initial evidence; but there are
1481 some changes to infrastructure and it's resilience to hazards that I just wanted to
1482 ask you about.
1483
1484 I think you have some relief on these provisions. These are policies 29 and 51.
1485 This relates to the sea wall upgrade project as well.
1486 [02.10.05]
1487 The amendments to Objective CC.6: the question I have written here is, do those
1488 amendments to CC.6 support or recognise the need for infrastructure to be
1489 resilient?
1490
1491 Objective CC.6, Ms Hunter, do you know what topic that is coded to?
1492
1493 Wratt: It's under natural hazards.
1494
1495 Chair: I know why, I think it's further on in the provisions is it? It's not in the rebuttal.
1496
1497 Commissioner has found it. It is in natural hazards. There's a table. Objective
1498 CC6 – resource management, adaptation planning increases the resilience of
1499 communities infrastructure and the natural environment to the short, medium
1500 and long term effects of climate change.
1501

1502 Sorry, finally getting around to my question which is Objective 21 which I think
1503 Mr Beban now agrees that infrastructure should also be referred to in that
1504 objective, which I am assuming you will support...
1505

1506 Hunter: Yes.

1507

1508 Chair: Do you think that flows through adequately into the related policies? They
1509 recognise that structural protection works, hard engineering methods need to be
1510 avoided unless necessary to protect existing development and regionally
1511 significant infrastructure – in 52.
1512

1513 Does that appropriately recognise the work that the airport would need to take
1514 in the future in order to ensure its assets are resilient to hazards?
1515

1516 Hunter: I think there are some provisions within that, that do recognise that there is
1517 functional and operational needs and thing like that. It is written. I think we have
1518 stressed it in my evidence that it could go a little bit further in terms of enabling
1519 those types of situations in particular. But, there is recognition as part of S42A
1520 and rebuttal evidence that Wellington Airport would be comfortable with.
1521

1522 Chair: I think Dr Dawe or Mr Beban were going to look at those provisions again and
1523 just check that they are consistent in their references to structural protection
1524 works and hard engineering methods.
1525

1526 I can check that for the Airport both of those things are needed in terms of your
1527 strengthening resilience and responding to hazard impacts?
1528 [02.15.00]

1529 Hunter: I would say so, but Ms Raeburn want to add to that.
1530

1531 Raeburn: Yes, I would agree with that.
1532

1533 Dewar: I would have to say, and it's not a criticism of the Council staff, but it was very
1534 difficult with the varying reports on the different topics to get a real good handle
1535 on how everything merged together. It was a challenging exercise to get our
1536 heads around what was being proposed between the different topics.
1537

1538 Chair: We empathise Ms Dewar. There is certainly a lot of content in here.
1539

1540 Ms Hunter, at para 68 of your evidence what are aircraft parking stands? Are
1541 they things that are actually located out near where the aircraft are? It might be
1542 a question for Ms Raeburn but you refer to it in your evidence.
1543

1544 Dewar: I think that's simply where the aircraft park up at the terminal, but again Raeburn
1545 might be able to have an eloquent answer than that.
1546

1547 Raeburn: That's right. There are two types of stands. There are stands connected to a gate
1548 at the terminal and also remote stands out on the apron as well.
1549

1550 Chair: This comes up in relation to CC.1 in the transport provisions. That's part of that
1551 exclusion. As I understand it, the exclusion that Ms Allwood is supporting "the
1552 policy doesn't apply to activities undertaken at Wellington Airport which
1553 support aircraft activities."
1554

1555 So, that's in relation to reducing emissions, but there is still a policy that applies
1556 to the airport, and that would capture the rental cars... have I got that right Ms
1557 Allwood? There is still a policy? I can't quite put my finger on it, but that does
1558 apply to airport activities?
1559

1560 Allwood: Yes there is.
1561

1562 Chair: What's the policy reference?
1563

1564 Allwood: Policy CC.9.
1565

1566 Chair: What I am looking at has that exclusion as well, that you're supporting for CC.9.
1567

1568 Allwood: Thanks Commissioner. I think the point is that greenhouse gas emissions from
1569 planes flying around are excluded. I just wanted to make that clear.
1570

1571 Policy CC.9 would apply to the airport where they're doing land use
1572 development.
1573

1574 Chair: Things like rental car facilities, those are set up independently aren't they?
1575 [Connectivity issues]
1576

1577 I'm not sure if you can hear us, but I think the policy I had in mind is Policy
1578 CC.2 and not CC.9, which I think is still excluded for the airport.
1579

1580 Allwood: Policy CC.2 is directed at District Councils, and as I understand it, the
1581 Wellington International Airport is designated; so it would have limited
1582 applicability as I see it in a consenting process.
1583 [02.20.00]

1584 Policy CC.10 may also apply where they have got rental car facilities and freight
1585 depots that off the airport site but within proximity to.
1586

1587 [Connectivity issues]
1588

1589 Chair: Sorry about that. We were talking about the airport exclusions and the provisions
1590 Ms Allwood supports. Ms Allwood clarified. From my reading of the provisions
1591 it looked like there wasn't an exclusion for Airport activities, for Policy CC.2
1592 which is about the travel choice assessment, but there is for all the other policies.
1593

1594 Ms Allwood clarified, and you might not have heard it but she said that her
1595 understanding was that because the Airport land use would be covered by
1596 designation that CC.2 wouldn't really apply.
1597

1598 What are your thoughts on that?
1599

1600 Hunter: I agree, if they were activities that Wellington Airport as the requiring authority
1601 were responsible for, however there may be activities like a rental car activity,
1602 which is the example used in my evidence that aren't necessarily owned or
1603 operated by Wellington Airport and therefore wouldn't potentially be able to
1604 developed under the designation.
1605

1606 It doesn't really make sense for a rental car, so they would be for example just
1607 from a common sense point of view that might have an electrical fleet, but the
1608 nature of their business that it will be car generation activities.
1609

1610 Chair: I think how the officer responds to that is that there's this ability for District
1611 Councils to set these thresholds.
1612

1613 Hunter: I agree with that too. So, for Wellington Airport as the requiring authority it's
1614 not as much of a concern, but it is still potentially an issue for activities that are
1615 undertaken in the Airport environment.
1616

1617 Chair: All of the retail that's in the Airport, so say if I wanted to set up a business inside
1618 [02.25.00] the airport, obviously that would exceed this gross floor area threshold that's set
1619 as the regional threshold.
1620

1621 If I needed a consent would I need to provide a travel choice assessment as part
1622 of that application?
1623

1624 Hunter: It probably depends how that was covered. I think those sorts of activities would
1625 be provided for under designation, and will within the umbrella of terminal type
1626 activity. I think they are provided for. I wouldn't anticipate that you need a
1627 consent. Having said that, there might be circumstances where there might be
1628 thresholds within the designation that could be exceeded to and therefore it
1629 might go back to a consenting situation. So, yes, potentially those types of
1630 activities would also need to consider that.
1631

1632 Chair: It's probably like new land use outside...
1633

1634 Hunter: It's not a direct issue for the Airport, but it's sort of a non-sense type matter. You
1635 will be getting the Airport probably using some sort of vehicle, hopefully as we
1636 transition more and more into the electrical type of options. It's difficult for the
1637 airport to control that.
1638

1639 Dewar: Can I just note that some of the activities that take place outside of the Airport
1640 designation boundaries, there's the retail park in Lyall Bay, and there are also
1641 several rental car operators who operate on the airport site and they'll have some
1642 parking space, and retail kiosks available at the airport. But, offsite outside of
1643 the designation boundaries will be a holding pen for a larger number of vehicles.
1644 So, the designation sort of covers some of the immediate onsite terminal
1645 activities, but there are some ancillary operations that occur outside of those
1646 boundaries.
1647

1648 Chair: That retail park in Lyall Bay, it's not within the designation? If they needed to
1649 get a consent they may need to do a travel choice assessment under this
1650 provision?
1651

1652 Dewar: Yes.
1653

1654 Chair: You will have seen Mr Tindall's evidence where he talks about the airports being
1655 a significant generator of trips and how it's important... he doesn't support there
1656 being a blanket exclusion because of those opportunities to be mindful and
1657 aware of how transport emissions could be reduced from those trips.
1658

1659 I'm just conscious we are running out of time.
1660
1661 Your relief on Policy 39, we heard from Ms Foster this morning about how she
1662 supports further recognition being given to regionally significant infrastructure
1663 in Policy 7. Her preference is that that would say provide for and enable. I
1664 recognise that this may only really apply for regional consenting for the airport.
1665
1666 Do you think that more policy support is needed for the Airport's activities,
1667 particularly I guess in regard to the sea wall project?
1668
1669 Hunter: Yes I do, on the simple basis that we're competing. If there's conflict with words
1670 like avoid, then you do need "enable" for projects of this sort of scale and
1671 significance. I have suggested at paragraph 77 "and enable activities which
1672 support their ability to respond to the changing needs of the climate and/or
1673 contribute to reducing greenhouse gas emissions as included."
1674
1675 Chair: That's in Policy 39 isn't it?
1676
1677 [02.30.00]
1678
1679 Hunter: Yes. Currently I think it talks about recognise. I think if it could be replaced with
1680 "enable" that would be beneficial.
1681
1682 Chair: We're getting near the end. I do apologise for moving back and forward.
1683 Dr Dawe I think supports deleting the words "agreed by local authorities" - this
1684 is in terms of that hazard management strategy provision in Policy 52.
1685
1686 I am looking at Mr Beban in his rebuttal evidence. He supports that, avoiding
1687 the structural works etc. "unless it is necessary to protect RSI- and the works
1688 form part of a long term hazard management strategy that represents the best
1689 practicable option for the future."
1690
1691 So, deleting the words "agreed to by relevant authorities".
1692
1693 I think you have confirmed that the sea wall is in this hazard management
1694 strategy?
1695
1696 Hunter: I wasn't sure of that, I think, when I wrote this evidence, but again [02.31.30]
1697 might have more of an idea around that. I don't think it is.
1698
1699 Raeburn: I am not sure of the answer but we can check that.
1700
1701 Chair: That would be useful as well. I guess it's just to help us understand is this policy
1702 perhaps overly restrictive. My reading of that is that the works themselves need
1703 to be in this long term hazard management strategy.
1704
1705 Hunter: I think of what I have said, in terms of what I have written in paragraph 98, is
1706 that it's a long term hazard strategy for the Airport, but I'm not sure that's a
1707 necessarily a strategy that's been agreed or accepted by the local authorities. It's
1708 more the Airport's perspective and their management strategy. We can confirm
1709 if there's something outside that, but I'm not sure there is.
1710
1711 Chair: Then it might be that's something the authors can respond to in their reply.

1712
1713 That term hazard management strategy is in the operative RPS. Are you aware
1714 of that having caused any issues for the Airport so far?
1715

1716 Hunter: Not that I am aware of, but my concern with this, I wasn't actually sure what
1717 that meant in terms of the agreement. They still need to go through a consenting
1718 process, and that agreement, or is there something outside of that? I'm not quite
1719 sure what that meant. From my perspective, I don't know if that's a problem or
1720 not. I'm unclear.
1721

1722 Chair: In that same policy you refer to paragraph (d) which refers to the long term
1723 viability of maintaining the structural protection works.
1724 If you've got Policy 52(d) the long term viability of maintaining the structural
1725 protection works, and again this is that point I mentioned, I think Mr Beban is
1726 going to think about whether the engineering methods also needs to go in there...
1727 long term viability of maintaining structural protection works, with particular
1728 regard to how climate change may increase the risk over time.
1729

1730 [02.35.00] My question is I don't see that this currently incorporates the notion of, and I
1731 don't know if it's functional operational need, or the fact that there may not be
1732 reasonable alternatives that are available. Do you think that's something that the
1733 policy needs to recognise?
1734

1735 Hunter: In terms of that specific clause I suggested it be deleted. I agreed that it was
1736 uncertain and I was not sure whether it was referring to having a consenting a
1737 point of view and whether you have to have particular regard to the cost of
1738 maintenance, which seems to be something that the owner of that particular
1739 infrastructure would have to manage. It's not really a consenting issue.
1740

1741 Or, whether it's more that you would have to prove that it would have to
1742 withstand so many years or whatever it might be. Again, because of that
1743 uncertainty I think that it should be deleted because I don't think it adds anything
1744 there.
1745

1746 Chair: I think we will ask the authors if they can have another look at that in their reply
1747 evidence. If you're not sure what it means and how it would be applied, I think
1748 it's important that we get that clarity in the drafting.
1749

1750 You talk in paragraph 100, and Dr Dawe or Mr Beban accept that there's a
1751 grammatical problem in (g) – no more than minor increase.
1752

1753 When I was reading through this policy again I think there may be another
1754 grammatical issue in (c), (d) and (e) where I think the problem is that the chapeau
1755 talks about particular regard should be given to; and then you've got "avoiding
1756 the works, long term viability, so that they minimise and do not increase the
1757 risks from natural hazards."
1758

1759 To me that is not very clear I think what that is actually meaning.
1760

1761 Ms Hunter, if you're able to have another look at that and think about some
1762 wording that you think would improve that drafting of that policy that might be
1763 something that we might be able to get the authors to have a look at that.
1764

1765 Hunter: Very happy to do that. I will send it through with my changes suggested today.
1766
1767 Chair: Can I just check the NZCPS in terms of the sea wall project. Is there support at
1768 that national level for the work that's needed for that project?
1769
1770 Hunter: I don't have that off the top of my head, but I feel like the answer is yes. I would
1771 like to double-check that.
1772
1773 Chair: I am just wondering because I think there are some NZCPS, parts of that, that
1774 are within the scope of PC1. I was just wondering if you had any views on how
1775 the NPS gives effect to those...
1776
1777 Hunter: I think in terms of it allows to protect existing type infrastructure and things. I
1778 know there is a preference to avoid hard engineering structures; however, I am
1779 pretty sure there is an exception in the NZCPS.
1780
1781 I'm actually having a look: Policy 27 talks about areas of significant existing
1782 development likely to be affected by coastal hazards, a range of options reducing
1783 shall be assessed including recognising that hard protection structures may be
1784 the only practical means to protect the infrastructure of national or regional
1785 importance. So, yes, the answer is yes.
1786 [02.40.00]
1787 Chair: Thank you for confirming that. Any other questions? [Nil response]
1788
1789 Thank you very much for your presentation and your time. We look forward to
1790 receiving your additional thoughts on those hazard provisions thank you Ms
1791 Hunter.
1792
1793 Hunter: Thank you.
1794
1795 Dewar: Thanks very much.
1796
1797 Raeburn: Thanks very much everyone.
1798
1799 Chair: Thank you.
1800
1801 We welcome Upper Hutt City Council.
1802
1803 **Upper Hutt City Council:**
1804
1805 Chair: Kia ora. Welcome to the Climate Change Hearing. Would you like the Panel to
1806 introduce ourselves? Would that be helpful?
1807
1808 Rushmere: Yes please.
1809
1810 Chair: Ko Dhilum Nightingale tōku ingoa. I am the Chair of the Part 1 Schedule 1 and
1811 Freshwater Hearing Panel. I am a barrister and Independent Commissioner.
1812 Welcome.
1813
1814 Paine: Mōrena. My name is Glenice Paine. I am an Environment Court Commissioner
1815 and I am on both panels for this matter. Kia ora.
1816

1817 Wratt: Kia ora. I am Gillian Wratt. I was initially appointed as an independent
1818 Freshwater Commissioner but now also on both panels. Kia ora.
1819

1820 Kara-France: Kia ora. Ko Ina Kumeroa Kara-France tōku ingoa. Independent Commissioner
1821 on both Panels. I come from WSP New Zealand Ltd in Tāmaki Makaurau,
1822 attached to Transport & Planning at Māori Business Service as the [02.42.15]
1823 Māori Mātua. I am an advocate for mana whenua on sites in regards to cultural
1824 values and sites of significance and the legislation that protects mana whenua. I
1825 advise our engineers, architects and wider teams and clients accordingly on these
1826 matters, including a clear focus on mana enhancing collaboration. Finally, I am
1827 a board member of the New Zealand Conservation Authority Te Pou Atiwhai o
1828 Aotearoa, appointed by the Minister of Conservation. Kia ora. Tēnā koe, tēnā
1829 koutou, tēnā korua.
1830

1831 Chair: Kia ora. The floor is yours. Thank you.
1832

1833 Rushmere: Kia ora. Ko Suzanne Rushmere tōku ingoa. I am a Senior Policy Planner at
1834 Upper Hutt City Council. I would just like to start off by thanking you for the
1835 opportunity to be heard today.
1836

1837 Just in terms of what I wanted to present to you, I just want to focus on the areas
1838 still of concern on behalf of Upper Hutt City Council following reading of both
1839 the S42A Assessments and the rebuttal evidence that's been subsequently
1840 provided.
1841

1842 Chair: Thank you Ms Rushmere. Who is with you today?
1843

1844 Rojas: Kia ora. My name is Gabriela Rojas I am also a Senior Policy Planner at Upper
1845 Hutt. I am just here to support Suzanne and pick up any notes she might need.
1846

1847 Rushmere: Apologies I omitted to make sure my colleague was introduced.
1848

1849 I'm just going to dive straight in if that's okay. Obviously there's a number of
1850 reports, so I will try and go through the ones in order that I saw on the internet.
1851

1852 In terms of the Climate Change General Report I think our areas of remaining
1853 concern largely relate to what can be achieved within the context of the RMA
1854 planning documents, and that's of particular reference to Objective CC.2.
1855

1856 I guess with that one I'm kind of a bit unclear about how much that would add
1857 to the requirements in the higher order document of the national adaptation plan.
1858

1859 I note obviously that the rebuttal evidence referred to the S32 Assessment. I
1860 think the objective itself seems to go beyond what can be achieved through a
1861 RMA planning document.
1862

1863 The same with Objective CC.3. I note that the rebuttal evidence in that case
1864 talked about referring to the management and use of land in the introductory
1865 text.
1866 [02.45.00]
1867 I guess I'm slightly nervous that not including it in the Objective itself means
1868 relying on the reading of the introductory text to interpret that policy meaning

1869 or policy intent; so I'm wondering whether that kind of sits better within the
1870 objective itself rather than within the introductory text.
1871
1872 Wratt: Sorry, can you just explain that again?
1873
1874 Rushmere: In my statement of evidence for Objective CC.3, I saw that it had amended
1875 wording to be clear that it referred to the management of use of land. The rebuttal
1876 evidence suggested that could be addressed by including that statement in the
1877 introductory text. I guess what I'm nervous about is that you have to rely on
1878 introductory text to interpret the policy, or the intent of the policy with regards
1879 to that management and use of land. So, those words might sit better within the
1880 objective rather than referenced to introductory text.
1881
1882 Then just in terms of Policy CC.8, it seems there's an implication that there's
1883 some work that's required before the implementation of that policy is truly
1884 understood; and I am concerned that it might be premature to include a policy
1885 that hasn't yet been determined to be workable and achievable within the context
1886 of the RMA.
1887
1888 Chair: That was CC.8 was it?
1889
1890 Rushmere: Policy CC.8.
1891
1892 Just jumping now to the agricultural emissions rebuttal evidence, I have read the
1893 rebuttal evidence. I guess with this one similarly to Policy CC.8, I am unclear
1894 about how a regional plan can include a policy that relies on a future plan change
1895 for implementation. For example, in paragraph 26 of the rebuttal evidence
1896 identifies there should be an action now to set a clear direction; but in my view,
1897 until the work that is referred to in the rebuttal evidence is undertaken it's not
1898 clear whether that policy could be achievable and workable in a context now.
1899
1900 There seems to be a policy conflict as well between Policy CC.8 and Policy
1901 CC.5. Policy CC.8 is more restrictive I guess in terms of agricultural emissions
1902 than Policy CC.5 which talks about emissions generally. I am just wondering if
1903 that Policy CC.5 sets sufficient policy direction for what the intent of Policy
1904 CC.8 is until that further work is undertaken that supports Policy CC.8.
1905
1906 Jumping to nature-based solutions, I consider that the amendments in the
1907 rebuttal evidence provides more clarity on the definition of nature-based
1908 solutions and its relationship to green infrastructure. However, I'm still slightly
1909 concerned that some of the actions that sit under that kind of in and of themselves
1910 be implemented by the District Plan rather than the District Plan supports their
1911 implementation; and by that I mean the planting of forests, maintaining of peat
1912 lands, planting of trees. The District Plan doesn't do that itself, but it supports
1913 that from occurring; so I'm just wondering where some word tweaks similar to
1914 those that we provided in my statement of evidence that might address that.
1915
1916 In terms of Objective CC.4, I guess I've got a slightly similar position to the
1917 Wellington Airport in that I am concerned about the interpretation of the term
1918 integral. I do note in the rebuttal evidence that it wasn't intended that would
1919 apply in every case, but it could be interpreted that is the case.
1920

1921 I also agree with the rebuttal evidence that my alternative and important part is
1922 probably not necessarily achieving an outcome either, so I'm wondering whether
1923 a midway point might be something like, "nature-based solutions are recognised
1924 as an integral part" or similar such wording; because that directs a course of
1925 action but doesn't necessarily require that happens in every case.

[02.50.05]

1926
1927 In terms of Policy CC.4 and CC.14 I think we are still concerned with some of
1928 those items in clauses (a) to (f) and particularly we're concerned about how the
1929 District Plan can require urban greenspace for example within the context of the
1930 MDRS and qualify matters in the NPS-UD.

1931
1932 There is still a concern that favouring canopy cover appears to ignore the other
1933 vegetation types that might be able to achieve the same outcome, and that water
1934 treatment and stormwater management also requires space that can be in direct
1935 conflict with the NDRS.

1936
1937 Also there's an issue in terms of maintenance with some of the management
1938 regimes of some of those nature-based solutions. There's some practical issues
1939 with some urban developments, in Kapiti Coast for example, that they can't
1940 mow some of the drains because they just can't get things down there, and
1941 there's bridges that come across to different houses; so there's some
1942 practicalities.

1943
1944 Some funding issues. Currently Authority is not necessarily funded for the
1945 maintenance for some of those nature-based solutions.

1946
1947 One of the things that we were concerned about in terms of clauses (e) and (f)
1948 was that they couldn't be dealt with in a regulatory context. I note that we could
1949 include guidance and design guides that might address that, but when it's a
1950 consideration policy, I'm concerned that you're effectively directly a regulatory
1951 response, but not necessarily identifying it as such.

1952
1953 I think that it might be clear that (a) to (f) are kind of identified as a range of
1954 tools. It may be better that if they're retained that the preface is enable, rather
1955 than require, because it means that there's some flexibility for District
1956 Councillors and developers to do that.

1957
1958 Method CC.6 I recognise that there is a need to prioritise protection of ecological
1959 systems; but I am still concerned it seems to apply a regulatory response and
1960 how we can achieve that through a non-regulatory manner is not particularly
1961 clear.

1962
1963 For hazards, I consider that in Policy 29 that "avoid inappropriate" is clearer and
1964 would be more consistent with the RMA, for example Section 31(1)(b) and
1965 58(1)(a). My worry is that it leads to an expectation that things can happen as
1966 long as it's managed; whereas that might not necessarily be the case. It might be
1967 inappropriate.

1968
1969 Then just jumping lastly to transport. I've got quite significant concerns over
1970 Policy CC.1 and CC.2 in particular. I thought the policy was more related to
1971 management and use of land, which I think the proposed amendments and the
1972 rebuttal evidence goes some way to achieve, but I am still unclear why a
1973 hierarchical approach would be necessary.

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In my opinion those three elements of that policy are clearly interlinked and not mutually exclusive. I am concerned at how we would deal with altered transport infrastructure via a hierarchical approach and how local authorities business-as-usual would be able to be considered under that policy, as well as infrastructure that supports existing developments, rather than new developments and the sort of premise that the hierarchy is focused on.

I am also unclear about the definition of optimising transport demand and travel demand, and why this would include that hierarchy as well.

In terms of Policy CC.2, I am not opposed to the concept of travel choice assessments, but concerned about that could be implemented and enforced within the context of limited funding and resources for Territorial Authorities.

Many plans already include integrated transport assessments, which appear to cover many of the same points as travel choice assessments also.

I think the main thing for us is the significant concern with the date of implementation.

[02.55.00]
Hearing Stream Seven is not being held until March next year, allowing for decisions and appeals and that leaves territorial authorities potentially less than six months to invoke a plan change, which is not doable with the resources that we've got.

I am concerned about the thresholds and the evidence base, or lack thereof that sits behind the thresholds in Policy CC.2(a) and how it's intended to be implemented at this stage, given that it refers to District Plan requirement and not consent requirements. It kind of talks about the need for District Plan to include the thresholds but then those thresholds must be minimum thresholds based on the RPS but they don't happen once the District Plan. If it's not related to consents I'm unclear about how that can be implemented at this stage.

Same with Policy CC.9 and that reference, that hierarchical approach.

With Policy CC.11 the burden that might place on local authorities who often have to apply for consents for new and upgraded infrastructure. I note that not all new roads have been consented through [02.56.15] requirement, and that some of them come through different processes; so not necessarily captured.

I agree with Ms Allwood that 'enable' is probably not a strong word in Policy EIW, but that 'support' be a better term for that policy.

Sorry, I was just conscious that I was running out of time, so I tried to [02.56.38] through my concerns.

Chair: Thank you. We have got your Appendix A recommended amendments. Do you think it would be possible – I was trying to take down as many notes as I could, but I might have missed things – is there a way of providing maybe an updated set of amendments that you would support in light of the various officers rebuttal statements.

2027 Rushmere: Yeah, definitely. Certainly through looking at the rebuttal statement there's
2028 elements whilst we're probably not a hundred percent satisfied with where we
2029 have got to, we wouldn't necessarily want to pursue that through any further
2030 changes. I certainly can provide an updated Appendix A in the context of that
2031 rebuttal evidence for sure.
2032
2033 Chair: Thank you. That would be helpful. We do have some questions.
2034
2035 One point actually I wanted to ask maybe the officers who are present: the by
2036 30 June 2025 requirement in the transport provisions, I had actually thought that
2037 would be notifying a change by that date. I don't think the provisions actually
2038 say that.
2039
2040 Is that something that you're able to comment on, or maybe you could come
2041 back I your reply?
2042
2043 ?: Thank you Commissioner Nightingale. My understanding is the intent to include
2044 a timeframe for both Policy CC.2 and CC.3 is just to make sure there's some
2045 certainty that it actually gets into the plans is my understanding.
2046
2047 Chair: So, notified. It probably might be impossible to have an operative by that date
2048 anyway.
2049
2050 ?: Yes.
2051
2052 Chair: I'm not saying that addresses your concern, what the issue is there.
2053
2054 I think having an updated list of the relief you're still seeking will be really
2055 helpful. I did have a few questions.
2056
2057 In Policy CC.8 you said in your evidence, in para 57 that you were unclear
2058 whether that policy applied to rural or urban areas. CC.8 is part of the General
2059 Provisions that Mr Wyeth is reporting on.
2060
2061 I did try to look at Wyeth's response in his rebuttal on that and I am not a hundred
2062 percent sure it's covered. If Mr Wyeth is not able to address that now, maybe in
2063 your next set of evidence.
2064 Note your concern that you're not clear if that would apply region wide, or if it's
2065 only to certain areas.
2066 [03.00.00]
2067
2068 Chair: You also note a concern Ms Rushmere in para 62 about whether there has been
2069 a S32 Assessment for it, to check whether it is in fact the most appropriate
2070 method for the outcome; and you would like clarity on where the policy has been
2071 assessed in the report. Again, that might be something that I ask if Mr Wyeth
2072 could look at, unless you are able to comment now.
2073
2074 Wyeth: Yes I can comment now. In my rebuttal I respond to that point and note that
2075 from my reading of the S42 evaluation, Policy CC.8 in itself was not specifically
2076 assessed or hasn't appeared to be specifically assessed as that assessment
2077 grouped the climate change provisions in particular topics. As we know,
2078 agriculture, energy, etc. and where this an overarching policy. In saying that, I

2079 do address that policy in some detail in my S42A including a S32AA evaluation,
2080 and I consider that be an appropriate policy.
2081
2082 Chair: Thank you for that.
2083
2084 This might be something that I'm very sorry your colleague might be able to
2085 address, and I'm sorry I didn't catch your surname.
2086
2087 Rojas: Gabriella [03.01.30].
2088
2089 Chair: You might be able to also address. I am just interested in the steps that the
2090 Council has taken regarding hazard assessment and planning. I guess the general
2091 question is whether the hazard provisions and the support for an approach to
2092 planning, mapping, and we know Kāinga Ora think that flood mapping shouldn't
2093 need a specific overlay – so interested in your views on that, and whether the
2094 risk management approach that is set out in Policy 52 and others are broadly
2095 aligned with Upper Hutt's view.
2096
2097 Rushmere: They are broadly aligned. We are actually going through a natural hazard plan
2098 change at the moment, so they are broadly aligned. We didn't have any further
2099 comments on Policy 52. We were comfortable with where that landed. I think it
2100 was just in respect of avoiding 'appropriate' rather than 'manage' in Policy 29
2101 that we considered was more appropriate in that context.
2102
2103 Absolutely no issue with the approach; that's kind of where we are going in our
2104 plan change. It's just some tweaks to the wording in the policy.
2105
2106 Chair: If you could include that in the provisions you're sending through that would be
2107 fantastic.
2108
2109 Wratt: I have on general comment for you.
2110
2111 In your opening statements you make a comment that Greater Wellington
2112 Regional Council is not able to legitimately direct these outcomes and Council
2113 consider these provisions ultra vires. "UHCC seeks the RPS is reviewed and
2114 amended to more appropriate and accurately reflect the powers, functions and
2115 duties of the regional districts and city councils," and that, "UHCC submits that
2116 a full, legal and planning review is undertaken to address these inconsistencies
2117 and relief sought to specific provisions" and that's on page 5 of your submissions
2118 or evidence.
2119
2120 Are you still of that view, or are we approaching something with the rebuttal
2121 responses that Upper Hutt City Council is more able to live with? Because it is
2122 somewhat of a concern to see that there seems to be such a gap between Greater
2123 Wellington Regional Council and what your Council is thinking.
2124
2125 Rushmere: I think in terms of some of the amendments that were made through the rebuttal
2126 evidence that that's moving some way to addressing some of the concerns that
2127 Upper Hutt has; obviously notwithstanding that I have some potential
2128 amendments I would like to see to Objective CC.1 and CC.2 in particular in
2129 terms of relating that more closely to our functions under s.31 of the RMA.
2130 [03.05.00]

2131 I think a lot of the rebuttal evidence has moved some way towards that but
2132 there's still some areas of concern that I think we can respond back through in
2133 our written and proposed amendments that we will send through to you.
2134

2135 Wratt: Thank you. Certainly the written response... you had a long list that you ran
2136 through and to keep track of those. Like our Chair I tried to...
2137

2138 Rushmere: Sorry. I meant to provide you with a copy before I arrived.
2139

2140 Wratt: I did try to note them but I guess I ran out of my brain capacity to do that.
2141

2142 Rushmere: I think I had so many tabs open in my brain as well. This is why I've colour-
2143 coded where I have gone on here.
2144

2145 I think largely they relate to that land management – what we can achieve
2146 through the RMA planning documents, the time scales, and some of the
2147 workability and the achievability's are kind of the three main threads that run
2148 through.
2149

2150 Wratt: In the presentations yesterday from Greater Wellington, and I am not sure
2151 whether you were able to listen to any of those, but I guess what I was hearing
2152 from them was very much that they are trying to create a framework for ongoing
2153 work, and that seeing how the RMA provisions can provide support for
2154 delivering on some of the national ERP etc. in terms of the emissions reduction
2155 requirements. I guess that's the context that I'm hearing.
2156

2157 Rushmere: I guess the nemesis that I had with some of them was that the rebuttal evidence
2158 referred to the fact that there was further work that needed to be done; so until
2159 that further work was done, it was difficult to determine whether or not those
2160 policies were necessarily achievable or workable within that RMA planning
2161 context.
2162

2163 Wratt: I guess there is a tension there, but it's where does that balance sit in the RPS
2164 outlining what work needs to happen, but not being prescriptive. I know that
2165 certainly the Regional Council staff have presented what they've tried to do is
2166 to make it not overly prescriptive but be clear about what action is needed.
2167

2168 Chair: And that strategic role of the RPS in setting the direction for the region around
2169 integrated management.
2170

2171 When you come back with the provisions, if you could also see if there is still
2172 relief you are seeking on Method 14 in your submission, or maybe it was your
2173 evidence. I understand you oppose that method as it requires Territorial
2174 Authorities to undertake research and prepare and disseminate information about
2175 hazards and climate change effects.
2176

2177 That's probably already work that is underway in the Council.
2178

2179 Rushmere: It wasn't something that we wanted to pursue through today. We felt that was
2180 addressed through the rebuttal evidence.
2181

2182 Paine: Kia ora Ms Rushmere. I just thought since you are here there's a couple of things
2183 that I just wanted to clarify. One of the things you raised was about a new Issue

2184 7 and that related to some funding constraints. That wasn't there. I just looked
2185 at Issue 6 and Mr Wyeth has put in the word 'resources' in that. It might not be
2186 exactly all of the things you wanted but does that meet your concerns as far as
2187 that?
2188

2189 Rushmere: It does, yes.
2190

2191 Paine: The same thing with Issue 3, that you wanted about hard engineering. You
2192 wanted the word "inevitably" deleted and the words now in there "are likely".
2193

2194 Rushmere: Yes, that was something there was no longer an air of concern as result of the
2195 rebuttal evidence.
2196

2197 Paine: When you're talking about Objective CC.3, in the introduction, and you felt it
2198 should be better that all of that explanation in the objective itself, is that a normal
2199 Resource Management thing to have it in the introduction and not in the
2200 objective? Does it achieve the same thing?
2201

2202 Rushmere: I think it can achieve the same thing, as long as there's some [03.09.47]. I guess
2203 my nervousness is, if you're reading that policy in isolation and not referring
2204 back to the introductory text, which some people might not as part of a resource
2205 consent process or an assessment process. It might miss that nuance; whereas
2206 there may be some words that kind of reflect that better in that objective itself. I
2207 can certainly have a look at what that might look like as part of my written reply
2208 to you.

2209 [03.10.12]

2210 Paine: Thank you. I think that's all I have at the moment. Thanks very much.

2211 Chair: This is quite a big question, so no pressure, and I know we are also over time,
2212 but just some comments or would appreciate your thoughts on how the
2213 engagement has been pre-notification, relationships and working together,
2214 feeling like there's enough support to actually implement and achieve the
2215 outcomes that these provisions are trying to achieve. As you have mentioned,
2216 there are quite a lot of methods that do talk about coming around the table and
2217 working together collaboratively. Just some comments on that.
2218

2219 Rushmere: In terms of the process itself I know it's been very speedy. Some of those
2220 conversation have been difficult to have. I have probably raised some of the
2221 concerns that we've got in terms of the workability within the resources that
2222 Council has got to achieve some of the deadlines; and maybe if there was some
2223 more collaboration in terms of writing some of those policies that might not have
2224 arisen.
2225

2226 But, I think as a collection of regional local authorities we work really well
2227 together generally. We're all involved in the future development strategy
2228 process. As a general rule I think that the Wellington Regional Authorities work
2229 really well together, both in the transport context and the planning context. More
2230 time would have probably led to more ability for the parties to have more
2231 conversations.
2232

2233 I don't think it's necessarily a lack of desire – just a lack of time.
2234

2235 Chair: Thank you so much for your time in coming in today.
2236

2237 Rushmere: Thank you.
2238
2239 Chair: That wraps up the morning session. I think we are going to come back at 1.20.
2240 We will see you here and see you online then.
2241
2242 [Lunch break 03.12.48]
2243
2244 Chair: Kia ora koutou. Welcome to the afternoon session in the Climate Change
2245 Hearing. Welcome Wairarapa Federated Farmers. Nice to see you in person. I
2246 think when you presented last time it was online. Welcome.
2247
2248 Would you like us to do some introductions so you know who we are before we
2249 start?
2250
2251 I'm Dhilum Nightingale. I am a Barrister and Independent Commissioner,
2252 chairing the Part 1 Schedule 1 and Freshwater Hearing Panel. You will see on
2253 screen we are actually a Panel of four. Commissioner Paine is not a hundred
2254 percent at the moment, so has just popped into a room next door, and will be
2255 very much with us but just online.
2256
2257 Commissioner Paine, if you would like to introduce yourself and we'll go around
2258 the rest of the members.
2259
2260 Paine: Tēnā koutou katoa. Ko [01.14.01] ahau. Ko Glenice Paine tōku ingoa, [Māori
2261 03.14.04] Ngāi Tahu.
2262
2263 My name is Glenice Paine and [03.14.12]. Kia ora.
2264
2265 Wratt: Kia ora. I am Gillian Wratt. I was appointed as an independent Freshwater
2266 Commissioner but now part also of the P1S1 Panel. I live in Nelson and I have
2267 a science background. Welcome to the hearing this afternoon.
2268
2269 Kara-France: Kia ora koutou katoa. Ko Ina Kumeroa Kara-France tōku ingoa. Independent
2270 Hearing Commissioner on both Panels. I come from WSP New Zealand Ltd in
2271 Tāmaki Makaurau, attached to Transport & Planning at Māori Business Services
2272 as the [02.42.15]. I am an advocate for mana whenua on sites in regards to
2273 legislation that protects mana whenua, cultural values and sites of significance.
2274 I advise our engineers, architects and wider teams and clients accordingly, with
2275 a clear focus on mana enhancing collaboration. Finally, I am a board member of
2276 the New Zealand Conservation Authority Te Pou Atiwhai o Aotearoa, appointed
2277 by the Minister of Conservation. It is a new appointment. Welcome. Kia ora
2278 koutou.
2279 [03.15.00]
2280 Chair: Just in case you hadn't caught up, when I think you last presented we had
2281 Commissioner Thompson with us, but in the last Minute that was issued
2282 Commissioner Thompson regrettably had to withdraw for family reasons. We
2283 are a Panel of four, a hundred percent overlapping membership.
2284
2285 I think unless there are any other matters of process we will pass over to you for
2286 introductions. Thank you.
2287
2288 **Wairarapa Federated Farmers:**
2289

2290 McGruddy: Thank you Commissioners. Good afternoon. I'm Liz McGruddy, Senior Policy
2291 Advisor with Federated Farmers. With me today I have the Wairarapa Federated
2292 Farmers President David Hayes, Deputy President Kate Wyeth, Federated
2293 Farmers Executive Member Robert Hixon, and to my right Paul Melville
2294 General Manager of Policy & Advocacy for Federated Farmers and Peter Matich
2295 Regional Policy Manager.

2296
2297 We would like to take around about twenty minutes of our time to do
2298 presentations from along the table. We are mindful of time. We will try and keep
2299 to about twenty minutes so that we do have generous time for questions.

2300
2301 I will briefly just frame that two of the particular provisions that are of interest
2302 obviously for farming sector are Objective CC.3 proposed regional methane
2303 targets and Policy CC.5 which is the regulatory method for achieving them.

2304
2305 Paul will kick off with just a little context on the international and national
2306 context, particularly in relation to methane, and then David, Kate and Robert
2307 will speak to their perspectives on the Council proposals as farmers; and I will
2308 briefly wrap up and just recap a couple of the key areas of interest for us.
2309 On that note I will pass directly to Paul Melville our General Manager for Policy
2310 & Advocacy.

2311
2312 Chair: Thank you very much Ms McGruddy. Can I just check that you all have Mr
2313 Wyeth's latest version of the provisions he supports, because there's obviously
2314 been quite a lot of movement.

2315
2316 McGruddy: Yes we do.

2317
2318 Melville: Briefly introducing myself, I have got fifteen years of experience in climate
2319 change policy in both corporate organisations like Fonterra, working in
2320 government for the Ministry for Primary Industries and also for Dairy NZ and
2321 Federated Farmers.

2322
2323 During my time working for government I spent five years in the international
2324 climate change negotiations and that was the period from the Durban platform
2325 which was the start of the Paris negotiations, through until Paris and the through
2326 to the ratification. So, I was in Paris at the Paris Climate Summit on the New
2327 Zealand delegation as the expert agricultural advisor.

2328
2329 Firstly, Federated Farmers understand what the Council is aiming to achieve
2330 with this plan. We all support the commitment to reduce global greenhouse gas
2331 emissions, to achieve the Paris goals and to avoid dangerous global warming.
2332 That's not in question.

2333
2334 However, we don't think the Council has gotten this plan right. Much of the
2335 evidence the Council has relied on is not well-referenced and doesn't appear to
2336 understand either the Paris Agreement or the IPCC. For example, the Technical
2337 Memo by Jake Roos states, "Net zero by 2050 aligns with the Paris agreement
2338 and the IPCC target." This is factually wrong.

2339
2340 The Paris Agreement aims to avoid two degrees of warming and pursue efforts
2341 to limit the increase to 1.5 in a manner that doesn't threaten food production. It
2342 doesn't have "nett zero" mentioned in the agreement anywhere.

2343
2344 The global mitigation goal within Article 4.1 is that parties aim to reach a
2345 balance between emissions and removals in the second half of the century. I was
2346 in Paris. There was proposals to put nett zero in the Paris Agreement and it was
2347 intentionally left out because of the scientific shortcomings.

2348 [03.20.00]
2349 Secondly, the IPCC doesn't have a target. The IPCC is a science-based
2350 organisation and not a policy-based organisation. The IPCC provides advice to
2351 policymakers, it doesn't set policy.

2352
2353 Stating the IPCC has a target has a very poor understanding of climate policy.
2354 In fact, when in discussion on the nett zero target, the IPCC 1.5 degrees report
2355 states: "In model pathways with no or limited overshoot of 1.5 global nett CO2
2356 emissions declined by 45 percent from 2010 levels by 2030, reaching nett zero
2357 by 2050, that's CO2 emissions.
2358 The same section says, "emissions of non CO2 forces are reduced or limited in
2359 pathways limiting global warming to 1.5," and "they do not reach zero globally".

2360
2361 So, the facts presented are flat-out wrong. Paris doesn't require nett zero. The
2362 IPCC doesn't have a target and 1.5 degrees doesn't require nett zero. These
2363 aren't basic or minor errors. The entire policy is built on a foundation of sand.
2364 Having a target of nett zero for methane would be like having a water policy that
2365 had a target of nett zero nitrogen. It's not required to avoid dangerous global
2366 warning.

2367
2368 If you are interested in the actual more detailed numbers, and I note the technical
2369 evidence reference is the Summary for Policymakers. If you go into the detailed
2370 chapters of the IPCC it talks about a 0.3 percent reduction per year from non
2371 CO2 forces to achieve warming neutrality.

2372
2373 Working Group 3, Chapter 3.46 has more detailed information on methane. It
2374 looks at about a 25 percent reduction by 2050.

2375
2376 While the targets are not scientific they are also not achievable. The only way
2377 farmers can halve their emissions in six years would be to halve livestock
2378 numbers. But, even if the Council wanted to achieve this they wouldn't have the
2379 policy levers to achieve it. The Council doesn't even have a calculator to assess
2380 on-farm emissions.

2381
2382 This is work that central government is currently doing but hasn't completed.

2383
2384 There is also real risk in having a policy statement like this out there. Any
2385 resource consent would have to consider farm emissions against an unscientific
2386 target and without a useful tool to measure them or a practical way to reduce
2387 them.

2388
2389 All that would happen would you would have more uncertainty, stress and
2390 division for rural communities.

2391
2392 So, what should the Council do? The RMA s.66 requires Regional Councils to
2393 have regard to Emissions Reduction Plans. The NZ Emissions Reductions Plan
2394 has a split gas target and anticipates central government policy to achieve this.
2395 You don't need to duplicate.

2396
2397 Regional Government should make sure that it supports rather than cuts across
2398 National Emissions Reduction Plans.
2399
2400 Federated Farmers submits that this means understanding how Council policy
2401 can support the National Emissions Reduction Plan through the policies and
2402 implements. In urban areas this means considering the Emissions Reduction
2403 Plan and how towns are shaped and infrastructure is provided.
2404
2405 In rural environments this means ensuring the consenting regime supports
2406 activities that reduce emissions, provides land use flexibility and allows farms
2407 to adapt to climate change to support the national policy. For example, water
2408 infrastructure that can allow farmers to adapt to climate change and pursue new
2409 land uses, or rules that allow land use flexibility so that land use can change as
2410 the climate changes.
2411
2412 I will now pass to David.
2413
2414 Hayes: Kia ora and good afternoon Commissioners. I'm David Hayes. I am the
2415 President of Wairarapa Federated Farmers. I am also an Airport Manager, retired
2416 veterinarian and farmer and I have an interest in an apple orchard in the Hawkes
2417 Bay and kiwi fruit in the Bay of Plenty. Like all farmers on the East Coast of the
2418 North Island, including the Wairarapa and the damage inflicted on our apple
2419 orchard, I understand fully that climate action is needed, and that it is clear and
2420 present and we are already seeing the damage.
2421
2422 Wairarapa farmers and our team here today are strong supporters for action on
2423 climate change, however we are concerned the proposed approach will not have
2424 unintended consequences with the loss of regional communities and farms, but
2425 it will not achieve the objectives.
2426
2427 We are concerned there is too much reliance on the regulatory tools and
2428 insufficient focus on supporting communities for change. An increasingly
2429 disconnected regulatory framework across regions and between central and
2430 regional government will likely have a negative effect on achieving what we all
2431 need.
2432
2433 I would like to briefly mention the Wairarapa Water Resilient Strategy. A lot of
2434 work was put into that by all of the stakeholders. We are very fortunate to have
2435 that. The strategy focuses on the green and grey solutions for mitigating the
2436 impacts of climate change and ensuring water resilience for the Wairarapa.
2437
2438 A point to note however is water resilience also improves the efficiency, or has
2439 the opportunity to improve the efficiency of farming systems, which means it is
2440 also a way of reducing emissions.
2441 [03.25.00]
2442 We would like to see the water resilience strategy within the Wairarapa
2443 considered with some level of urgency for implementation following the good
2444 work that's been done and the initial focus from Greater Wellington.
2445
2446 I would also like to pick up on submissions from Horticulture New Zealand,
2447 noting the importance of high value farmland We would like to add to that, in
2448 that all farmland in the Wairarapa is precious and some land is more suited to

2449 farming than other things, including forestry, and particularly the hill country,
2450 and is well-suited to sheep and beef country farming. Robert will talk more to
2451 that.
2452
2453 The importance of a broad, resilient, diverse community in the Wairarapa that
2454 includes farms and the diversity of farming we have in the Wairarapa we see as
2455 very important to the future of the region.
2456 Many of the solutions are unknown. That requires innovation, capability,
2457 supporting systems to encourage that innovation and begin to implement those.
2458 We would like to see a strong focus on that innovation pipeline to help find the
2459 solutions that are going to be needed in farming systems and in other systems as
2460 well.
2461
2462 We do not support regional targets in the regulation. These need to be set at a
2463 national level. We do not support the methane targets as they don't account for
2464 the biogenic methane cycle. We are concerned about the unintended
2465 consequences to farming and to the Wairarapa community.
2466
2467 What can we offer? We can offer our commitment. We will work alongside GW
2468 and others to achieve the outcomes that are needed. We have farmers and
2469 farming leadership in the Wairarapa that are strong champions for resilient
2470 communities that includes a future for farming in the region.
2471
2472 Thank you very much. I will hand over to Kate.
2473
2474 Wyeth: Good afternoon Commissioners. Ko Rumahanga te awa, ko [03.27.18] Kate
2475 Wyeth, tōku ingoa, [03.27.25] te maunga. Tēnā koutou katoa. It is great to be
2476 here today.
2477
2478 I am a proud food and fibre producer. I am a sheep and beef farmer born and
2479 bred – fifth generation in the Wairarapa.
2480
2481 I am here today to talk about the realities of what this could look like. I often get
2482 questions from friends that grew up, that haven't come from a rural or provincial
2483 background, and they say to me, "Why can't you just change the way you farm?
2484 Why can't you grow horticultural crops or trees?"
2485
2486 Most of our sheep and beef properties in the Wairarapa are very limited in their
2487 ability to diversify their farming businesses. This is mostly due to topography.
2488 It is too steep to just plant a different crop or plant trees.
2489
2490 At the moment, one of the only viable and economically viable solutions to
2491 reducing our gross greenhouse gas emissions is by planting exotic plantations,
2492 namely pine trees. This would have devastating consequences for our
2493 communities, both socially and economically, and the flow-on effects through
2494 to our very integrated regional economic hub with all our support businesses
2495 would be quite devastating.
2496
2497 Apart from the day-to-day wearing my gumboots and out on the farm, I also
2498 have a number of industry roles. I was the Associate Director for Beef & Lamb
2499 in 2020. I also chair a steering committee to set up community catchment groups
2500 in the Wairarapa. We have been running for a couple of years. Through that
2501 project we have supported the development of about seventeen catchment

2502 groups, where we have our communities come together and look at solutions on
2503 how to adapt to change and move together and thrive in an ever-changing world.
2504
2505 One of the other roles I have is I am a facilitator for the Agri-Women's
2506 Development Trust, which is an organisation that supports particularly women,
2507 but also farming businesses and communities – to get more involved in their
2508 [03.30.00] business and creating an environment that these businesses can really adapt to
2509 change and thrive in their communities.
2510
2511 I am someone that embraces change. I am future focused and I live by the mantra
2512 that when you know better you do better.
2513
2514 The thing that worries me about this proposal in its current state is that we are
2515 very, very limited in the things we can do. One of the things that I work with
2516 women and farming businesses is building risk and opportunity matrix. How do
2517 we move our move our businesses forward in this changing environment?
2518
2519 When I come to this space there's very limited options that we can do. The
2520 impact that has on our communities and our businesses is where is the light at
2521 the end of the tunnel? Where are we going? What are we trying to achieve?
2522
2523 Diversification on our valley floor is also limited at the moment by the lack of
2524 infrastructure for differing economic and business proposals, such as changing
2525 to horticulture, changing to grain. We need a huge investment and this takes a
2526 lot of time to build the pack-house requirements, the transport requirements, to
2527 allow that change to happen.
2528
2529 In summary, I would just like to say that I think having targets and regulations
2530 that sit at a regional or farm-gate level could lead to really perverse outcomes. I
2531 worry that if farm-gate emissions are regulated that it will create a really
2532 inefficient and ineffective piecemeal kind of solution to what is a much, much
2533 bigger issue. An example of that could be if all of our farms were to diversify
2534 and plant five hectares of apple trees or horticultural crops, how would we get
2535 the transport, and how would we create a really efficient system around our food
2536 strategy.
2537
2538 The last thing I would like to say is that this is too big a decision and too big a
2539 pathway to undertake without fully understanding the context of the impacts on
2540 agriculture. I would really like to warmly invite you to come and spend some
2541 time with us in our farming communities, and visit the farms and the people that
2542 this involves – whenever that would be suitable for you.
2543
2544 Hixon: Tēnā koutou. Ko Robert Hixon. I would first like to acknowledge everyone's
2545 efforts to move us to a low emissions economy. It's essential, especially for
2546 farmers. I am a research scientist studying marine blue carbon sequestration as
2547 a tool for climate change mitigation, and a Wairarapa hill country sheep and beef
2548 farmer.
2549
2550 My wife and I have a 920 hectare hill country farm on the coast of the Wairarapa
2551 at Castle Point and we employ a young family to help us run the farm.
2552

2553 Over 53 percent of our farm is covered by actively growing trees. Most of these
2554 are permanent natives that my forebears had the foresight to retire back in the
2555 late 20th Century.
2556

2557 The remaining 440 hectares is grazed with sheep and cattle – 84 percent of this
2558 is steep hill country and not suitable for any other forms of food production.
2559

2560 We have calculated our greenhouse gas emissions and sequestration using three
2561 tools – Overseer, Pharamax and the Beef & Lamb calculator. We current
2562 sequester 3.75 times more carbon than the methane nitrous oxide and ammonia
2563 emissions that we produced from our farming activities.
2564 [03.35.00]

2565 Nevertheless, the proposed Change 1 to the Regional Policy Statement would
2566 have us further reduce our gross emissions. The only way we could half our
2567 gross emissions by 2030 would be to halve our livestock numbers. There
2568 currently is no other technologies available to us to do that.
2569

2570 The farm costs approximately \$5 million in 2019, and we achieve an average
2571 farm profit of about \$50,000 per year before interest and tax. We run a low
2572 stocking rate of about seven ewe equivalents per grazeable hectare and would
2573 not be viable as a sheep and beef farm if we were forced to reduce this to a lower
2574 stocking rate.
2575

2576 Our only current commercial alternative would be to convert our grazing land to
2577 pine trees.
2578

2579 The ability to develop on farm water storage without a huge regulatory cost
2580 would allow us to irrigate our flats and produce red meat or potentially other
2581 produce with a lower carbon footprint.
2582

2583 Since 2019 my company Blue Carbon Services, which is a separate business, is
2584 implementing two major research projects with Te Ātiawa and Whakatū
2585 Incorporated, University of Auckland, University of Otago and NIWA, to
2586 identify opportunities for blue carbon sequestration off the East Coast of New
2587 Zealand.
2588

2589 We estimate that the current level of nett emissions of the Greater Wellington
2590 Region, which according to the material by Jack Roos, is 1.57 million tons of
2591 carbon dioxide equivalent per year, could be naturally, safely and permanently
2592 offset with seaweed and shellfish aquaculture covering only around four percent
2593 of the 12,000 square kilometres of marine area under the control of the Greater
2594 Wellington Regional Council.
2595

2596 I believe as Kate and David have said, that we need to distinguish between hard
2597 to reduce emissions and easy to reduce emissions. Methane not only has a
2598 different warming impact to carbon dioxide, with a shorter lifespan, but it is very
2599 difficult to reduce the emissions of and there's no technologies to actually
2600 sequester methane.
2601

2602 As Kate also said, my wife and I would warmly welcome you, the Panel, to visit
2603 our farm to better understand the context of your deliberations in these hearings.
2604 Thank you.
2605

2606 McGruddy: Commissioners I am mindful of time, so we'll just about wrap-up at this point.
2607 Peter Matich has lodged planning evidence. Peter is happy to take that as read
2608 and is open for any questions.
2609
2610 I will just very, very briefly recap that from Federated Farmers' perspective, the
2611 targets for agricultural methane and the mechanisms for achieving them have
2612 been established at the national level; so we have significant difficulty with the
2613 proposal that the regional methane targets and rules to achieve them be set at the
2614 regional level.
2615
2616 Alongside that, as our farmers have spoken, we do have a long history of
2617 working with and alongside Regional Council staff on the ground in the
2618 Wairarapa. We would welcome a continuation of that framework.
2619
2620 Within RPS Change 1 there are some provisions which are pitched at that
2621 partnership framework for, as David said, supporting the innovation pipeline.
2622 We welcome initiatives like that, working with Council – and there are some, in
2623 particular Objective CC.3 and Policy CC, which we have significant difficulty
2624 with.
2625
2626 On that note Commissioners I will pause so that we have plentiful time for
2627 questions.
2628
2629 Chair: Thank you very much. Thank you very much for coming and speaking today.
2630 I'm sure we all do have questions. Commissioner Wratt?
2631 [03.40.00]
2632 Wratt: Just an initial question to focus on Objective CC.3 and Policy CC.5.
2633
2634 I guess I'm struggling a little bit with the issue around setting targets for methane
2635 reduction levels. What I am seeing now in the provisions that have been provided
2636 in the rebuttal evidence from the Council is that they're not now identifying
2637 targets for methane; that in fact what they are trying to do is set some overall
2638 greenhouse gas emission – very broad targets I guess, which are set in Objective
2639 CC.3 now; Wellington region to contribute to a 50 percent reduction and nett
2640 greenhouse gas emissions from 29 levels by 2030; and contribute to achieving
2641 nett zero greenhouse gas emissions by 2050.
2642
2643 What I heard yesterday from Council staff, taking account of the submissions,
2644 were working quite hard, whilst still getting the message out that Greater
2645 Wellington Regional Council considers that climate change is an important
2646 issue. I'm hearing that you all do too, and that we New Zealand Inc. have to do
2647 our bit, as does every other community of five million or whatever we are now
2648 in New Zealand.
2649
2650 But, what they are trying to set now is a framework for working through with
2651 community, stakeholders and iwi, on how to do that.
2652
2653 So, I guess I'm not seeing in what we have here in front of us that degree of
2654 prescription that I think I'm hearing from you folks.
2655
2656 McGruddy: Commissioner, we certainly acknowledge that there have been changes
2657 recommended by Council, and I do have the latest rebuttal evidence in front of
2658 me.

2659
2660 Just going back to a point from David, the farmers and from Paul, is Federated
2661 Farmers broadly on-board the waka? Yes we are.
2662
2663 Looking at the rebuttal provisions, probably Objective CC.1 is the first framing
2664 objective. Objective CC.1 sets that framework where aspiring to a low emission
2665 and climate resilient region across the portfolio of sustainable land and water
2666 management, and rural urban design etc.
2667
2668 That kind of sets the frame. I do take on-board that Dairy NZ recommended by
2669 2050, and we would tend to support that suggest from Dairy NZ simply in the
2670 spirit that Wellington Region is a low emissions and climate resilient region.
2671
2672 Are we there yet? No we are not. It's a work in progress. But, that's certainly the
2673 aspiration and direction of travel.
2674
2675 Excepting that Objective CC.1 sets that frame and direction of travel, within
2676 that, Objective 3, and appreciated that it started out as being Version1, then
2677 Version 2 and then now we've got Version 3 on the table, nevertheless Objective
2678 CC.3 is pitched at that space of targets and reducing gross emissions.
2679 Particularly in respect of agricultural targets and mechanisms for achieving them
2680 that is very much the package that is in play at the national level. It is subject to
2681 change. We are certainly aware that the Climate Change Commission has just
2682 recently called for evidence to review the targets, be they CO2, methane or
2683 anything else.
2684
2685 We are very clear that it's appropriate that the Climate Change Response Act
2686 sets the responsibilities for establishing the targets and mechanisms for
2687 achieving them, particularly in relation to agriculture.
2688
2689 To what extent does Objective CC.3 add to the overall framework and direction
2690 of travel that's been established in CC.1? To the extent that it still includes clause
2691 (a) and clause (b) – fifty percent reduction by 2030; and the critical point for us:
2692 the fact that it fails to recognise the different warming potential of CO2 and
2693 methane.
2694 [03.45.15]
2695
2696 We could support Objective CC.1 in terms of setting that direction of travel.
2697
2698 We continue to have significant difficulty with Objective CC.3, even in this
2699 revised form, because it introduces that concept of regional targets. And, the
2700 minute of course that we have regional targets with methane treated the same as
2701 the longer lived gases, the next iteration of the regional plan will look at that and
2702 be looking at the range of methods, be they regulatory or non-regulatory, to
2703 achieve it at that level.
2704
2705 Our position is clearly that the mechanisms and targets sit at the national level.
2706
2707 Melville: I think Commissioner your point is that the targets don't specifically say
2708 methane, and we have talked about methane. It says, "nett greenhouse gas
2709 emissions 50 percent reduction by 2030," and the inventory is I think 34 and one
2710 inventory of 37. It's in the mid-thirties of the Wellington Regional Inventory as
2711 methane.

2712
2713 So, the numbers don't really stack up that well. I think if you have a fifty percent
2714 reduction target by 2030 and over a third of your emissions are from methane,
2715 it's hard to see how you're going to achieve that target without having some
2716 pressure on methane emissions.
2717
2718 Then of course you go to the 2050 target, which is nett zero all gases. So again,
2719 if a third of your emissions are from methane, the implications are pretty clear
2720 you're going to have some reductions from methane under that target.
2721
2722 I think the final point is, if you have got any resource consent renewable that
2723 comes up, that target is going to be something considered if you've got an
2724 activity that has a lot of methane emissions in it.
2725
2726 Wratt: Potentially, yeah. I don't know if you have listened to the presentations, that
2727 were given to us yesterday morning in particular, and it's a very broad point, but
2728 the point made was that we need to reduce all our emissions wherever they come
2729 from; and that trying to split out the methane and carbon dioxide if you like is a
2730 bit like 'why Rome burns'. We actually do need to address all these issues, and
2731 I guess what I am hearing from the Council, and I think I've already said it, that
2732 what they are trying to do is to set some of those broad frameworks and then
2733 work with the sectors and the TAs to work through what is feasible to address
2734 those.
2735
2736 But, yes, they are saying they want an ambitious regional target, so I guess there
2737 is a fundamental difference in approach between what you're telling us and what
2738 the Council is saying.
2739
2740 Melville: I think in terms of that evidence, I would point back to the IPCC information that
2741 I presented, which first of all it doesn't apply nett zero to all greenhouse gases.
2742 If the Council is that set on having a nett for all greenhouse gas emissions target,
2743 they should move away from the nett zero in that case. It's just not a science
2744 based target.
2745
2746 Then the second point would be elements of the IPCC which say, "For the
2747 purposes of setting these targets using a GWP approach (which is that all gases
2748 approach) can lead to up to a .17 percent degrees difference in warming
2749 outcomes than if you take your targets and split gas approach.
2750
2751 So, it's just not a very accurate way to set your targets.
2752
2753 From the Freshwater space, I'd take the example of we need to...
2754
2755 Wratt: I'm not sure that it's actually useful to get into that conversation here. We've got
2756 scientific expertise from Greater Wellington Regional Council telling us one
2757 thing, and we've got scientific expertise from Federated Farmers telling us
2758 something else. I hear what you're saying. It will be recorded. I guess we need
2759 to make some assessment in terms of how that fits in terms of the Regional
2760 Policy Statement.
2761
2762 McGruddy: Just very briefly Commissioner...
2763
2764 Wratt: I hear what you're saying. I'm not denying. I acknowledge what you're saying.

2765
2766 McGruddy: Just very briefly Commissioner – Federated Farmers has a certain view on
2767 methane targets; Council has a view on methane targets. Our primary position
2768 here is that that conversation, that debate and the resolution of that debate
2769 [03.50.00] doesn't sit here, it's sits at the national level by virtue of the Climate Change
2770 Response Act which charges the Climate Change Commission with considering
2771 the evidence and all the other parameters which are outlined in the Act and
2772 making advice to government.
2773
2774 Our key position would be that that contentious, difficult and complicated debate
2775 sits at the national level.
2776
2777 Wratt: I appreciate that. There is now the new text in the introduction to climate change
2778 paragraph which really does make more effort to put the regional work in the
2779 context of the Climate Change Response Act and Emissions Reduction Plan &
2780 National Adaptation Plan.
2781
2782 I guess I would hope that Wellington Regional Council will be taking account
2783 of the work that's being done by the Climate Change Commission and those
2784 negotiations nationally.
2785
2786 I guess there's an element of trust in that.
2787
2788 I think that's sufficient for me now, thank you.
2789
2790 Chair: Ms McGruddy, or anyone on the team is welcome to comment on this, do the
2791 addition of the words "contribute to reduction" ...
2792
2793 McGruddy: Provision Commissioner?
2794
2795 Chair: Sorry, Objective CC.3.
2796
2797 McGruddy: That makes the whole thing actually quite uncertain. The uncertainties in
2798 Objective CC.3 have been addressed in Mr Matich's planning evidence.
2799
2800 Contribute to, while it's an attempt to soften the impact of increasing the national
2801 methane target by an order of magnitude at the regional level, it softens it but
2802 what does it mean? It introduces a lot of uncertainty.
2803
2804 Matich: If I may, I have reviewed Mr Wyeth's rebuttal evidence and recommendations.
2805 I still have from a planning point of view concerns about how Objective CC.3
2806 would be implemented through the Council's implementation programme which
2807 hasn't been developed yet. There's an intention to develop one but here we have
2808 an objective with some stated targets, and an implication that even if not on a
2809 resource consent basis, there could be perhaps a farm environment plan
2810 requirement; or under the PNRP there is a resource consent for land use change
2811 provision. I can't remember off-hand in front of me what number that rule is,
2812 but it's a discretionary activity in the proposed natural resources plan for change
2813 of land use where a requirement in a Regional Policy Statement could arguably
2814 trigger consent authority consideration of that on an individual basis.
2815
2816 I do have concerns with stating those targets (a) and (b) in the amended
2817 recommendation of Mr Wyeth in the rebuttal evidence. My preference would be

2818 that there were no targets there. I think the preamble itself is an indicator of an
2819 intent to reduce emissions which Objective CC.1 potentially also equally deals
2820 with.
2821
2822 I am not persuaded to the point of view that the amended objective is more
2823 suitable than the objective that I looked at in my original evidence in chief in
2824 terms of the difficulties with implementing it.
2825
2826 By the same token, Policy CC.5, if you don't have targets in Objective CC.3
2827 there is no point in having Policy CC.5 there.
2828 [03.55.00]
2829 Chair: Mr Wyeth has explained that the provisions in this suite, and actually in
2830 particular the agricultural emissions provisions, so Policy CC.5, 15 and Method
2831 CC.5 and Method CC.8, those are all moving much more towards a non-
2832 regulatory approach. But, if I understand you correctly, you're concerned that
2833 having Objective CC.3 and to a lesser extent Objective CC.1, would support
2834 provisions coming in at the Regional Plan and perhaps District Plan level – that
2835 would have more regulatory impact.
2836
2837 Match: I think Objective CC.1 would support provisions coming in at the District and
2838 Regional Plan level; but in the absence of a clear implementation framework,
2839 despite what Mr Wyeth's assurance is, about it not being intended to be
2840 implemented on a case-by-case basis, I'm not trusting of that approach here –
2841 especially given that the implementation framework hasn't yet been confirmed
2842 for this at a regional level.
2843
2844 And, further to that, the Regional Council's ability to implement this policy is
2845 limited, compared to the government which as the power, for example, to levy
2846 a tax on agricultural methane emissions to encourage or mitigate a shortfall in
2847 national emissions. A Regional Council doesn't have that same statutory power.
2848 It's ability to implement a stricter set of targets is much more limited. It can fall
2849 back on case-by-case assessment through resource consents, or farm plans. Or,
2850 it may have some other as yet unspecified implementation framework; but we
2851 don't know what that is at this point.
2852
2853 So, I really question the actual need to have a target stated in Objective CC.3 or
2854 Policy CC.5.
2855
2856 Chair: The approach proposed in Policy CC.13 – the recommendation is to delete that
2857 now. Method CC.5 is about again signalling that the Council will be taking some
2858 more time to confirm what it is doing.
2859
2860 Method CC.8 is about the non-regulatory programme to support more climate
2861 resilient and lower emissions; which doesn't now include identifying and
2862 assisting catchment groups and water user groups.
2863
2864 Are you broadly happy with these non-regulatory provisions?
2865
2866 Match: I think in and of themselves they are well intended. I just don't think the Council
2867 is even at the stage where it can understand the impact of a specific target in
2868 Objective CC.3 or Policy CC.5.
2869

2870 Chair: Say if that wasn't there, there is still obviously the targets in the CCRA for
2871 biogenic methane, which are coming in I think 2030. Those would be in place.
2872 That's national direction. But, are you saying there isn't a need then for regional
2873 direction to help achieve that or get things ready to be able to achieve that target.
2874

2875 Match: In my view, I am not convinced that there would be any extra incremental
2876 environmental benefit from pursuing stricter targets in a regional plan over and
2877 above what a national target is, that can be demonstrated for the effort that the
2878 individual farm operators would have to go to, to try and reduce agricultural
2879 methane emissions by the increased amount in the regional target.
2880 [04.00.00]

2881 Just to illustrate and example of the potential difficulties of that, there are 27
2882 farms that cross the boundary of Horizons Region and Greater Wellington
2883 Region, and they're individual farms trying to reconcile which part of their farm
2884 stock would have to comply with the Wellington Regional target versus the
2885 Horizons target – which at the moment they're not proposing any such emissions
2886 reduction.
2887

2888 Farmers would be presumably moving livestock around on an ad hoc basis in
2889 response to weather patterns and needing to move pasture and so on. Just trying
2890 to track which of their stock would be producing methane at a higher level in
2891 order to meet the target, versus what they don't have to do over the other part of
2892 their farm, would be quite a tortuous exercise I imagine, in my estimation.

2893 Chair: I still don't know quite get... and Mr Melville you might be able to help me
2894 understand this.
2895

2896 My reading of Objective CC.3, there isn't a target for methane specifically.
2897 There is a reference to contributing to a fifty percent reduction in all gases – so
2898 I accept that.
2899

2900 At the national level there is an emissions reduction requirement for biogenic
2901 methane to ten percent, less than 2017 emissions, from 1 January 2030; and then
2902 that increases from 2050.
2903

2904 But, you're saying that Objective CC.3 is requiring more than what's in the
2905 CCRA legislation?
2906

2907 Melville: That's right. Broadly speaking, around half of New Zealand's are methane. We
2908 have a nett zero target for long-lived gases by 2050 and for methane we've got
2909 a 24 to 47 percent reduction. So, you think about rough maths, it's around 12 to
2910 25 percent of our emissions are still there in 2050.
2911

2912 Whereas this plan talks about a nett zero all gases target. So, the two numbers
2913 are different. This goes harder and faster than what is in the central government
2914 policy.
2915

2916 You might say, and it's been said that harder and faster is better, but what I have
2917 presented is the science from the IPCC says you actually need to look at these
2918 gases separately. I think I would draw an analogy like if we had nitrogen and
2919 phosphorous we have to reduce both, so why don't we just have a target to
2920 reduce both? Because they're different and they impact differently, and you
2921 won't get the same benefit if you break up that target into two different things.
2922

2923 The second point is, should we have a regional target or a national target? What
2924 we need to remember here is that unlike water, greenhouse gas emissions are a
2925 global pollutant. We want to reduce global emissions, however it is very difficult
2926 to do this through the UN, so we bring it down to a national level. But, at that
2927 national level it doesn't really matter whether we reduce our emissions in
2928 Northland or Southland. In fact, a ten percent methane target won't be achieved
2929 by reducing emissions by ten percent every region. Some regions will find more
2930 opportunity to reduce than others.

2931

2932 If you say every region has to do 0.10 [04.04.07] percent, what you're going to
2933 find is, it's going to become more expensive and difficult to achieve that, because
2934 you're going to have less options to get there.

2935

2936 So, we don't think this target is of any benefit, but what the Council must do is
2937 have regard to the Emissions Reduction Plan and we think that means supporting
2938 it rather than leading the way.

2939

2940 Chair: One more question for Mr Matich.

2941

2942 In Policy CC.7 Mr Wyeth supports some changes there to the notified version,
2943 where there's the hierarchy. So, gross emissions, accept that's all gases in this
2944 wording, are avoided or reduced where practicable.

2945 [04.05.05]

2946 Then going down the hierarchy where avoidance or reduction is not practicable
2947 then offsetting.

2948

2949 It goes down to then nett emissions are avoided to the extent practicable.

2950

2951 Again, just your views. I have read your evidence, but it's really useful to have
2952 this discussion.

2953

2954 The comments that the farmers were explaining to us, is that provision going to
2955 take adequate account do you think of the reality of what they are facing on the
2956 farms?

2957

2958 Melville: I would think a farmer is in the best position to know what is practical for their
2959 individual farm. If you have policy guidance like that, it might make it unduly
2960 onerous for an individual farm owner to have to work through that assessment.

2961

2962 I do have concerns about the cost that might be incurred at an individual farm
2963 level just doing the assessment, and the expertise that would be required to work
2964 out which of that hierarchy should be followed.

2965

2966 I don't think it's a very good policy.

2967

2968 McGruddy: Still looking at Policy CC.8, the one that says prioritise reductions in gross, and
2969 then only at the end of the system if you have to have to, have a look at offsetting.

2970

2971 I am going to just refer to Robert's presentation, just think of his farm. On Robert
2972 and Robin's farm they have got a very significant amount of sequestration, and
2973 the balance of the farm is in production. That pattern of having an effective area
2974 focused on farming and the balance of the area in some sort of trees, wetlands
2975 or whatever it might be, that's pretty common across the country – perhaps

2976 particularly in the hill country but also in the flat country on dairying and
2977 cropping farms.

2978
2979 The context there is that farms as biological systems are both sources and sinks.
2980 The opportunity for farms is to optimise without taking animals completely out
2981 of the system. The opportunity for farms is to try and optimise the sources and
2982 the sinks, the emissions and the sequestration.

2983
2984 One of the absolute fundamental challenges we have with Policy CC.8 is that
2985 that that task of working out to what extent can we respect, acknowledge and
2986 count farm sequestration alongside farm emissions.

2987
2988 My understanding, and if the Panel has questions Paul can probably speak more
2989 to it, but my understanding is that that issue of working through farm
2990 sequestration and what can count and what doesn't – the riparian plantings, the
2991 shelterbelt plantings, the space plantings, the woodlots – and I won't steal Beef
2992 & Lamb's thunder, I know they are appearing after us; but we do briefly
2993 reference some Beef & Lamb research in our submission, that looked at
2994 sequestration across the sheep and beef sector, and found that if we count all that
2995 farm sequestration that sector is not far off being nett zero.

2996
2997 That's an issue that's being grappled with right now at the national level.
2998 Inserting this regional proposal for CC.8, to prioritise the production of gross
2999 emissions first, and then only reluctantly and grudgingly at the end offset, I
3000 understand the background for that proposal – in the context that, for those long-
3001 lived gases like CO₂, the footprint from the cities, transport and industry in
3002 particular, that again it's been a significant contention at the national level, that
3003 is it's too easy for those guys to offset they just buy up all the farmland and plonk
3004 it into pines.

3005 [04.10.28]

3006 We understand where that thinking has come from in respect of those sectors.

3007
3008 The significant difficulty we have is applying that to farms. Just going briefly
3009 back to Robert's farm, he's already in credit if we count everything that he's got
3010 on his farm. But, are we really saying that no we don't count that now and on
3011 the balance of the area you've got you have to reduce your gross. That's the bit
3012 that we have significant difficulty with.

3013
3014 Wratt: Certainly understand that's a very live issue nationally.

3015
3016 Looking at Policy CC.8 clause (b) says, "Where gross greenhouse gas emissions
3017 cannot be avoided or reduced, a nett reduction in greenhouse gases is achieved
3018 where practicable, with any offsetting undertaken as close to the source of the
3019 greenhouse gas emissions as possible."

3020
3021 That to an extent does take into account what you're taking about, but I guess
3022 the question there is how do you judge whether gross greenhouse gas emissions
3023 can be avoided or reduced?

3024
3025 McGruddy: If I might briefly pick that up Commissioner, in respect of industry, the regional
3026 inventory we've got transport, energy. Industry is actually not huge in this
3027 region. As notified, RPS Change 1 as notified, there was a provision for industry
3028 which was similar to the Ag Policy CC.5, to provide for regulated reduction of

3029 industrial emissions. In the event Council have recommend that no action is
3030 underway at the national level in respect of industry, and that's specifically the
3031 NES for industrial processed heat, on the basis that there are mechanisms in hand
3032 at the national level, and the Council recommendation is that that twin regulatory
3033 policy for industry be taken out, and that the focus on RPS Change 1 for industry
3034 be non-regulatory.

3035
3036 At the moment, whereas the recommendation is that the industry regulatory
3037 policy comes out; at the moment CC.5, which is the regulatory policy for Ag is
3038 still in. Commissioner, you're asking the question then about clause (b) and
3039 farmers demonstrating what's reasonable, practical, feasible or achievable in the
3040 way of reducing their gross emissions.

3041
3042 Partly in answer to that question I am just going to briefly reference. I've got an
3043 extract here from the NES for industrial process heat. This is of course national
3044 regulation that's come out relatively recently. I will just make a couple of very
3045 brief points here: firstly, that it differentiates between new and existing
3046 enterprises; and secondly, and perhaps more importantly (and I'm just reading
3047 an extract if I may) when it comes to a restricted discretionary consent, which
3048 would be similar to our clause (b), when it comes to the Council decision-maker
3049 deciding whether... the criteria are: "An assessment of any technically feasible
3050 and financially viable lower emission alternatives, having regard to the current
3051 state of technical knowledge, the likelihood that the alternative can be
3052 successfully applied, and that it's financially viable taking into account CapEx
3053 and OpEx over a 20 year period.

3054
3055 [04.15.00] I'm just mentioning that context and criteria from that industrial sector, because
3056 when it comes to the agricultural sector, specifically CC.8... Commissioner
3057 Wratt when you asked the question where an applicant, a farmer, would be
3058 required to demonstrate to Council that reductions in gross emissions are not
3059 practicably achievable, and that therefore, notwithstanding that Robert has
3060 already got most of his farm in trees and he needs to plant some more, that the
3061 point that our famers, Katie and Robert have made, and Paul, is that the
3062 challenge for our sector is that in respect of methane there is a large body of
3063 work on the go at the national level, central government partnering with
3064 industry, to do the R&D and then develop the extension pipeline, but pending
3065 that technology coming down the pipe, right now the only real alternative to
3066 achieve reductions is destocking.

3067
3068 So, to set us up with a requirement when we already know now that we can't,
3069 and we could employ a consultant and they might titivate some bits and pieces
3070 around the edges, but it's not appropriate at the regional level now to require
3071 regulation farm-by-farm.

3072
3073 Kara-France: Tēnā koutou katoa. I would just like to acknowledge the Wairarapa Federated
3074 Farmers and your contribution to the New Zealand economy since the 1800s.

3075
3076 I was raised on farms. My father was a farmer. I'm a Māori land owner of three
3077 farms as a shareholder. I understand and I hear your concerns. I would just like
3078 to reassure you that your concerns have been heard.

3079
3080 Tēnā koutou katoa. Thank you for the invite to the farm. Would love to. We'll
3081 have to talk about that. I sincerely understand your concerns. As you heard my

3082 whakapapa, ko Waikato-Tainui, ko Ngāti Kahungunu, ko Ngāti Tūwharetoa, ko
3083 Atihaunui-a-Paparangi, ko Ngarauru, i ngā whānau, i ngā hapū, i ngā iwi, Ngā
3084 Takiwā āhua. I do understand. I am in that industry as well. Kia ora.
3085
3086 McGruddy: Kia ora Commissioner.
3087
3088 Chair: I think we have unfortunately run out of time. We could keep talking. It's been
3089 really useful. I did want to also touch on the recent announcements that have
3090 come from central government about the direction of farm level emissions,
3091 measurement, reporting and recognising on-farm sequestration, and I don't want
3092 to over-simplify all of the important messages you are giving us, but broadly it's
3093 seems that you're saying this PC1 should not get ahead of all the things that are
3094 happening at that national level. Would that be fair?
3095
3096 Melville: I would say it's more about cutting across, rather than who's ahead or who's
3097 behind. As I said, greenhouse gas emissions are a global pollutant. We try to
3098 address them through international treaties. We bring that down to the national
3099 level. It makes sense to have a single coordinated national approach and not have
3100 different arms of government cutting across each other.
3101
3102 Chair: At the very high risk of over-simplifying views here, what we are hearing from
3103 the Council experts is that we all need to do what we can do where and when we
3104 can do it.
3105
3106 Their views are that these provisions are not requiring that. We have heard and
3107 will continue to digest your views on the stock reduction points for example.
3108 They are not requiring that, but they are simply saying we all need to look at our
3109 land use, and look at the things that are within our control and that can be
3110 achieved to get us into a more low emissions economy.
3111
3112 Melville?: Very quickly, the target doesn't specifically say CO2 either; but no-one would
3113 look at it and say, "It says greenhouse gas emissions so you don't have to reduce
3114 CO2." Methane is a third of the region's greenhouse gas emissions. So, I think
3115 it's a bit naïve to say that just because methane is not mentioned we don't
3116 actually have to reduce methane. We would view that it's a target for greenhouse
3117 gas emissions, methane is a greenhouse gas, therefore it applies to methane.
3118 [04.20.05]
3119 Wratt: Just a really quick response to that is, that I don't think that Wellington Regional
3120 Council would agree that there shouldn't be reductions in methane. I think what
3121 they are saying is that the Council needs to work with the farming community
3122 to identify what is possible. That's what I'm hearing from them, consistently
3123 with what our Chair is saying.
3124
3125 I agree with you. I think when you say there is to be reduction in greenhouse
3126 gases that includes methane, it does. That's the reality. But, it's how do we and
3127 what's feasible to achieve that? And, how does what's done regionally align
3128 with what's being done nationally? And, as our Chair said, "How do we all do
3129 our bit to contribute to what is an urgent problem, and urgent issue."
3130
3131 Chair: Just before we wrap up, and we haven't discussed this as a panel, and I think we
3132 will do that and maybe come back to you, but it would be really useful I think...
3133 we heard from Mr Roos yesterday, about the split gas approach. I am far from
3134 being a scientist. So, in order to understand that and the impact of these

3135 provisions more, I think I would like to request Mr Roos provide some more
3136 information on that. It might be that I think we will come back to you as well.
3137 Melville: New Zealand has some of the top scientists in the world in this space – Dave
3138 Frame at the University of Canterbury, Adrienne Macy at the University of
3139 Victoria, Dave Frame is a lead author on the chapter I was referencing; and
3140 we've got Miles Allan in Oxford who would be happy to speak to you, so we're
3141 happy to connect you to the experts on this issue, rather than having to get it
3142 second-hand through myself and Council staff.
3143
3144 Wratt: My brother [04.22.20] as well who's here as well. He's the chief climate change
3145 scientist for NIWA – Dr David Wratt.
3146
3147 Chair: One of the key things I really want to understand (and there is a view that this is
3148 not a target, this is contributing to helping the country get there, so that aside) is
3149 this actually possible without having significant and unachievable, from your
3150 perspective, reductions in methane. That's an issue that I would like to better
3151 understand.
3152
3153 Melville: The way I read this, fifty percent reduction by 2030. It's only just over six years.
3154 I actually think whether you look at methane or CO2. We represent people that
3155 live in rural communities, that need electricity and transport. That's over, I think,
3156 and eight percent reduction per annum. I don't think that's achievable for any
3157 sector. You've also said that we are not going to offset to any degree; so you're
3158 kind of stuck between a rock and a hard place. Either you're planting lots of
3159 trees to get there, or you're drastically changing your economy in six short years.
3160
3161 I think that the Council doesn't have the policy levers to do those things even if
3162 they wanted to. How are we going to stop electricity coming into the region?
3163 How are we going to stop petrol coming into the region? I think a fifty percent
3164 reduction on six years goes beyond anything that any country or region in the
3165 history of the world has achieved.
3166
3167 Wratt: Could argue that we have to achieve what we have never achieved before.
3168
3169 Chair: Can I just say before we finish Mr Hixon, it's really fantastic to hear about all
3170 the efforts that you're achieving on your farm. It would be really great to see
3171 how those are acknowledged and factored into this. The Council can see the
3172 efforts that are being achieved in the region to reduce emissions.
3173
3174 We will have a chat with the hearing advisors and see if there is a way that we
3175 could come and have a look at the sequestration.
3176
3177 Hixon: We would love to have you.
3178
3179 Chair: Great. Unless there is anything else pressing we might have to call it there Ms
3180 McGruddy.
3181
3182 McGruddy: Thank you very much Commissioners we appreciate it.
3183
3184 Chair: Thanks very much. Safe travels if you're going back to the Wairarapa.
3185
3186 [04.25.00]

3187 Chair: Sorry to keep you waiting Dairy NZ. I am sure you were obviously very
3188 interested in that discussion as well. I think you might have heard our
3189 introductions before so we probably don't need to go through those again.

3190

3191 We do have Commissioner Paine still online next door.

3192

3193 The floor is yours. Thank you.

3194

3195 **Dairy NZ**

3196

3197 Cooper: Ko David Cooper tōku ingoa. Nō Ōtepoti ahau. My name is David Cooper,
3198 Principal Regional Policy Advisor for Dairy NZ. Beside me I have Roger
3199 Lincoln who is a Principal Advisor for Dairy NZ and our climate change lead;
3200 and online we have Claire Hunter, Director for Planning Consultancy for
3201 Mitchell Daysh. I think you have met her already this morning.

3202

3203 Just want to say that I really appreciate the opportunity to be heard. I have been
3204 watching some of this online and really respect the way you have been
3205 investigating some of these issues.

3206

3207 What I will do is, I will provide a quick overview and then I will pass to Roger
3208 to discuss climate change from a technical angle, and then pass to Claire to
3209 discuss the planning aspects.

3210

3211 First of all, must say Dairy NZ and the wider farming sector, as you have heard,
3212 appreciates the need to reduce climate change emissions. As Mr Roos and Mr
3213 Wyeth have both pointed out, rural communities and the farming sector will be
3214 impacted by climate change. This is very much top of mind; it's not just about
3215 trying to get out of doing our part. It is about recognising this is going to impact
3216 everyone and sorting out what our part is.

3217

3218 As Mr Lincoln will expand upon, the Dairy sector is aware of the need to change.
3219 Actions are already underway. Roger will explain those actions.

3220

3221 Our view is regional regulations are an inefficient mechanism for managing
3222 climate change, or climate emissions in particular; and in particular the
3223 [04.27.05] to take a split gas approach is quite concerning and in our view will
3224 lead to sub-optimal outcomes.

3225

3226 If Council is heading down this track, I must say Mr Wyeth's recommendations
3227 are welcomed; but as you have heard from Federated Farmers there are some
3228 concerns. I guess it is related in part to the fact that we don't know what that
3229 next phase of the planning process will be. You can imagine a non-regulatory
3230 approach and reformation of a wetland at a catchment level working with tangata
3231 whenua and farmers to do that sort of thing – riparian planting etc. But, we are
3232 not a hundred percent that's what will be the case for this next planning
3233 framework.

3234

3235 I will just pass to Roger.

3236

3237 Lincoln: Good afternoon. My name is Roger Lincoln and I work at Dairy NZ.
3238 Commissioner Wratt, I am pleased that you made the connection to David. I
3239 used to work with him when I was at Ministry for the Environment and I fondly

3240 remember singing a bad version of ‘Ten Guitars’ in the Cook Islands with him.
3241 I think I was a worse singer than him. I did wonder. I was sitting down the back
3242 and I did wonder.
3243
3244 Thank you for receiving us here today. I have got three points. They are not
3245 quick points but they are three nonetheless and about fifty sub-points.
3246
3247 I did want to talk about a lot of the issues that have already been canvassed by
3248 Federated Farmers. You have asked some good questions in respect of those too.
3249 I will just work my way through them.
3250
3251 We have already heard from Federated Farmers in terms of the momentum and
3252 the work underway, and I just wanted to impress on you that you need to be
3253 aware of that; about what’s going on, so that you don’t inadvertently cut across
3254 that. I think that’s quite important.
3255
3256 So, my key point would be there is sufficient momentum happening, and I will
3257 just expand on that quickly.
3258
3259 In respect of the regulatory framework there’s a large body of policy work that
3260 has been developed through He Waka Eke Noa. I am sure you are familiar with
3261 that. I have been involved with that over the last three years. The culmination of
3262 that policy work is impressive, because it's been a concerted effort in partnership
3263 with government, with industry and with iwi Māori to develop that work;
3264 looking at not only the challenge ahead, but in terms of how we might price
3265 agricultural greenhouse gases and looking at the reporting of those etc.
3266
3267 The government, as you said previously, has made its intentions known in terms
3268 of making policy announcements in the last two weeks; and I think it's has some
3269 more policy announcements to come shortly.
3270 [04.30.00]
3271
3272 I would also make the point that the Opposition has also signalled that it will
3273 price emissions and that it's committed to targets. So, we are left in no doubt as
3274 a sector as to where things are going.
3275
3276 There is current work on methodological and measurement issues, and on a
3277 common approach to how calculate greenhouse gases.
3278
3279 That’s a significant body of work where we have had experts and concerted
3280 effort to look into these issues.
3281
3282 The other week the EPA also approved a feed additive that inhibits methane; so
3283 we have movement there in terms of the regulatory space for some of those new
3284 technologies.
3285 The second point in terms of momentum, and I made this in my submission to
3286 you, was the growing customer and consumer demand to manage and reduce
3287 agricultural emissions. I pointed out there that there are many customers who we
3288 sell to internationally who are having their own targets and some of those are
3289 quite substantive. This is perhaps the strongest signal for our framers about the
3290 incentive to act on greenhouse gas emissions.

3291 Fonterra has recently published advice or guidance to farmers in terms of what
3292 they can do now, and what may be coming later. They will soon announce their
3293 own targets.
3294

3295 In terms of the science, the science system is gearing up with significant recent
3296 investment; and this is in order of magnitude greater than what has happened in
3297 the last wee while. Hundreds of millions of dollars that have gone in, in the last
3298 year, from government and then from the sector to enable public or private
3299 partnerships to get that accelerated technological solutions through to farmers.
3300

3301 In conclusion, in terms of the momentum, it's only a few years ago it was hard
3302 to have these conversations. That's changing. Farmers, and you've heard from
3303 a couple here today, they know that there's legislative milestones; they even
3304 know their numbers and they're working towards their greenhouse gas plans and
3305 all that is legislated. So, it's clear about the long term direction.
3306

3307 From the farmer perspective, and I have talked to many farmers over recent
3308 weeks, they're hearing this in surround-sound. In fact, it's overwhelming to be
3309 honest. They hear it from central government. They hear it from their processes.
3310 They hear it from the market, from their banks and from their insurers. They do
3311 hear it in surround-sound. So, please be cognisant of that point.
3312

3313 Last point on the momentum: all of this is world leading. You will not find
3314 another jurisdiction that is doing anywhere near what New Zealand is doing. I
3315 appreciate that some people think this is slow. For New Zealand's work in the
3316 last wee while, no other jurisdiction is doing anything like this.
3317

3318 My second point is about the split gas approach. Commissioner you asked about
3319 the split gas approach and I am happy to speak to that. Put simply, not all
3320 greenhouse gases are created equal. Separating long and short-lived gases
3321 recognises their distinct differences. What's the difference?
3322

3323 Mr Melville talked about what the IPCC says in respect of greenhouse gases. In
3324 terms of the key driver and determinant of warming, that's long-lived
3325 greenhouse gases like CO₂. They need to get to net zero. That's clear.
3326

3327 For short-lived gases like methane, they also need to reduce but not to get to net
3328 zero. They are very different.
3329

3330 The split gas recognises that there will always be emissions from food
3331 production and that's okay. As new technologies become available we can go
3332 further. That's very clear from the work of the IPCC.
3333 Our domestic target separates short and long-lived gases. He Waka Eke Noa
3334 separates short and long-lived gases. The split gas approach is endorsed by the
3335 IPCC. It is not new. It is not untested.
3336

3337 There was in the rebuttal a comment that there is no practical advantage in taking
3338 a split gas approach and I would strongly urge you that a split gas approach is
3339 necessary if you want to follow the sound science.
3340

3341 Here's a couple of reasons why a split gas approach is important: you are
3342 communicating and educating on the science of climate change if you take a
3343 split gas approach; you're acknowledging that there's different species of

3344 greenhouse gases, and that they have different warming characteristics, have
3345 different impacts and require different approaches – that’s clear; and if you do
3346 this, you are better able to have conversations with farmers, because farmers get
3347 it. They have to report on their emissions, they have to know their numbers and
3348 they have to manage those emissions. So, quite clearly there is a benefit in taking
3349 a split gas approach.

[04.35.10]

3351 Lastly, the warming science. Using the right metric or measurement tool matters.
3352 Not to get too technical but you will hear about GPW100 and that’s the default
3353 way to bundle greenhouse gases. But, it’s incorrect for methane when methane
3354 is stable or declining, like it is New Zealand. Globally it’s increasing and in New
3355 Zealand it’s not. Agricultural gases have been stable since about 2005 and the
3356 latest inventory showed a two percent decline in agricultural greenhouse gases.

3357
3358 Just to make that point: if we bundle all greenhouse gases together this overstates
3359 the warming impact of constant methane emissions by a factor of three to four
3360 over a twenty year period. So, even though a farmer may reduce emissions the
3361 inventory still shows that’s a negative, but in fact it’s a positive in terms of the
3362 impact on the environment.

3363
3364 So, I would like to impress on the Panel that we should know and understand
3365 the impacts of warming, because it plays into the judgements about burden
3366 sharing across the economy. You’re doing this by thinking about targets. You’re
3367 making some value judgement about who can do what and how fast, so you must
3368 understand the warming impacts and particular for methane.

3369
3370 Split gases and the appropriate metrics go to the heart of equity considerations.

3371
3372 In conclusion, please be cognisant of all of the work that is being undertaken. It
3373 is good. Don’t replicate it or inadvertently cut across it. Please look to the
3374 science, new sound science. That needs to be at the forefront of your
3375 consideration in respect of a split gas approach and using the correct metrics.

3376
3377 Thank you.

3378
3379 Chair: Thanks very much. Ms Hunter, did you want to speak to the provisions?

3380
3381 Hunter: I can quickly do a bit of a summary of my evidence if that’s helpful.
3382 My evidence on behalf of Dairy NZ is similar to the matters which we discussed
3383 earlier today on behalf of the Airport; where there is other national direction
3384 obligations for the agriculture sector, which means that RMA is not the only nor
3385 necessarily the key piece of legislation that should be managing this – and I think
3386 you have heard that extensively today.

3387
3388 Regarding Objective CC.1, I do not have an issue with the intent of this
3389 Objective; it is rather how it would play out in the context of a consenting type
3390 project, for example. And, as a result of the S42A amendments it is no longer
3391 forward looking and individuals would have to have regard to this provision,
3392 and I am not sure how this type of provision would play out from a just transition
3393 type perspective; whereby technology for emissions controls might not be quite
3394 there yet, or there are other factors that need to be considering in achieving those
3395 lower emissions type outcomes.

3396

3397 The rebuttal evidence has recommended some reasonably extensive redrafting
3398 to Objective CC.3 and again I support this as a general proposition. I again
3399 however question how this particular provision will be applied.

3400
3401 At the consenting level, I am also not clear how local authorities would assess
3402 this on an individual and communitive basis and a threshold for certain activities
3403 would be considered. I also note that at the national level there is different targets
3404 for methane as you've just heard, and that is not currently reflected in that
3405 drafting. I prefer the drafting that I have set out at paragraph 21 of my evidence.

3406
3407 Policy CC.5 as notified sought that regional plans include objectives, policies,
3408 rules or methods to avoid changes to land use activities and/or management
3409 practices that increase gross greenhouse gas emissions.

3410
3411 The amendments proposed now seek to support reductions and emissions from
3412 the sector, rather than a blanket-avoid, which I agree is preferable. However,
3413 when this provision is considered against other central government mechanisms
3414 which are already in place for the agriculture sector, I am not sure that it adds
3415 any value and can be deleted as there is no policy or regulation gap on this basis.

3416
3417 Because of this, I am also of the view that Method CC.5 can be deleted, but
3418 acknowledge that that rebuttal evidence has attempted to address my concerns
3419 by removing the sort of 'drop-dead-date' of December 2024, which I do support
3420 if it is to remain.

3421
3422 Chair: Thank you very much. You covered a lot in a short time. Thank you.

3423
3424 Mr Lincoln, you talked about or cautioned against replicating all of the
3425 innovative and very positive work that's happening elsewhere. So, how in your
3426 view can the RPS best support that work, rather than creating additional hurdles
3427 to achieving lower emissions?

3428 [04.40.07]
3429 Lincoln: I think it's about understanding the body of that work but also the time and effort
3430 that's gone into that. It's not for nothing. As time moves on we will get to pricing
3431 agricultural emissions.

3432
3433 I think my difficulty principally relates to if there's any consideration of targets
3434 that are at a regional level and I just don't think that is helpful. I think that would
3435 be an example of where it cuts across. Given that there are already legislated
3436 targets which the sector has to meet, there's already legislative milestones – so
3437 what farmers need to do. There is already efforts by the processing companies
3438 and through the levy bodies to make sure that farmers are on track and
3439 delivering.

3440
3441 I think for Council it's about what's missing, what's in between, what's in the
3442 gaps? I immediately go to the issue of adaptation because I think there's not
3443 enough focus on adaptation. I know we are talking about mitigation here or
3444 reducing greenhouse gases, but I think adaptation focus is quite important,
3445 because that is at the local level. That makes sense to me.

3446
3447 I think anything to do with targets or prescribing how those targets should be
3448 met is really a national policy level, and also needs to be cognisant of that work
3449 that is already happening.

3450
3451 Cooper: If I could just add to that as well. I think it's about implementation as Roger is
3452 saying from a non-regulatory approach. It's outside the scope of this. You have
3453 the National Policy Statement for freshwater management that has [04.41.59]
3454 that integrated management approach. You have catchment action plans and you
3455 have a growing recognition that there's a need to manage biodiversity emissions
3456 and freshwater impacts at that catchment scale in combination with tangata
3457 whenua and catchment groups and individual land owners.
3458
3459 You've got those frameworks that are coming. You've got that general intent
3460 from land owners to work together with tangata whenua and Councils to identify
3461 catchment scale solutions that can be implemented, and those will be catchment
3462 specific to me. That's very much a non-regulatory supporting approach.
3463
3464 As Roger is saying, looking at where the national direction is sitting and making
3465 sure you don't have anything that cuts across that national direction and split
3466 gas, and ensuring it's nett not gross are two key components of that.
3467
3468 Then it's really looking at what can the regional plan do and the Regional
3469 Council do to work with land owners on the ground to find solutions.
3470
3471 Chair: To me that is what Method CC.5 is trying to do – the revisions to that; by saying
3472 we need more time to see what else is going on and confirm the direction and
3473 work out what more support can happen through the regional plan. If there's
3474 broad comfort with that then I keep coming back to there really does seem to be,
3475 or the real sticking point seems to be with this Objective CC.3.
3476
3477 Actually, is it even a requirement? It's about supporting reductions to reduce, to
3478 contribute to a 50 percent... it's much softer than what it was. But, is that correct?
3479 Is that the real sticking point for Dairy NZ, Objective CC.3 and how that might
3480 play out at plan making and consenting?
3481
3482 Cooper?: Mr Wyeth's recommendations around Objective CC.3 are really welcomed, and
3483 that combined with Method CC.5, that sort of change towards that non-
3484 regulatory approach.
3485
3486 I think the question for us, the residual question for us, is that next stage of the
3487 planning process. What is that actually going to be mean? It's both and good and
3488 bad that we have that Method CC.5 sitting there saying, saying we're going to
3489 work it out shortly. We don't actually know what it means in terms of for
3490 farmers; which is where I think the itchiness around including targets and
3491 recognising the 'contribute to' is really important wording in CC.3.
3492 [04.45.05]
3493 The itchiness around targets and also that failure to split out the two gases,
3494 methane and CO2, are pretty important. And, as you heard from Federated
3495 Farmers as well, it's that nett versus gross emissions question as well.
3496
3497 So, yes, in terms of Mr Wyeth's recommendations it certainly moves towards
3498 that non-regulatory 'let's work together approach.' We think there are still
3499 residual fish-hooks that need to be addressed.
3500
3501 Claire, do you have anything to add to that?
3502

3503 Hunter: I agree. I guess just from a S32 type analysis, whether those non-regulatory
3504 approaches are necessary given the central government type direction and
3505 things, whether they add that value from that perspective.
3506

3507 Wratt: A question around split targets or split considerations. I guess my question really
3508 is, do you really want to get into that at this level? Because what I'm hearing is
3509 you're saying there's a lot of work going on around that, and that's really
3510 something that comes in at the next level.
3511

3512 Lincoln: The reason I'm concerned about it is because when I read CC.3 it has numbers
3513 in there, for a start. It talks about all gases and it has numbers for some sectors
3514 but not for other sectors, so it implies...
3515

3516 Wratt: I don't think it does have numbers.
3517

3518 Lincoln: Sorry, that's been revised, right? So, we still have the fifty percent?
3519

3520 Chair: Would you like [inaudible 04.46.49]?
3521

3522 Lincoln: Maybe we should read it together.
3523

3524 Wratt: It's on page-5 of the recommended amendments to Climate Change General
3525 provisions, Objective CC.3.

3526 Lincoln: Sure. So, CC.3 paragraph (a) says, "to contribute to a fifty percent reduction in
3527 greenhouse gas emissions from..."
3528

3529 Wratt: As I understand it, that would now read "nett greenhouse gases". My Wyeth?
3530 Yes.
3531

3532 Lincoln: So, we're talking about all greenhouse gases?
3533

3534 Wratt: Yep.
3535

3536 Lincoln: And, it's a fifty percent reduction by 2030?
3537

3538 Chair: To contribute to a fifty percent reduction.
3539

3540 Lincoln: Yeah, I know contribute could mean anything right. I still have a degree of
3541 nervousness about what this actually means. I understand that we are going to
3542 do some further work to dig into it, but I think this as a starting point is
3543 problematic; simply because it implies a whole lot of things which may or may
3544 not be material. I know how some processes work.
3545

3546 Yes we need to reduce greenhouse gas emissions. No question.
3547

3548 In respect of agriculture there are legislated targets to do that. There is national
3549 policy to do that.
3550

3551 I still have a degree of nervousness even about the wording as it appears here.
3552

3553 Chair: Thank you. It might be that we think about whether there's possible
3554 opportunities to progress this whole discussion through some caucusing. We'll
3555 come back. Would you be happy to participate?

3556
3557 Lincoln: Yes, very happy.
3558
3559 Chair: I think we are out of time unfortunately. We are allowed two minutes. I did want
3560 to note the very helpful summary. I think Ms Hunter it's in your evidence at para
3561 40, that list of the initiatives that are proposed at the moment anyway, to be
3562 initiated by 2025.
3563
3564 My question is about the date in Method CC.5. This is that agreeing to take time
3565 to think through it more and see what's coming from central government and
3566 some more planning. Do you think that date of 31 December 2024 which the
3567 Council officer is proposing is too soon, given all of these actions that you list
3568 here, and initiatives that we know are currently underway?
3569 [04.50.00]
3570 Are they going to need more time to see how those are playing out before coming
3571 back with a confirmed policy approach by the end of 2024 – and that might be
3572 a question for Mr Lincoln and Mr Cooper as well.
3573
3574 Hunter: My understanding of this framework is that yes, that is slightly premature, but
3575 there has been some amendments proposed; but by the December 2024 date
3576 there would be a preferred policy approach and timeframe set out so that it
3577 probably anticipates that there would be more work to be done in the future. But,
3578 it still might be that these things have not even been initiated and we don't know
3579 what the results are yet. Yes that would be my understanding.
3580
3581 Cooper?: I would just that that. We have got the requirement to notify a regional order by
3582 31 December 2024. We have got freshwater farm plans that need to be in by
3583 2025. We have got the NES freshwater which restricts land use intensification
3584 to dairy until December 2025. We have got all these things in place that's
3585 basically slamming the brakes on any further intensification. We need the dust
3586 to settle on the methods that Claire has outlined in her evidence. Then we allow
3587 a robust S32 Analysis of what else is needed, what's it going to cost us and do
3588 we really want to go down this route. I think it's not a case of kicking the can
3589 down the road; it's waiting for this stuff to get in place, assessing what the gaps
3590 are and what the role of Regional Council should be.
3591
3592 Chair: There could be, listening to Mr Hixon, just before, that's just one example of all
3593 the positive things that are happening and that need to be recognised,
3594 acknowledged and factored in as part of. It's a positive thing isn't it, seeing how
3595 the country can actually not only acknowledge those as part of its greenhouse
3596 gas accounting, but also see that can be promoted and shared and encouraged
3597 and supported elsewhere.
3598
3599 I take the point about what you're saying is that we need time to see how these
3600 things will play out. That date may be too early for the Council to be able to
3601 confirm its policy.
3602
3603 Commissioner Paine, did you have any questions?
3604
3605 I think we're okay. Thank you very much for your time, that was really helpful.
3606 Thank you as well Ms Hunter.
3607

3608 We are taking a break now. Apologies to Wellington Water. We are running a
3609 bit late. We're just going to take a very short break now, coming back at quarter
3610 past. I think there might be tea and coffee out there is anyone would like to grab
3611 a cuppa.

3612 [Break taken 04.53.42]

3613
3614
3615 Chair: Kia ora, welcome back to the afternoon session. Apologies, we are running a
3616 little bit behind. We have got Beef & Lamb to present followed by Wellington
3617 Water and the Telecommunication company.

3618
3619 **Beef & Lamb NZ**

3620
3621 Beef & Lamb are online. Kia ora. Welcome. Shall we introduce ourselves or did
3622 you hear the introductions earlier?

3623 Harrison: That's fine. I've heard the introductions earlier so that's fine.

3624
3625 Chair: Welcome. The floor is yours. We have read your submission. If you have seen
3626 Mr Wyeth's rebuttal evidence, if you are able to take us to the points that are
3627 still outstanding for your organisation that would be really helpful. Otherwise,
3628 please, over to you.

3629 [04.55.00]

3630 Harrison: Thank you. Appreciate the opportunity to be able to talk to the hearing as a result
3631 of this this. It's a very important thing for us. My name is Dave Harrison. I am
3632 the General Manager for Policy & Advocacy at Beef & Lamb NZ. I have spent
3633 a number of years working on climate change activities both within New
3634 Zealand and overseas – based in Europe for six years or so, including working
3635 with the FAO around how we deal with agricultural emissions within a global
3636 context.

3637
3638 Really appreciate the opportunity to share our thoughts with you.

3639
3640 I will take our submission as read. I think there is probably two or three key
3641 things for us in terms of following through what we have heard earlier this
3642 morning.

3643
3644 I guess the first thing is following upon Roger Lincoln's evidence around a split
3645 gas approach. We think that it's hugely important that is well understood and
3646 what the implications are for that, both in terms of what that has meant for
3647 nationally policy but also in terms of what it means for international greenhouse
3648 gas policy.

3649
3650 In saying this, I have a lot of sympathy for Regional Council officers, in terms
3651 of being tasked to look at a situation that is very complex, that is moving quite
3652 quickly, that continues to move and that is quite a challenging policy
3653 environment. For that to be devolved down to a regional level where the
3654 receiving environment is a whole lot different than traditionally envisaged
3655 within a regional environment is a challenge for people I guess.

3656
3657 The major concern for us in terms of policies around this regional level is the
3658 ability to be across the complexity and the speed of change, and the emerging
3659 science that surrounds this. With that in mind, we kind of see that councils are
3660 in an unenviable position to take a view on this, to be quite frank.

3661
3662 Looking specifically at the policies, specifically around the policy positioning,
3663 again coming back to the recognised split gas approach, which is that methane
3664 internationally is recognised as having a different sort of impact than carbon
3665 dioxide does, and what that means in terms of planning for national policies let
3666 alone regional policies and let alone district planning policies, is that we see the
3667 understanding of that as a concept; as meaning that it near on impossible to be
3668 able to set targets, I guess, at a regional level or a district level. Not only is the
3669 receiving environment much broader than that, but you have different impacts
3670 imposing upon different gases which are less understood.

3671
3672 We see that alongside there being a differentiation in terms of the impact that
3673 long-lived gases and short-lived gases have, in terms of actual warming, and
3674 warming remember is really what we are trying to mitigate against with our
3675 climate change initiatives, is that as you have seen from Mr Lincoln's evidence,
3676 [05.00.00] the warming impact of methane versus the warming impact of carbon dioxide it
3677 is quite different. So, you do have this really important differentiation in terms
3678 of the impacts of the relative gases, in terms of what it is as a globe we are trying
3679 to achieve, let alone what we are trying to achieve within a region.

3680
3681 Amongst that, the other important differentiation to make there, is that not only
3682 are those gases a different impact in terms of what they're doing around
3683 warming, they also have a different impact in terms of what they are contributing
3684 to what we want as a society as well.

3685
3686 As a society we need to ensure that our people food. The warming impact that's
3687 a stable warming impact associated with methane, if you have a stable level of
3688 methane that is producing food and is not contributing to warming, that's quite
3689 a different policy demand, or policy objective I suppose, in terms of being able
3690 to set a level around that particular greenhouse gas is producing food, versus
3691 being able to seek a diminution of greenhouse gases around SUVs for example.

3692
3693 I guess bringing it back, or trying to bring it back, our view is that the science
3694 around greenhouse gases is very complex. We feel for Regional Councils in
3695 terms of having to deal with it, because it is evolving and continues to move on.

3696
3697 We think that when you think about methane, or when you think about carbon
3698 dioxide, and when you think about greenhouse gases collectively, not all gases
3699 are created equal; so from a policy perspective you might take a different view
3700 in terms of which ones are more desirable. And, it may be more desirable to be
3701 accepting of methane, particularly if it's not contributing to any further warming
3702 in terms of because it produces food, versus as more ambivalent approach
3703 towards fossil fuel reductions because of SUVs.

3704
3705 We would support the evidence of Roger Lincoln. We empathise with the views
3706 of Wairarapa Federated Farmers.

3707
3708 I am happy to take questions.

3709
3710 Chair: Thanks Mr Harrison.

3711
3712 When you were referring just now to food production, are you saying that the
3713 policy should be recognising... is it sort of a co-benefits issue that you're

3714 making? You need to recognise the value that's coming from the emission
3715 reduction, have I understood that right?
3716

3717 Harrison: Of sorts yes. While I recognise that this is a regional discussion and it's not bound
3718 by what the national government has agreed to, or national in the sense of New
3719 Zealand Government has agreed to, the global commitment towards mitigating
3720 against climate change recognises that we will try and endeavour and do as much
3721 as we can, while not unduly impacting upon food production. That's kind of
3722 imbedded in the Paris agreement. That is the point that I am trying to make.
3723

3724 That doesn't mean that we don't have to do anything, but it does mean that
3725 maybe we need to think about the relative importance of taking SUVs off the
3726 road, versus upon food production.
3727

3728 Chair: Is it your view that the changes to Objective CC.3, while the softening and
3729 approach from the notified version is helpful, they don't go far enough?
3730 [05.05.10]
3731 So, your main concern that it's all gases, or I guess all sectors doesn't
3732 differentiate provision, and you are concerned that it seems to be setting a
3733 regional target, even though the words Mr Wyeth supports are now that
3734 emissions are reduced to contribute to a fifty percent reduction? You were
3735 mainly concerned with that wording?
3736

3737 Harrison: Yes. Mainly concerned that the complexity of this isn't fair to be devolved to
3738 this level frankly. While I understand that is the way it has been enabled through
3739 the legislation, I think the complexity in terms of things such as the science that's
3740 emerging around the differential impact of greenhouse gases, and things that are
3741 emerging in terms of how and what we do in New Zealand and what we need to
3742 achieve in New Zealand in terms of targets, depends upon what's happening
3743 globally and across the world. I think there is a degree of complexity in this that
3744 it's unfair to devolve down frankly.
3745

3746 I do have concerns in terms of it placing that within the Regional Plan or the
3747 Regional [05.06.43].
3748

3749 Chair: And, that's despite the recommendations in the ERP about the important role of
3750 the Resource Management framework in managing land use and development
3751 activities, to support the shift to a low emissions economy. You're saying that
3752 those decisions need to still be set at the national level, and that there isn't a role
3753 for the Regional Council. Is that your view?
3754

3755 Harrison: No, not exactly. Not exactly, no. Like I say, I think it's an unenviable position
3756 for the Regional Council to be placed in, particularly when you think that in a
3757 region such as Greater Wellington a large amount of what you would be seeking
3758 to achieve emission reduction would be through planting trees on land that may
3759 otherwise have another use. By planting trees on that it will have an impact upon
3760 the economy and employment within the Greater Wellington Region. I think that
3761 those things are unfair to be placed upon a Regional Council. I think you're
3762 placing an unfair burden upon yourself by trying to marry up the climate
3763 objectives at a regional level because of the impact it would have upon your
3764 region in terms of tree planting, job production and viability of certain
3765 communities, by trying to regionalise the levels, by trying to regionalise a super
3766 national issue.

3767
3768 Chair: Thank you. I will see if other members on the panel have any questions.
3769
3770 Wratt: I guess I'm still struggling with this. I hear what you're saying, and the previous
3771 submitters, around regional complexities, regional approaches not crossing over
3772 with national initiatives; but ultimately for initiatives to work they do actually
3773 have to be implemented at the local level. So, I guess, how do you make that
3774 happen without having provisions within the Regional Council Policy
3775 Statement?
3776
3777 That's a fairly broad question. Maybe I shouldn't be asking it, because we are
3778 running late, but it is a question in my mind.
3779 [05.10.00]
3780 Harrison: That's a really fair question. I think that is the dilemma with this. A Regional
3781 Policy Statement you will be able to articulate what you want within your region,
3782 but if you're trying to achieve a reduction in warming, which we would be the
3783 first to say that at reduction in warming and mitigation of warming, and that
3784 everybody needs to do their part is a really important thing; but everybody can't
3785 do their part in isolation. So, it's not quite enough for everybody to think that
3786 they're doing the right thing. It needs to be a lot more cohesive than that.
3787
3788 What we need to do at a regional or New Zealand level depends on what people
3789 are doing at a global level. I think that by breaking it down and trying to deal
3790 with it provincially, a super national issue, is sort of banging your head against
3791 a wall. I agree it's got to start at your front door, in terms of the changes you
3792 make and the things that you do, but I think that direction needs to be from a
3793 higher level.
3794
3795 Chair: I will just check in with Commissioner Paine. Sorry Mr Harrison, in case you
3796 didn't know, Commissioner Paine is very much with us but just in the room next
3797 door. She's a bit unwell.
3798
3799 Commissioner Paine did you have any questions for Mr Harrison?
3800
3801 Paine: No thank you Madam Chair.
3802
3803 Chair: Just before you go, I am interested in your submission Mr Harrison. You talk
3804 about how Beef & Lamb NZ- is actively building the work programme
3805 throughout the region to support integrated and sustainable management of land
3806 and water resources and that's obviously the very reason why we are all here as
3807 well, to achieve this for the region.
3808
3809 You talk about some of the initiatives that you have under way, in terms of
3810 working with farmers, developing various programmes. The new method that
3811 Mr Wyeth supports, there's CC.1 which is about education and behaviour
3812 change programmes; there is Method CC.2 about developing guidance on
3813 avoiding, reducing and offsetting emissions; and then there is Method CC.8
3814 which is about the programme to support low emissions. These are all non-
3815 regulatory methods.
3816
3817 It sounds very much like Beef & Lamb NZ- are fully on-board with that and a
3818 lot is underway already. I know you're a national organisation but whether there
3819 are opportunities to work at this regional level with the Council as they develop

3820 these programmes; because often given your influence with farmers and others
3821 in the rural sector, have you had opportunity and would you be willing to
3822 continue those discussions and engagement with Council as they develop these
3823 programmes?

3824
3825 Harrison: Absolutely. We certainly do that a lot around freshwater and will continue to do
3826 that around climate resilience as well too, which I think is a really important
3827 thing.

3828
3829 I guess, to be honest, our issue is around the setting of targets. I think any kind
3830 of setting of targets needs to be based around good scientific evidence and that's
3831 really complicated. It is really complicated. I would just advise for that to be
3832 dealt with at a level other than a regional level, because it would be fraught with
3833 difficulty and almost inevitably if you don't understand all the nuances of it, will
3834 create unintended consequences.

3835 [05.15.15]
3836 It's about bread and butter to be working with farmers, to be able to help them
3837 through better farm management, better profitability; more profitability with
3838 lesser impacts. That's sort of what we do.

3839
3840 Chair: We have heard today about the momentum that's been occurring. It feels like
3841 where we are today is where we were with Freshwater not that long ago, and
3842 now riparian planting and lots of other techniques are very common, well-
3843 accepted and supported. It feels that nature-based solutions and all these
3844 opportunities to reduce agricultural emissions are also very much emerging and
3845 gaining more support.

3846
3847 So, while you talk about the burden and the complexity and responsibility that's
3848 placed on Council, I think we have also heard in their evidence that they talk
3849 about the leadership and being able to actually really influence and drive a lot of
3850 change to help achieve these broader goals.

3851
3852 Harrison: That is true. The important thing as well is to understand what needs to be
3853 achieved. Remember our global goals are to achieve no further warming; but
3854 also to be able to feed our population. If you've got a sector that is not
3855 contributing to warming and is contributing to feeding a global population, why
3856 would you ask it to decrease?

3857
3858 Chair: I think unless we have anything else, thank you very much for your time. I think
3859 you also have some submissions on the Freshwater and indigenous biodiversity
3860 provision so we might see you in future hearing streams.

3861
3862 Harrison: Maybe so. Probably not. Thank you very much. I appreciated being able to talk
3863 to you, thank you very much.

3864
3865 Chair: Kia ora Ms Horrox and Mr Slyfield of Wellington Water. Thank you for being
3866 patient.

3867
3868 I realise you have been sitting there a while so you probably don't need Panel
3869 introductions. We are happy to do them. You've presented before as well.

3870
3871 As I said, Commissioner Paine is here, just in the next room.
3872

3873 I think that was all the admin. Over to you thank you.

3874

3875 **Wellington Water:**

3876

3877 Slyfield: Thank you. Good afternoon. My name is Morgan Slyfield. For those of you who
3878 don't know me, I am legal counsel for Wellington Water. On my left is Ms
3879 Horrox who is going to give you some planning evidence. You have already
3880 received a written legal submission from me and her evidence. And, joining us
3881 online is Ms Penfold from Wellington Water. She doesn't have a designated role
3882 for this afternoon's purposes, but if any questions arise that she is better
3883 equipped to answer than we are then we will hand over to her.

3884

3885 I don't intend to take you in detail through the legal submission. It is pretty brief
3886 and I think pretty clear as it is. Just contextually I want to emphasise the points
3887 that are made towards the end of that submission, that one of the reasons
3888 Wellington Water is here and is participating in this process is that a key purpose
3889 of Plan Change 1 is to facilitate or at least start the facilitation of implementing
3890 the NPS-FM, and in that space Wellington Water has a critical role to play and
3891 that will involve an investment of billions of dollars across all water services
3892 over the foreseeable future.

3893 [05.20.10]

3894 I have outlined paragraph 13 of the written submission, a number of examples
3895 of that, that cover water supply, waste water and stormwater. I won't take time
3896 to reiterate those. I really just wanted to set the scene, that that's why these are
3897 important issues for Wellington Water.

3898

3899 Having said that, many of the concerns that were raised relevant to this topic by
3900 Wellington Water have been resolved through the S42A work and the rebuttal
3901 evidence from Council officers and consultants; so we are grateful for that. You
3902 are going to hear that it reduces down to an issue around the wording for Policy
3903 7 and Policy 39. I will leave Ms Horrox to take you through those.

3904

3905 There is one matter that I will touch on briefly before I hand over to her. I don't
3906 think this is a major issue but I noticed in Mr Wyeth's rebuttal evidence he was
3907 responding to the request for greater provision to be made for Wellington
3908 Water's infrastructure in Policies 7 and 39. One of the things said there was a
3909 suggestion that there's an element of this that seems to be beyond the scope of
3910 Plan Change 1, for the reasons I have really just expressed about Plan Change 1
3911 being, as much as anything else, to start the implementation of the NPS-FM. Our
3912 position, Wellington Water's position, is that there absolutely is scope for that
3913 kind fine tuning within Policy 7 and Policy 39.

3914

3915 That was just in case an issue of scope arose in your minds. I am happy to take
3916 any questions you have for me, but I might be better that we move into the
3917 planning evidence and deal with questions in the round.

3918

3919 Chair: That sounds good. Thank you.

3920

3921 Horrox: Kia ora koutou katoa. As Mr Slyfield has said, we are relatively comfortable, or
3922 we are comfortable with where things have landed with most of the provisions.
3923 Really what I want to discuss today were the energy, waste and industry
3924 provisions – Policies 7 and 39.

3925

3926 As I am sure you will be very aware, Policy 7 focuses on the delivery of RSI-
3927 benefits through the Regional District Plans; and 39 is focussed on delivery of
3928 benefits through consents and notices of requirements for RSI-
3929

3930 It is noted in paragraphs 51 and 52 of my evidence, Policy 7 and 39 in my view
3931 have to work together to achieve the outcomes that they seek. Neither of them
3932 are going to be easily achievable with the support of the other. For example, if
3933 we've got insufficiently enabling provisions in Policy 7, that's going to be tricky
3934 for RSI- providers to fulfil their requirements of district and regional plans when
3935 they're developing Notice of Requirement of Consent Applications, which
3936 potentially limits the effectiveness of Policy 39 in my view.
3937

3938 As outlined in Wellington Water's original submission and in my evidence, and
3939 was alluded to by Mr Slyfield, Wellington Water in order to give effect to te
3940 mana o te wai and support urban growth and provide resilience for climate
3941 change impacts and manage natural hazard risks, it's really relies on having
3942 appropriately enabling provisions in the district and regional plans.
3943

3944 To this end in my evidence, I had asked for changes to Policy 7(a), which to
3945 make it more directive and enabling of the benefits of all kinds of regionally
3946 significant infrastructure and not just currently as it is [05.24.14] energy; so had
3947 to ask for wording to be changed to require district and regional plans to include
3948 policies and/or methods that recognise and 'support' as the word that I had used
3949 or recommended of the benefits, rather than just 'recognise' the benefits.
3950

3951 In the rebuttal evidence of Mr Wyeth, that was not a supported position; so my
3952 rationale or my changes was not brought forward. The argument for this seemed
3953 to be that not all RSI- warranted the stronger 'recognise and provide for
3954 direction' because that was covering a wider list of infrastructure, not of all
3955 which support reduction of greenhouse gas emissions and the climate change
3956 objectives of Plan Change 1. That was in paragraph 19 of his rebuttal evidence.
3957 [05.25.00]

3958 The other reason given by Mr Wyeth was that giving greater weight too all types
3959 of RSI- through amendment to Policy 7(a) would be inconsistent with the scope
3960 and focus of PC1.
3961

3962 Mr Slyfield has spoken about that. I guess just to further explain our position on
3963 that, I do have concerns with this line of argument. I think the purpose of Plan
3964 Change 1 is wider than just responding to climate change and supporting
3965 reductions in greenhouse gas emissions. There's lots of information out there
3966 that explains what it's about. Urban development, Freshwater and the NPS
3967 freshwater, climate change, indigenous biodiversity and natural character. I
3968 think you've got to have that in mind and not just a couple of things.
3969

3970 I guess to that end integrated management which was talked about in the
3971 previous hearing stream is also a key component of Plan Change 1. I think really
3972 that requires consideration of the extent to which the RPS provisions impact on
3973 delivery of all objectives of the plan change; not just one objective, for example
3974 climate change or delivering on the NPS for renewable energy.
3975

3976 Otherwise, essentially what you do is you might potentially make a change to
3977 address one issue in a provision and you risk some undermining of the ability
3978 for the changes you've made delivering on other objectives.

3979
3980 I don't propose to go in-depth down the rabbit hole of the other objectives, but
3981 obviously in my evidence I have talked about the link between delivering te
3982 mana o te wai in Wellington Water and the work they're doing that and natural
3983 hazards. I will leave that as per the argument I have outlined already.
3984
3985 Essentially, for these reasons I think there is still a case to strengthen Policy 7(a)
3986 to be more enabling of general RSI- benefits and not just the renewable energy.
3987 I think the same argument applies to Policy 39.
3988
3989 I probably should have been clear in my evidence, but I didn't actually support
3990 Mr Wyeth's changes to the chapeau to remove 'the particular regard'. But, to
3991 clarify, I would be comfortable with the chapeau change if we had in the body
3992 of the actual policy a recognise and provide for type standard in relation to the
3993 benefits of RSI-.
3994
3995 I don't think this is explicitly raised by Mr Wyeth in his S42A or the rebuttal
3996 evidence, but it is probably just worth noting that I don't think that recognising
3997 and providing for benefits of RSI- undermines the need to still [05.28.22]
3998 mitigate the effects. Obviously managing effects is inherent to the RPS in
3999 general through a whole raft of provisions. I think that the changes that I'm
4000 proposing to 7 and 39 are only intended to better highlight considerations of the
4001 benefits. It's still this balancing act.
4002
4003 But, if there was concerns in that area we could look at alternative wording and
4004 maybe pull out something rather than having a broad RSI- benefits sort of
4005 enabling provision. We could just focus on the Three Waters type provisions,
4006 similar to what we have got for renewable energy.
4007
4008 Chair: Thanks very much. Questions?
4009
4010 Wratt: Thank you for that. I am just trying to clarify. I have your Appendix A in front
4011 of me. I am just trying to clarify what specific wording changes you are still
4012 looking for.
4013 Horrox: For Policy 7 what I am proposing in (a) is a recognise and provide for. And just
4014 a note on that: I accept what Mr Wyeth says about provide rather than support.
4015 I am happy with the language used.
4016
4017 Wratt: Provide or support?
4018
4019 Horrox: Provide for the social, economic, cultural and environmental benefits of
4020 regionally significant infrastructure.
4021 [05.30.00]
4022 And, 39, what we are suggesting is in (b) and it would again be 'recognise and
4023 provide for'.
4024
4025 Chair: That are those changes that Ms Foster from Meridian...
4026
4027 Horrox: Yes, that was supported by Ms Foster.
4028
4029 Chair: Supply of potable of water is specifically mentioned in Policy 7(a)(2). I
4030 understand that provides for or recognises Wellington Water's infrastructure.
4031 There are other provisions, and I think they're in the hazards provisions, that

4032 refer to rural water security. So, that's nothing to do with your infrastructure is
4033 that right? I can give you the provision reference. I guess I'm just trying to
4034 understand the boundaries of Wellington Water's interests and these other
4035 provisions that recognise the importance of ensuring rural water supply is
4036 resilient to climate change effects.

4037
4038 Horrox: Without knowing exactly what you are referring to Commissioner, it probably
4039 is potentially relevant, but of course that's one of the three waters we are talking
4040 about, if we are talking about water supply.

4041
4042 We could probably defer to what Ms Penfold has to say on the matter, but also
4043 my understanding was some rural water suppliers that is not necessarily
4044 reticulated, for example Wairarapa.

4045
4046 Penfold: Shall I jump in a wee bit? Would that be helpful?

4047
4048 Chair: Please.

4049
4050 Penfold: Wellington Water provides potable water supply for people on the municipal
4051 water supply or the reticulated network in Wellington City, Porirua City, Upper
4052 Hutt City and Hutt City, and in South Wairarapa we run I think three or four
4053 networks depending on how you find them. We've got a very small network of
4054 about twenty people in [05.32.40] and then the three towns of Greytown,
4055 Martinborough and Featherston. But, there are obviously a large number of
4056 people who have their own independent bore or rain tank collection in the rural
4057 areas and on lifestyle blocks and things like that, which we are not involved
4058 with.

4059
4060 Chair: I am just trying to find that provision in the hazards chapter.

4061
4062 You're pretty happy now with the provisions in the hazards chapter?

4063
4064 Penfold: Yes.

4065
4066 Chair: You did have relief on that. The risk approach that Dr Dawe and Mr Beban are
4067 supporting and the provision for recognising that some infrastructure has an
4068 operational functional need to locate in hazard areas.

4069
4070 In those provisions there are references to structural protection, or recognising
4071 structural protection works or hard engineering methods may be needed to
4072 protect regionally significant infrastructure from unacceptable risk and where
4073 the works form part of a long-term hazard management strategy. This is in Policy
4074 52(c).

4075 [05.35.10]

4076 When we were talking with Wellington Airport earlier today, we were looking
4077 at these provisions and it felt like some parts of them were a bit unclear. In terms
4078 of your infrastructure, can you talk a little bit about the works that are needed to
4079 ensure resilience to hazards, climate change effects and whether those works are
4080 incorporated in long-term hazard management strategies; and I guess the extent
4081 to which you work with the Regional Council in identifying that work.

4082
4083 Horrox: Ms Penfold do you want to speak to that?

4084

4085 Penfold: Kia ora. I think it depends to a large extent on the water that we are providing
4086 and the hazard that we are responding to. There has been a huge amount of work
4087 in the last two years about water scarcity and about responding to an increased
4088 potential for drought, and how we will cope particularly in summer months when
4089 water levels are low. We are certainly going to be tracking that infrastructure
4090 associated with that through the RMA processes.

4091
4092 The waste water infrastructure, some of that is near the sea and maybe subject
4093 to some sea level rise. We are still in the early days of identifying what our
4094 responses to that are. It is important that all our infrastructure can cope in times
4095 of hazards. Nobody wants our waste water getting out into flood waters, and
4096 nobody wants to be in a house that doesn't have a potable water supply for very
4097 long.

4098
4099 In terms of stormwater, the goal of stormwater is obviously to remove the hazard
4100 as quickly as possible; our stormwater network is to remove that hazard as
4101 quickly as possible, which means that it's often in high hazard areas, which
4102 makes it really challenging.

4103
4104 Again, we are still working through what that means for our network and how it
4105 is going to cope. We are in the very early days of that.

4106
4107 We are working with GW in that space. I suspect a lot of these things will
4108 become part of our strategic documents. Responding to climate change is one of
4109 our five strategic priorities. But, I couldn't say to you with any confidence right
4110 now that all our responses are contained in the format that is envisaged in the
4111 name of that document that I can't remember – sorry.

4112
4113 Chair: I think that was generally what we were hearing a bit from the Airport as well.
4114 Dr Dawe is going to have another look at that wording. I have just had a quick
4115 look at your submission. There is probably somewhere in here scope. But, just
4116 given the relevance of that provision obviously to your infrastructure the airports
4117 and maybe the telecommunication companies as well, it might be that when we
4118 receive Dr Dawe's revised wording that we send that around and see if you
4119 would like to provide any comment on that.

4120
4121 We have picked up that there is a bit of inconsistency. Sometimes it refers to
4122 hard protection structures and engineering, but not consistently through the
4123 provisions. Just given it's a ten year document obviously and the importance we
4124 all know hazard risk is increasing the need to ensure the infrastructure can
4125 withstand, adapt and obviously respond to that it would be good to have your
4126 comfort that this wording would work for what you might need to do.

4127
4128 Penfold: We would be grateful for that opportunity, thank you; not least because much of
4129 the work that protects the airport or the hard infrastructure that protects the
4130 airport is also protecting our main Wellington city waste water pipe to the
4131 treatment plant. So, I think it's in everybody's best interests if we can protect
4132 that in a big event.

4133 [05.40.007]

4134 Chair: We are also getting a consolidated version of the hazard provisions because they
4135 are currently split across a document. We will get that and that will I think help
4136 all of us to make sure the provisions work.

4137

4138 In Policy 7 Ms Horrox, there is no reference to objectives there. I understand
4139 that's a bit of a formulation that appears in other provisions of the RPS. We have
4140 heard that that wouldn't exclude objectives being included in a district or
4141 regional plan. Any views on that? Is it better do you think to have a reference
4142 there to objectives?
4143
4144 Sorry, this is chapeau. It currently just says: "Plans shall include policies and/or
4145 methods." Is the absence of objectives an issue there?
4146
4147 Horrox: I guess potentially to be complete perhaps, it would be better in rather than out?
4148
4149 Slyfield: Can I just add from the legal standpoint. I think arguably it's implied, given that
4150 the policies have to be the best way of giving effect to the objectives. Then if
4151 there's a mandatory requirement to include the policies that implies there has to
4152 be an objective. Beyond that I don't have a strong view.
4153
4154 Chair: Mr Slyfield, if I remember rightly you presented earlier on the allocation of
4155 provisions issue.
4156
4157 Slyfield: No, we didn't have a position on allocation. We were content to...
4158
4159 Horrox: Go with the flow.
4160
4161 Slyfield: Yes, figuratively.
4162
4163 Chair: As I think you identified the driver for Proposed Change 1 is various natural
4164 direction. I haven't fully caught up or kept up-to-date with the changing Three
4165 Waters framework, other than that the legislation is now enforced. Is there
4166 anything in that? A lot of these, the relationship between the RMA and Land
4167 Transport Planning for example, does that legislation talk to the RMA? I am just
4168 asking if there's kind of direction that's setting, in terms of the need to have
4169 resilient Three Waters infrastructure in that sort of land use planning. That's
4170 okay if you don't know. As you know a lot of this legislation ends up trying to
4171 talk to each other and achieve coordination. I was wondering if you are aware
4172 of anything happening?
4173
4174 Horrox: I'm not aware. Are you aware of anything.
4175
4176 Slyfield: I am unaware. Sorry, can't help you with that. Ms Penfold seems to know
4177 though.
4178 [05.45.00]
4179
4180 Penfold: I'm not sure of the exact questioning that you're asking Commissioner, but there
4181 is a big workstream happening within the Department of Internal Affairs about
4182 how to control land development for the new entity. There has also been a
4183 workstream about lining RMA reform and order reform. I am not sure how far
4184 it's gone or how successful it's been.
4185
4186 Chair: Thank you Ms Penfold. Yes, sorry, my question was very garbled. I think it was
4187 that recognition, and I think Ms Horrox would know this better, the Land
4188 Transport Management Act – have I got that right, the Land Transport Act, and
4189 how that requires through regional Land Transport planning there needs to be
4190 this integration, or at least some consistency recognition with planning under the

4191 RMA. I was just wondering if there's that same connection with that legislation
4192 in the RMA.
4193
4194 No. Okay, that's fine thank you. I think that was all we had. You'll be back for
4195 the Freshwater topic.
4196
4197 Slyfield: Yes indeed.
4198
4199 Chair: We'll see you then. Thanks very much.
4200
4201 Mr McCarrison, welcome. Spark, Chorus and One NZ. Sorry to keep you
4202 waiting. Thanks for your patience. I think you have probably heard our
4203 introductions, so just when you are ready.
4204
4205 McCarrison: Good afternoon. The focus of this afternoon is going to be on Tom's planning
4206 evidence. I will answer any questions and chip in at the various points.
4207
4208 Anderson: I am Tom Anderson. I am a Principal Planner at Insight and provide advice to
4209 the Telecommunication companies both at a policy and at a resource consent
4210 level.
4211
4212 I have prepared some notes here about response to the rebuttal evidence, which
4213 I am happy to hand out. They have been sent through to the administrator as
4214 well. Apologies, they were only prepared earlier today; so haven't been
4215 circulated in advance.
4216
4217 I will turn to those now. Basically, the nub of the issue here is in relation to
4218 Policies 29 and 51. I am comfortable with where Policy 51 has landed, but Policy
4219 29 is the focus of today.
4220
4221 I agree with Dr Dawe and Mr Beban at paragraph 7 of their rebuttal evidence,
4222 that infrastructure is wider than just telecommunication companies, hence the
4223 relief requested to Policy 29 at paragraph 25 of my evidence in chief, limiting it
4224 to telecommunications infrastructure.
4225
4226 At paragraph 9 of Dr Dawe's and Mr Beban's rebuttal evidence, it is noted that
4227 they are not aware of the reasons as to why the national environment standard
4228 for telecommunications sought to regulate some activities and not others, and
4229 my understanding is the primary reason for this was to encourage
4230 telecommunication facilities to be located either within legal road or on existing
4231 buildings where typically they better visually assimilate into existing
4232 environments and it wasn't a natural hazards related decision.
4233
4234 I am also that as stated by Dr Dawe and Mr Beban's rebuttal that there can be
4235 differences in natural risk profiles between road reserves and private property
4236 boundaries, particularly in relation to flood hazards, and there is potential for
4237 there to be offsite effects.
4238
4239 In reviewing this statement I have looked at flood hazard mapping in a number
4240 of recently operative or proposed district plans in the Wellington Region
4241 including Kapiti, the proposed Porirua and the proposed Wellington. Often, legal
4242 road is identified as a flood hazard, however under the NES, any
4243 telecommunication facility in legal roads has natural hazard rules dis-applied;

4244 and the reason for this is explained in the NES user guide, published by the
4245 Ministry for the Environment, and is because resilience is factored into industry
4246 practice and telecommunication companies will either avoid hazard areas or
4247 engineer structures to be resilient to the nature hazard.
4248 [05.50.00]
4249 Essentially, in regard to Policy 29 of the RPS, when it comes to the resilience of
4250 telecommunication infrastructure, why does there need to be a divergence from
4251 national direction at this regional level?
4252
4253 In my view, if it is appropriate to not regulate the resilience of
4254 telecommunication infrastructure in natural hazard areas at a national level, then
4255 it is appropriate at a regional and there a district level. That is the nub of the
4256 issue. It comes down to Regulation 57 in the NES, to supplying natural hazard
4257 provisions from telecommunication activities that are regulated in that standard.
4258
4259 Happy to take any questions on that.
4260
4261 Chair: That exclusion, is that for both regional and district plans?
4262
4263 Anderson: No, it just applies to district plans.
4264
4265 Chair: So, there's jurisdiction if you like for it to be managed at the regional, but you're
4266 saying what is the point?
4267
4268 Anderson: Yes. Generally the resource consent requirement for telecommunications is
4269 governed by district plans and not by regional plans.
4270
4271 Chair: Although both have a function in terms of hazard management?
4272
4273 Anderson: That's right, yes. So, focusing at the district level through the NES.
4274
4275 Chair: I am just going to think about that. I might come back. I will see if the other
4276 members have anything.
4277
4278 Wratt: Just checking: in your submission I think you asked for a footnote to Policy 29,
4279 just saying that it does not apply to Telecom's infrastructure. Is that still what
4280 you are looking for?
4281
4282 Anderson: That's right, yes.
4283
4284 Chair: Regulated activities in the NES, that is both new and...
4285
4286 Anderson: And, upgrades, yes.
4287
4288 Chair: Can you summarise. I have read it but there has been quite a bit to digest this
4289 week. Can you summarise the S42A author's reasons for saying it is appropriate
4290 that these provisions do apply to your infrastructure?
4291
4292 Anderson: It's done at quite a high level. The primary focus was around that there can be
4293 an effect from infrastructure that affects third parties. That I think was the main
4294 driver for not supporting the evidence as put forward.
4295

4296 Wratt: So, is there any way that you could adjust your request for drafting that would
4297 take account of that?
4298

4299 Anderson: My thoughts on that were that Policy 29 was the one that really looked at the
4300 resilience of the infrastructure. I think in my evidence in chief I talk about how
4301 Policy 51 looks at the third party effect from locating infrastructure in natural
4302 hazard areas. I think that's appropriate, that you don't want any infrastructure
4303 regardless of whether it's telecommunications, water or whatever it may be, to
4304 increase the effect of a hazard on a third party.
4305 That's how I have read those two policies together and separate them. So, one is
4306 about the resilience of the infrastructure to the hazard, and I think that's in Policy
4307 29 and then Policy 51 in terms of those third party effects I think is an
4308 appropriate policy to have.
4309

4310 Kara-France: Kia ora. Just on reflection of your summary and submission in evidence. I
4311 certainly support that. I too was looking for family members when Cyclone
4312 Gabrielle hit Hawkes Bay for nearly five days because of no communication.
4313 [05.55.00]
4314 So, I can really understand your points made here and your concerns, and your
4315 expressions of concern on a national level, which are reflective and affected on
4316 a regional and local level as we have all seen in the country – Auckland, Far
4317 North, Coromandel, Te Tairāwhiti and Hawkes Bay. You're an important factor
4318 for peace of mind for people.
4319

4320 Anderson: Thank you.
4321

4322 McCarrison: As part of the response to the cyclones and flooding, but natural hazard events,
4323 as a lifeline industry of telecommunications between mobile towers and fibre
4324 under the road, or in some cases on poles and aerial into houses, we've got a lot
4325 of requirements in terms of a lifeline industry; but also under the proposed
4326 Emergency Management Act there is a further look at having regular reporting
4327 around compliance and ability to be more resilient.
4328

4329 Our industry really is subject to availability of power basically. All of those
4330 areas, once power was lost and with flood waters you can't put transformers in,
4331 or our transformers were put into other activities, even though we had organised
4332 for that.
4333

4334 Our infrastructure is small. It's a pole on the road with cabinets. In flood plains
4335 it's generally designed to withstand that. A hundred year flood plan is now
4336 maybe one in twenty and that's constantly changing. The industry re-evaluates
4337 that all the time basically to respond to that.
4338

4339 From an impact on third party properties, it's never been shown that our
4340 infrastructure causes flooding or other issues for other properties. Hence, that
4341 was one of the reasons in the NES that putting it in the road, our sort of
4342 infrastructure is of a scale that can be reasonably excluded from other regulation,
4343 because the industry does it.
4344

4345 Kara-France: I understand many families were without power for nearly two and a half weeks.
4346 A devastating impact.
4347

4348 McCarrison: It is. Totally.

4349
4350 Chair: Mr Anderson, do you mind just talking me through. You were saying in terms
4351 of the scheme here for Policies 29 and 51 are about ensuring that the
4352 infrastructure is resilient.
4353
4354 Anderson: Ultimately I guess why we have put the submission in and the evidence in is,
4355 when it comes down to the resilience of infrastructure and district plans
4356 controlling how the resilient the infrastructure is to a hazard, given that the
4357 lifeline utilities requirements exist under the CDMA it's a double-up on
4358 regulation. I guess it goes back to what you were talking about earlier, and how
4359 we've got the Land Transport Act and the RMA and trying to find the cross
4360 reference or the intersecting points between them. That doesn't always apply at
4361 a level between lifeline utility requirements that the telecommunication
4362 companies design to; and, when there is regulation of the resilience of
4363 telecommunications infrastructure at a District Council level.
4364
4365 So is there a need for District Councils to regulate that resilience?
4366
4367 Chair: Is there a risk say if Policy 29 did go into the RPS as it is? Is there a risk that
4368 you would need to participate in these processes to make the case for having a
4369 functional and operational need each time?
4370 [06.00.10]
4371 Anderson; Yes, I think there is, but I think it's a workable risk, which is why I have said in
4372 the evidence that Policy 29 and 51 are workable solutions. I guess the water has
4373 been muddied through Regulation 57 of the NES and the functions of the CDMA
4374 saying that natural hazard rules are dis-applied because of these other reasons
4375 around resilience and that the companies are doing it anyway – which probably
4376 leads us to why we are here today.
4377
4378 There's no right or wrong answer on that point because there is a risk. You've
4379 got the avoid policy except where there's a functional operational need, so
4380 you've got to therefore go through and show that. There is always only ever
4381 going to be functional operational need from my experience if
4382 telecommunication companies are in hazard areas. It's the efficiency I guess of
4383 the process, given that there are other process that telecommunication companies
4384 go through.
4385
4386 Chair: I appreciate you're saying Policy 29 can be workable for you, but is this a policy
4387 would you ideally would saying an exclusion is needed?
4388
4389 Anderson: That's right, that's the preference.
4390
4391 Chair: I guess the reporting officer might be thinking if an exclusion for you then who
4392 else? Wellington Water's infrastructure could be in the same category, Is it then
4393 better to provide the pathway through functional and operational need, rather
4394 than having a list of exclusions.
4395
4396 I guess there's no clear answer to that.
4397
4398 Anderson: I know what you mean. It's trying to get them all to fit into once policy. I can't
4399 really talk to Wellington Water infrastructure because I'm not sure of the profile.
4400 I appreciate that is an option.
4401

4402 Chair: Would there be high hazard areas that are currently mapped where your assets
4403 would need to be traversed or located above?
4404

4405 Anderson: Yes.
4406

4407 Chair: If this comes in, what would be the impact say if there was a consenting
4408 requirement for some major work on some assets that were in a high hazard
4409 area? What would be the consequence?
4410

4411 Anderson: The need for a resource consent or not I think is where it's really at. Do we need
4412 a resource consent around the resilience of telecommunications infrastructure in
4413 that area, or do we rely on the lifeline utility provisions through the CDEMA,
4414 and then it's going to come down again to whether or not that infrastructure is
4415 located in Legal Road, in which the natural hazard provisions wouldn't have
4416 application; or if they're on private property, in an urban area where they would.
4417

4418 Chair: And, that's the operation of the NES?
4419

4420 Anderson: That's how the NES comes in and changes things.
4421

4422 Chair: Because you can't be more stringent?
4423

4424 Anderson: You can be more stringent, yes.
4425

4426 McCarrison: Could I give you another example.
4427

4428 Within the Building Act we have an exemption from a building consent for a
4429 pole. It is for the precise same reason that our infrastructure is designed by
4430 structural engineers, or geo tech engineers depending on the hazard.
4431

4432 MB was able to satisfy itself that the industry was already regulating itself
4433 through PS4 engineering requirements; so it took out the requirement for a
4434 building consent to build a pole, and that's anywhere basically. It's the same sort
4435 of equation basically.
4436

4437 If you take Cyclone Gabrielle, none of the poles fell over. None of the poles
4438 were damaged from it. In Christchurch earthquakes a couple of the poles had a
4439 little bit of a lean and needed to be re-stood. The same for all of the
4440 infrastructure. It's not to say that it worked, because we know it didn't for a range
4441 of different reasons. It's that sort of thing.
4442

4443 [06.05.00] For the fibre breaks, our fibre breaks in Tairāwhiti for example, where the
4444 Council's bridge is, or Waka Kotahi bridges, were too weak and so it took out
4445 all the infrastructure. It's those sorts of things.
4446

4447 So what else would the industry be able to do if we were forced to go through a
4448 resource consent that is processed by people like Tom and me, planners, where
4449 already we are taking professional advice to make sure that our infrastructure
4450 meets the expectations of a life-line; but also we don't want to drop calls to
4451 anybody, particularly during an emergency; and to ensure that the emergency
4452 warnings go out because that's very dependent on our mobile and fibre
4453 networks. In the future the satellites but connecting also into the on-ground
4454 infrastructure.

4455
4456 So, we are kind of having to think about it at the practical implementation stage,
4457 all the way through without having more bureaucracy basically. It's kind of that
4458 trust us we are doing the right thing and we highly regulated from the Commerce
4459 Commission down basically.
4460
4461 Wratt: Just going back to our Chair's question about opening the door for other
4462 exclusions, I guess what I am hearing is perhaps there are more controls or
4463 existence for the telecom sector than there are for others, which is the main
4464 rationale that you're giving us. Wellington Water for example may not have that
4465 same other regulatory...
4466
4467 McCarrison: We can't really talk for them.
4468
4469 Wratt: Fair comment.
4470
4471 McCarrison: I am sure engineering wise they would say maybe if you take Wellington, maybe
4472 some residents in Wellington might not say they do as well; but that's a question
4473 for them.
4474
4475 Wratt: To an extent, I suppose if they do have that then you could argue they should be
4476 excluded as well.
4477
4478 McCarrison: Yes, that's right.
4479
4480 Wratt: The RPS shouldn't be creating additional bureaucracy when there is already
4481 sufficient in place.
4482
4483 Chair: But, is there a chance, and I don't know what sort of protection measures you
4484 use to ensure the resilience of your assets, but is there a chance that in the lifetime
4485 of this RPS there might be some new technology and new things that are built
4486 that do need to be assessed on a case-by-case basis, in terms of potentially
4487 exacerbating other risk? Sorry, it's probably my unfamiliarity with your assets.
4488 But, if for example, there's something that is maybe coastal and it's something
4489 that you need to protect a pole in some sort of surge or coastal event; and that
4490 that engineering solution did actually exacerbate effects and they weren't able
4491 to be considered at that consenting stage. Is there any sort of risk of that do you
4492 think?
4493
4494 McCarrison: A lot of our infrastructures is in a road; so either under it or above it on poles.
4495 That's state highways and motorways. If the Council roading and Waka Kotahi's
4496 roading infrastructure was being impact or having to move then we would be
4497 kind of moving with it.
4498
4499 It is a rare thing for us to harden our infrastructure; so putting big concrete
4500 bollards around it, because chances are Waka Kotahi or the Council wouldn't
4501 allow that to be within a roading environment because it would probably break
4502 the road to zero rules around causing deaths.
4503
4504 So, we would be looking to move it more than anything, than to put something
4505 – in my experience to date.
4506

4507 However, we know that hazard maps are quickly changing, so what is today's
4508 acceptable solution might not be tomorrows.

4509 [06.10.05]

4510 I would have to go hand on heart and go "I don't know" but our practice would
4511 be to move our infrastructure out of the way. That way it keeps functioning.

4512

4513 Anderson: Yeah, I think that's the big difference with particularly mobile networks with
4514 Spark and One New Zealand is the infrastructure is quickly removable. It's not
4515 like a pipe with a fixed outlet that has to be at a certain height. A mobile structure
4516 has to be in an area where it serves that cell that it's within, but it can be moved;
4517 and they do regularly get moved for reasons such as road realignments or if it's
4518 on a building and there's building reconstruction works. Or, even with in-road,
4519 if there's a building that's built next to them they sometimes have to move in
4520 terms of radio frequency issues.

4521

4522 So, while they're an asset that are fixed in place, they are not necessarily
4523 permanent structures.

4524

4525 McCarrison: We are incredible customer driven, because that's our business. All of us being
4526 able to connect however, voice data or whatever, is all premised around that
4527 physical infrastructure and being able to see your devices to do a transaction in
4528 whatever that is.

4529

4530 New technology: yeah, all our companies are headed into satellite technology.
4531 It won't replace as far as we can see at the moment. What happens on the ground
4532 is...

4533

4534 Anderson: A gap filler.

4535

4536 McCarrison: Yeah, basically, and will enable us to better communicate during an emergency,
4537 so that people can at least text. The next generation of technology, so the sixth
4538 generation (we're rolling out fifth at the moment) is just faster. It's looking like
4539 similar size antennas. What we are doing is just swapping out antennas. We
4540 might see some rationalisation of our poles, so that there's more than one
4541 operator on poles, given that the industry has sold its poles to specific pole
4542 providers basically. So, part of the networks it connects are N40 South.

4543

4544 Chair: Those images at the back of your evidence of Mr McCarrison that is an example
4545 of all infrastructure that could be moved if say there is a new hazard layer that's
4546 identified?

4547

4548 McCarrison: Yep.

4549

4550 Chair: If there is this exclusion for your assets, that would be relying on the
4551 telecommunication companies to go, "Are we meeting all of our resilience
4552 requirements now that we are aware we're in the setting now?" That's been
4553 identified as having a higher hazard risk. Would you actually in reality move
4554 that yourselves? If I understand correctly that's what you're saying?

4555

4556 Anderson: Yeah, that goes back to your lifeline utility.

4557

4558 McCarrison: Our obligation as a lifeline is to enable people to connect. In New Zealand we
4559 are trying to connect a hundred percent of people if that's possible, if they want

4560 to be. If there was a site in a highly dense area, then that was put at risk. If you
4561 look at some of the flood mapping in the future, we're probably close to sitting
4562 in water soon. So, lots of Wellington is going to have to move. The Hutts and so
4563 forth.

4564
4565 We are more likely to be the last to move, because we're always going to have
4566 customers there, but we will be taking steps to ensure that there is network for
4567 people, but also moving network to where the people are moved to, or where our
4568 network is at flood risk.

4569
4570 One of the things that potentially we would do, if a pole is in the road, would be
4571 to increase the footing for the cabinet, so the operating equipment would be
4572 higher off the ground.

4573 [05.15.00]

4574 For some people they're going to get quite concerned with that, because you're
4575 suddenly seeing a cabinet above your fence; but that's actually already provided
4576 for within the National Environmental Standard for Telecommunications. It is
4577 not something we use lightly but we do have sites that are quite high because of
4578 flood risk – particularly in Tairāwhiti and so forth.

4579
4580 Kara-France: Kia ora. Thank you very much for your submission in evidence. Ngāti Toa have
4581 stated their concern about infrastructure being located on or near sites of
4582 significance. What's your plan on addressing that matter please?

4583
4584 Anderson: For any new site that's looked at, or any upgrade to an existing site... a new site
4585 is probably the best one to take you through. There's a thing that we call high
4586 level planning, where everybody involved, so myself, a planner, a civil engineer,
4587 basically go through a constraints map; everything which is in a search area
4588 where this new site could possibly go. It's about identifying matters such as those
4589 map sites of significance for Māori, any natural hazard areas, any other things
4590 that could pop up heritage, so on and so forth, and looking for those sites which
4591 are outside of those areas.

4592
4593 Now I think in terms of where district plans have landed with sites of
4594 significance to Māori, because sometimes it's not always possible to be outside
4595 of those constraints, there is an obligation to consult with the iwi that have
4596 identified that side of significance.

4597 I think relying on the district plan matters for that and the NES does not have
4598 the same exclusion for sites of significance to Māori as it does for natural
4599 hazards; so those district plan identified areas do have affect under the NES.
4600 That's how that's best addressed.

4601
4602 Kara-France: Okay, that's great. Thank you. Just in regards to the resource consent process
4603 and cultural impact assessments, it's commonly known that that cultural impact
4604 assessment was identified within that particular assessment, but yet you're
4605 asking for relief in terms of not being a part of that resource consent process. So,
4606 how else would you expect mana whenua and tangata whenua to participate
4607 within a cultural impact assessment process if that's removed, or if you are
4608 removed from that process?

4609
4610 Anderson: I don't think we would be removed from that process. The exception is only in
4611 regard to natural hazard areas.

4612

4613 McCarrison: In addition, if there was a new site that was permitted and wasn't with any known
4614 layer, significant upgrades and new sites we do send out letters to nearby people,
4615 and so that would be one way that people would actually get to hear about that.
4616

4617 Kara-France: Thank you.

4618

4619 Chair: If I can just finish the questions I had on that Policy 51. You talked about the
4620 CDEM and placing those requirements on your assets in terms of needing to be
4621 resilient to withstand hazards, and that would cover that full range of hazards
4622 that are trying to be addressed by these provisions. There is specific reference in
4623 here to allowance for flood water and identified overland parts. That would
4624 include that? So, basically the design would factor that in?
4625

4626 Anderson: The natural hazard maps in district plans, even when there is no regulatory
4627 requirement under the RMA to take them into account so the NES applies, still
4628 form a significant part of a telecommunication companies decision-making as to
4629 whether or not (a) they should go there; and (b) if they do have to go there
4630 because there is no other viable locations, how that should be designed to
4631 account for that hazard.
4632

4633 Chair: And, there are other provisions that deal with the management of other effects?
4634 I know we're talking about the impacts of being in a hazard layer. That's what
4635 we are talking about here.
4636

4637 Anderson: Yes.

4638

4639 Chair: If I can try to broadly make sure I really understand.
4640 [05.20.00]
4641 For Policy 29 and that's the plan making provision, the recognition, or that there
4642 may be functional operational need, that is workable from your perspective?
4643

4644 Anderson: Yes, it's workable.

4645

4646 Chair: That one is okay?
4647

4648 Anderson: 29 is workable but that is where we are seeking the exclusion. 51 is workable
4649 and not seeking the exclusion. I think 51 is more about exacerbating the effect
4650 of a hazard on a third party. That's my reading of the two policies together.
4651

4652 Chair: So, workable and not seeking an exclusion from that?
4653

4654 Anderson: Not seeking and exclusion. Happy with the wording as recommended in the
4655 S42A Report for 51.
4656

4657 It's about regulating the resilience of, and that comes down to Policy 29.
4658

4659 Chair: If 29 stays as it is, and your request for an exclusion isn't accepted by the officer
4660 and by the Council eventually, would any additions to the list of guidance
4661 documents that are mentioned in that assist in basically saying or supporting
4662 your view that "Look, we really do have a functional operational need. We know
4663 what we are doing. We are designed to withstand." Would that help?
4664

4665 Anderson: I think it could be of assistance. Probably referencing the user guide that I have
4666 quoted there in terms of why.
4667
4668 As I said in my evidence in chief, Policy 29 is workable. It's the way that the
4669 NES has kind of muddied the waters with national direction, saying dis-apply
4670 natural hazard provisions to telecommunication structures, and then the
4671 Regional Policy Statement is saying natural hazard infrastructure does apply.
4672
4673 That's what I'm trying to reconcile through this evidence.
4674
4675 Chair: You don't think it's justified to that, I guess, exclusion, for district planning?
4676 You don't think that means regional planning can be justified.
4677
4678 Anderson: It's just the way regional plans they hardly ever reply to telecommunication
4679 providers. It's a once in a blue moon type... [06.22.39].
4680
4681 Wratt: What is the document you mentioned that could potentially be added to that
4682 guided documents list?
4683
4684 Anderson: I have got it written here. The National Environmental Standard for
4685 Telecommunication Facilities User Guide, published by the Ministry for the
4686 Environment. There are others in the room that are familiar with it as well.
4687
4688 McCarrison: Most people never want to be familiar with it.
4689
4690 Anderson: There's probably three people in the room who are the three most familiar with
4691 it.
4692
4693 Wratt: But, you still prefer to be familiar with that than [06.23.18].
4694
4695 Anderson: Yes, that's right. You have to be.
4696
4697 Chair: Other lifeline utilities and I appreciate they might not be participating in this
4698 process, or might not have any relief on this, but they would be in the same boat
4699 wouldn't they, or potentially. But, they don't have obviously that NES provision.
4700
4701 Anderson: It's the NES provision which I think really introduces...
4702
4703 Chair: Because of that national recognition that there's no need to be captured.
4704
4705 Anderson: Because there's other processes in play.
4706
4707 Chair: Understand. Thanks very much. There has been some talk, I think you would
4708 have heard earlier, Dr Dawe and Mr Beban just circulating or providing some
4709 more provisions – a consolidated version; and also just looking at tidying up
4710 some of the wording. We know you've got an interest in these provisions so we
4711 will make sure you have got an opportunity to look at those, hopefully if we can
4712 fit it in, before their reply is provided.
4713
4714 Anderson: That would be much appreciated. Thank you. Thanks for your time.
4715

4716 Chair: Kia ora. That's the end of our session. Again apologies to everyone for going
4717 over. We had lots of excellent submissions. It's really helped us to understand
4718 the provisions better. We will be back tomorrow.
4719 [05.25.00]
4720 Karakia, thank you.
4721
4722 *Kia hora te marino*
4723 *Kia whakapapa pounamu te moana*
4724 *Hei huarahi mā tātou i te rangi nei*
4725 *Aroha atu, aroha mai*
4726 *Tātou i ā tātou katoa*
4727 *Hui e, taiki e!*
4728
4729 Kia ora.
4730
4731
4732 [End of recording 06.25.18]

Transcription Hearing Stream Three – Climate Change Day Three

SUBMISSIONS

Proposed Change 1 to Regional Policy Statement for Wellington Region

Date: Wednesday 30th August 2023

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

Hearing Panel: Commissioner Dhilum Nightingale (Chair)
Commissioner Glenice Paine [**Appearing remotely – Onsite**]
Commissioner Gillian Wratt
Commissioner Ina Kumeroa Kara-France [**Retired from Hearing Stream
Three Unwell at 10:18am**]

Hearing Advisors: Jo Nixon
Whitney Middendorf

1
2 Chair: Mōrena. Karakia tatou.
3
4 Dawe: [Karakia 00.16]
5
6 Chair: Kia ora Dr Dawe. Tēnā koutou katoa. Ko Dhilum Nightingale tōku ingoa. [Māori
7 00.45].
8
9 Good morning everybody. My name is Dhilum Nightingale. I am a Barrister in
10 Kate Shepherd Chambers and an Independent Hearings Commissioner. I live in
11 Te Whanganui-a-Tara, Wellington. It's a pleasure to welcome you all to the third
12 day for this climate change topic and the second day in which we are hearing
13 from submitters.
14
15 We we'll do some very brief health and safety messages. The bathrooms are
16 down the corridor to the right of the room. The lift is located along the hallway
17 from the bathroom. If the fire alarm sounds follow the instructions of the staff
18 and exit via the closest stairway, and assemble on the grass in front of Victoria
19 University. Don't enter until the all-clear is given by the staff.
20 In the event of an earthquake drop, cover and hold, and do not evacuate unless
21 instructed to do so. If we get notice of a tsunami then we will move to higher
22 ground which is the top floor of the hotel.
23

24 We are the Independent Hearing Panels that will be hearing submissions and
25 evidence and making recommendations to Council on Proposed Change 1.

26
27 As I think you may all be aware, PC1 is being heard through two processes: a
28 standard Schedule 1 process that will hear submissions on the non-freshwater
29 provisions, and a Panel that will hear submissions on the freshwater provisions
30 convened under Part 4 Schedule 1.

31
32 There has been some changes in membership on the Panels. Chair Thompson
33 had to withdraw for family reasons and I was appointed by the Chief Freshwater
34 Commissioner as the Chair of the Freshwater Hearing Panel, and I will also
35 continue in my role as Chair of the Part 1 Schedule 1 Panel.

36
37 Commissioner Wratt has been appointed to the Part 1 Schedule 1 Panel, which
38 does mean that we now have completely overlapping membership and that will
39 help to promote integration and alignment between the processes and the
40 provisions.

41
42 We will be sitting jointly for all hearing streams.

43
44 We may be making recommendations for re-categorisation of provisions
45 between the two processes in our recommendation reports and the final decision
46 on that will be with Council.

47
48 I would like to invite the other Panel members to introduce themselves please.

49
50 Wratt: Kia ora koutou. Mōrena and welcome to this morning's hearing. Ko Gillian
51 Wratt tōku ingoa.

52
53 I am an Independent Freshwater Commissioner. I am based in Whakatū, Nelson.
54 As Chair Nightingale has just mentioned, while I was initially just to be on the
55 Freshwater Panel I am now on both panels.

56
57 I have a science background.

58
59 Welcome to the hearing.

60
61 Kara-France: Tēnā koutou katoa. Ko Ina Kumeroa Kara-France tōku ingoa.

62
63 I am an Independent Hearing Commissioner on both panels. I am full-time
64 employed with WSP Engineering, Tāmaki Makaurau, attached to Transport and
65 Planning, Māori Business Services, as the [Māori 07.01]. I am advocate for
66 mana whenua in regards to the legislation that protects mana whenua on sites,
67 cultural values and sites of significance. I advise our engineers, architects and
68 wider teams on these matters accordingly, with a clear focus on mana enhancing
69 collaboration.

70
71 I am also a board member for the Board of the New Zealand Conservation
72 Authority Te Pou Atawhai Taiao O Aotearoa appointed by the Minister of
73 Conservation.

74 [00.05.00]

75 Pleasure to meet you all today. [Māori 05.13] Tēnā koutou katoa. [Māori 05.15].
76 Kia ora.
77

78 Chair: We do have a fourth Panel member. Commissioner is unwell at the moment but
79 is sitting in a room just down the corridor. Commissioner, hopefully the sound
80 is working and you are able to introduce yourself.
81

82 Paine: Thank you. Tēnā koutou katoa. [Māori 05.50]. Ko Glenice Paine tōku ingoa.
83
84 My name is Glenice Paine. I am an Environment Court Commissioner and I have
85 been appointed to both panels. Kia ora.
86

87 Chair: Kia ora.
88
89 Just a few very brief housekeeping points. Hearings are being livestreamed and
90 they're being recorded for transcription purposes. We would be grateful if you
91 could please use the microphones at the table and say your name before you
92 speak, if you can remember to do that, because that is useful for the transcript.
93
94 First of all, I do want to acknowledge the submitters who are coming here today
95 to present. We really appreciate you taking the time to engage with this process.
96 This is your hearing. We have read your submissions and the talking points that
97 you have sent through. We do invite you to take us to the key points that you
98 wish to make, but please note we have pre-read everything. We will listen with
99 an open mind and ask any questions of clarification.
100
101 We are required to make sure that the hearing runs efficiently and that everyone
102 who wishes to present can be heard. There are allocated timeslots and a bell will
103 ring two minutes before the end of your allocated time slot and then it will ring
104 again when we are nearing the end of the Panel questioning time.
105
106 Finally, if everyone could just check their cellphones are turned to silent. Also
107 just note for the Mangaroa Peatland Focus Group we appreciate that you have
108 presented a lot of submissions and not everyone is coming to present, but please
109 rest assured we have read what everyone has submitted. We will be considering
110 all of your points in our deliberations.
111
112 Thank you. Unless there's any matters of process or admin that anyone would
113 like to raise, we can pass over to Dr Kerkin. Kia ora.
114
115
116
117 **Dr Sarah Kerkin:**
118

119 Kerkin: Kia ora. Tēnā koutou katoa. [Māori 08.50] – although I acknowledge it's special
120 to me in a different way than it is for mana whenua. [Māori 09.16].
121
122 I felt I should introduce myself properly to help you know me a little bit. I was
123 born in the Dandenong Ranges near Melbourne and moved to Aotearoa in my
124 late teens. I have lived more than half my time here in Whanganui-a-Tara,
125 mainly in the Hutt Valley – hence my love for its beautiful river in all its moods.
126 [00.10.00]

127 I want to thank you for hearing me today. I am also very grateful for your
128 indulgence in receiving my hearing statement, and in fact all of our speaking
129 points after the deadline. As you well appreciate, life gets in the way sometimes.
130 So we do appreciate your indulgence. We acknowledge that we have given you
131 some extra work to do.

132
133 I am just going to touch on some key parts of my hearing statement, because I
134 know the folk at Greater Wellington and you will give my hearing statement
135 further thought after the event. I know how these processes kind of work.

136
137 I will just give you a very quick run-through of some of the key issues in my
138 presentation and then I will be very happy to answer any questions that you may
139 have for me.

140
141 I do have an over-arching theme. Actually, I should say all of the photos in my
142 presentation are all taken on our section of land on the Mangaroa Peatland. I
143 thought it was just helpful to kind of ground the concepts, because this regulation
144 is very real to us. You will probably hear quite a bit of emotion, and that's why.

145
146 I do have a theme. Because the quality of regulation is rarely judged by how it
147 works in the real world for real people, and that's the job in front of us all. You
148 as Commissioners, Greater Wellington as the Regulator, and us as submitters.

149
150 PC1 is going to cascade through the RMA planning system and touch the lives
151 of everyone living and working in the Wellington Region. I believe I can help
152 you to make PC1 a better piece of regulation. I am a career public servant. I have
153 got nearly 24 years in the government service. It will be 24 years in October. I
154 have a Doctorate in applying systems thinking to public policy and I know about
155 legislative and regulatory design. I have served for the last seven years on the
156 Attorney-General's Legislation Design and Advisory Committee, which its sole
157 focus is on improving the quality of legislation, design and drafting. So that's
158 the expertise that I bring to you. I am not a scientist and I don't pretend to have
159 any real understanding of scientific concepts.

160
161 I think you will have seen in my submission that I asked a lot of questions about
162 science, and I asked a lot of questions that were really, "Can Greater Wellington
163 please explain the science to the community?" Those questions weren't intended
164 to question the scientific basis: they were literally, "Can you please make the
165 science clear to people because we don't understand." If people understand the
166 scientific basis of what it is that Greater Wellington is basing its regulatory
167 frameworks on, people are more likely to buy into the regulatory frameworks;
168 but they don't buy into something they don't understand, and I don't understand
169 them.

170
171 I've been living with an married to a scientist for nearly thirty years, and I think
172 I have a better chance than the average of understanding, but if I don't
173 understand I am pretty sure that my community is not going to understand. We
174 are asking you, "Please explain to help us understand."

175
176 What I want to do today is give you some context for my submission, and that's
177 grounded in my family's relationship with our land and our experience with
178 Greater Wellington's regulation of the Mangaroa Peatland.

179
180 I want to highlight three key points about the drafting of PC1 as it's been
181 modified by the S42A Reports; so I'm kind of moving away from my initial
182 submission and really looking more at the S42A Reports, and to show some
183 difficulties with the proposed redrafts for my community.

184
185 I also want to outline some proposals for you to consider. I will just go through
186 those very quickly because the detail is in my hearing statement. I think my
187 proposals would go a long way towards resolving the concerns that many of us
188 living and working on the Peatland have.

189
190 In case you're not familiar with the Peatland, it's an area of around 360 hectares
191 in the Whiteman's Valley. It was once a large swamp, but geological activity
192 has tilted and drained the valley to the point that it no longer holds water. It has
193 been progressively drained and farmed since the 1850's and the entire area is
194 now in private ownership.

195 [00.15.05]

196 There are working farms across the centre of the peatland and lifestyle blocks
197 around its edge. The area is low intensity housing and it has lots of trees. Phillip
198 Clegg will give you some more information about the Peatland and its
199 landowning community in his presentation.

200
201 We own four hectares, a tiny, tiny slice of the peatland, but it was going to be
202 our slice of rural paradise. We had a dream about doing lifestyle with a multi-
203 generational home. We were going to move my parents in there. It was going to
204 be our home. We were going to plant a section full of trees to entice the birds
205 down from the hills. That dream very quickly turned into a nightmare.

206
207 There's a group of officials in Greater Wellington who want to turn back the
208 clock on the peatland and they have weaponised regulatory and legal procedure
209 against landowners to get their way.

210
211 Our journey is outlined in paragraphs 5 to 18 of my hearing statement if you're
212 following along there. You will hear more too from other people in our
213 community who are speaking after me today.

214
215 Greater Wellington tried and failed to halt land use by calling our land a natural
216 wetland. They tried to have Upper Hutt City Council declare the entire 360
217 hectare peatland an SNA, which again would make any land use exceedingly
218 difficult. And now, here we are, and they want to make peatland a nature-based
219 solution.

220
221 We have been put to life altering costs to defend basic property rights. Our
222 community has been given conflicting advice by Greater Wellington about
223 doing basic land management, like keeping our farm drains clear and mowing
224 our paddocks to minimise fire risk. You can imagine what a fire on peat land is
225 like and the risk that poses to our neighbours.

226
227 All the while we've found it impossible to get a straight answer out of Greater
228 Wellington about their intentions to the Peatland and whether they want to flood
229 the valley and whether they will compensate us if they do. It is just beyond
230 appalling.

231
232 What I am going to do in my remaining two minutes is, I'm going to talk briefly
233 about the hierarchy of planning instruments and why national consistency is
234 important, and then I am going to go through the nature-based solution and then
235 talk about the redraft of the 4 to 14 suite of provisions.
236
237 Hierarchy does matter. There is a vertical consistency in the RMA planning
238 system that we need to maintain. In stepping outside its lane, Greater Wellington
239 is seeking to disrupt the regulatory framework and its real world consequences
240 for people in businesses, and it's doing so without even having done a cost
241 benefit analysis to identify the regulatory costs.
242
243 I think the real issue, which I have identified on this slide, and I won't go through
244 them, but it's likely to have significant unintended consequences for whether a
245 national level set of ambitious climate change goals even get set. In actual fact,
246 I think by getting out ahead of the game on a national level set of climate change
247 targets Greater Wellington may actually be working against that goal. I think
248 they just need to step back from it.
249
250 I'm sorry. I've probably just totally overdone my ten minutes.
251
252 Chair: That's quite okay Dr Kerkin. If there is some other really key points you would
253 like to make we are very happy.
254
255 Kerkin: If I could just beg your indulgence about the nature-based solutions issue. I will
256 be very, very quick.
257
258 The thing I would like to just address here is that I think, as I understand it, the
259 nature-based solutions policy, when it's looking at the engineered solutions and
260 the way that Mr Farrant was talking about on Monday, I think that looks great
261 and very helpful.
262 [00.20.10]
263 What I have a problem with is where it's just applying the nature-based solutions
264 approach to things that just exist. I think there's a world of difference between a
265 wetland peatbog that's actively sequestering carbon, and something that can be
266 restored so that it does it better, like we have in the QE2 park peatbog; and the
267 Mangaroa peatland which is not a wetland, it's unlikely to ever become one ever
268 again, and it's just an area of land that's underpinned by peat.
269
270 So I think what we have here is a definitional issue.
271
272 What I am suggesting that the Panel consider doing is to redraft the peatland
273 example as protecting natural-wetlands with peat soils. That brings in that idea
274 of sequestering carbon, which I agree that's important; but it means that you're
275 not inadvertently capturing a whole lot of land that just happens to be
276 underpinned by peat soil that's not really helping.
277
278 There are two other alternatives if that doesn't work. I think those are the things
279 that I would really like to bring to the Panel's attention. Thank you very much.
280
281 Chair: Thank you, that was very clear. The photos are really lovely. Thank you for
282 including those.

283
284 I have got some questions but I will see if anyone else would like to go first.
285
286 Dr Kerkin, this is part of really making sure that I fully understand the issues. I
287 have read the Environment Court decision. I can absolutely see how important
288 this issue is for you and the community.
289
290 Is my understanding right of that decision that the Environment Court confirmed
291 that the area – and was it just talking about those twelve lots, like the area that
292 was attempted to be delineated as an actual wetland – the Environment Court
293 said, “There’s no evidence that says this is an actual wetland.” Is that correct so
294 far?
295
296 Kerkin: Yes that’s right. The enforcement action was taken in relation to the twelve lots
297 at our end of the peatland. The reason the Upper Hutt City Council came in and
298 fought the case as hard as it did, is that we could see the precedent for marching
299 up the peatland because at our end of the valley, which does take up a significant
300 chunk of that 360 hectares, the land is not substantially different in kind. It is
301 wetter and is more prone flooding up near the Mangaroa River, but at our end of
302 the peatland it's not substantially different. We think that the precedent would
303 hold.
304
305 Chair: Of the, I think you said 360 hectares, the twelve lots, just out of interest, how
306 much is that of that larger... sorry, to put you on the spot. Are we talking about
307 a quarter roughly?
308
309 Kerkin: Each of the twelve lots if four hectares. It's a small proportion of the overall
310 peatland, yes.
311
312 Chair: Please excuse me if these questions show my ignorance of the science, but there
313 is currently in that entire 360 hectares carbon that’s sequestered in the ground
314 already, is that right?
315
316 Kerkin: In Greater Wellington’s terms, that’s the six hundred million dollar question.
317 [00.25.00]
318 The peatland has never been comprehensively surveyed. There are maps that the
319 Upper Hutt City Council are currently using to consider a plan change. Actually
320 Bob Anker who is talking later this morning is the person to ask about that,
321 because he has been engaging with the City Council on it.
322
323 Chair: That’s PC47 isn’t it?
324
325 Kerkin: Yes. But my understanding is there has never been a boots on the ground survey
326 of the land to assess how much peat actually underpins the ground level soil.
327 We’ve had to do some geo tech mapping just on where our house is to be built.
328 Where we are on the peatland the soil is very stratified. There is a thin layer of
329 peat. Elsewhere on the peatland it might be quite deep, and in other places on
330 the peatland it might be like this. No one really kind of knows.
331
332 Chair: I guess I’m trying to see if there is a win-win solution here. How much
333 compatibility is there with the community exasperations for the land and actually
334 also being able to retain its carbon sequestering potential.

335
336 Kerkin: I think that's a good question. I guess the question I would put to Greater
337 Wellington, and I think I do put it in my hearing statement, is the land is farmed.
338 Again, John Hill who is going to be speaking a bit later, you could talk to him
339 about this and the way he farms his land. It's not intensively farmed. In fact, he
340 made some very specific decisions about the way in which he farmed his land
341 to protect it.

342
343 It is currently zoned rural lifestyle.

344
345 I guess our question for Greater Wellington is, just how compatible is a rural
346 lifestyle low to moderate intensity farming incompatible with keeping the peat
347 pretty much undisturbed.

348
349 What our experience is with say the wetland rules, is that the natural resources
350 plan tends to follow up policies like this with a set of very prescriptive rules that
351 go "It's this way or the highway."

352
353 When the PNRP was first drafted, Greater Wellington made the decision to deem
354 all wetlands to be significant – for all natural wetlands to be significant natural
355 wetlands, because there were only three percent of wetlands left in the region or
356 something. I understand that. We like wetlands. When we first looked at our
357 land and had the prospect of their potentially being a wetland on our land we
358 thought, 'Okay, that's really cool,' and if there was one we would restore it.

359
360 We did talk to Greater Wellington's biodiversity people to see if there was one
361 and what we could do to restore it. They said, "Your end of the peatland it's not
362 a priority, there's nothing there." We went, "Okay, that's fine," which is why
363 we were so surprised when we got stung with an enforcement action.

364
365 The rules for a significant natural wetland assume that what you're dealing with
366 is really soggy ground that will be damaged if you take machinery into that. That
367 is not the case when you are dealing with a paddock that is pretty firm under foot
368 that grows grass that goes waste high in summer, that dries off because it doesn't
369 rain for fourteen weeks in summer and presents a fire risk.

370
371 So there's a real disconnect between the rules for wetlands and our reality on the
372 [00.30.00] ground. But the PNRP is so inflexible that we can't do responsible land
373 management, or we couldn't, which is to mow our paddocks in summer to
374 prevent fire risk. So that's our fear with the peatland as a nature-based solution,
375 is that there will be prescriptive rules coming down the track at us, that will mean
376 that we can't do responsible land management because Greater Wellington have
377 a particular idea about what peatland looks like. Our fear is, that given the
378 examples in the S42A Climate Resilience Report, it's something like the peatbog
379 in QE2 Park, and that's just not our reality on the Mangaroa Peatland.

380
381 Chair: Those provisions, those wetland provisions, obviously they're part of the
382 Regional Plan and that's not our focus with this hearing; but they would only
383 kick in if the area is a wetland, and those twelve lots have been confirmed as not
384 being a wetland.

385

386 Kerkin: That's right. I think it's just our fear that this just feels like another bite at the
387 cherry. I was particularly worried when I was listening in on Monday. It was
388 sort of said again and again, "We haven't really worked out how this is all going
389 to be implemented, we don't know what it's going to look like."
390
391 The advice that the Legislation Design Advisory Committee is always giving
392 departments is, you cannot take legislation to Parliament and ask Parliament to
393 pass legislation with a whole lot of regulations to come, if you can't give
394 Parliament of sense of what the overall regulatory framework is going to look.
395 Because Parliament doesn't know what it's authorising.
396
397 That's what it feels like here: is you are being asked to comment on a part of the
398 regulatory framework but not the whole of it. It's our lived experience is making
399 us really nervous about what the whole of regulatory framework is looking like,
400 and we just don't have a proper basis to take Greater Wellington on trust I'm
401 afraid.
402
403 Chair: Looking at the provisions, obviously the Mangaroa Peatland is not specifically
404 mentioned anywhere in the RPS.
405
406 Kerkin: No.
407
408 Chair: What I understand from the Council is that they are aware of the potential of
409 peatlands generally in the region to have this important role in bringing the
410 region's emissions down. I'm aware of the QE2 one and I am not sure of what
411 other known peatland has been identified in the region. I do know that the
412 numbers are very small because they have dwindled enormously over the
413 decades.
414
415 Do you think it is appropriate to remove all reference to peatland given that there
416 may be other areas out there that do have this carbon sequestering potential and
417 may themselves be very appropriate to be maintained or protected?
418
419 Kerkin: That wouldn't be my preferred option. Of the three options I have given I prefer
420 the first one, which is, if you've got natural wetlands with peat soils that's
421 obviously where your best carbon sequestering bang for buck is going to come
422 from.
423
424 I don't know either what other peat lands there are. I think my concern is, in our
425 LGOIMA files we keep getting these messages written by Greater Wellington
426 officials to each other as, "Mangaroa Peatland is the largest peatland in the
427 Wellington region." It once was this enormous peat swamp but hasn't been for
428 thousands of years.
429
430 I just think my community needs to feel safe, and we don't at the moment.
431
432 Chair: Sorry, I'm jumping back now into a bit more of scientific question. Again,
433 forgive me, these are not the correct terms I'm sure. If the area is covered by
434 water, does that somehow increase the potential to sequester carbon? What's the
435 science that's happening there?
436

437 Kerkin: I'm probably really skating over the top of my knowledge, but from the court
438 case I understand that the water needs to be very close to the surface in order to
439 peat to be created, which is one of the reasons why we were all a bit horrified
440 when one of the Regional councillors turned up to a community meeting and
441 said, "Yeah, yeah, the Council wants to flood the valley."
442 [00.35.10]
443 Actually with the elevations in the valley, to bring the water close to the surface,
444 parts of the valley would actually be under water.
445
446 Chair: There's obviously a water table underneath?
447
448 Kerkin: Yes.
449
450 Chair: There is sequestration happening, but...
451
452 Kerkin: Well, I don't know. One of the things that the hydrologist said in the case is, that
453 it needs to be at a certain level all year round, and what we have is quite a big
454 fluctuation. The winter water table is quite high. The summer water table is very
455 low. It needs to be at a certain height all year around.
456
457 He also said that the hydrology in the valley is very complex and you would
458 need to do a fairly big study over probably a ten year period to really establish
459 what the hydrology of the valley was. So we just don't know.
460
461 Chair: In the provisions that Ms Guest is now recommending in her rebuttal statement,
462 if you have seen those – they're actually on the table there aren't they Ms Nixon;
463 what tab is the nature-based solutions one?
464
465 Nixon: I think it's just one page.
466
467 Chair: The heading is 'Climate Change Climate Resilience and Nature-based'...
468
469 The very first para there is the revised definition that Ms Guest is supporting. I
470 will just give you a moment.
471
472 Is it possible to bring it up on the screen so everybody can see it?
473
474 Nixon: No, sorry.
475
476 Kerkin: I've touched on some of this briefly in my hearing statement.
477
478 I was pleased with the redraft proposed to nature-based solutions to reflect better
479 that sense of engineering; engineering in a way that works with nature, rather
480 than just making use of what nature has already provided in a sense.
481
482 What that does is, I think it minimises the risk of kind of an effective
483 retrospective regulation.
484
485 I do have some real concerns still about this idea of 'maintaining' versus
486 'protecting'.
487
488 Chair: This is in the example isn't it?

489
490 Kerkin: Yes, sorry, I've jumped down to the example.
491
492 I don't know that maintaining is a more comfortable term for the community
493 than protecting. My understanding is that in resource management law
494 'maintaining' is actually a broader term that encompasses protecting, so I don't
495 think it kind of gets us any further.
496
497 I think I am still stuck on the issue that there is a definitional issue about peat
498 land, that I'm coming to.
499
500 Chair: I understand that. I don't think these provisions or anything that I've seen in the
501 RPS is trying to provide a definition of peatland. But I do understand what you
502 are saying.
503
504 Commissioner Wratt do you have a question?
505 [00.40.00]
506 Wratt: I did. I'm just trying to come back to what it was. Continue on and I will come
507 back to it.
508
509 Chair: Will you be staying Ms Kerkin to hear the others in the community?
510
511 Kerkin: I would love to but I'm afraid I have to dash back to work. If it would help the
512 Panel, I would be very happy to continue a conversation by email, just to resolve
513 this. I don't know if that process would allow for that.
514
515 Chair: The problem with that is because everything has to be transparent.
516
517 Kerkin: I get that. Or I could try and come back on another day if that could be scheduled.
518
519 Chair: Again just with the confines of... what you have said has been really, really
520 helpful. We really appreciate it. It might be that others who are speaking we can
521 continue this discussion with them. But I certainly have a better idea of the
522 concerns and perhaps am starting to think more about how we might be able to
523 resolve them.
524
525 Wratt: Thank you for your explanation. In terms of what you have provided us and what
526 you have said today clarifies what your concerns are.
527
528 In terms of the Mangaroa Peatland, there's the area that your subdivision is on
529 and what I'm hearing from you is that there isn't good evidence around what the
530 carbon sequestration might be across the whole of the Mangaroa Peatland. You
531 have commented thought that you accept that is, or was once a significantly large
532 area of peatland in the region, and we've got very little of that left.
533
534 Just to clarify: your concern is for the whole 260 is it?
535
536 Kerkin: 360.
537
538 Wratt: The 360 hectares of the Mangaroa peatland. Or is it possible to separate off the
539 area that your property is on and a lot of the rest of that area of peatland... and

540 what I'm hearing is you're saying there would need to be some more work done
541 on what actually is the potential carbon sequestration in that area.
542

543 I guess the simple question is, is it the whole of the 360 hectares, or would it be
544 possible to actually look at some of it as peatland that does need protecting?
545

546 Kerkin: Thank you Commissioner Wratt.
547

548 I think my concern is for the whole of the peatland. I think we need to be really
549 clear about the assumption that the peatland is still sequestering carbon. I think
550 it's probably more accurate to look at it, as it is as best a carbon store. Based on
551 some studies that are on Greater Wellington's own website, and that I think Phil
552 Clegg has sent to the Panel, it hasn't been an active peatbog for a very, very long
553 time.
554

555 I don't think there is any active carbon sequestration going on.
556

557 Wratt: But there will be carbon stored. There may not be active sequestration.
558

559 So what I am hearing you say is, you acknowledge that we should be looking at
560 how can we keep the carbon that is stored there, where it is? But you would
561 question whether there is any active sequestration happening.
562

563 Your proposition or your proposal is that there needs to be more consideration
564 given to whether low intensity farming use can be consistent with keeping that
565 carbon in the soil.
566

567 Kerkin: Yes, that's right.
568

569 Wratt: Thank you. That clarifies that.
570

571 Chair: Coming back to this compatibility point, which I am really interested in, and
572 Method CC.9, that is basically it's not regulatory and there's no sort of impact.
573 [00.45.15]

574 No one is in breach if this doesn't happen – it doesn't have that regulatory
575 impact. But it talks about providing support, incentivising programmes.
576

577 Is there potential for perhaps bringing community together to try to actually
578 achieve some of this win-win? So there is where it is compatible with also your
579 aspirations trying to protect, maintain, restore, but not perhaps unreasonably or
580 inappropriately preventing you from achieving what you want to do on the land.
581

582 Kerkin: Absolutely. We have been trying to engage with Greater Wellington to get a
583 more constructive dialogue, so that we can engage better and have more input
584 into development of things like PC1 at an earlier stage.
585

586 The thing that worries me though is it's not so much the non-regulatory
587 provisions, as it's the combined impact of the C.4 to C.14A suite of provisions
588 and how those may play out for the community.
589

590 There's always the regulatory sting in the tail, and I have gone into a bit of that
591 in my hearing statement.

592
593 Chair: Thank you. I think we could keep talking, but I don't want to make you late for
594 getting back to what you need to do.
595
596 Did anyone have any follow-up to that? Commissioner Paine if you have a
597 question feel free to jump in or wave.
598
599 Paine: I think my only question was around Ms Kerkin's wording about "maintain". If
600 she didn't like, "maintain" what did she prefer, but I think you have already
601 explored that.
602
603 Chair: Sorry Commissioner Paine, Ms Nixon just had to say something to me and I
604 missed what you said. Do you mind repeating that? Sorry.
605
606 Paine: I think you have already explored my question. It was, what word would Ms
607 Kerkin prefer over "maintaining" in the definition for nature-based solutions?
608 You've already had a conversation about that. Thank you.
609
610 Chair: Ms Kerkin, Ms Guest when she prepares her reply evidence, which is I think
611 quite soon (I've lost track of the timetable for that but it is soon) will be
612 responding to the wording, which was up on the screen, which has wetlands
613 incorporated into that example. We'll be coming back with Ms Guest's views
614 on that.
615
616 I see you looking at your watch as well, so we'll wrap up there. Thank you. It's
617 been really, really helpful. I've been involved with community groups and I
618 know what an important role that they have - so to the extent it seems you might
619 have been quite instrumental in bringing everyone together. I really
620 acknowledge that really important issue. There is a lot of strength in a collective
621 voice. Kia ora.
622
623 Kerkin: Kia ora. Thank you.
624
625 Chair: We are just going to have a bit of a break. We will come back in ten. Kia ora.
626
627 [Break taken 49.46]
628 [Hearing resumes 01.07.05]
629
630 Chair: Kia ora. Sorry taking quite a bit of time there with the break. Commissioner
631 Kara-France is actually unwell to the point where she isn't able to stay here for
632 the rest of the hearing. We do wish that she is okay. That was just explain the
633 reason for the break there.
634
635 Ms Nixon, I've lost track on the timetable. I know we are hearing from Mr Hill
636 and Ms McDonald, and we've obviously got others from the community. We're
637 having a joint...
638
639 Nixon: John was looking for some moral support.
640
641 Hill: It's very important we are accurate in what we say. There's 700 pages of
642 information and I actually work and it's very hard to get the full picture.
643

644 Chair: I just wanted to check that we have got from now until the break was really the
645 question. We don't have to cut anyone off to move onto someone else. You're
646 presenting all together now until the break.

647
648 Hill: Yes. We are very much a community.

649
650
651

652 **Mangaroa Peatland Focus Group:**

653
654
655

Good morning Commissioners. Thank you for hearing my submission.

656
657
658
659

My name is John Hill and I farm on the Mangaroa peat, which has been farmed for over a hundred years. We believe responsible farming is the best promise between productive and environmental land use.

660
661
662
663

I am here to express the feelings and concerns of our community of over sixty families who live by or on the Mangaroa peat. I wish to give examples of how Greater Wellington has treated us in the past and why we have little trust in them.

664
665
666
667

Greater Wellington have tried to take our community's land (all in private ownership) first as a wetland, then as a significant natural area, and now possibly as a natural-based solution.

668
669
670

Greater Wellington stated as late as the 13th of July 2023 that peat has no mention in the climate change strategy or action plans.

671 [01.10.00]

However, it seems once again we have been misled. Peat has been used in the glossary of the RPS as an example of nature-based solutions.

672
673
674
675
676
677
678
679

Greater Wellington has a history with our community of not following policy. They gave abatement notices to us, and on Christmas Eve to our neighbours, because they decided our valley was a wetland, simply because it was peat; completely disregarding the actual definition of a wetland to suit their own agenda. Normally peat land or wetlands consist of water or have water content.

680
681
682
683

The resulting court case found no substance to Greater Wellington's claims. The judge stated the case was without merit. Greater Wellington alone has wasted over a million dollars of ratepayers' money on a case that should never have been pursued.

684
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688

The families have still to this day not received any support or reimbursement for their losses. Two years of uncertainty under Greater Wellington terror has not come without severe consequences, with broken families, mental health struggles and financial challenges that may not be overcome.

689
690
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692

The judge in the court case told the people involved they were entitled to the peaceful enjoyment of their land. They were entitled to the peaceful enjoyment of their land.

693
694
695

This new RPS could be used to defy the court's wishes.

696 It is clear ideological view within Greater Wellington are still taking the
697 forefront and common sense is being ignored.

698
699 During this time it was rumoured the court case was part of a broader attempt
700 by Greater Wellington to flood the Mangaroa Peatland. Roz Connelly, our Upper
701 Hutt Regional Councillor for Greater Wellington met with the community and
702 was invited to allay our fears, but doubled down and told us the Greater
703 Wellington Science team was intent on recreating a wetland, and even though
704 houses would be flooded, she supported the idea.

705
706 She then proposed the owners of the houses affected would be given
707 compensation.

708
709 Despite the science of the area, and the history, and the lives that were being
710 destroyed, Greater Wellington marched on. This is only a small sample of how
711 Greater Wellington has acted with regard to our community.

712
713 Since the court case we have been reassured as a community by Regional and
714 Local Councils that we can continue with normal farming practices and people
715 in the community can use and enjoy their land. We are still nervous, as can be
716 seen by the 62 submissions presented. These are just ordinary people. These
717 aren't doctors, these aren't scientists. They're just normal people wanting to get
718 on with their lives.

719
720 We have experienced Greater Wellington making up their own rules as they go
721 along, effectively ruling by **fear** [01.14.25]. For example, if the soil was peat it
722 was deemed to be a wetland. Pasture was defined as containing only six grass
723 types. Drains were labelled as streams. Obviously all these things restricted our
724 activities and what we could do with our land – unlawfully.

725
726 Policy has been weaponised in the past to try and create an ideological wetland
727 by Greater Wellington who seem intent on experimenting at other's expense. Is
728 this another attempt? What do want?

729 [01.15.10]

730
731 Well, basically we want that sixty families can have confidence that the court's
732 judgement will be upheld; that we will be able to live in the peaceful enjoyment
733 of our land. We would like nature-based solutions clearly defined. The policy
734 should be written in a way that it cannot be broadly interpreted and weaponised
735 by the Regional Council to circumvent independent analysis. For instance,
736 we've had [01.15.14] and experts judge on our land, or on the peat repeatedly,
737 saying it's not a wetland and they've just ignored it.

738
739 Also, court ruling and moral boundaries should be accepted.

740
741 (3) We also hope that hearing this again will reinforce to Greater Wellington the
742 urgency to make amends with this community (the fella's in the court case) and
743 expedite the payments of compensation to those so badly affected by this debacle
744 – the families and the developer. The families that were building houses and
745 could afford to, two years later cannot continue with their projects. The
746 developer is absolutely struggling. I don't know how he continues on. He

747 supported twenty families, or employed people to do that and it's not looking
748 good.
749
750 It is not acceptable to hand off the problem to an insurance company and not
751 own your mistakes. Holding people to ransom after such a damning judgement
752 is still ruining lives.
753
754 The relief that we seek because of fear of retribution is for references to peat or
755 peat land to be struck out from the Regional Policy Statement to remove
756 uncertainty.
757
758 (5) The Regional Council is here to protect the environment, but also pointed
759 out by the judge, most importantly to look after people. People. What people?
760 We have home owners, we have a developer, we have farmers.
761
762 I have written this as I believe it to be so. I am happy to answer questions on the
763 above – possibly with the help of my colleagues. The devastation has been
764 traumatic. We feel like we're in the sights of enthusiasts wanting to do what they
765 want.
766
767 Thank you.
768
769 Chair: Thank you very much. I am really sorry, I meant to, before we began just to ask
770 the Council staff and consultants who are here to introduce themselves. It would
771 be great if everyone else who is sitting up at the table with you could also
772 introduce themselves, so we all just know who is here.
773
774 I will just invite the Council staff/team.
775
776 Watts: Kia ora koutou. Ko Mike Watts tōku ingoa.
777
778 Guest: Good morning, I'm Pam Guest. I am a Senior Policy Advisor at Greater
779 Wellington.
780
781 Dawe: Mōrena koutou. My name is Iain Dawe. I am a Senior National Hazardous
782 Analyst at Greater Wellington.
783
784 Nixon: Jo Nixon – Hearing Advisor.
785
786 Whitney: (Another Hearing Advisor)
787
788 Chair: It would be lovely if you could introduce yourselves if you don't mind.
789
790 Clegg: I am Phil Clegg, resident in the area as well, having recently moved down from
791 Auckland.
792
793 Chair: Mr Clegg and Mr Anker, you are coming back after the break to present
794 separately, is that the plan, or would you like to have your presentations while
795 you're all there?
796 [01.20.00]
797 Nixon: Shall we just do speech, questions and answers and then just go to the next as
798 planned?

799 Chair: If that's your preference. Entirely in your hands if that's how you would prefer
800 it to happen. That's fine.
801
802 Mr Hill, we just started a conversation before, and I said "Let's have it when we
803 are all here together." Are you able to talk a little bit more about your land and
804 the activities that you do on it?
805
806 Hill: Yes. Obviously before I said I'm a farmer and I've been there for at least thirty
807 years. It's very easy, we just have sheep and cattle. The big threats to our area
808 are pretty much fire and flooding - to mitigate both those things. We feel that
809 pasture is the best way to make a few dollars, and also to look after the land.
810
811 You asked was there any sequestering peat on the property. There isn't, but there
812 is certainly an awful lot of peat. There is carbon. The whole area is a peat
813 resource.
814
815 Chair: Is that what creates that fire risk?
816
817 Hill: If you have gorse, and if things are just left to run amok and they're not farmed
818 you have major problems. At Queen Elizabeth Park they've had tremendous
819 worry about things catching fire. We've got houses so close to us. You've seen
820 in the news or anywhere. We are extremely, extremely dry in the summer. That's
821 our biggest problem; and we are very, very wet in the winter. Both extremes are
822 not good. It's trying to go between.
823
824 Wratt: In addition to having pasture areas, do you have plantings of trees, flax or
825 whatever and what sort of area is that?
826
827 Hill: We do. As an area we have Manuka for bees – we do a lot of honey on the area.
828 With other restrictions and things we farm that as well.
829
830 Wratt: Other plantings?
831
832 Hill: We have native blocks there. We do plant regularly ourselves. With riparian
833 planting we do have problems. Our drains need to be clean. We have all the run-
834 off from all these neighbours here. Everything just comes down onto us. We are
835 having all these other subdivisions in the area that are doubling the amount of
836 water that comes down. As all the forest and all the growth around the valley
837 have taken down that water rises very quickly.
838
839 Wratt: What is the area of your farm and what percentage or area would be in plantings
840 or Manuka?
841
842 Hill: That's a very hard one. The area of farm would be about 350 hectares, so 800 or
843 900 acres. It's got all the Manuka areas on it. There's three main areas that were
844 pointed out originally.
845
846 I could give you a bit of history actually. When I first went there, in 2010 a chap,
847 Keith Thompson, the Greater Wellington Regional Council said they wanted to
848 find out all the significant wetlands in the area, and I think they found ten or
849 twelve, but he actually visited ten.
850

851 I can very well cooking him a curry and carrying all his equipment. We drilled
852 holes in the peat and we worked out how much peat. We measured the size of
853 the drains. We measured the undergrowth. We looked at all the plants.

854
855 Keith looked at me and he said, “John, you haven’t got a wetland here. This has
856 been burnt several times. It's got no ecological value.” Then he did a report that
857 came out in 2012, and it's on the Greater Wellington website, saying that the
858 whole area isn’t a wetland or an active wetland.

859 [01.25.00]

860 Because of this, I had a very, very big business looking after rest homes and I
861 sold my business on the understanding of that report from Greater Wellington. I
862 approached them and asked them, “Is this a good place to farm, is this okay?”
863 and I took over from my father-in-law who had been passed away for a while,
864 and started farming. I was relaxed and happy. I decided I was going to spend my
865 retirement on the happy enjoyment of my land and farm, and be healthy.

866
867 Then in 2015, Corry sent a letter out and showed three areas. One was the gun
868 club, one was a chap Grant Munro next door, and the other was forty acres of
869 our property that were tall Manuka, and they called that an active wetland. They
870 said that was a wetland and it would have to be protected, etc. etc.

871
872 My neighbour Grant, because it was a very large proportion of his property
873 question it, and obviously referred back to the Keith Thompson report and Corry
874 backed off and said, “I see we’ve done it.”

875
876 See, what I have alluded to in my speech and why I have been so nasty and mean
877 is that every time we have been given assurances that land is good for farming,
878 it is the best use of the land if you look after it. Peat is an absolute resource. It
879 needs a crust over it to stop it degrading and affecting the environment. But you
880 have to have a trade-off to earning money and the environment. We can’t just
881 turn the whole thing... well, some people would like to turn the whole thing.

882
883 One of the suggestions was to turn the whole thing into Manuka. The ecologist
884 warned us very heavily against doing a mono non-diverse planting, because
885 Myrtle Rust came in. It wasn’t as big a deal as they made out, but it could have
886 been.

887
888 We believe, and I am doing what the ecologist told us, that the upset and
889 mistrust. Calling an organisation that’s there to help us, “We don’t trust you
890 mate,” is pretty serious. And affecting the people. We’re the people. We’re the
891 ones living there. So that’s where that comes from.

892
893 I feel that we’re doing right by the environment doing what we’re doing.

894
895 Wratt: Can I just come back to a specific point? Your relief point, which was that all
896 references to peat land be struck out from the RPS. That is a bit different from
897 what our previous Dr Kerkin was saying, in that she was looking for a different
898 definition of peat land.

899
900 Hill: The reason is because I don’t trust Greater Wellington. The reason is very clear.
901 In New Zealand we have 240,000 hectares of peat. Of that two-thirds are farmed.
902 An awful lot of that, about 95,000 hectares are in the Waikato. Our whole dairy

903 industry is based on a lot of peat based land. We have a problem as New
904 Zealanders – the whole show. But I don't want these chaps meddling around
905 trying to solve it on my bit of land. That's my argument.

906
907 I want to be treated fairly like everyone else. These chaps have decided this is
908 the Holy Grail for curing the world's problems and I get hammered every five
909 years. As a community we get hammered. That's what it feels like. That's pretty
910 straight talking.

911
912 It's a bit off the topic here I agree, but the topic is that we're getting a set of..
913 what is it Bob? You're told this is what we want. The Regional Council goes
914 away and writes rules on it, and they're pretty free with their rules, or they have
915 been with the last lot, and the judge was very, very upset with them.

916
917 I want to make sure, or the reason why "peat" has got to come out of there, is
918 because these chaps will write the rules and have another go.

919
920 Enough is enough. We've had a guts-ache. For me to talk like this in an informal
921 meeting it's pretty serious.

922
923 Wratt: Thank you. I understand where you are coming from. I hear where you are
924 coming from.

925 [01.30.00]

926 Chair: I had read that chapter about the Mangaroa area in that Keith Thompson report.
927 I think it was attached Mr Clegg to material that you had provided. I forget the
928 year that was written.

929
930 While that does have statements in it that say there's realistically little or no
931 potential for restoration of a natural wetland in this area, and it does say that, we
932 obviously can't make any determination about that, because that's first of all not
933 what we are being asked to do through these provisions and this process.

934
935 If we were doing that there would be raft of experts who know a lot more about
936 me than peat and its potentials.

937
938 I think you understand. There were a few nods there and I think you understand
939 that we can't through this process make any decisions about whether 360 acres
940 is peat land, is a natural wetland, or is an ecosystem. We can't do that.

941
942 But we can do and what we are doing is, listening to you and understanding the
943 issue, and then looking at these provisions and seeing are these provisions the
944 best way of achieving the sustainable management of natural and physical
945 resources, because that is our task.

946 Everything that you're saying will be factored in as we go about that task. But
947 just as long as you know we can't make any recommendations about whether
948 the Mangaroa peatland is...

949
950 Hill: All I am trying to do is give the feeling the community – that's the science and
951 whatever, and that we are not treated any differently from anyone else.

952
953 Chair: It sounds like you do accept that there is value in peat itself as a resource. It must
954 be good for pasture to grow on because obviously it's happening so much in the

955 Waikato and then your area as well. It does seem to be pretty undisputed that it
956 does this very high sequestration potential.
957

958 Hill: The main point is that we are not being singled out. Greater Wellington is very
959 lucky they've invested an awful lot of money in Queen Elizabeth Park. I would
960 think it would be fair to see how that goes before we start moving onto other
961 things.
962

963 Chair: You were here when Dr Kerkin was talking earlier about this idea of
964 compatibility of your aspirations, the Council's aspirations generally across the
965 whole region; not necessarily your community but the aspirations across the
966 whole region to have these nature-based solutions helping in our climate change
967 battle.
968

969 That booklet of provisions that you have got up there, that's I guess the most up-
970 to-date version of the provisions that the Council are supporting. There's going
971 to obviously be further iterations before we make our recommendations.
972

973 Policy CC.7 and Method CC.9 do talk about working with and supporting land
974 owners. I will give Mr Anker some time to see if he can find those.
975

976 I will read it out. It's just one sentence in CC.7: Work with and support
977 landowners, mana whenua/tangata whenua and other key stakeholders to
978 protect, restore or enhance ecosystems that provide nature-based solutions to
979 climate change.”
980

981 Do you think there's an opportunity here to have some sort of healing? Council
982 have been very frank about what it's trying to do. You're being very frank as a
983 community about what you're trying to do. Seeing if there's a way that you could
984 actually come together and achieve some benefits.
985 [01.35.07]

986 Hill: Very much so. All we need to do is establish trust. Everyone here, Bob pointed
987 out very clearly, or Sarah did, that Katherine Mansfield Drive was a bare open
988 piece of land when everyone arrived and now you can't move for the trees and
989 the environment. We're there because we love the environment. I go tramping.
990 I spend a lot of time in the Tararua's. I love the outdoors. I was a pharmacist for
991 forty years in a white coat serving people. I just love the environment. We do.
992

993 I believe that I'm doing the best to manage the situation as it is. The residents in
994 Katherine Mansfield Drive it's been so wet this winter, horrendously, that they're
995 onto me all the time, "What can you do about the water around our place?" In
996 the summer they'll be complaining, "What can you do about all this dry grass?
997 It's a danger to us."
998

999 For sixty families, sixty groups, it's bloody unusual to get together and be
1000 reunited and to front up here. It's pretty tough stuff. Even if it's informal and
1001 casual it's pretty hard. I have talked to everyone in the street. I just walked from
1002 one end to the other. No-one believed what was going on, about people telling
1003 them they're going to lose their houses and things.
1004

1005 Chair: What would you like to see happen to resolve things? We have heard what you
1006 have said about no reference to peat land – we’ve heard all of that. If we can set
1007 aside the provisions for a bit, although I know that’s really why we are here.
1008
1009 What is the outcome you would like?
1010
1011 Hill: We are very lucky live next door to a very, very wealthy group of people that
1012 are establishing a model farm that includes everything – regenerative farming,
1013 etc. etc. We are moving towards taking on-board the advice.
1014
1015 My problem is dealing with total enthusiasts that go to the extreme wanting a
1016 sequestering carbon wetland that is the Holy Grail of all things. What I have
1017 suggested to you, that our peat is very much degraded and needs to be protected.
1018 The carbon does as far as that goes.
1019
1020 The experimentation and all the things, and what do I think we should do, I
1021 should be able to hop in a car, an electric car, and go over to QE Park and spend
1022 time with the experts who are still learning and still finding things out – finding
1023 is fire a danger? When they flood it is it going to release all the methane that
1024 people say it is?
1025
1026 A lot of this stuff is in its infancy. It's not just black and white. There's so many
1027 grades. I would like peat to be treated as a soil type and go from there.
1028
1029 The difference between sequestering carbon, protecting carbon loss, is quite
1030 major. Enthusiasts broadly talking about this stuff can be dangerous. I'm one of
1031 them I suppose. We as a group obviously are very open and very proud of our
1032 environment, proud of what we've got and proud of where we are. We all are.
1033 We should work together. We are in this together. It's not you and us.
1034
1035 It's just that people, Greater Wellington, have been trying to do their best for the
1036 environment and we've been the collateral damage. I don't really think that they
1037 realise how it's affected people.
1038
1039 We've talked before – the Greater Wellington Council. The Councillors have
1040 been shocked by the communication.
1041
1042 Communication is a big thing. Talking. I'm talking too much.
1043
1044 Chair: All good. Shall we move on to Ms McDonald. You are also within this hearing
1045 slot. Have you got a presentation as well?
1046 [01.40.05]
1047 McDonald: I'm an emotional person. I cry a lot so mine is very short. Sorry if there's lots of
1048 tears.
1049
1050 I would like to say this is my first time in front presenting on this, and sadly it's
1051 not. The first time I spoke to Greater Wellington, at the time I was in shock with
1052 what Greater Wellington had told our community, and that they intended to push
1053 the idea of our community become a wetlands.
1054
1055 I have spent the last two years since then fearful for their idea to come to plan.
1056 Our home was our dream come true; a place dreamt of to raise our children in a

1057 safe environment, teach them to live off the land, nurture and care for it in every
1058 way possible, plant life and watch it grow. All the best lessons in life.
1059
1060 Our dream came true. Our two boys have started their lives in the best way
1061 possible in nature. But all of this is overshadowed over and over again where we
1062 still have to fight for our land. Are we not doing enough? Have we not given
1063 enough as the caretakers of our land? We now wonder why, why bother? Why
1064 plant more trees? Why look after it when we are repeatedly being told, “We will
1065 do anything to get your land.”
1066
1067 I thought after the court case for the sections down the street that we would be
1068 left to our lives, but I was told otherwise. Al Cross told me he would come for
1069 our land on an individual basis regardless of what the court case result would
1070 be; that if he didn’t get it as a wetlands he would get it as peat.
1071
1072 This starts to take its toll on you and its soul destroying. But do you know what:
1073 what we have created is worth fighting for, because we made this land that it is
1074 today by caring for it. That’s our passion. That’s our reason we chose to live
1075 here.
1076
1077 I please ask that we be left with peace of mind in the future to carry on our
1078 incredible work that we are already doing. Living in fear can’t carry on and that
1079 is why I ask you to remove the reference to peat land.
1080
1081 I do understand what I am asking for that, but by naming that peat land, what it
1082 can do to us, is why we ask for it to be removed. It leaves it wide open to take
1083 what it wants from us.
1084
1085 Thank you for listening.
1086
1087 Chair: Thank you very much. It is very apparent this your lives, your livelihood, your
1088 community and how special the place is for you. Thank you.
1089
1090 Paine: Good morning Ms McDonald. I have two questions.
1091
1092 The first one is who is Al Cross?
1093 McDonald: Al Cross is from Greater Wellington. I wish I didn’t know him to be honest.
1094
1095 He came into our lives, into my life two years ago and ripped it apart by telling
1096 us... I don’t think he is now part of Greater, which is nice. He made it very, very
1097 clear that he was coming for us. He says those words very blatantly, and that’s
1098 what has scared the community. He doesn’t hide it.
1099
1100 Same with Roz. We have had many meetings and I am very frank with my
1101 questions, because I am scared of what is going on. He just says it blatantly.
1102
1103 This was before the court case – that which way it goes, “If it’s cleared, it’s not
1104 a wetlands, will you just then leave us in peace?” and he said, “No. If I don’t get
1105 it through that I will be getting it through peat.”
1106
1107 I then questioned that and I said, “So, why would we let you on our land?” They
1108 made it very clear they wanted everything back to water. They didn’t care of our

1109 safety. They didn't care of our homes. It was they wanted it under water and that
1110 was what they were going to get.
1111 [01.45.08]
1112 He said he would legally force himself onto all of our lands individually, and
1113 that's what he would do.
1114
1115 Paine: This is Al Cross?
1116
1117 McDonald: Yes.
1118
1119 Paine: Those issues have since been dealt with, with Mr Cross, or the Environment
1120 Court?
1121
1122 McDonald: No. I am not part of those twelve properties that went into court. We are further
1123 down the street. Our land has been there for a while. I have been there nine years
1124 now. We are not part of that.
1125
1126 That's why my question to him at the time was, if those properties are cleared
1127 and that area, which is part of the whole area, if they were cleared would he then
1128 let us be, and he said no.
1129
1130 That was his opinion back then. He carried it on. Rod sat there with him, and
1131 they were in agreement with everything. It was, "We don't have money, we
1132 won't be paying."
1133
1134 We said, "If this is the land and this is what you want, why would you not fairly
1135 pay us for it? If you want to do this, where we can't actually live on our land, if
1136 this is what you want to happen to it, we can't safely live there so would you pay
1137 it?" Then it was, "No we don't have money for that and we will not be paying
1138 you for it."
1139
1140 Paine: Since this approach have you had any other approaches like that?
1141
1142 McDonald: Not since then. This was us. We actively asked for these meetings. We said,
1143 "This is our concern as a community, can we please..." trying to get the two
1144 together; us and Greater Wellington to try and understand really what's going
1145 on.
1146
1147 We have tried everything. They have come to our homes to talk. We have been
1148 to a café with them. Just to kind of go over what it is. Every time it was a strong
1149 front of "This is what we are going to do, regardless of you and your community
1150 and you living here. This is our idea and we are going to get it, regardless of how
1151 we get it."
1152
1153 Clegg: AL Cross' title was General Manager Environment Management.
1154
1155 Paine: Thank you.
1156
1157 Ms McDonald, one last question, and Mr Hill talked about this as well. It was
1158 about removing the term "peat lands" from the RPS. Commissioner Wratt has
1159 followed that up as well. But for me, I was just wondering, that's a fairly broad

1160 brush and is it more about the Mangaroa peat lands rather than peat lands in
1161 general?
1162

1163 McDonald: Obviously we are scared for our own properties. It's more the fear that we have
1164 of that term. It's the fear of...
1165

1166 Hill: Being targeted. We've had approaches from Whaitua. We've had meetings in
1167 schools with the whole community. They have made it very clear then, and that
1168 would be several years ago that I was approached and told that they wanted the
1169 whole area, because it was such a gem.
1170

1171 I think they believed it was carbon sequestering. It would have to be. Otherwise
1172 it's 240,000 hectares of peat throughout New Zealand. There's something there.
1173 There was a group.
1174

1175 Paine: Here's my question Mr Hill about your interests really. Not to make you sound
1176 selfish or anything, but it's specific to that – your area, the Mangaroa peatland?
1177

1178 Hill: Sorry, I didn't...
1179

1180 McDonald: I think it's one area that's just been really targeted. I think that's the problem.
1181

1182 Hill: It's not just ours. It's the gun club and Mr Munro's. There's the other...
1183

1184 McDonald: The whole of Mangaroa as a community is picked on. It's their experiment on
1185 our private lands that's the scary part.
1186 [01.50.00]

1187 It's no-one knows what it is. The reports say it can't be brought back to this, but
1188 this is our own personal... we do everything to look after it as it is. If you saw
1189 our street it's beautiful. It's amazing.
1190

1191 I remember always driving up thinking this is my absolute dream to live amongst
1192 this.
1193

1194 Before all of this happened, we did everything to look after it. We were looking
1195 for ways to nurture it, to what was best for our soil, and what was best for
1196 everything. Now, everyone is so scared. No-one wants to plant anymore. No-
1197 one wants to do those things that we would still be doing, because we are so
1198 scared it's going to be used against us with these terms that are coming in.
1199

1200 That's the really sad part, is that what we love to do we now... I look out at my
1201 property and I think I don't even want to be out there. I don't want to go and
1202 plant. What's the point? You just don't know what point you doing good is going
1203 to be used against you. That's the really sad thing.
1204

1205 Wratt: I certainly hear your concerns and why you are so passionate about your land,
1206 obviously. I do have a question and I think it's perhaps just going back to Mr
1207 Hill, which is, you did mention not only the Mangaroa peatland; obviously that's
1208 where your personal interests are, but you also indicated Mr Hill that there are
1209 potentially other similar areas around. I'm not sure, did you say in Wairarapa or
1210 Waikato, that there are previous peatlands that are now being farmed and are
1211 concerned that this whole issue does go beyond just the Mangaroa peatlands.

1212
1213 Hill: I think it was mentioned we have 300 hectares. I was saying New Zealand has
1214 240,000 hectares and of that two-thirds is farmed. Once you're farming peat it's
1215 not going to be a sequestering wetland. Peat is like a sponge and once it's
1216 collapsed it doesn't go back into a sponge. It needs to have a cover over it. It
1217 needs to be looked after.
1218
1219 Wratt: I guess the question I had though was other similar peat areas that are farmed
1220 within the Greater Wellington region.
1221
1222 Hill: It doesn't really make any difference. The only thing that's important to Greater
1223 Wellington should be areas that can be created into sequestering peat. A peat
1224 swamp is an area that takes carbon out of the area. It's the best thing that you
1225 could possibly have.
1226
1227 Sarah was asked earlier what about the entire area? Every time they had an
1228 expert in their court case they came and practiced on my place. They walked all
1229 over it. That Keith Thompson you said was back in 2012, he personally came
1230 from holiday visiting his daughter in the South Island, to come to my farm two
1231 years ago, just before the court case. Hopped on the quad bike and went over the
1232 whole place to reinforce that it wasn't a wetland and that the area hadn't changed
1233 since he was there.
1234
1235 We had the other expert that they used and they looked at our land. They looked
1236 at the drains we had and was all brought in.
1237
1238 The Holy Grail of a sequestering area, that Greater Wellington is looking for are
1239 absolute gems. They are.
1240 Wratt: I do appreciate that, but one is sequestering and the other is keeping the carbon
1241 in the soil.
1242
1243 Hill: That's right.
1244
1245 Wratt: I'm hearing that you are aware of that and concerned about.
1246
1247 Hill: Very much so, yes, very much so.
1248
1249 Wratt: But, how do you manage your land so that there isn't release of the carbon that
1250 is in it?
1251
1252 Hill: Yes, that's right, that is right.
1253
1254 Wratt: My question and maybe this is going beyond your knowledge, but for Greater
1255 Wellington we've got these two types – we've got active live peatland which
1256 sequesters and which is important that we look after. We've also got areas of
1257 previous peatland which are now in pasture and also need to be looked after in
1258 terms of not losing the carbon that's already in them.
1259 [01.55.00]
1260 Are there other extensive areas across the Wellington region that have that sort
1261 of now farmed peatland?
1262

1263 Hill: That are being farmed, I think there are some north of Queen Elizabeth Park.
1264 But what's the significance of the question? Are you saying it's valuable to have
1265 areas that are farmed with peat in it, or is it not?
1266

1267 Wratt: No, I'm questioning whether there needs to be two separate approaches I guess.
1268 One is around actively sequestering peat land.
1269

1270 Hill: Peat that is not sequestering carbon is going to have to be treated by the country
1271 as a whole. It's a national problem. It's a major problem. You would be well
1272 aware of it.
1273

1274 Wratt: My question really was following from Commissioner Paine's question which
1275 was, is your only concern the Mangaroa Peatland?
1276

1277 Hill: I'm only a dumb farmer. I'm only looking after the bit of land I'm after.
1278

1279 Wratt: Your concern is the Mangaroa Peatland, but the issue that you're raising is not
1280 just an issue with the Mangaroa Peatland.
1281

1282 Hill: I'm reaching out to our neighbours that have got unlimited money. They have
1283 an extensive part of our particular area. They've got no economic restraints
1284 whatsoever. They're trying regenerative farming and they are experimenting on
1285 how best to do that. We're still in a learning stage.
1286

1287 I can't look over here and Pam can't tell me exactly, definitively, though she
1288 may try. There's still a lot of unknowns out there and I don't feel... I'm happy
1289 to experiment with my farm and do the best it can be, but I don't want ideologists
1290 having a crack.
1291

1292 Queen Elizabeth Park is a big experiment and that should be concentrated on
1293 and we should learn from what's going on there.
1294

1295 Chair: We might unfortunately have to keep things moving so we can also hear from
1296 Mr Clegg and Mr Anker. Is the best thing Ms Nixon to keep going in terms of
1297 the timetable?
1298

1299 Nixon: Let's do a five minute break now.
1300

1301 Chair: Is that okay? A five minute break. There may be some more things if you do
1302 have the time to stay.
1303

1304 Hill: We're all together.
1305

1306 Chair: We'll see you all in five then and we'll pick up the discussion. There is tea and
1307 coffee up the back there. Help yourselves.
1308

1309 [Break taken - 01.57.47]
1310 [Hearing resumes 02:08.30]
1311

1312 Chair: Kia ora. Welcome back everybody.
1313

1314 Mr Clegg and Mr Anker, it's your turn to present. Just so you know, we are
1315 actually doing reasonably okay for time. Just so you know you don't have to
1316 rush through your presentations. We have roughly about 25 minutes each, just
1317 so you know. The floor is yours.

1318
1319 Clegg: Hi, Phillip Clegg. Do we have my presentation, and the magic clicker? Thank
1320 you.

1321
1322 First of all, thank you very much for hearing us speak today. I do have to
1323 apologise for the hearing statement I submitted. I work in IT and I live with
1324 acronyms and numbers all the time. I got a little bit confused with the ones
1325 around the Resource Management Act. I kind of know how people feel when
1326 they talk to me sometimes. I did confuse S47 with S42A when referring to some
1327 of the reports. A quick apology for that. Thank you very much anyway.

[02.10.00]

1328
1329 In March 2019 we purchased a not yet titled section in a rural subdivision in
1330 Whiteman's Valley. We were looking for our next home. We tend to buy our
1331 homes in stages depending on where our kids are at and what we are doing. They
1332 had just turned into teenagers, going to be turning into their early twenties, and
1333 we wanted a place that was able to provide a safe haven for them as they went
1334 through that.

1335
1336 We escaped the world of Auckland. We discovered there's life outside the big
1337 city. I am actually born in Kaponga, so escaping Auckland is something that we
1338 did on a relatively regularly basis. We escaped Auckland because we wanted to
1339 escape a lot of the problems and the challenges that region and area has had with
1340 unplanned expansion. We had a 9000 litre water tank that was sold to us by
1341 Fletcher Building as, "Isn't it great, your toilets and your taps run off this 9000
1342 litre water tank," when the reality is it was a rain soak. It stopped the stormwater
1343 in the Auckland northern suburbs from being flooded by massive amounts of
1344 water, but using it a little bit like a leaky damn, if you like, in our back yard;
1345 where it would fill up to 9000 litres and then slowly drain back down to three.

1346
1347 We were wanting to escape that. We had been looking around the Auckland
1348 area. My family is from the Bay of Plenty, so we were looking around
1349 Whakatane and Tauranga. I am very fortunate I can work from anywhere.

1350
1351 We had our little shopping list of things that we were looking for. We wanted a
1352 bit of peace. We wanted areas which weren't designed for neighbours to have to
1353 park across our driveway, and somewhere where we could get back to nature
1354 and actually building something a little better ourselves.

1355
1356 So, went from here to here. It's a little bit different. With this shopping list we
1357 found our little piece of paradise. We are twelve minutes from McDonalds, from
1358 Brewtown, from the supermarket, from civilisation. But this is my office view.

1359
1360 We got our titles issues in 2020. We spent up large on engineering reports. We
1361 spent up large on due diligence before we bought the land and we learnt a lot of
1362 things. We learnt a lot about the soil we were on and the land around us.

1363
1364 One of the things we actually learnt is, despite being 53 metre above the valley
1365 floor, the soil database says we're actually on peat land. The latest mappings,

1366 that's not correct and doesn't show us on that. But that's an indication of
1367 probably the age and the quality of some of the soil mapping that we discovered
1368 through the court cases and the court processes that subsequently followed.

1369
1370 We've got our lovely little patch of paradise here, where the hawks hunted about
1371 the level of our fence. We tried to do the right thing. That's our place, the little
1372 black one in the middle there. You can see our driveway. You can see a slope of
1373 bedrock that was left by the developer. We have done things here to try and
1374 improve this. We have planted 3500 native plants on that bank. We spent time
1375 at a local nursery and we talked with the locals to find out what would grow and
1376 what wouldn't grow. What lives there and what doesn't. We have let the native
1377 bush regenerate through using gorse as a nursery and we are beginning to see it
1378 move from the bush on the valley side towards the higher side of the hill every
1379 year as the native bush is regenerating and taking back over.

1380
1381 We have made sure that we have removed the wilding pines. Not only are they
1382 bad for our water because it's rain water, but they're actually just bad in general
1383 and we would much rather have, and what we have always wanted to have is,
1384 what my wife calls a 'fussy garden'. It's one we don't have to do much to and it
1385 looks after itself. It encourages the bird life and it encourages nature to be happy
1386 in our presence.

1387 We have also taken a lot of care around pollution. We have made sure that our
1388 septic field drains into areas that don't drain into streams or waters – that's
1389 absorbed. It's planted with appropriate plants as well. We have even gone as far
1390 as removing as much light pollution as we possibly can.

1391 [02.15.06]

1392 One ridge over from us is the Dark Sky Reserve and I didn't really want us being
1393 a beacon or spotlight in the valley sending light up into the sky, when I can
1394 instead sit out in my spa pool and look at the stars and watch all the meteors
1395 come across, which is quite phenomenal.

1396
1397 So, why am I here? Well, a week after we received our CCC, we also received
1398 news from a neighbour that we'd been involved in a court case. It was Greater
1399 Wellington was trying to undo our subdivision. We have heard a little bit about
1400 it through this so I don't really need to go over what that was. But you would
1401 think that at the end of the court case everything would be happy. Ruled in our
1402 favour. But no, it turns out it was actually the beginning.

1403
1404 Since that court case, in meetings with GWRC in community settings, we were
1405 told that GWRC wanted the area, the land around us, and if they couldn't get it
1406 one way they would try multiple different mechanisms, either as an SNA or that
1407 they would use climate change as an excuse to stop us using our land.

1408
1409 Much of the court case was actually based around arguing on semantics – the
1410 wording of various policies. There seemed to be a faction who had decided that
1411 evidence was not necessarily as important as potentially their expert opinion,
1412 therefore that's how definitions were... it was declared that our subdivision
1413 needed to be protected as a wetland.

1414
1415 The reason I am here is I don't want anyone else in Wellington to have to go
1416 through this process. I don't want someone else to find that they are under

1417 protection orders, or that they're being enforced for vague words that are open
1418 to interpretation.

1419
1420 First of all, I would like to acknowledge Pam's work and her commentary
1421 changes in the S42A. We are not questing the science on peat and peat bogs, and
1422 peat wetlands. There is enough reference in the information that Pam put into
1423 the S42A, but also in our information requests, and the LGOIMA requests
1424 answered by Al Cross as General Manager of Environment, and also answered
1425 by Lian Butcher who is now GM Environment. Later this year we had three
1426 responses on that and we'll get to those a little bit later.

1427
1428 What is clear is that good wetland peat is awesome at becoming a carbon soak.
1429 [02.18.22] have difficulties with sequestration. It's hard a word to say so we'll
1430 use some [02.18.25] English.

1431
1432 All of the reports talk about peat as a wetland, as a bog and how wonderful it is
1433 in holding and creating carbon soaks. But all the articles talk about is they raise
1434 the perspective of the potential of carbon emitters; when peat is exposed, when
1435 it's degrading, when it's at the surface that potentially could be an emitter of
1436 carbon dioxide by several tonnes.

1437
1438 I suppose one of my thoughts was, if you're going to use the word "maintain"
1439 and this happens to be a damaged bit of peat, maintaining it means keeping it
1440 the same doesn't it. So doesn't that mean I have to keep my emitters emitting?
1441 Because I'm maintaining it.

1442
1443 I don't think that's the intent. I don't think that's what we mean with that word
1444 change from "protect" to "maintain", but it's an example of why words are
1445 important.

1446
1447 Twisting and bending words in a regional plan can lead to unintended
1448 consequences. Someone with a hidden agenda can take loosely formed wording
1449 and twist it to their ideology or bent.

1450 [02.20.00]
1451 Just imagine a broad passage that says, "We are going to make this street for
1452 passenger cars only, for example, green cars or blue cars." If someone had a
1453 pathological hate of purple, like my father-in-law does, and he was running it,
1454 he might start enforcing, "If it's not green or it's not blue, if it's purple, I can now
1455 enforce that. I can now take some action from that meaning."

1456
1457 I'm sure that's not what is intended by this RPS, but this is our fear.

1458
1459 "Maintain" is another interesting word. Words are important. If we look at
1460 protect versus maintain, maintain is a superset word. It implies protect if
1461 necessary. It also kind of implies that something actively needs to be done to
1462 keep it in the state it's currently at.

1463
1464 Why are words important? Well, here we are. We have some very, very
1465 interesting definitions. There are two plans that are going around at the moment.
1466 We have the Upper Hutt Council's PC.47 Natural Hazards Plan and we have
1467 RPS PC1, one from Upper Hutt, one from Greater Wellington. They both used
1468 the word peatland, but they use it in different contexts with different meanings.

1469
1470 When Upper Hutt uses these words what they are looking for is organic based
1471 soils that can be identified, because they go a little bit whibbly when the earth
1472 shakes. That's a bad thing to have under a house. So to make sure that if your
1473 soil type is organic and within a boundary, they want an additional report to be
1474 generated if you're going to subdivide or build on that, to make sure in a whibbly
1475 event your house doesn't fall over. That's generally a good thing.

1476
1477 While peatland in the Greater Wellington, we're looking at how do we help the
1478 Wellington Region evolve, change and tackle the challenges of having to live
1479 differently with climate change? It's in that context that peatland is actually
1480 brought in.

1481
1482 The two are very, very different. So here we have the same word with different
1483 meanings. One is a wetland bowl with a diverse ecosystem and a carbon soak,
1484 and a really, really good thing to have and to encourage; and the other is organic
1485 soil that might shake nastily.

1486
1487 After the court case our community was relatively shaken. Is that the polite word
1488 for it? That's a polite word. We are actually representing our community in
1489 general and not just ourselves as individuals. We all have different views and
1490 opinions because we're all different people. We have different experiences and
1491 different takes on life.

1492
1493 Through preparation for planning and helping the councils out, we have lodged
1494 a couple of LGOIMA requests. Much of that and some of the evidence that came
1495 through our court case has shown that there are factions/individuals or there is a
1496 theme within Greater Wellington that they want to do something with this
1497 ecology that happens to be in the Mangaroa Valley. Yes, there's some peat there.
1498 It might be a wetland. These are included in reports from the Whaitua Board.
1499 They were quite interesting. They believed that if they could flood the Mangaroa
1500 peatland they could turn it back into a functioning wetland and it would then
1501 start sequestering several hundred thousand tonnes of carbon.

1502
1503 There was presentations to the Deer Stalkers Association where they refer to
1504 turning the valley back into a wetland, so that hunting can occur on the hills.
1505 And there was several references to it being an SNA in the farming working
1506 group presentations – all referenced protecting and restoring this area to a
1507 wetland and then protecting it as a wetland, as well as the climate change
1508 concerns.

1509 [02.25.18]

1510 This is a group of documents that sixty-odd households have had access to and
1511 they span a period of time that start around about 2015 and continue through to
1512 2023. We are not talking something that's historic. In 2018 seems to be when
1513 there was a lot of conversation about the Mangaroa area.

1514
1515 One of the things that came out in the information request, we received three
1516 letters specifically asking for information to prepare for both natural hazards, or
1517 primarily natural hazards, where we asked in our LGOIMA request, "Is there a
1518 grand plan for the peat?"

1519

1520 I am going to read a couple of them. They were answered by two individuals
1521 three times – so once in November last year, 16 November 2022, once in May
1522 2023 and the latest one was answered in July 2023.

1523
1524 The first two were by Al Cross who was General Manager of Environment and
1525 the last one was Lian Butcher who is also GM Environment – probably because
1526 that’s the name that gets put on the LGOIMA requests around this sort of stuff.
1527 We understand they don’t write that stuff. They go and ask people and stuff
1528 comes back and it comes to us.

1529
1530 What Al told us was reference to peatland is only included twice in the RPS
1531 Change 1. Both times there’s an example of a natural resource that store carbon.
1532 There is no specific discussion or decision-making associated with the inclusion
1533 of peatlands that are known as sinks. That was his first one in November last
1534 year.

1535
1536 In May his response got a little bit clearer. He said, “As previously detailed
1537 peatlands are not singled out in the Regional Policy Statement Change 1, nor do
1538 they have a specific objective or policy.” This is why there is no detailed
1539 information when we asked for what are the plans around peatland. He’s
1540 basically saying, “In our eyes we’re not interested. There is no plan. There’s no
1541 policy. RPS is not designed...” and this is a wording of an example.

1542
1543 So, why should GWRC listen to us activists? Why should we be listened to?
1544 Well, let’s have a look at the area we are talking about.

1545
1546 Depending on your definition, we’ve seen numbers anywhere from 400 hectares
1547 down to 53, mostly based on soil based reports that look for organic content.
1548 You’re going, “Let’s try and use this Upper Hutt soil survey that originated
1549 around about 1978 to ring-fence.” There is very little modern documentation
1550 around this particular area that we live in, as to what’s there, how deep it is, how
1551 wet it is, or what the water-table is going.

1552
1553 So why should you listen to us? Well, assuming the worst case, the largest one,
1554 this incorporates mostly properties on Katherine Mansfield Drive and its
1555 associated sub-roads – Ashton Warner Way, Margaret Mahy Drive. If we just
1556 look, and I did actually count, there are 54 households from the beginning of the
1557 Katherine Mansfield Drive to the end that’s in the area in blue, that incorporates
1558 what is generally acknowledged as either Mangaroa Swamp, Mangaroa
1559 Peatland, or the area.

1560
1561 [02.30.00] There are 54 households. Forty-eight people responded from this area. There
1562 were 48 responses with addresses in this area, asking for reference of “peat land”
1563 to be removed from the definitions.

1564
1565 There were also another three, and one that surprised me was Forest & Bird was
1566 one of those.

1567
1568 There are approximately 75 properties all up. It's hard to see the green on here
1569 and I apologise. I probably should have used a different colour. I didn’t want to
1570 use an emotionally bad colour like red.

1571

1572 But when you incorporate the several large land owners, some of the farms are
1573 in several titles; so all up, there's approximately 75 properties in the area that
1574 we will call on the flat. The hill dwellers, of which I am one, were not really
1575 concerned because in their eyes, "It doesn't impact us, and we don't really need
1576 to have a say."
1577
1578 What we are talking about is our community is the people of the flat. They get
1579 upset if you call them drinkers of the swamp by the way.
1580
1581 So, if you have a look, at 75 properties, with 48 responses that's 68 percent of
1582 an area have wanted to have a say. But if you look at just individual land owners,
1583 that's a 90 percent response rate.
1584
1585 When was the last time in local government you saw a 90 percent turnout for
1586 anything?
1587
1588 Hill: Here, here. Point made.
1589
1590 Clegg: So, our ask: when making new regulations please be precise. Peat land is too
1591 loose and it can have different meanings and unintended consequences. Al and
1592 Lian told us it's not important. So, if it's not important and it's just an example,
1593 why don't we just remove it as an example?
1594
1595 There are many other nature-based solutions. We can put those in as examples
1596 instead. Thank you.
1597
1598 Chair: Thank you very much Mr Clegg. That was an excellent presentation, thank you.
1599
1600 Mr Clegg, earlier I think you said there have been surveys or some assessments
1601 and they range from five hundred and something to...are you talking about
1602 assessing the land as peat land or as something else?
1603
1604 Sorry, I might have my numbers wrong.
1605
1606 Clegg: That's a really, really good question. It turns out there isn't an easy answer to
1607 that. There appear to be two reports that everything hinges on. One is the 1978
1608 Soil Survey from Upper Hutt Bureau of Soils that went around and measured
1609 what the soil types were, and tried to map them. A lot of the boundaries, it says
1610 in the report itself, are estimates. That was actually originally also used as part
1611 of the evidence to try and explain where the wetland was, under the idea a good
1612 peatland is a wetland, therefore if we find peat we should find wetlands.
1613
1614 The only other recent survey is probably Keith Thompson's report. There has
1615 been very little published that we could find, or our lawyers could find through
1616 the court case, around anything to do with soil hydrology or ecology in the area.
1617
1618 Chair: The statement in para 41 of your hearing statement, I think universally there is
1619 no disagreement at all about that sentence – Greater Wellington has the
1620 capability to lead us into the change needed to help tackle living through climate
1621 change.
1622

1623 [02.35.00] I do think that there is so much commonality that I am seeing, as an outsider
1624 really, because that is what these provisions are trying to do. You, Mr McDonald
1625 and others talk about... those photos are beautiful. The things that you've been
1626 doing for years – 3500 native plants, that's just remarkable and a wonderful
1627 acknowledgement and testimony about how much you care.
1628
1629 It seems that these provisions should be supporting all of that great work.
1630 Everyone is trying to get to this place where we are leaving it a better place for
1631 our children, but not doing it in a way that's causing you the fear, worry and
1632 stress that you might be losing your properties as you've talked about.
1633
1634 How we get there is... it's just an observation that it would be perverse if Ms
1635 McDonald now feels she can't continue all that great work that she's been doing
1636 on her land, and you too. All of you. Through these provisions that can't be the
1637 outcome that the Council is wanting.
1638
1639 Clegg: I think you're right, I don't believe that is the outcome the Council wants, but it
1640 is our lived experience; not just the subdivision I was in, but our area in general
1641 has been through. This isn't all about us. I think that's the point I'm trying to
1642 make. This is how do we together get through changes that are going to be
1643 necessary to live with a changing world.
1644
1645 One of the questions that I asked Pam very quickly was, "How often are RPS
1646 plan changes done?" If it's a short-term, maybe it's too soon. Maybe this is
1647 something that should go a little bit later once we can find... after all, this is just
1648 an example. Maybe putting it into the next one as an example, or maybe having
1649 more substance under it, because it's very clear from the science that I read,
1650 there's some real positive benefits to the Wellington Region in finding those
1651 great wet carbon soaks that are out there, without them exposing people to risk
1652 that personal agenda that sometimes comes through.
1653
1654 Does that make sense?
1655
1656 Chair: Yes, it does make sense.
1657
1658 Clegg: Actually, I quite liked the thought of splitting between the wetland, the QE2 and
1659 the dry land.
1660
1661 Chair: I think that's part of the change that Dr Kerkin was proposing in that first option.
1662
1663 So that you don't have to keep coming back every time there are changes as
1664 well, it would be fantastic to see if there is a way of you can be more confident
1665 about it, and more transparency about intentions and working together to achieve
1666 that. I think that sentence that I read out in your statement is very compelling. I
1667 do wonder if there's a way to bring everyone together.
1668
1669 I'm really conscious of every time there's a tweak in a planning instrument for
1670 you to have to come back and run the same argument; so a lot of empathy for
1671 that.
1672
1673 We don't want to eat into Mr Anker's time. You've been waiting there very
1674 patiently.

1675
1676 Like I said, we could keep talking, but really appreciate everything that you have
1677 provided. Your presentation was really, really fantastic. Thank you very much
1678 Mr Clegg.
1679
1680 Mr Anker.
1681
1682 Anker: Thank you. I am sure that in the course of my presentation I will go over things
1683 [02.40.00] that have already been talked about. That's one of the natural perils of being
1684 'tail-end Charlie'.
1685
1686 You've already heard from my friends and neighbours. We speak not only for
1687 ourselves, but for our community.
1688
1689 My name is Bob Anker and I live on the western side of Katherine Mansfield
1690 Drive. I purchased my land and built my home in 1985, some 38 years ago. For
1691 some fifteen years I grew flowers commercially on my land.
1692
1693 When purchased the land was bare – marginal grazing land practically devoid
1694 of trees, as was the entire Katherine Mansfield development. A typical townie
1695 who obtains land I planted trees, lots of trees. My neighbours who followed me
1696 did the same. I planted around 1600 trees. Too many, too close together, wrong
1697 varieties but the intention was good.
1698
1699 We have totally transformed the area and seen an exponential increase in the
1700 quantity and variety of bird life. We are all invested in our land have acted
1701 independently of any local or regional authority. Our actions have been those of
1702 stewards and guardians of the environment.
1703
1704 The only threat to our being able to continue in the peaceful enjoyment of our
1705 land has come from the Regional Council; but the former manifestation of this
1706 threat has already been outlined. Compared to Greater Wellington, our
1707 relationship with Upper Hutt has been good.
1708
1709 The Mangaroa Peatland community has endured repeated attempts to gain
1710 control over the peat land of about 350 hectares, all of which is in private
1711 ownership. We have documentary evidence of a determination by GW ecologist
1712 to get control of the valley, initially as a significant natural wetland and when
1713 that failed as a significant natural area, and now as a nature-based solution.
1714
1715 It was in light of the concerted action by GW officials supporting by Ross
1716 Connelly that we read RPS Change 1 and found the definition of nature-based
1717 solutions in the glossary at the end of the document.
1718
1719 The level of concern generated in our community can be measured by the
1720 response of 62 individual submissions.
1721
1722 The list of nature-based solutions included peat lands, and prompted us to use
1723 LGOIMA to ask for information. Our request was: papers and presentations
1724 prepared for workshops with Regional Councillors and/or Territorial
1725 Authorities, considering the peat land as part of a climate change strategy.
1726

1727 The response drafted by Matt Hickman is signed off by Al Cross dated 16
1728 November 2022, stated: “Peat land has no mention in the climate change strategy
1729 or climate action plans.”

1730
1731 We considered this to be disingenuous and followed our complaint to the
1732 Ombudsman and GW’s response was reiterated on the 13th of July 2023.

1733
1734 Meanwhile on the 19th of April Pam Guest presented to the Commissioners for
1735 the Upper Hutt IPI hearing and as part of her climate change submissions cited
1736 nature-based solutions. Objective CC.4 nature-based solutions, examples
1737 include protecting peat land to retain carbon stores, policy CC.12 protect,
1738 enhance and restore ecosystems that provide nature-based solutions to climate
1739 change.

1740
1741 We are now left wondering which arm of GW we should believe. We are
1742 accustomed to Regional Council speaking with forked tongue. They consistently
1743 give us no reason to trust what they say. The RPS references peat land and there
1744 is no definition of peat land. There is an area known as the Mangaroa Peatland,
1745 but the RPS does not refer to any map that identifies the extent of this feature or
1746 any other peat land in the Wellington Region.

1747
1748 [02.45.00] Among the responses to our OIA, there is a statement that GW views the
1749 Mangaroa Peatland as a regionally significant ecosystem. We have never been
1750 informed what factors make it a significant ecosystem.

1751
1752 Live experience has taught that such classification leads to problematic
1753 interference. Mangaroa Peatland is private land. It's a farm. It's a home to over
1754 75 families. GW gives lip service to, but fails to give effect to the Waitua
1755 concept, and I quote, “You asked me what is the most important thing in the
1756 world. It is people. It is people. It is people.”

1757
1758 In July 2015 the Proposed Natural Resources Plan was notified. It was another
1759 eight years before it was signed off by Darren [02.45.54] yet is still an [02.45.59]
1760 instrument. We understand there will be a change notified in November, a bare
1761 four months after sign-off.

1762
1763 The NRP operative 9 July 2023 references buffer zones, but does not define the
1764 dimension of any such zone; neither does it specify any rules that apply within
1765 the main area or the buffer zone. Buffer zones are of material interest to our
1766 community.

1767
1768 Once more we seem to be dealing with the rationale that first we are being asked
1769 to concede to the concept of buffer zones, and then GW will make up the rules
1770 afterwards.

1771
1772 Both Pam Guest and Mr Farrant propose changing the wording from
1773 “protecting” to “maintaining” peat land. They claim maintaining is less onerous
1774 where the protecting is more regulatory.

1775
1776 Our feeling was the opposite is the case, and we consulted an RMA barrister for
1777 his legal opinion. We are advised, and I quote: “Standard rules of statute
1778 interpretation apply to Regional Policy statements. In Resource Management

1779 law “maintain” is often used as a proper ‘catch-all’ inclusive of protection.
1780 Maintenance of something is used to include protecting, enhancing and
1781 restoring, depending on the context. The overall outcome of maintenance is to
1782 keep something in the same state as it currently exists, which requires active
1783 steps to ensure that it remains in its intended state; whereas protection refers to
1784 actions to preserve or avoid harm to a particular thing.”

1785
1786 It seems to be at odds with the statements made by Pam Guest and Mr Farrant.
1787 Additionally, if as stated by Al Cross peat land has no mention in the climate
1788 change strategy or climate action plans, why are they going to such lengths to
1789 change phraseology?

1790
1791 I am here talking to you today on behalf of myself and the wider Mangaroa
1792 Peatland community of over 75 families. Firstly, we want to be able to trust GW.
1793 Secondly, we are looking for consistency. Thirdly, we are the stewards and
1794 guardians of our land. Start treating as such and engaging in timely and
1795 meaningful consultation. Fourthly, please start treating our community with
1796 respect.

1797
1798 On Monday the Panel asked a question regarding my submission that increased
1799 CO2 levels can result in increased rates of plant growth. It was my intention to
1800 take issue with the GW position that increased levels of CO2 were inherently
1801 bad for biodiversity.

1802
1803 Commercial greenhouse operators seek to increase levels to between 800 and
1804 1200 parts per million which maximises growth.

1805
1806 The relief that we seek is for all references to peat land to be struck out from the
1807 Regional Policy Statement Change 1. However, since I wrote that, I have
1808 listened to what Sarah had to say and the alternative option of confining it to
1809 “wetland areas of peat land that are actively sequestering carbon” would
1810 probably seem to be a better option.

1811
1812 Thanks for hearing me.

1813
1814 Chair: Thank you very much Mr Anker that was very clear.

1815
1816 [02.50.00]
1817 Wratt: Just while Chair Nightingale is looking through her notes, just in terms of your
1818 comment around CO2 levels and plant growth, I certainly appreciate that in a
1819 glasshouse context yes, you’re quite right, and there are positive benefits. But I
1820 think in the context of our conversation here I really don’t think that’s an issue
1821 that we need to explore any further.

1822
1823 Anker: I noticed on Monday, I was watching the livestream and I noted your question
1824 that you put out regarding what I had said.

1825
1826 I think it's like everything else in this life. There’s a trade-off. You get some
1827 plusses and you get some minuses. The only plus that I could see is that you
1828 would get increased rates of growth.

1829

1830 Indeed, if we go back to the Jurassic era, levels then were between 2000 and
1831 4000 parts per million, which is why you has so much plant growth that the
1832 dinosaurs could manage to eat to their heart's content.
1833

1834 Wratt: There are other implications of increased CO2 levels though that are not quite
1835 so good for our plant growth, as in impacts they do have on our climate, which
1836 is now well recognised.
1837

1838 Appreciate your comments. In terms of your presentation in general, thank you
1839 for that. I don't think I have any further questions. Your concerns and positions
1840 are clear. I think there is some work for our Wellington Regional Council experts
1841 to do in thinking about how it may be possible to address the concerns that you
1842 have raised in the drafting of the provisions.
1843

1844 I will hand back to our Chair. Thank you.
1845

1846 Chair: Thank you. This is something that I would be interested in seeing if anyone has
1847 a view on please feel free to jump in, or Mr Anker you might be able to respond.
1848

1849 Objective CC.4, and I am sorry to bring it back. You're all spoken so
1850 passionately and I'm now bringing it back to black and white, but as you have
1851 acknowledged words do matter.
1852

1853 Looking at the words of Objective CC.4, which is in that ring-bound bundle, it
1854 says – I will read it out again, it's just one sentence: "Nature-based solutions are
1855 an integral part of climate change mitigation and climate change adaptation
1856 improving the health, wellbeing and resilience of people, indigenous
1857 biodiversity and natural and physical resources."
1858

1859 It sounds to me that the things you've talked about, that you have been
1860 undertaking very willingly on your properties does meet that objective. The
1861 planting and the other work that you have been doing, the caring for the land, it
1862 will be playing very much an important part in helping look after our indigenous
1863 biodiversity, and also helping respond to flooding, and the increased change in
1864 climate, as well as soaking up carbon.
1865

1866 So, to me, the work that you're doing... I wouldn't want this word "nature-
1867 based solutions" to become a term if there's a lot of distrust and fear about the
1868 word, but if we just put that one side; it seems like what you're doing is actually
1869 very much achieving this objective.
1870

1871 Any comment on that?
1872

1873 Anker: I appreciate from having been involved in various plan changes that gone
1874 through, including the IPI for urban intensification, I appreciate that nature-
1875 based solutions as such is a pretty wide ranging subject.
1876 [02.55.03]
1877 It's not an issue with nature-based solutions that I think is driving us; it is the
1878 concern that taking peat land as an example will then get extrapolated all the
1879 way down the line.
1880

1881 The comment I made regarding buffer zones, is that if the peat area is regarded
1882 in a special light and there is a buffer zone which is as yet undefined of let us
1883 say 50 or 100 metres, that then has an immediate impact on how all on the people
1884 on the western side of Katherine Mansfield are going to be able to use their
1885 property.

1886
1887 It comes back to this unintended consequences concept.

1888
1889 Chair: That's very clear, thank you.

1890
1891 The additional words that Ms Guest supports so far, and this is before obviously
1892 hearing from submitters, into Policy CC.4 may go some way to giving you some
1893 comfort. The key part that Ms Guest is supporting here, and there are two
1894 policies actually, they talk about providing for mitigation, adaptation and
1895 resilience, [loss of connection/audio - 02.56.50 – 03.00.40]

1896
1897 Chair: We're back. I think I just wanted to note that there is some recognition in these
1898 policies that the context in which these nature-based solutions are occurring and
1899 perhaps being support by the provisions that context does need to be taken into
1900 account.

1901
1902 It might be that having heard the presentations today, it might be that Ms Guest
1903 is able when she provides reply to see if there's any other wording changes that
1904 might help to perhaps recognise your community and the issues that are
1905 important to you.

1906
1907 I might also ask Ms Guest in her reply if she's able to give any more information
1908 on Method CC.9, so information that the Council has. Basically, is there a
1909 programme, what's the planning so far to achieve Method.9 which is about
1910 providing support, seeking new sources of funding to incentivise or implement
1911 programmes, that protect, enhance or restore ecosystems. It might be that is all
1912 still in very early stages of development. But there may be some information
1913 that the Council has that they could share about what their plan is for that.

1914
1915 It brings me to the statement that you make Mr Anker, almost near the end of
1916 your statement. It's under the definition of nature-based solutions, where you
1917 say, "Greater Wellington needs to clearly state what it means by protecting peat
1918 land," and exactly what form that protection would take.

1919
1920 They may not be aware. There may not be information that they can provide at
1921 this stage, but if it is possible to share any information that they have I think the
1922 panel would find that really helpful in the reply.

1923
1924 Do you have any other thoughts Mr Anker? It's that same question I think I asked
1925 Ms McDonald about – what you would like to see in terms of working more
1926 with the Council to help achieve these broader goals which I think you all
1927 support as well about climate change.

1928 [03.00.00]

1929 Anker: I think as a community we have felt that we have not been consulted. We are
1930 only too happy to join in with a consultation process.

1931

1932 When I look at the post mortem results from the court case, which came through
1933 as part of my information request, it was clearly stating in there that GW felt that
1934 they needed to rebuild relationships with landowners, and to communicate more
1935 effectively with the landowners, but they seem to have phobia about doing that
1936 by way of a town hall type of meeting, and wanted to be able to do as an
1937 individual on individual.
1938
1939 In the case that we've got with the peat land sitting there in the centre of the
1940 community, and 70-odd properties going around the outside of it, to
1941 communicate on a one-to-one basis with those means going through 75
1942 individual properties, which starts to become almost impossible.
1943
1944 We don't have a problem in meeting with the Regional Council. I can give them
1945 an assurance that if we meet as a group we're not going to set about trying to
1946 drag them outside and beat them to pieces. We are quite happy to engage in a
1947 conversation and we would welcome that.
1948
1949 If we know what's going on and we know what's behind the thinking, then that
1950 stops us taking a response that would otherwise be seen as extreme. We just
1951 want to be involved in things that affect our property.
1952
1953 It's no more complex than that.
1954
1955 Chair: Very well put. Thank you. Yes Mr Hill.
1956
1957 Hill: One of the problems I had, when I was meeting with people from the Regional
1958 Council and they said, "If it was peat, it's a wetland and we don't consider water
1959 as necessary now," I had no-one to ring. I want someone's name. I can ring up
1960 Pam and say, "This is a load of cobblers. What's the story?"
1961
1962 I feel quite isolated. And when something comes up like that, that I believe it's
1963 in the RMS and it was very clear in the court case, it was made absolutely clear,
1964 that the idealistic view of a group may not have been quite the beans, then who
1965 the hell do I ring? I don't read, don't write, got no time. I want to ask somebody.
1966 I want to ask them as a friend.
1967
1968 When I had a dark time, there was a chap, Doug Fletcher, who was an
1969 enforcement officer or some such. He used to ring me on a regular basis telling
1970 me exactly where the Regional Council were coming from. That was a very
1971 simple matter of defining what pasture was, and the Regional Council decided
1972 there was only six types of grasses they would accept as pasture – which was
1973 absolute cobblers. I think it's up to about 30 now. But it was impossible for me
1974 as an individual without a bank of lawyers behind me, without a team, and the
1975 time to contact.
1976
1977 I know it's all about me, but it would be very beneficial to have a name that I
1978 could ring with confidence, that I could say things, and they say, "Look mate,
1979 you've got it all wrong here, this is where we are coming from." But it was very
1980 confrontational. It has been as one of the land owners, and it's very lonely out
1981 there. Very lonely out there.
1982

1983 Every time I speak, speaking her, I'm losing the family's empire. I mean, 3509
1984 hectares is a lot of land sitting right next to Upper Hutt. Every time I talk, and I
1985 am not very diplomatic, it's worrying. I go away afterwards saying, "What did I
1986 tell those people?"

1987

1988 It should be an environment where you can be safe.

1989 [03.00.10]

1990 We're all wanting the same thing. We're all trying to look after. You saw the
1991 compassion here fighting for her land. The chap here has planted all these trees.
1992 We're heading in the right direction. I sound bloody confrontational, but I didn't
1993 mean it as such. I was trying to give the expression that if you give people a set
1994 of rules they can mix them up and use them for their ends, and it can be very,
1995 very hurtful.

1996

1997 That's what I would like. I would like someone to give me their card and, "You
1998 can yell at me mate and I'll get back to you." I don't know if Pam's the one.
1999 That's a start.

2000

2001 Chair: Thank you Mr Hill. It might be that in the response we can get some comment
2002 from the Council on that as well.

2003

2004 Hill: I usually have to have someone sitting next to me when I'm talking.

2005

2006 Chair: For the record, I don't think at all you were confrontational. I think you have all
2007 spoken very honestly and with a lot of integrity and compassion.

2008

2009 The last question I had: Mr Clegg the "maintain" versus "protect" wording,
2010 absolutely words matter.

2011

2012 We will ask the lawyers for the Council if they can comment on. There will be
2013 cases that talk about that wording and what it means. We'll ask if they can
2014 provide some legal analysis of "maintain" in the RM context and how the courts
2015 have interpreted that word.

2016

2017 Hill: That would be fantastic, because at first glance it looks like "maintain" is that
2018 softer non-regulatory approach and the right thing; but in hindsight, could there
2019 be the unintended consequence was the whole reason for kind of putting that in
2020 – particularly when had our environmental lawyer come back with that actually
2021 the RMA is a potential definition.

2022

2023 Chair: Thank you. Commissioner Paine did you have any questions?

2024

2025 Paine: No Madam Chair. All the evidence was very clear, thank you.

2026

2027 Wratt: I would just like to thank you for the time that you've taken to be here. I haven't
2028 seen a confrontational approach. I think it's been very constructive. Thank you
2029 for that.

2030

2031 Chair: I don't think it's by any means the end of the dialogue. What will happen in terms
2032 of next steps is, there have been various submitters that have requested changes
2033 to these provisions we've been talking about. The Council will come back with

2034 their suggestions for changes and that will all from part of the Panel's
2035 deliberations.
2036
2037 Those recommendations in those reports are not actually due until next year. So
2038 sorry, there is more waiting time for you, which I appreciate you're wanting
2039 more certainty. We have absolutely heard what you wanted to say. Thank you.
2040
2041 We will break for lunch now and be back at 1.30pm.
2042
2043 **[Lunch break taken – 03.14.00]**
2044
2045 Chair: Kia ora koutou. Welcome to the afternoon session for the Climate Change
2046 Hearing, hearing from submitters.
2047
2048 A warm welcome to Dr Tripp.
2049
2050 We'll just do some brief introductions, and also to explain why our panel of four
2051 is now a panel of two.
2052
2053 Ko Dhilum Nightingale tōku ingoa. I am a Barrister and Independent Hearings
2054 Commissioner, appointed to be Chair of the non-freshwater provisions of this
2055 Proposed Change 1, as well as the Freshwater now. You might have been aware
2056 that Commissioner Thompson who was with us had to withdraw for family
2057 reasons. Commissioner Kara-France who was here this morning had to leave as
2058 she was not well. But, we do have two others. Commissioner Paine is down the
2059 corridor but very much here – also because of cold illnesses; and Commissioner
2060 Wratt.
2061
2062 I will let them introduce themselves.
2063 Wratt: Kia ora. Welcome to the hearing. As Chair Nightingale has said, I'm Gillian
2064 Wratt. I was appointed as an Independent Freshwater Commissioner and now
2065 also on the other panel as well – so we have a common panel for both aspects of
2066 the hearing. I live in Nelson and my background is in the science sector.
2067
2068 Paine: Kia ora. [Māori 03.16.02] Ko Glenice Paine, tōku ingoa. My name is Glenice
2069 Paine and I am an Environment Court Commissioner. I have been appointed to
2070 both panels. Kia ora.
2071
2072 Chair: Just in terms of very quick housekeeping, there's a microphone which you need
2073 to push a button to speak into. Actually, I keep forgetting to do this but if you
2074 could say your name for the transcript. The hearings are being recorded,
2075 livestreamed and recorded for transcription purposes.
2076
2077 Over to you Dr Tripp.
2078
2079 **Doctor's for Active, Safe Transport (DAST)**
2080
2081 Tripp: Kia ora. [Māori 03.17.15] My name is David Tripp. I am a specialist physician
2082 and intensivist. I work at Wellington Hospital on a good day. I am here on behalf
2083 of Doctors for Active Safe Transport. We are a network of over 130 Wellington
2084 Hospital doctors and specialists advocating for the health benefits of active

2085 transport. We are very much the stretched ambulance at the bottom of the cliff
2086 and the fence at the top is full of holes.
2087
2088 May I begin with a confession? I have three postgraduate degrees, two
2089 fellowships and half the alphabet after my name, but I am lost at sea when it
2090 comes to your language. I beg your patience. I know what good looks like, but
2091 glaze over quickly in the face of the plans you are considering.
2092
2093 This is both professional and personal. As a hospital doc I have the gut
2094 wrenching job of standing by the bed of people as they die of preventable illness.
2095 As a cyclist I have been the victim of unsafe cycling infrastructure, in this case
2096 scoring four fractured vertebrae on the Old Hutt Road.
2097
2098 What on earth has transport got to do with health? I site just one of the hundreds
2099 of peer reviewed articles, and there are more in our submission; this from a large
2100 prospective trial in the UK where they found that cycling reduces the risk of all
2101 cause mortality by 41 percent, any cancer by 45 percent, cardiovascular disease
2102 by 46 percent.
2103
2104 Despite an extensive and expansive arsenal of medications, I have no pill that is
2105 anywhere near as effective as getting on your bike. Does this matter? Absolutely.
2106 These illnesses are rampant and increasing, and crippling our health system. The
2107 data you have there is for New Zealand.
2108
2109 A recent New Zealand published assessment concluded that if every New
2110 Zealander achieved the recommended minimum daily exercise through walking
2111 or cycling the benefits would include saving 1.28 million health adjusted life
2112 years, and \$7.7billion in health spending. Māori would benefit more than non-
2113 Māori.
2114 [03.20.15]
2115 This study concluded the negative health impacts of the current transport system
2116 are similar to that of smoking. This is the Transport system you are making rules
2117 for today.
2118
2119 On the left we have what I call our illness system, our current transport system
2120 and the mitigation provided by our hospital service. On the right is our health
2121 system. Every decision made on transport has significant health impacts.
2122
2123 So, what am I doing here? We want our transport planning to acknowledge and
2124 consider it's health impacts. What's the link to your Regional Policy Statement?
2125 I am no lawyer but I read your empowering legislation the RMA, may she rest
2126 in peace, requires managing her natural and physical resources in a way which
2127 enables people and communities to provide for their health.
2128
2129 The health of our people is explicitly at the heart of our planning documents.
2130 Given health is very much at the mercy of our transport system health must be
2131 at the heart of our transport planning.
2132
2133 Yet, in our proposed Regional Policy Statement, which talks extensively of
2134 transport, transport decisions are expected to be made with no reference to the
2135 substantial impact on health. We are required to consider whether transport
2136 decisions cause increased dust, but not increased cancer.

2137
2138 This was our suggestion. I'm no lawyer. I don't mind where it goes. This section
2139 is about climate change, so maybe you want to put it somewhere else, but as one
2140 of the strongest links to improving health outcomes, which is the purpose of the
2141 Act, improving health outcomes needs to be somewhere explicitly and in
2142 flashing lights.

2143
2144 However, your officer's report says this would be both out of scope and "not
2145 necessary". As I stated, my view is that health is at the heart of the purpose of
2146 the RMA, so I am bewildered that it is out of scope. As someone who has to tell
2147 people they're going to die from a preventable illness, I am also profoundly
2148 angry that we can make decisions about transport without being required to
2149 consider whether they kill people.

2150
2151 Can I move on to express my strong support for the mode shift components of
2152 this plan? This is critical for reducing CO2 emissions which I care about deeply,
2153 and improving our health which I also care about deeply.

2154
2155 Can I do so by telling you a brief story?

2156
2157 We submitted and were involved in the Environment Court Hearing on
2158 RiverLink. We were saddened and angered that mode shift was given lip-service,
2159 while relentless growth in motor vehicle transport remains at the heart of the
2160 transport components of RiverLink – a project strongly endorsed by Greater
2161 Wellington Regional Council.

2162
2163 Our clear experience was that our existing planning framework was nowhere
2164 near robust enough to drive the dramatic change necessary to mitigate our
2165 climate emergency.

2166
2167 In your documents the only reason you're mode shift seems to be for climate
2168 change reasons. I also advocate for health. Interestingly, the judge in this case
2169 stated that it's good if even considering transport alone in isolation, given that
2170 it's benefits for the function of the transport system.

2171
2172 I don't think that's something your policies have captured.

2173
2174 We approached the case of River Link thinking regional and local government
2175 would be all over securing sizeable mode shift given their stated policies.

2176 [03.25.00]

2177 These included Greater Wellington's Regional Land Transport Plan, which
2178 wanted to increase active transport by forty percent and reduce transport related
2179 carbon emissions by 35 percent. Hutt City also had a very ambitious target for
2180 reduction.

2181
2182 Alas, when challenged that there was no mode shift in River Link, building a
2183 bigger road turned out to be way more important; the planner saying in rebuttal
2184 evidence against our comments, "The project objectives do not require that mode
2185 shift is achieved – rather that an unspecified level of improvement to walking
2186 and cycling facilities is provided."

2187

2188 So, in terms of the policy you are writing today, we need something that's water-
2189 tight and leaves no wriggle-room, otherwise they will find it.

2190
2191 The judge incidentally agreed with us, against the advice of a fleet of experts
2192 from Greater Wellington, Hutt City Council and Waka Kotahi, saying that taking
2193 all reasonable steps to increase mode share is an important factor.

2194
2195 Sadly, the existing planning regime offered ample opportunity for bureaucratic
2196 obfuscation. River Link offered a spectacular new motorway change as of right,
2197 and cycling facilities that we had to fight for in court just for them to be safe. We
2198 are still fighting for basic safety features through detailed design. It was a
2199 frustrating and demoralising process.

2200
2201 So, if you were to ask me to draft your mode shift policy, this is what I would
2202 suggest:

2203
2204 Maximise [03.26.44] mode shift to short-sighted drongos, and if you try smoke
2205 and mirrors we'll get you run out of town."

2206
2207 You should be thankful you employ planners and not doctors to write these
2208 plans.

2209 As I understand it, this is Louise Allwood's report, a brave attempt to bring some
2210 clarity to this section of the plan, amongst multiple and complex submissions.
2211 However, this proposed wording has not nailed it. It doesn't just give Territorial
2212 Authorities a 'get out of jail free card' it gives them a whole pack of get out of
2213 jail free cards. You are seeking to drive dramatic change in the way we do
2214 transport. I don't think anyone actually gets the measure of what thirty percent
2215 mode shift actually means. It's huge, but that's what we need to achieve.

2216
2217 I am also concerned that this is a very substantial redraft of a pivotal policy that
2218 we are just only seeing at the eleventh hour. It includes a number of key aspects
2219 that haven't been well tested, and to my eye doesn't capture the substantial
2220 international experience on what works and what doesn't.

2221
2222 As a non-planner I am a bit at sea trying to make suggestions, but that won't stop
2223 me from trying, because this is too important for our health and our climate.

2224
2225 That's the end of my presentation. I have written notes on Carol's suggested
2226 redraft; which if it was appropriate I would like to offer to you, and maybe just
2227 flick through them.

2228
2229 I'm at your mercy.

2230
2231 I have also attached copies of the two articles that I referenced in the talk.

2232
2233 Chair: Thank you very much. Thank you for not only putting the submission together,
2234 but coming and presenting to us today. We really appreciate your time and your
2235 very considered look at these provisions.

2236
2237 We do have questions. I am just having a quick look at the information that Ms
2238 Nixon has just provided.

2239

2240 These provisions, I have full empathy for you, this process is very complicated.
2241 The provisions will continue to change and be refined as we go through, as the
2242 officers hear from submitters.
2243
2244 There's a booklet of provisions on the table.
2245 [03.30.00]
2246 Before we begin, I did want to ensure that you knew who the Council
2247 representatives were who are in the room. I know that we have Ms Allwood
2248 online as well. If it's okay to just do a quick whip-around, just so Dr Tripp knows
2249 who we are.
2250
2251 Dawe: Tēnā koe. Ko Iain Dawe tōku ingoa. I am the Senior Natural Hazards Analyst at
2252 Greater Wellington, specialising mainly in natural hazards.
2253
2254 Tripp: Like cars.
2255
2256 Dawe: Have some experience of that, yes.
2257
2258 Guest: I'm Pam Guest. I am a Senior Policy Advisor for Climate Resilience and Nature-
2259 based Solutions.
2260
2261 ?: I am the [03.31.05]
2262
2263 Tripp: Good, we've got some discussions to have.
2264
2265 Admin: Chair Nightingale, would you like Louise to go Zoom?
2266
2267 Chair: Yes please, that would be great. I was just going to ask. Important if we can see
2268 Ms Allwood.
2269
2270 The last tab in that booklet of provisions, the provisions at this stage of the
2271 process, that Ms Allwood is supporting, which you might not have seen yet,
2272 they're in her rebuttal evidence. She may be producing another set once she has
2273 finished hearing from submitters.
2274
2275 Tripp: I am looking at Appendix B Policy CC.1, is that the one?
2276
2277 Chair: That's the one, yes.
2278
2279 Tripp: I've seen that. That's what I referenced in my document.
2280
2281 Chair: Good. Just wanted to check you have got the most up-to-date version.
2282
2283 Tripp: Nearly.
2284
2285 Chair: What the officer is trying to achieve with these provisions, and based on the
2286 expert Transport evidence, is they are trying to achieve this avoid, shift and
2287 improve framework, which you might have seen in their evidence – reducing as
2288 much as possible barriers to achieving mode shift.
2289
2290 You are saying that you don't think these go far enough.
2291

2292 Tripp: No. Having engaged in that conversation through the River Link process,
2293 drafting conditions and having that debate. It seems that the world of planners is
2294 divided into two sorts: those who make great plans and then those who try and
2295 get around them. I read these in the light of that experience, of how might these
2296 be used.
2297
2298 I wonder if I could make some comments?
2299
2300 Chair: Please, yes.
2301
2302 Tripp: Even just in terms of there is a hierarchy here. My response to a hierarchy,
2303 although I know it's a good planning approach, would be that these are three
2304 things we must all do simultaneously. We do have a crisis. Time is of the utter
2305 essence. We cannot do one thing and then wait, then do another thing, then a
2306 third thing; particularly as the third thing here, providing new infrastructure, is
2307 actually I think the first port of call. It is the way into this.
2308
2309 I put there what I think is a very interesting illustration of cities around the world
2310 and the amount of mode shift they have achieved, or mode share for active
2311 modes, versus the kilometres of separated cycle ways. I see Wellington Council
2312 doing this very well at the moment, without substantial planning change, just
2313 rolling out temporary cycle ways. It's not an either/or, or one before the other.
2314 It's actually we've got a crisis. We need to learn as hard as we can on ever lever
2315 available to us.
2316
2317 I think the infrastructure needs to be at the top of that list, even though I
2318 understand the spatial aspects of how you would do good planning.
2319
2320 [03.35.00] The second is that approach given to achieve mode shift we will do that by (a),
2321 (b) and (c). To me that reads as very prescriptive. It's not just (a) or (b) and then
2322 maybe (c). Rather than saying "by", "by measures which must include" would
2323 be my words. "You must do the following, and for goodness sake if you can
2324 think of anything else do that as well."
2325
2326 Again, I am just looking at having worked with councils over many years the get
2327 out jail free cards that will be played to you.
2328
2329 In terms of items (a) and (b) I think they certainly drive housing density around
2330 transport hubs, which is great, that's important. But, in the example of River
2331 Link which was a key driver of that proposal, we were talking about providing
2332 high density housing for two to three percent of Hutt's population; like almost
2333 in the decimal place, over a period of ten to thirty years, so that increased housing
2334 density is just a small fraction of the change we need to achieve. We need change
2335 that drives mode shift in existing suburbs, down my street.
2336
2337 In terms of the other suggested comments, again a brave attempt to mediate a
2338 whole variety of submissions that I noted.
2339
2340 In terms of drafting just down the second page, contributes to an efficient
2341 transport network, maximises mode shift and reduces greenhouse gas emissions;
2342 but we're not given guidance on what to do if those thing conflict. Again an
2343 example of River Link which provides for a vast increase in private cars, the

2344 reduction in CO2 emissions for that is because they are no longer idling, they
2345 can travel fast so it's more efficient. It's reducing carbon emissions achieved by
2346 building a much bigger road. That approach would meet two of three criteria,
2347 but the policy does not guide us and does not say that's not okay.

2348
2349 I have an allergic reaction now to the term "multi modal" because my experience
2350 is that it's ubiquitous in Council planning, and my experience means it cars plus
2351 a few other things on the margins. A good example for that in the Hutt is the
2352 proposed Crossed Valley Link from the base of Wainuiomata Hill to the
2353 [03.37.48] Change, which is proposed as a multi modal route. The only
2354 justification for that route is for cars and trucks. Every other mode of transport
2355 would get to where it needs to go better, easily and more cost effectively, but we
2356 can't build a new road anymore – it's got to be multi modal.

2357
2358 So, the term has already been tarnished and now used as a get out of jail free
2359 card.

2360
2361 In terms of walkable catchments, I understand the intent. I am not sure it works
2362 for the way we do transport. It works for walking. It doesn't work for cycling.
2363 Cycling catchments are different walking catchments, yet cycling is included in
2364 a walking catchment. Cyclists generally will go up to five kilometres with E-
2365 bikes the evidence suggests now ten kilometres. What you're actually doing is
2366 going between what would be walkable catchments. You're designing for
2367 pedestrians but not for cyclists.

2368
2369 If I was to look at the Hutt our greatest mode shift will come from cycling – not
2370 from walking. Walking is important, very important, but given that most of our
2371 trips are short trips, under four kilometres by any mode, I think there's just a lot
2372 more space for getting people on bikes than there are getting people on their feet.

2373
2374 Chair: Sorry, can I interrupt you. There's a question about multi modal transport and I
2375 just wanted to make sure I understand that. Policy CC.3, which I actually don't
2376 know if it is in that package of provisions, and I have only got in on my screen;
2377 it's one that's not in there because Ms Allwood isn't recommending... this is this
2378 very complicated process you were talking about before.

2379
2380 Anyway, I might just read it. It's only one line. The provisions that Ms Allwood
2381 currently supports say, "Enabling a shift to low and zero carbon emission
2382 transport. By 30 June 2025 District Plans shall include objectives, policies, rules
2383 and methods for enabling infrastructure that supports the uptake of zero and low
2384 carbon multi modal transport."

2385 [03.40.00]

2386 In the explanatory text it talks about providing a supportive planning framework
2387 for zero low carbon multi modal transport infrastructure such as cycle-ways and
2388 some other things are mentioned there.

2389
2390 I just wanted to know in that context, is there an issue with multi modal?

2391
2392 Tripp: That clarifies it. In terms of the technical term I would add a caution that multi
2393 modal, as used in common Council speak, that I've observed in three councils
2394 not very far from here, often turns out to be car centric. For example, I would
2395 use the case of our railway stations in the Hutt Valley, which have large park

2396 and ride facilities where you can park for free. You might call that multi modal
2397 transport. You take your car to the station and then public transport.
2398

2399 What we have actually seen in the Hutt over the last twenty years is a decline in
2400 walking and cycling to stations and an increase in cars. So, what is multi modal
2401 has actually turned out to be more people in cars and less people in active modes.
2402

2403 Maybe I'm talking about common use versus the technical use.
2404 One other thing from that statement that worries me is that these things enable
2405 and support active modes. We had extensive conversations through the River
2406 Link Project because they rightly said, "Here are a whole lot of facilities. There
2407 are cycle-ways and there are new walking bridges that enable and support active
2408 modes." However, the number of cars just went up year by year in the
2409 projections.
2410

2411 Chair: Would the words "active modes" in that policy (and sorry, I know you don't
2412 have the wording right there) would that help do you think?
2413

2414 Tripp: I would like to see policies which require us to achieve mode shift, not support
2415 and enable it. Support and enable means you can toss some pixie dust around the
2416 edge and you've done your bit. What we are trying to do is achieve. That was
2417 where the discussion with our planner at River Link was so testy; was that we
2418 said, "Where's the mode shift? You haven't achieved it." But, they had
2419 supported and enabled it.
2420

2421 There are some other comments there on the definitions which I will leave on
2422 the table for you.
2423

2424 Wratt: While we are on that topic, would some use of active transport instead of multi
2425 modal transport?
2426

2427 Tripp: You could say walking and cycling. I guess it's bigger than that. If you walk to
2428 the bus you scoot, you skateboard. I don't care how people get around but I
2429 would like them to use their legs.
2430

2431 I think I'm more interested in pinning it down to achieving something rather than
2432 supporting or enabling. We support and enable a lot of things that don't actually
2433 end up happening, or might happen by a percent of two. We are actually needing
2434 to achieve thirty percent change. That's a dramatic change.
2435

2436 Wratt: I hear that, but your reference to the railway station parking is that that's
2437 achieved an increase in multi modal because more people drive to the railway
2438 station to then catch the train which is multi modal.
2439

2440 So the use of multi modal you're saying isn't necessarily encouraging active
2441 transport modes.
2442

2443 Tripp: I would just be cautious about these things might be used against us. Where is
2444 the wriggle room here? We are having to push incredibly hard for dramatic
2445 change. We need to be unequivocally clear. No-one likes change. We are
2446 pushing water up hill, and so I would be looking for provisions that did not offer
2447 get of out jail free cards in the manner that we experienced.

2448
2449 Wratt: Obviously in what you have just handed out, you've identified some of your
2450 concerns with wording. You haven't, as I can see...
2451
2452 Tripp: I've made a couple of suggestions. One is rather than do this by (a), (b) and (c),
2453 by measures which must include, just so that it's not limited.
2454 [03.45.05]
2455 Secondly, I would suggest take out cycle lane from (c) and insert 'safe attractive
2456 and connected cycle networks' which would be the language that is used in our
2457 pedestrian cycling code from Waka Kotahi.
2458
2459 Wratt: You have also asked for a definition of cyclable catchments as well.
2460
2461 Tripp: I'm sorry, I'm venturing into planning areas where I don't feel comfortable, but
2462 that model of active transport, which is about walk to a hub, is not how transport
2463 actually works. That is how commuting transport works, but in the Hutt that is
2464 twenty percent of our total trips to and from work. The other eighty percent are
2465 to the shops, to the school, to recreation, to whatever. That's an everywhere to
2466 everywhere approach. It's not a going to the hub.
2467
2468 The other thing with public transport hubs is that I assume they're fixed. Actually
2469 what we need is buses that go to the people, and not people that go to the trains
2470 and buses.
2471
2472 Just in terms of how we actually do transport day-to-day, how I went to
2473 photocopy this down the road this morning – a couple of kilometres and I confess
2474 I took the car, I was in a hurry. That's how we do live in the burbs. The walkable
2475 catchment around a public transport hub is not actually how most people go from
2476 (a) to (b) or want to get from (a) to (b). It's certainly how you commute into
2477 Wellington, which is less than twenty percent. It's about ten percent of the people
2478 in the Hutt Valley.
2479
2480 So, for a transport network which shifts the population to another mode, we're
2481 going to do more than that. We need to do more than that.
2482
2483 Chair: As you noted, Wellington City Council has actually been doing pretty well
2484 recently.
2485
2486 Tripp: It's started, yes.
2487
2488 Chair: In terms of achieving those outcomes and creating infrastructure that is
2489 encouraging people to get out more on their bikes for commuting and recreation,
2490 what do you think are the best ways of achieving those outcomes through the
2491 region? Do you think they can be achieved everywhere in the region, given that
2492 we've got rural areas?
2493
2494 Tripp: If I just clarify: I am not talking about recreational cycling here. This is about
2495 transport to get from (a) to (b). That's what mode shift is.
2496
2497 I have a place in the Wairarapa. It's twenty kilometres to the railway station and
2498 the closest bus stop. No, I am not expecting people to walk that. Of course there
2499 is differences in terms of distance. The vast majority of our population lives in

2500 denser urban centres where for the trips that we make, up to three or four
2501 kilometres which are the most common, many could be substituted by active
2502 modes – maybe public transport for the longer end of that distance. That has
2503 certainly been the experience in many cities in the world. The ones referenced
2504 in our graph: if you go to Copenhagen twenty percent cycling mode share; if you
2505 go to British Columbia ten to twenty percent. You can go to the frozen north of
2506 Europe and snow doesn't put them off.

2507
2508 There's all the potential in the world to retrofit if your heart is in it.

2509
2510 In terms of what it takes some of this planning, some of this is outside of the
2511 scope of your planning activities. It's about investing in infrastructure. It's about
2512 trip end facilities. It's about education. It's about safety.

2513
2514 Interesting studies in the Hutt by Associate Professor Carolyn Shaw at Otago
2515 Uni: for women, cycling is harder because they perceive the risk as greater
2516 because of the extra burdens they carry in caring for others. That was the
2517 outcome of her focus group work. For women, separation from traffic is more
2518 important and lighting is more important.

2519
2520 There are lots of nuances in this.

2521
2522 Chair: That type of design or infrastructure that you're talking about... these provisions
2523 talk about designing and delivering transport infrastructure. Do you think more
2524 clarity is needed around that term?

2525 [03.50.03]

2526 Tripp: I'm not sure what you're allowed to tell councils to do, or what's the limits of
2527 the RMA activity. I'm sure there's lots of debate around that. I can't go there.

2528
2529 What we need councils to do is achieve dramatic mode shift – not support and
2530 enable it. I don't really care how they do it, I guess is my bottom line. The bottom
2531 line is the bottom line that we need to achieve almost one in three cars off the
2532 road. You will need to use every tool in your toolkit, planning and otherwise, to
2533 achieve that.

2534
2535 Chair: Commissioner Paine, did you have any questions for Dr Tripp?

2536
2537 Paine: Kia ora Dr Tripp. Just about comments about benefits to Māori. We often hear
2538 now that this or that would provide more benefit to Māori than any other ethnic
2539 group. When we're talking about this mode shift to active transport, why do you
2540 think an increase this mode shift would benefit Māori more than others?

2541
2542 Tripp: Two weeks ago I signed the death certificate for a Māori women in her forties,
2543 who died of chronic disease – diabetes, smoking related, lung disease. The
2544 tragedy for our Māori people is that they have an unjust and much higher burden
2545 of chronic disease. That's clear in evidence. I work in intensive care and I see
2546 people having their heart bypasses. If you walk into Wellington Hospital's
2547 Intensive Care and you see a Māori person and they will be in their fifties and
2548 sixties; you see a Pākehā person and they will be in their seventies or eighties.
2549 That's the reality of the health disparities we see in our Māori communities and
2550 our Pasifika communities. So, with that much higher burden of chronic disease,

2551 things that help will have the same relative impact, but in absolute terms it's
2552 much bigger.
2553

2554 I could also talk about the cycling of the structure in the Hutt. We have a
2555 wonderful cycle path called the Belt Way. Ironically, it was put in on the wrong
2556 side of the railway line, literally. It doesn't service Taita and Naenae. It's the
2557 other side of the railway line. It was put in for the numbers, but not for those
2558 who had the most to gain by having access to that infrastructure.
2559

2560 Far be it for me to tell Māori what is good for them. Please forgive me if I come
2561 across as doing that. But, it is the tragedy that I see that they have the most to
2562 gain from us getting this right.
2563

2564 Paine: Not to be absolute, when you talk about a crisis, are you taking about a crisis in
2565 health or a crisis as in climate change?
2566

2567 Tripp: Both. We've certainly got a crisis in climate change, I think that's on the front
2568 page of the paper most days. As long as you don't say this too widely (it might
2569 get me into trouble) we certainly have a crisis in healthcare. My department at
2570 Wellington Hospital we have 74 beds. Three weeks we had 115 people to put
2571 into those 74 beds. That is a crisis. That is due to our aging population and
2572 numbers of people over the age of 65 have gone up from about 400,000 twenty
2573 years ago to 1.4 million twenty years in the future. That's what drives our health
2574 system.
2575

2576 I am going to be one of them.
2577

2578 The magic of the situation is we've got a lever that addresses both, and I guess
2579 that returns to my initial plea which is actually, can we please acknowledge and
2580 give the weight to health as well as to climate change, because it gives us, I think,
2581 a little bit more leverage in the difficult situations when we know that we're not
2582 just talking about climate, we're talking about cancer as well.
2583 [03.55.00]

2584 Paine: Thank you Doctor. Thank you Madam Chair.
2585

2586 Chair: Thank you very much.
2587

2588 Perhaps Ms Allwood might be able to help me. I am just trying to see if there is
2589 a method. This is simplifying things Dr Tripp, but how these provisions work is
2590 there's a higher level outcome of what's trying to be achieved, then ways of
2591 achieving that, and then it goes down into methods which are quite concrete
2592 things. Elsewhere in the RPS there is talk about education programmes and
2593 whether that be in reducing agriculture admissions. These don't have regulatory
2594 impact but it's the Council indicating the programme of action really that they
2595 think can support achieving the other provisions.
2596

2597 Ms Allwood, just looking at terms of transport in the mode shift provisions,
2598 there's incentives to shift to active and public transport in CC.10 but I haven't
2599 found one that is more about encouraging people and behaviour change. Just this
2600 point you were saying before in the conversation with Commissioner Paine
2601 about really being able to encourage people into more active forms of transport.
2602

2603 Am I missing something, or is there one in there that addresses that?
2604
2605 Allwood: I'm just having a quick look now. We have Method CC.7 which advocates the
2606 use of transport pricing tools; so that's to reduce cars coming into the congested
2607 areas. Then I think the most relevant one is Method CC.3 which you are citing
2608 now. There doesn't appear to be anything around safety programmes, education
2609 or anything like that. So, the non-regulatory space that you are referring to.
2610
2611 Chair: There is one thing having the provisions and the plans and then there's basically
2612 getting people out and into more active forms of transport.
2613
2614 Tripp: I think many councils have within them people who are very familiar with that
2615 space. Transport experts will know much more in that space than me. That's out
2616 there. I think people know it. It's when push comes to shove and you're taking
2617 out some car parks to put in a cycle lane. That's when you need a very robust
2618 regulatory regime.
2619
2620 It's not that we don't know what to do, it's actually that it's quite hard. It's
2621 certainly very politically fraught.
2622
2623 I think that's where I would be looking to the Regional Policy Statement to
2624 provide very strong leverage next time we have a River Link sort of case.
2625
2626 Chair: And, leadership, which is what the Council has been talking about as well.
2627
2628 Thank you very much for all your advocacy and work in this area, and for
2629 coming and presenting today, really clearly. All the best.
2630
2631 Tripp: Thank you.
2632
2633 Wratt: Thank you also from me. I think perhaps we should actually have you writing
2634 rather than the planners and we might have something which is very focused and
2635 to the point. We have behind you representatives from Porirua City Council. I
2636 hope they have been listening well to what you have said.
2637
2638 Tripp: I should give my apologies at this point to our good Transport Planner who had
2639 to...
2640
2641 Wratt: I am not a planner by background either. I certainly appreciate and empathise
2642 with your comments.
2643
2644 Tripp: We're all here for a better world.
2645
2646 Wratt: We are indeed.
2647
2648 Chair: Thank you very much.
2649
2650 **Porirua City Council:**
2651
2652 We have the team from Porirua City Council. Welcome.
2653

2654 Kia welcome. I think we introduced ourselves to you last time. You know who
2655 we are. We do have a lot we want to cover with you, so we might just jump
2656 straight into it.
2657

2658 [04.00.00] We have the legal submissions, Ms Viskovic talking points or summary
2659 statement and then the planning statements. Really comprehensive package of
2660 changes that you have put forward which is great. If you are able to take us to
2661 the really key points where you differ from the officer's latest recommendations
2662 in their rebuttal evidence. I appreciate there's quite a lot here that you want to
2663 talk about, so over to you.
2664

2665 Viskovic: Thank you. We are willing to take guidance from the Panel as well, as to how
2666 you would like us to run through today. Myself, Mr Rachlin and Mr Smeaton all
2667 have summary statements which we are happy to run through. We are happy to
2668 either do that sequentially and take questions, or for us all to just sort of provide
2669 our summaries and then take questions from the Panel as a group. We're
2670 comfortable either way if the Panel has a preference.
2671

2672 Chair: I don't think so because it's broken into transport, nature-based solutions and
2673 hazards. However you would like to take things is probably fine.
2674

2675 Viskovic: Kia ora koutou. Ko Cat Viskovic tōku ingoa. I'm Cat Viskovic. I'm counsel for
2676 Porirua City Council.
2677

2678 Porirua has presented to this Hearing Panel in relation to Hearing Streams 1 and
2679 2 and essentially it's position in relation to Hearing Stream 3 echoes the similar
2680 themes from those previous presentations.
2681

2682 The issues raised by Porirua City Council in its submission primarily derive
2683 from the need for the RPS to provide clear direction, which will in turn enable
2684 the Council to give effect to the objectives and policies, as is intended through
2685 the District Plan; so the need for clarity and drafting.
2686

2687 There is some concerns that some of the provisions seek to require action by
2688 Porirua Council that sit outside of its statutory functions as a district council and
2689 the requirement for the Regional Policy Statement to give effect to national
2690 policy direction. In particular here, we just acknowledge the National Policy
2691 Statement for Urban Development.
2692

2693 In relation to this hearing stream, as the Panel is aware, the Council has filed
2694 four statements of evidence. Mr Rachlin has filed two statements relating to
2695 climate change general and then climate resilience and nature-based solutions.
2696 Mr Smeaton has filed a statement which relates to energy waste, industry and
2697 transport. Mr McDonnell has filed a statement in relation to natural hazards.
2698

2699 A consolidated version of the proposed amendments to the Change 1 provisions
2700 was attached to my legal submissions. The experts have reviewed the rebuttal
2701 statements from the Greater Wellington S42A reporting officers; and the
2702 drafting that is contained in Attachment A is still the Council's position.
2703

2704 I don't intend to go through my legal submissions in detail; however, I just note
2705 that Kāinga Ora filed legal submissions in relation to the natural hazards

2706 overlays. I agree with the position put forward in those legal submissions, that
2707 there are two approaches that can be taken to the identification of flood hazards
2708 and district plans, and that is either to map the hazards within the plan, or to rely
2709 on a definition and non-statutory mapping.

2710
2711 PCC's proposed district plan maps the flood hazards within the planning
2712 document itself, in the maps. From a legal perspective I note that including
2713 hazard mapping within the plan itself has some advantages. It ensures that a
2714 consistent approach is taken to the application of hazard provisions at the
2715 consenting stage and it also avoids creating issues relating to natural justice that
2716 could arise if hazard mapping is dynamic, if it sits outside of the plan; as taking
2717 this approach means that the activity status of activities on a particular property
2718 could change without that land owner being aware; and furthermore, hazard
2719 mapping that changes over time may mean that people who would have
2720 otherwise submitted may not have been involved in the plan making process.

2721 [04.05.00]

2722 Mr McDonnell was the reporting officer during the Council's proposed district
2723 planning process in relation to natural hazards. He is available today to answer
2724 any questions. I am happy to take any questions on my legal submissions.

2725
2726 Chair: We'll just see if anyone has any questions on the legal submissions before we
2727 go into the evidence.

2728
2729 [Nil response]

2730
2731 I have a question Ms Viskovic. Para 2.15 of your submissions, and I appreciate
2732 we will come back to this with Mr Smeaton, but just the last sentence there, that
2733 it remains unclear how the extent to which an assessment... this is the whole of
2734 life carbon emissions assessment, will inform the consideration of effects in
2735 considering an application for consent.

2736
2737 I am really interested in understanding that concern better, and in turn
2738 understanding the workability of CC.11.

2739
2740 I don't know if you want to comment in terms of that statement in your
2741 submissions, or we should just pick that up when we come to looking at that
2742 policy with Mr Smeaton.

2743
2744 Viskovic: I am happy to comment from a legal perspective, and then I am sure that Mr
2745 Smeaton would also be happy to provide his input.

2746
2747 Essentially, the repeal of the provisions that prevented councils from considering
2748 the effects of greenhouse gas emissions on climate change is relatively recent. I
2749 appreciate that this is going to be probably an area of legal jurisprudence that
2750 will develop over time. I think a number of councils are grappling with exactly
2751 how they should feed that kind of evidence and that level of effects assessment
2752 into their decision-making.

2753
2754 There is a need obviously for there to be connection between the activity and the
2755 effects of the activity, and the potential effect on climate change, which raises
2756 some issues as to where you draw the line and the remoteness between the
2757 activity that is being consented and potential climate change effects. I just

2758 acknowledge that it's going to be a very difficult exercise for councils. I
2759 anticipated that this is something that will be debated in the future. But,
2760 essentially that's the perspective that we've taken and what informed that
2761 statement in my submissions was essentially, if the Council receives a whole of
2762 life carbon assessment how that feeds into its decision-making and the type of
2763 evidence that is and how that informs consent applications.
2764

2765 Chair: That provision that came in on those November 2022 amendments, is that also
2766 in s.104 as well as in the plan? I can't actually remember now.
2767

2768 Viskovic: Yes. I do have it in my submissions at 2.12. It repealed the bar in relation to plan
2769 making and also decisions on consenting.
2770

2771 Chair: CC.11 is provided for through that statutory framework, but the question is what
2772 affect does it have on consenting decisions?
2773

2774 Viskovic: What does the Council do with it, and then also bearing in mind the fact that
2775 Territorial Authorities don't have a function under the RMA relating to
2776 discharge of contaminants to air? So, that sort of makes it quite a difficult
2777 position.
2778

2779 Chair: So, the things that they do have within their functions, around land use
2780 management, etc. are you saying is that a bit removed from the actual emissions
2781 that they're then being asked to consider in these assessments?
2782 [04.10.00]

2783 Viskovic: Yes, exactly.
2784

2785 Chair: But, if there's an ability to...say there's two options: (1) that as a result of that
2786 land use development one that is going to, if you can quantify it, have less
2787 emissions and one that will have more emissions, that could be relevant then
2788 under a 104.
2789

2790 Viskovic: I think it's difficult because when you're considering your consent application
2791 you're not considering alternatives. All you're considering is the application that
2792 you have received. I think the other difficulty is where you draw the line in terms
2793 of expecting something like a whole of life carbon assessment as well. If you're
2794 thinking about it in terms of urban development, is it when you receive an
2795 application for a subdivision for one allotment that doesn't have good
2796 connection public transport, is it twenty, is it two hundred? When does this factor
2797 into your decision-making?
2798

2799 Chair: I don't want to spend the whole session on it. We probably could. We need to
2800 also talk about other things.
2801

2802 Just related to that, and I've had a look at the provisions in your PDP about
2803 generating those standards and the need for an integrated transport assessment
2804 in certain cases, as part of that ITA would you be expecting to see a carbon
2805 emissions assessment.
2806

2807 Smeaton: Kia ora. No, we wouldn't expect that with that. Rule 5 of the Transport Chapter
2808 includes a s.88 requirement for the ITA which includes reference to the Waka

2809 Kotahi guidance on that. From my knowledge that doesn't include anything
2810 around emissions.
2811
2812 There is in the relevant policy for that high trip generating activity resource
2813 consent requirements. Within that policy it does list relevant matters such as
2814 active modes and such, but not specifically any greenhouse gas emissions.
2815
2816 Chair: You would have heard Dr Tripp before. Council is saying, "We need to more
2817 than BAU, we need to do more than what we've doing because we're not getting
2818 the changes that we need." We heard that very clearly from Dr Tripp.
2819
2820 I would like to see provisions that do more than just look good on paper and that
2821 can actually achieve the outcomes. In a way we're sort of promising the
2822 community through these provisions; rather than being words that look good.
2823
2824 Sorry, I'm going away from your submissions.
2825
2826 I did have one more question on para 3.2. This is a recurring concern that you
2827 have raised about this idea of perhaps, or some duplication where you have got
2828 these consideration policies. In the notified version they apply to consenting,
2829 NORS and plan changes, and then there will be quite a similar provision with
2830 some different wording that will apply as a direction to District and Regional
2831 Plans.
2832
2833 As I understand that concern in 3.2, you're saying once the District or Regional
2834 Plan has given effect to it, having another policy that deals with the same matter
2835 perhaps worded differently, is it necessary, is it actually going to be unhelpful?
2836
2837 When we asked the Council about this, and I can't remember what topic it was
2838 on, the response was "I think that it can provide a useful check and there could
2839 be a long gap between the District Plan giving effect to the policy."
2840 [04.15.10]
2841 But, you still remain concerned that having these two provisions that could
2842 maybe come up against each other?
2843
2844 Viskovic: Yes, that's correct. The concern derives from how it feeds into consenting
2845 decisions when the provisions have already been given effect to in the District
2846 Plan; so then do you also still revert back to the Regional Policy Statement as
2847 well? If the District Plan has been found to already give effect to the Regional
2848 Policy Statement then the need for the consideration of policy to continue to
2849 apply seems superfluous and potentially confusing.
2850
2851 Chair: There's been some case... I don't think in this context where it talks about the
2852 usefulness of being able to go higher up the chain as a check, but that I think is
2853 more in the context of national direction rather than that this level.
2854
2855 You don't think having that ability to check back in with the other policy, to
2856 check you're actually also meeting that?
2857
2858 Viskovic: I think yes that check remains, but that would remain I would have thought
2859 primarily with respect to the substantive objectives and policies and the Regional
2860 Policy Statement, rather than these consideration policies, which seem to read

2861 as, “This is what you should consider in the interim until the balance of the
2862 document is fully given effect to.” I think that’s where Porirua’s concerns arise.
2863
2864 So, that’s why it’s proposed essentially that these policies be amended to have a
2865 sunset clause within them, so that once the relevant provisions of the RPS are
2866 given effect to then there’s no need for the consideration policy.
2867
2868 Chair: But, couldn’t that get quite confusing if your District Plan has given part effect
2869 to something and then if that sunset provision applies and the policy then has
2870 fallen away, or maybe there’s uncertainty about whether it has fallen away or
2871 not, or could there be a new plan change that comes along and then you’re not
2872 sure of the applicability of that other policy?
2873
2874 Viskovic: I would have thought that if the District Plan isn’t given effect to the Regional
2875 Policy Statement or if there is a plan change that doesn’t give effect to the
2876 Regional Policy Statement then it would be challenged on that basis.
2877
2878 Wratt: I’m probably being very simplistic because I’m not a planner, but I would have
2879 thought it’s relatively simple when you’re going through a consenting process
2880 that you just check back and say, “Okay,” tick, “Covered that already.”
2881
2882 Viskovic: I’m happy to defer to the planners on this in terms of how they would consider
2883 the policies, but they would all potentially be relevant.
2884
2885 I suppose the concern is that if there was any perceived inconsistency it seems a
2886 little strange to be assessing against these consideration policies that are sitting
2887 within the Regional Policy Statement when the District Plan has already given
2888 effect to the Regional Policy Statement and given it that District Flavour and
2889 considered it at that District Level.
2890 Wratt: Could you not just put into your consent decision report that this is taken account
2891 of under whatever it is in the District Plan?
2892
2893 Viskovic: I think that’s probably what currently happens. I think that the risk with that
2894 though is that interested parties could see to challenge it. Then you’re essentially
2895 revisiting your plan provisions.
2896
2897 Chair: We’ll hand over to the experts.
2898
2899 Viskovic: I’ll defer to Mr Rachlin.
2900
2901 Rachlin: Just picking up on the guidance that you gave at the beginning of the session, I
2902 think we clearly want to move to questions fairly sharply.
2903
2904 With your permission I won’t read out my entire speaking notes. What I will do
2905 is just perhaps pull out some of the key bits on that which reflects, if you like,
2906 some of the key points of my evidence.
2907
2908 I think the first point, as made earlier, is that the provisions that are proposed
2909 provisions in the document you are provided with our evidence, still remains our
2910 preferred set of provisions, taking into account the rebuttal evidence.
2911 [04.20.10]

2912 In terms of some of the key topics I have identified, integrated approach – and
2913 again I don't want to dwell on that there because it's clearly set out in my
2914 evidence, but just picking up on points that were made perhaps by the previous
2915 submitter, clearly we all recognise that regulatory frameworks in district plans
2916 will play their part. But, to achieve some of these shifts, say for example in
2917 transport mode, will rely on investment decisions, other actions take place, price
2918 and policies for public transport. These things have to work together. It cannot
2919 all be solved through district plans or regional plans.

2920
2921 One of the key points I've been concerned with is just recognising that district
2922 plans play their part, but we need to recognise that there are other actions that
2923 will be taken to deliver the overall outcomes.

2924
2925 If I just briefly drop down to urban development. This is something I raised in
2926 hearing stream one, just about the general negative framing of urban
2927 development. The example I gave and recommendation I suggested, which
2928 hasn't actually been addressed by Mr Wyeth in his Climate Change General
2929 Report, is that Table 1A in Change 1 identifies all the policies and methods to
2930 achieve the objectives of Change 1; so that's increased resilience to climate
2931 change effects and reducing greenhouse gas emissions. But, it does not include
2932 the likes of policies 30 and 31, which is about urban intensification.

2933
2934 The point I have raised in my statement of evidence is that the Natural
2935 Adaptation Plan and the National Emissions Reduction Plans do recognise the
2936 role of urban development and achieving those outcomes.

2937
2938 It just seems a bit surprising it's not recognising Change 1.
2939 Just covering the Climate Change Objectives, I think the key points I've been
2940 making there is that I think they can be simplified. I think the numbers can be
2941 reduced. We can remove the actions to achieve those outcomes from the
2942 objectives. I have suggested there a number of objectives, and I have listed them
2943 in my speaking notes and in my evidence, aren't actually objectives, they're akin
2944 to policy directions. They set the actions to achieve reduced greenhouse gas
2945 emissions or increase climate resilience.

2946
2947 I touched on Objective CC.2 which is [04.23.00] equity objective. Again I have
2948 addressed that in my evidence, but a key point for me is that district plans have
2949 to give effect to high order objectives in this document and National Policy
2950 Statements. Equity of outcomes need to be hard-baked into those high order
2951 documents for District Plans to be able to deliver their part, otherwise it's put
2952 District Plans into a position where they've been told to achieve a set of
2953 outcomes and in Regional Policy Statements which may themselves be
2954 inequitable, and yet we're being tasked and told, "You've got to do this, but at
2955 the same time somehow do this equitably."

2956
2957 So, it seems to me that there's a schematic issue here that I haven't seen
2958 addressed. I don't know whether the provisions of the RPS will lead to equity.

2959
2960 Policy CC.8 is about the offsetting policy, if you want to call it that. Again, I
2961 still consider that this either needs to be deleted, or [04.24.15] Regional Plans,
2962 or delayed until the actual guidance is available.

2963

2964 A key point I would make and what I have said in my [04.24.25] statement here
2965 is, Mr Wyeth places much emphasis on Method CC.2 to spell out how the policy
2966 is to be implemented. Relying on a future method to provide the clarity missing
2967 from a policy is not in my opinion sound policy making.

2968
2969 That to me is one of the key issues with Policy CC.8 – is that we don't seem to
2970 know what it actually is trying to achieve, and while having to rely on something
2971 happening later to tell us.

2972
2973 [04.25.00] I've made the point about anticipating environmental results and how they seem
2974 to be lacking, which Mr Wyeth agreed with me; but the gap I identified was for
2975 Objective CC.1 – and that requires that Wellington becomes a climate resilient
2976 region, as opposed to a region with increased resiliency effects of climate change
2977 as I have recommended.

2978
2979 He's not addressed that in his rebuttal evidence, or his S42A. He still has kept
2980 Objective CC.1 that Wellington becomes climate resilient; but we have no AER
2981 to set out what that is and how will we know when we have met it.

2982
2983 Definition of nature-based solutions: I won't spend too much time on that, other
2984 than just to reaffirm that I still consider that the definition does not align with
2985 the National Planning Standard directions on this matter.

2986
2987 Ms Guests' rebuttal statement she has a couple of examples of what she calls
2988 nature-based solutions – these being green/blue infrastructure and water
2989 sensitive urban design. In my opinion they are in fact green infrastructure and
2990 fall within that definition.

2991
2992 Policy CC.4 and CC.14 I would confirm that I still will be recommending that
2993 CC.4 should be simplified in the way I have put in my evidence, and that CC.14
2994 I believe should still be deleted for a number of reasons, including I believe it's
2995 just too broad, contains too many uncertainties within it.

2996
2997 Then finally I have touched on in my speaking CC.18 and FW.8. I still believe
2998 that the recommendations I made are the most appropriate. I comment that
2999 contrary to Ms Guests' opinion that Policy CC.18 is simply implemented by
3000 Method CC.4, a district plan still needs to give effect to these policies regardless
3001 of Method CC.4. Indeed, Method CC.4, this is the Regional Forest Spatial Plan,
3002 and if I was developing a non-RMA plan it raises the question of why Policy
3003 CC.18 is even necessary. It solely should be implemented by way of an action
3004 outside of the Resource Management Act.

3005
3006 That's just highlighting some of the main issues I've identified. Finally, I just
3007 want to say, this is about the amendments we've opposed, and in our opinion is
3008 a way of better achieving the direction of travel that Change 1 is seeking, than
3009 the notified version.

3010
3011 Maybe if I hand to Mr Smeaton.

3012
3013 Smeaton: Kia ora again. My statement is a little bit shorter than Mr Rachlin's. I might just
3014 read it out so I don't miss anything, but I will try and skip over anything that's
3015 not too important.

3016
3017 My name is Rory Smeaton. I'm a Principle Policy Planner at PCC. I have
3018 provided some evidence on the energy waste in industry and transport topics.

3019
3020 As I stated in my evidence, I generally agree with the recommendations of Mr
3021 Wyeth in his S42A Report on the energy waste in industry topic. There's a few
3022 additional amendments which I think could clarify those positions, and Mr
3023 Wyeth has picked up on some of those in his rebuttal evidence.

3024
3025 There are a few that I think are still important, one of those being the inclusion
3026 of the protection of Regionally Significant Infrastructure in Policy 7 and I
3027 continue to support those amendments for the reasons stated in my evidence.

3028
3029 In relation to the provisions in the Transport topic, I continue to support the
3030 changes I recommended in my evidence and I generally disagree with the
3031 recommended amendments of Ms Allwood in her S42A Report and rebuttal
3032 evidence.

3033
3034 I consider that the recommendations potentially rather than improving the
3035 provisions will in some cases result in additional confusion and potentially poor
3036 outcomes.

3037
3038 In relation to Policy CC.1 which addresses reduces reducing greenhouse gas
3039 emissions associated with transport, Ms Allwood states in response to my
3040 recommendation that reference to "altered" should be replaced with upgraded,
3041 and that she anticipates that smaller scale activities would likely be permitted
3042 activity and therefore not require resource consent. While this may be true I
3043 consider that the wording of the policy needs to be clearer, and as such continue
3044 to recommend that the policy refer to upgraded infrastructure.

3045 [04.30.12]
3046 This will be particularly important if there is no definition of altered included in
3047 the RPS as recommended by Ms Allwood, as "altered" is a less commonly used
3048 term within the RMA documents in relation to infrastructure compared to
3049 "upgraded".

3050
3051 I also continue to consider that the inclusion of both a definition of optimised
3052 transport demands, as well as the three sub-clauses in Policy CC.1 results in
3053 duplication and confusion.

3054
3055 I note that other submitter evidence has also raised this point. I consider that the
3056 wording of the Policy should be rationalised and continue to support the wording
3057 I recommended in my evidence.

3058
3059 I strongly disagree with Ms Allwood's recommendation in Policy CC.2 relating
3060 to [04.30.55] choice assessments. In particular, I consider the addition of Policy
3061 CC.2(a) is unnecessary and only adds confusion. While the proposed Policy
3062 wording states that the Regional thresholds are to be used as a minimum by
3063 Territorial Authorities as a basis for developing their own local thresholds, it
3064 also states that District Councils must develop their own travel choice thresholds
3065 that are locally specific.

3066

3067 These statements appear to be somewhat contradictory to me. Additionally, it
3068 says that the regional thresholds will cease to apply when Policy CC.2(a) is given
3069 effect to and it's not clear to me what those thresholds would apply to prior to
3070 Territorial Authorities given effect to Policy CC.2 in their district plans, unless
3071 they are intended to also apply to resource consents during that period.
3072
3073 For these reasons and those stated in my evidence, I continue to support the
3074 recommended amendments to Policy CC.2.
3075
3076 I also disagree with Ms Allwood's assessment of Policy CC.3 relating to
3077 reducing greenhouse gas emissions in her rebuttal evidence. I continue to
3078 support the amendments I recommend in my evidence, as well as those for
3079 Policy CC.9 and CC.10.
3080
3081 Just lastly, I note that I agree with the amendments to the definition of carbon
3082 emission assessment recommended by Mr Wyeth in his rebuttal evidence. Mr
3083 Wyeth recommends that the term be amended to "whole of life greenhouse gas
3084 emissions assessment" which I agree with.
3085
3086 I just wanted to point out that from the latest version I had seen at least it looked
3087 to me that this hadn't been carried forward into Policy CC.10, which is the only
3088 one which refers to or uses that definition.
3089
3090 So, along with amendments of that term, I also consider that the policy should
3091 be non-regulatory, as I recommended in my evidence.
3092
3093 Chair: CC.11 I think.
3094
3095 Smeaton: Sorry, yes, CC.11. Correct.
3096
3097 Overall, I consider that further amendments are required to the provisions in
3098 Change 1 relating to the energy waste in industry and transport topics, to ensure
3099 that PCC can continue to meet its statutory obligations.
3100
3101 Apologies if I ripped through that reasonably quickly, but I wanted to get to the
3102 questions.
3103
3104 I was just thinking about your question before, about whether Policy CC.11
3105 could be useful in terms of some Resource Consent processes and how that
3106 might be used. From a practicality standpoint, I think there is potential for it in
3107 relation to notices of requirement; whereas where there is the requirement to
3108 assess alternatives. There may be something in there, but overall I agree with a
3109 legal submission where there's a bit of a gap at the moment of how that would
3110 actually be useful in most processes.
3111
3112 Chair: Thanks very much Mr Smeaton. Shall we hear Nature-based Solutions and then
3113 we'll move onto quick questions – sorry, Hazards.
3114
3115 McDonnell: Kia ora. Ngā mihi, kia koutou. Ko Corey McDonnell tōku ingoa.
3116
3117 I did not, unlike my colleagues, circulate a presentation. Happy to take questions
3118 on anything natural hazards related.

3119
3120 The key one for us is Policy 29 which drives the risk based approach, which our
3121 PDP incorporates. It's good to see we've got some alignment with officers on
3122 how that policy should be worded.

3123 [04.35.00]

3124 Apart from that, there still remains some disagreement I guess from the rebuttal
3125 evidence and from the evidence I have provided. There remains some
3126 differences, but I believe the wording changes that we have recorded, as my
3127 colleague Mr Rachlin said, help better achieve the outcome sought.

3128
3129 Chair: Thanks very much. We might actually, if it's okay, start with a question for you
3130 McDonnell before we move onto maybe the more complex provisions in the
3131 terms of the relief you are seeking.

3132 Yesterday we heard from the Telco Companies. They talked about how there is
3133 an exclusion for their infrastructure through the Telecom NESTF. As I
3134 understand it, if they had to, because they had no other choice, locate in a hazard
3135 identified area, that is provided for through the NES and there is nothing in the
3136 District Plan that would apply; so no hazard overlay that had been identified in
3137 the District Plan would apply.

3138
3139 So, then they're saying, "If that exclusion exists in the NES, why should these
3140 regional provisions apply?"

3141
3142 One of the points that came up in questions is if they had to, say for example,
3143 locate in the coast and there was a coastal hazard, these provisions would require
3144 sites of significance to Māori to be considered potentially through a consenting
3145 process.

3146
3147 I note that in para 23 of your evidence you talk about the inclusion of sites and
3148 areas of significance to Māori being appropriate, and that many of these sites are
3149 in areas that are prone to natural hazards.

3150
3151 Sorry, I'm not asking you to speak on behalf of the Telco's but just your views
3152 or any comments on whether an exclusion would be from these provisions in the
3153 RPS would be appropriate for them, given their infrastructure?

3154
3155 McDonnell: I might actually have to pass this one to my colleague Mr Smeaton for two
3156 reasons: (1) Mr Anderson is one of my colleagues at my consultancy; and Mr
3157 McHarrison works for one of my clients. The other reason is Mr Smeaton wrote
3158 the infrastructure provisions in the PDP, so he can perhaps speak to them, if
3159 that's alright.

3160
3161 Smeaton: Sure. Would you just be able to summarise the question a little bit?

3162
3163 Chair: It's probably a complicated question. Maybe in reflection there's probably more
3164 pressing things that we should be taking this time up with, but they're sort of
3165 saying these provisions shouldn't apply to them if they need to locate a hazard
3166 overlay, given there's an exclusion from district hazard requirements, mapping
3167 or layers, and just whether you had any thoughts on that.

3168
3169 Smeaton: Based on my knowledge and just what you described there, I would probably
3170 tend to agree with that. Within the proposed District Plan we have tended to

3171 exclude activities that are covered by National Environmental Standards if
3172 they're addressed in those standards.
3173
3174 It would seem to be a bit incongruous I suppose if the Regional Policy Statement
3175 set a direction that was needed to be taken into District Plans in some way, and
3176 how we would reconcile that. It may present somewhat of a challenge, if that
3177 makes sense.
3178
3179 Chair: Thank you. Commissioner Paine or Commissioner Wratt did you have any
3180 questions for Mr McDonnell, or shall we move on?
3181 Wratt: Not specifically from Mr McDonnell, no.
3182
3183 Chair: There is less areas of disagreement aren't there in the provisions that you're
3184 focusing on, than what Dr Dawe and Mr Beban are supporting.
3185 [04.40.00]
3186 I think we're probably okay on those issues.
3187
3188 Questions for Mr Smeaton on transport?
3189
3190 Wratt: I have a broader question I guess, I that there still seems to me to be quite a lot
3191 of distance between what you're recommending and the rebuttal reports from
3192 Greater Wellington Regional Council. We will now have replies from the
3193 Wellington Regional Council S42A Report writers. I guess the simplistic...
3194 well, it's not really simplistic, there's nothing simple about this process, but to a
3195 degree it's up to us to then make a decision of what we prefer in our
3196 recommendations to the Council.
3197
3198 My question, and it's not a specific transport question, but is a question and
3199 maybe Mr Rachlin you're the person to answer, but any thoughts from you on
3200 how we might encourage you to come to a closer view between the Regional
3201 Council and the City Council in terms of what is appropriate in the RPS?
3202
3203 Rachlin: Are you saying not necessarily that we go closer to them, but that together is a
3204 way that the Council and PCC can work through their differences, given that we
3205 all want to get to the same point – it's I suppose how we get there.
3206
3207 There's obviously the more formal option of you can direct some sort of caucus
3208 in between the Council and submitters, whether it's just PCC or other parties
3209 who have raised issues. That would be one method. Rather than say some sort
3210 of, "Can we go and talk to each other and see where we can..." I think in terms
3211 of this type of process, now that I am the process, for the sake of transparency
3212 that probably would be my way, in my experience from other situations, where
3213 for when example I worked for the Regional Council and we were far apart if
3214 you like, caucusing was often a good way of trying to, I suppose, knock heads
3215 together and see are we really far apart, or are there changes can be made that
3216 satisfy all of us, and to pull us from what maybe perceptually be out there.
3217
3218 I am not sure I would necessarily say we are far apart on where we want to get
3219 to, it's just how we get there. I suppose part of our concerns have been the
3220 workability of these provisions of what they actually mean and they've been
3221 implemented through a District Plan.
3222

3223 I'm purposely singling out District Plans for obvious reasons. Obviously they're
3224 regional plans and other things.

3225
3226 I suppose we feel that there may not be a complete understanding of what
3227 District Plans can and cannot do. It's not a case of we don't want to get there. It's
3228 making sure that we're using the provisions in the most efficient way to get
3229 there, so that we don't kick the can down, the implementation can down the road,
3230 so that they get bogged down at District Plan stage because our uncertain
3231 policies or definitions are missing. We don't want to get to that point because
3232 we haven't actually achieved anything. All we have done is, two years down the
3233 line we'll be sat around debating what certain things mean.

3234
3235 I think to try and get that stuff frontloaded now, I would probably be looking at
3236 some sort of direction to parties to say, "Actually, can you come together and
3237 see how can we get there? Because we don't think you're actually where you
3238 want to get to. We don't think there's a difference, it's just the methods by which
3239 we get there."

3240
3241 Viskovic: If I can just add to that. Ultimately it will be for the Panel to consider all of the
3242 evidence that it has before it, in terms of making recommendations and decisions
3243 on these provisions. I understand that the Panel is contemplating directing
3244 caucusing, and if this is something that you are trying to work through and trying
3245 to figure out exactly how far apart the parties are, then that would seem to be a
3246 sensible approach. Just ensuring that all of the correct parties and experts are in
3247 the room at the time will be quite important moving forward.

3248 [04.45.15]

3249
3250 Chair: Mr Smeaton, Policies 7 and 39, these are your provisions aren't they? Policy 7
3251 and 39 on infrastructure.

3252
3253 We have heard from some submitters, Wellington Water I think is one, where
3254 they think Policy 39 (b) and 7(a) should do more than recognise the benefits of
3255 regionally significant infrastructure. They should actually provide for them, and
3256 that is a gap that is in the current operative RPS.

3257
3258 I appreciate that's not your relief, but whether you think having the more
3259 enabling provisions for Regionally Significant Infrastructure could be basically
3260 too enabling in the context of the infrastructure that might want to use that
3261 provision to construct etc.

3262
3263 Smeaton: Yes, this is actually something that arose through the hearings on the proposed
3264 District Plan as well, as to what the exact direction was through the existing
3265 RPS, which is to recognise those benefits.

3266
3267 I will draw your attention to my previous evidence on integrated management,
3268 where I think it was my proposed Objective C which related to the future
3269 development strategy, but I did include a clause in that saying, "provide for
3270 infrastructure that was required for giving effects to the urban form in a future
3271 development strategy. I think there is some benefit to having policy direction
3272 within the RPS of providing for infrastructure, but (and it always sort of comes
3273 down to this) it will need to be quite carefully thought about and worded,
3274 because I think there are potential fish hooks in that, if it was read in a way that

3275 infrastructure was always to be provided for in all locations, which I don't think
3276 would be appropriate. You could argue that all the other provisions within the
3277 RPS will take care of that, but there is some concern still in my mind that may
3278 not always be the case.

3279 Chair: Would that risk be moderated a bit by referring to recognise and provide for say
3280 lifeline utilities as opposed to all RSI?
3281

3282 Smeaton: Yes, I think something like that could potentially work. Again, I would have to
3283 think about it a bit more deeply, and narrowing down more the critical
3284 infrastructure that needs to be provided for; while I guess recognising other
3285 submitters, from what I have read, have raised potential issues and creating
3286 multiple tiers of infrastructure and how that's dealt with through the RPS.
3287

3288 Chair: Just on the Transport suite, what are your thoughts, and I appreciate you've gone
3289 through this PDP process and you're supporting a definition of high drip
3290 generating activity, which I presume is compatible what's in the PDP; do you
3291 think though that your suite of provisions for Transport is ambitious enough to
3292 achieve that real step change that Dr Tripp and many others are saying needed
3293 to drive down transport emissions?
3294

3295 Smeaton: I guess first I can acknowledge Dr Tripp. Hearing his evidence was really good,
3296 and in some cases quite powerful. But, I think it comes back a little bit to what
3297 Mr Rachlin was saying before around the scope of what a District Plan can
3298 achieve, and generally that's through enabling activities to occur, or rather not
3299 restricting it too much.

3300 [04.50.00]
3301 Whereas it's quite difficult to require something to be done through that
3302 mechanism.
3303

3304 In terms of achieving modal shift for transport, a lot of it is going to be driven
3305 by funding for infrastructure and other ways of achieving those goals. But, the
3306 District Plan certainly does have an important role to play in that, and through
3307 the PDP, I think we have certainly tried to achieve that where we can for Porirua
3308 as well, through design requirements for roads, including cycle lanes and that
3309 sort of thing.
3310

3311 We do need to be, I guess, cognisant of what the scope is and what we can
3312 achieve through District Plan provisions.
3313

3314 Chair: Just your comment about how it can enable activities rather than inquire, but
3315 through these provisions there's the ability to actually require developers to
3316 show how exactly are they going to provide for these active sort of methods. If
3317 they can't provide that, should there be a higher consenting burden for them?
3318

3319 Smeaton: Yes, that's certainly true. Where we can, to require good transport networks to
3320 be developed through new development, I think that's a good thing to do. But, a
3321 lot of what is going to need to be done, particularly in urban areas like Porirua,
3322 or as Dr Tripp was discussing in the Hutt, it is going to be a lot of retro-fitting.
3323 So, how you do that through a District Plan is much more challenging, where
3324 new developments will be wherever they are. You can require something to be
3325 provided but if it's not linking up, as Mr Tripp was discussing, within the broader
3326 networks then it's not achieving all that much.

3327
3328 Rachlin: I wonder if I could just perhaps add to that.
3329
3330 The other side of the coin, of the PDP is also about controlling where land use
3331 takes place relative to the transport network. Some of the things I think I have
3332 mentioned in my speaking notes was about obviously the IPI puts in place a
3333 special blueprint for developing the city in the future. But, some of the other
3334 things that perhaps may not be immediately apparent until you dive into the
3335 district plans, thinks like urban design requirements, whereby we are trying new
3336 developments to go through urban design assessments, part of which is about
3337 site planning and how that development connects in with the surrounding
3338 moving network.
3339
3340 Or, even little things that we have put in, things like standards in our city centre
3341 and other commercial centres. Things like active frontage and building
3342 [04.53.37] requirements. It's making building actually front the street, rather
3343 than being sat back on site surrounded by a sea of carparking. All these little
3344 ways that our District Plan can facilitate this shift. I think perhaps sometimes we
3345 might focus too much on one aspect, whilst forgetting that actually there are
3346 these other methods that are taking place that are all contributing to this narrative
3347 of let's change the way or how people move about the city.
3348
3349 Chair: Commissioner Paine, do you have any questions relating to the transport
3350 provisions?
3351
3352 Paine: Not at this time thank you.
3353 [04.55.00]
3354 Chair: For the benefit of caucusing, I'm still trying to get my head around whether your
3355 version Mr Smeaton of Policy CC.2 and CC.1 are actually that different from
3356 Ms Allwood is proposing, or if it's just tidying up the language. Is there actually
3357 anything that is fundamentally different in the approach you're supporting and
3358 what Ms Allwood is supporting?
3359
3360 Smeaton: I think there are a few important differences. For Policy CC.1 it sort of goes back
3361 to what I said in my opening statements. Sorry, I will step back a little bit. I think
3362 the general direction of travel for it is good. I agree with the intent that it's trying
3363 to achieve. I do think it is more about the wording and ensuring that it direct
3364 things that are achievable for PCC through District Planning Provisions.
3365
3366 In saying that, I hope that my evidence has been helpful in terms of trying to be
3367 clear with the language that's being used. On that four Policy CC.1, what I was
3368 saying in my opening statements was around the duplication as I saw it of the
3369 definition of demising transport demand, which had I think three sub-clauses in
3370 there and then having the three sub-clauses within the Policy as well, which then
3371 creates, or what I thought was essentially the same thing; and so trying to
3372 rationalise that to be a bit clearer. But, I think you're right. It's not that we're
3373 completely different. I think in those provisions caucusing could be quite useful.
3374
3375 In terms of Policy CC.2 I think Ms Allwood has in her rebuttal evidence now
3376 recommended that be split into two policies, which I think is going the wrong
3377 way in terms of that. I sort of spent quite a bit of time on that in my original
3378 evidence around explaining how the ITAs and the high trip generating activities

3379 within the proposed District Plan provisions I think already cover the bases on
3380 what it is trying to cover and having an additional layer than consent applicants,
3381 and the Council would have to go through, is not in my mind an efficient or
3382 effective way to go about it. It was more about just stripping it back to what it
3383 was really trying to achieve.

3384
3385 Again, I think we're not a hundred miles apart on that. It's just getting it in the
3386 right wording to achieve what it's trying to achieve.

3387
3388 Chair: Because if each Territorial Authority had its own concept obviously of what high
3389 trip generating activities mean, it's going to be very different for you, as it will
3390 be in Masterton; but the idea being that you do have these roots that more often
3391 traversed where can you actually get people out of cars?

3392
3393 It seems that is I think what CC.2(a) is trying to do but perhaps in a bit more of
3394 a, I don't want to say complicated, but your wording is certainly more concise.
3395 It's just really trying to see how aligned it is, and is it also actually going to be
3396 directive and ambitious enough to achieve these outcomes.

3397
3398 We've talked as a Panel and we do think caucusing is going to be really helpful
3399 on these transport provisions for the planning experts to come together. It might
3400 be that Upper Hutt City Council is also interested in that, and there may be
3401 others. We'll issue a minute about that.

3402
3403 We'll move on because we are fast running out of time, to Mr Rachlin's
3404 evidence.

3405 [05.00.00]
3406 I think we could spend the day with you, but we don't have that luxury.

3407
3408 Wratt: I could start with a question here. It's in relation to the introduction to the Climate
3409 Change Chapter in the Climate Change General.

3410
3411 Your suggested redrafting Mr Rachlin is much briefer and in his S42A analysis
3412 and response, Mr Wyeth commented that he disagrees, "in that climate change
3413 is a complex issue with numerous drivers, barriers and implications for a wide
3414 range of sectors, mana whenua/tangata whenua and communities in the region.
3415 It is appropriate in my opinion for the introduction of Chapter 3(1)(a) to provide
3416 a more detailed overview of this issue, to provide the context for the climate
3417 change provisions."

3418
3419 I appreciate both of your points of view. It seems to me you're trying to get a
3420 more focused introduction, but I also appreciate where Mr Wyeth is coming
3421 from, which is that these are important and complex issues, and in a Regional
3422 Policy Statement there is value in providing more background than what there
3423 is in your drafting.

3424
3425 Any comment on that from you?
3426 Rachlin: I can certainly understand, if you like the intent of having the information there.
3427 My point would be that ultimately given effect to the RPS is about implementing
3428 objectives and policies, the introduction is the non-statutory part.

3429

3430 To some extent I'm probably ambivalent in a sense that it could be as long as
3431 you want, because it doesn't actually have to [05.01.59] effect to. My point
3432 being, I think if we can be a bit more concise and maybe focus on the objectives
3433 and policies and pick out some of the key bits in the introduction, you can if you
3434 need to cross-reference with for example the s.32 evaluation which sets out all
3435 the same information, if you need to understand the complexities of the topic or
3436 get a bit more guidance. Ultimately though, it will be the objectives and policies
3437 that we're having to implement. So, I just feel that sometimes, let's be concise,
3438 say what we need to say, what's essential to say, and then if you need to have
3439 reference to the wider context, maybe cross-reference to it elsewhere, so that
3440 people can then go away and do that.

3441
3442 As I said, my view is the concise version is more appropriate, but it's not one
3443 that I think because it's not statutory it's not something that I would die in a ditch
3444 about etc.

3445
3446 Wratt: Thank you for that, I appreciate that. I guess it's really just a balance between if
3447 you put a cross-reference somewhere else, how many people go and read it? But,
3448 then I guess the other question is, if it's in the Regional Policy Statement, how
3449 many people actually read it in the Policy Statement, or do they just go straight
3450 to those objectives and policies.

3451
3452 Thank you for your feedback.

3453
3454 Chair: Mr Rachlin, Objective CC.3 which we looked at very closely with some others
3455 yesterday, the Beef & Lamb New Zealand, Wairarapa Federated Farmers and
3456 others, they are concerned that even though these words have now changed quite
3457 a bit in Mr Wyeth's rebuttal, the words, "contribute to a fifty percent reduction
3458 in nett emissions," which is also the wording that you support, still is setting a
3459 regional target and that is inappropriate given that is something that the central
3460 government should be doing.

3461
3462 Then they had a further concern that if this is regional target the only way that
3463 could be achieved is through drastic methane biogenic methane emissions, and
3464 the country is not at the point where that can occur.

3465
3466 Do you see those words, "contribute to a 50 percent reduction and nett
3467 emissions," is actually setting a regional target?

3468
3469 Rachlin: I listened to the opening day as well, and as it came up and you discussed it with
3470 Mr Wyeth, on the same point about was Objective CC.3 out of kilter, or is more
3471 ambitious than central government direction on this.

3472 [05.05.10]
3473 I did think about that at the time when I was looking at this, and was thinking
3474 it's another way of drafting this. I suppose my conclusion was that we could be
3475 more ambitious than the central direction on it.

3476
3477 Part of my thinking was that in terms of the Wellington region, and I was mainly
3478 perhaps thinking more the transport side of it, we have a culture in Wellington
3479 historically of public transport use. I think Auckland may have caught us up but
3480 historically we've been... and it seemed to me that whilst it's ambitious, there's
3481 reasons to believe because of the culture of Wellington we could get there.

3482
3483 I appreciate that it is ambitious. I think the main issue here would be, this is
3484 about how resource management plans contribute to achieve in that.
3485
3486 I have to say, I didn't listen in yesterday, so I may be doing a dis-service to them,
3487 but my immediate thoughts to what I think they're saying is, I don't think this is
3488 a mechanism by which we can then turn around and say, "No, no, you've got to
3489 go against what central government are doing in terms of agriculture, and you've
3490 got to go even faster than that." I don't think this will provide that level of
3491 justification, but conceptually I think we can be more ambitious than the central
3492 levels of reduction.
3493
3494 Chair: I did have a question on the nature-based solutions provisions, but I will just see
3495 if anyone else... Commissioner Paine did you have any questions for Mr
3496 Rachlin?
3497
3498 Paine: No. Just pondering why we would have a more ambitious target than central
3499 government that's all.
3500
3501 Rachlin: Sorry, I didn't quite catch that.
3502
3503 Paine: Sorry, I was just saying there has been quite a lot of conversation or discussion
3504 about the targets set in the RPS and the targets set for central government. I am
3505 understanding your argument that Wellington has always been good at public
3506 transport, but is that a good thing to set a higher regional target than what they're
3507 advocating at a national level?
3508
3509 Rachlin: Again, I don't think it is because we're talking about how... the wording I have
3510 recommended, I think it maybe is the way of overcoming some of those
3511 concerns.
3512
3513 If I just pull up my version.
3514
3515 The version of CC.3 that I have suggested is the management of nature and
3516 physical resources contribute to a fifty percent reduction and nett emissions from
3517 the 2019 level."
3518
3519 Then nett zero greenhouse gas emissions for 2050.
3520
3521 That clearly targets the objective to what can be delivered through the Resource
3522 Management System. It's saying, how can the resource management system
3523 contribute to that process, that outcome?
3524
3525 I don't think that wording creates the target issue that maybe was raised by these
3526 other submitters. It is really confining this to how the resource management
3527 plans can deliver this through the different mechanisms it's involved with.
3528
3529 I agree that it probably contradicts slightly some of my other evidence, which is
3530 about the importance of recognising of what's happening in other processes, or
3531 central government directions on it, but I'm still quite comfortable that certainly
3532 the way I have worded it doesn't lead to that conflict in the way that perhaps
3533 some of the other submitters may be identifying.

3534
3535 Paine: Thanks for that explanation. Thank you.
3536 [05.10.00]
3537 Chair: Just the very last question. I know we are running behind now.
3538
3539 From the nature-based solutions provisions that you're proposing, and I know
3540 you've taken care to have the draftings very clear and concise, and efficient with
3541 your wording, but to me is this really just saying, "Keep going what you're doing
3542 District Councils and we will get there." Whereas the Council's approach seems
3543 to be, "Again we need to be taking more of a step change and looking for those
3544 opportunities." It's not just about stormwater management. There's other
3545 opportunities that nature or other engineering solutions provide to address the
3546 climate challenge.
3547
3548 Because when I read your provisions, they sort of have that sense (and I'm sorry
3549 this is unfair) but that sense of "Just keep managing stormwater like you've been
3550 managing it," and is that actually really going to give us the changes that are
3551 needed?
3552
3553 Rachlin: I think we're talking here about Policy CC.4. Maybe if we turn to the rebuttal
3554 version and I will just use that as a way of talking through.
3555
3556 Chair: CC.4, but also your other ones sort of marked CC.X – the nature-based solution,
3557 esplanade reserves and stormwater management strategies.
3558
3559 Rachlin: Yes, I appreciate that. I have taken that and converted it into there.
3560
3561 I want to start maybe with why I have done that, by looking at CC.4, which
3562 might explain why I feel we've got to look at this alternative way which I've
3563 recommended.
3564
3565 Wratt: So, you're looking to the climate resilience and nature-based solutions rebuttal?
3566
3567 Rachlin: Yes, that's correct.
3568
3569 Wratt: If I look at the rebuttal version of CC.4 some of the issues I've raised are about
3570 workability. I can understand the intent of where we are trying to get to and the
3571 point you're making about being ambitious, but there are some quite
3572 considerable problems with CC.4 as drafted.
3573
3574 This talks about, take for example CC.4 in relation to District Plan D. That says,
3575 "requiring that significant adverse effects on climate change mitigation, climate
3576 change adaptation and climate resilience functions and phased of an ecosystem
3577 shall be avoided," and then "other adverse effects on these functions and phases
3578 should be avoided, minimised or remedied."
3579
3580 A couple of things that come from that: the RPS defines an ecosystem and it
3581 does so as any system of [05.13.30] and/or [05.13.32] organisms within a natural
3582 and physical environment.
3583
3584 King Salmon's case reaffirm that when you use the term avoid. It's very
3585 directive. You're basically talking non-complying or prohibited activity status.

3586 So, keeping that in mind, when you start looking at that policy that is saying that
3587 we must either through some non-complying or prohibited activity status, avoid
3588 these significant effects on something known as an ecosystem, which is
3589 extremely broad and that would need to be defined itself.
3590

3591 So, it's that workability and I suppose where I landed was this workability issue
3592 is arising with (a) to (f)...

3593

3594 Chair: And, the words "as appropriate to the scale and context of the activity," don't
3595 help?
3596

3597 Rachlin: I don't think because we don't know what an ecosystem is, in terms of we've
3598 got a definition and does it need to be matched spatially and defined somehow,
3599 and how will people will know they're affecting and ecosystem that has those
3600 functions and those failures. It maybe I would contrast that with say Policies 23
3601 and 24 which deal with [05.14.55] biodiversity. One policy clearly tells you how
3602 you're going to go out and identify the values; the next policy says, [05.15.01]
3603 protect, which allows for the effects of management hierarchy to be put in place.
3604 [05.15.00]
3605 That to me is a way we could do some of these things, but it's not what has come
3606 through.
3607

3608 It seems to me at this stage we need to avoid creating these sort of problems
3609 further down. I would probably suggest that I don't believe we are in a business
3610 as usual approach. I think I identified in the proposed district plan some nature-
3611 based solutions that we had already put into the plan, and that's without
3612 [05.15.37] direction on this matter. I think I made the point that some of these
3613 things are well-known in resource management. What might be missing is the
3614 policy to say, "No, not just keep doing what you're doing; or keep doing what
3615 you're doing but now take it further. Don't stop there." That's why I came up
3616 with the approach of let's keep the front part of that policy but take out these
3617 other bits, because I just think they're going to create problems for
3618 implementation.
3619

3620 Chair: Thank you, that's really clear. I think that applies to quite a few of the provisions
3621 that you're all talking about. We understand the points you're making.
3622

3623 I'm really sorry, we've been the hurry up. We've got another submitter waiting
3624 on line. Thank you again so much. There is a lot to get through. We'll send out
3625 a Minute with some caucusing. We do really hope that you will be able to
3626 participate in that. Thank you.
3627

3628 Have we got Ātiawa? Kia ora.

3629

3630 Gibb: Kia ora.
3631

3632 Chair: Very sorry to keep you waiting. The previous submitter had a lot of points and
3633 it took a while to get through them. I do sincerely apologise.
3634

3635 Gibb: No problem. Happy to wait. Robust conversation.
3636

3637 Chair: It's Ms Gibb isn't it?

3638
3639 Gibb: That's right.
3640
3641 Chair: Kia ora, welcome. You have obviously presented before. Would you like
3642 introductions or are you happy that you know who we are? Maybe the Council
3643 staff who are in the room and online maybe that would be useful for them to
3644 introduce themselves.
3645
3646 Gibb: That would be nice. I can see you now which is nice too.
3647
3648 Guest: Kia ora koutou. Ko Pam Guest tōku ingoa. I am a Senior Policy Advisor for
3649 Greater Wellington. Coordinated the Climate Change Chapter and reporting on
3650 the nature-based solutions and climate resilience topic. Thank you.
3651
3652 Dawe: Tēnā koe. Ko Iain Dawe tōku ingoa. I'm the Senior Natural Hazards Analyst at
3653 Greater Wellington.
3654
3655 Chair: I think that's the team. I'm not sure if Ms Allwood is till online.
3656
3657 Admin: She is on the livestream.
3658
3659 **Te Atiawa ki Whakrogotai**
3660
3661 Chair: Kia ora welcome. The floor is yours. We've pre-read obviously your
3662 submission. I don't think that there was a separate evidence statement for this
3663 topic, is that right? We have your speaking notes. Up to you how you would like
3664 to present and then we'll have time for questions. Thank you.
3665
3666 Gibb: Thank you.
3667
3668 [Māori 05.19.30]
3669 [05.20.00]
3670 I just want to acknowledge Chair Thompson and the work that he has done and
3671 to the rest of the hearings panel who have taken on that additional work.
3672
3673 I just wanted to acknowledge Chair Nightingale. We briefly worked together at
3674 MFE several years ago.
3675
3676 Chair: Yes, kia ora, yes.
3677
3678 Gibb: Just acknowledging that too.
3679
3680 Chair: Thank you. We will pass on that message to Commissioner Thompson. He's still
3681 very much a Commissioner. Thank you as well for acknowledging. We certainly
3682 miss his presence. He was very sad to not be able to continue, but family reasons
3683 meant that he had to withdraw. Thank you Ms Gibb.
3684
3685 Gibb: The speaking points I sent through were the Whaitua Kapiti content that Chair
3686 Thompson asked about during the last hearing stream, so just acknowledging
3687 that the Whaitua Kapiti is a process that's currently underway and will have its
3688 own plan-change process. But, the Committee has made some interim decisions
3689 to date. They have made decisions but they are reserving their ability to go back

3690 and make sure that the full decision-package works. So, I have just provided that
3691 to you for your interest.

3692
3693 Today I just have one main overarching point to make about the climate change
3694 chapter and then a couple of little wording comments also.

3695
3696 Ātiawa have requested the amendments are made to require partnership with
3697 mana whenua; for example, we've requested that Policy 29 be amended so that
3698 areas affected by natural hazards shall be identified in partnership with mana
3699 whenua.

3700
3701 We have also for example sought through Method 14 wording changes, adding
3702 partnership between mana whenua and the Council to undertake research,
3703 prepare and disseminate information about natural hazards and climate change.

3704
3705 The reporting officer has recommended that these submission points are
3706 rejected, identifying that the operative RPS has a chapter dedicated to resource
3707 management with mana whenua and provision for partnership with mana
3708 whenua in the identification and protection of significant values.

3709
3710 Noting the reporting officer's assessment, I would like to reaffirm today
3711 Ātiawa's request for references to partnership to be included throughout our
3712 submission points.

3713
3714 As climate change places more pressure on te taiao difficult decisions will need
3715 to be made about management approaches and it is critical that Ātiawa Mana
3716 Whakahaere are involved through those processes.

3717
3718 Despite the existing provisions identified by the reporting officer, Ātiawa has
3719 continued to experience processes that are not grounded in a Te Tiriti partnership
3720 approach.

3721
3722 Policy 29 itself proposes to include a list of nine guidance documents for hazard
3723 risk management and planning. None of those documents are grounded in
3724 mātauranga Māori.

3725
3726 So, that's just an example of a decision that's being put forward now within the
3727 context of the existing partnership/relationship provisions that aren't including
3728 appropriate recognition of mātauranga Māori.

3729
3730 To provide some examples of when Ātiawa have not been involved as partners
3731 in Wellington Regional planning processes, we have experienced delays to
3732 processes because they have started without mana whenua and where mana
3733 whakahaere have not been appropriately identified, time pressures that do not
3734 allow for adequate engagement with mana whakahaere, processes that attempt
3735 to retrofit for Māori content, and processes where mana whenua are positioned
3736 alongside the community – and we are seeing that at the moment within the
3737 [05.24.27] Kapiti cap.

3738
3739 None of these approaches benefit the people involved and most importantly they
3740 do not benefit te taiao, te awa and mahinga kai. Resource management decisions
3741 that have been made to date have a big impact on Ātiawa and their way of life.

3742 As mana whakahaere within their rohe, Ātiawa seek to partner in decision-
3743 making and seek that this is clearly articulated within the Regional Policy
3744 Statement.

3745 [05.25.00]

3746 There's additional areas that I haven't mentioned within our submission, where
3747 we have sought partnership, such as within the anticipated environmental results
3748 provisions. I haven't done a full analysis of that for you today but it is clearly
3749 identified within our submissions.

3750

3751 That's the main point for today. There was a couple of wording matters within
3752 the climate change general provisions introduction.

3753

3754 Under point 3 there is a reference to traditional approaches and I am just seeing
3755 that is changed to "western traditional approaches." The section talks about
3756 hazard exposure of communities, land, mana whenua/tangata whenua sites, wāhi
3757 tapu – the impacts increasing and then says "traditional approaches to
3758 development tend not to have fully considered the impacts of natural systems."

3759

3760 To me, if we are talking about wāhi tapu and mahinga kai and then the next
3761 sentence talks about traditional approaches, the assumption would be mana
3762 whenua traditional approaches. But, I think here we are actually specifically
3763 talking about western traditional approaches to development.

3764

3765 Then my last wording point is in that same section, just leading into point one.
3766 The previous paragraph said, "The regionally significant issue and the issues of
3767 significance to the Wellington region's iwi authorities for climate change are,"
3768 and then it goes through the points.

3769

3770 I am just requesting that we put "iwi authorities of the Wellington region,"
3771 because the iwi authorities are not possessed by the Wellington region. It's just
3772 a bit of semantics but I think an important one.

3773

3774 Chair: Sorry Ms Gibb, I was looking at Issue 3 and then I missed the provision, that
3775 last one you were referring to, the Wellington region iwi authorities.

3776

3777 Gibb: It's in the sentence before Point 1. It's the pre-sentence before it goes into those
3778 points.

3779

3780 It says, "The regionally significant issues and the issues of significance to the
3781 Wellington Region's iwi authorities."

3782

3783 Chair: Above Issue 1. Got it.

3784

3785 You think the wording "significance to iwi authorities for the Wellington
3786 region."

3787

3788 Gibb: Significance to iwi authorities of the Wellington region.

3789

3790 Chair: Are you happy to take questions now?

3791

3792 Gibb: Yes, that's me.

3793

3794 Chair: The comment on traditional approaches to development, that's interesting. I see
3795 how there's a possible risk of confusion or concepts being muddled there. Would
3796 Ātiawa's preference be that some other words other than traditional approaches
3797 is used there?
3798

3799 Gibb: Just an acknowledgement that it's western traditional approaches.
3800

3801 Chair: I have a question about Objective CC.8.
3802 [05.30.00]
3803 Ātiawa supports that Objective, "retain as notified."
3804

3805 The comments you were making about partnership and for these provisions to
3806 really reflect the importance, the benefits of a partnership approach. One
3807 suggestion that a submitter has made (and I am sorry I can't remember now who
3808 it is) mana whenua/tangata whenua are empowered to achieve climate resilience
3809 within their rohe, as opposed to in their communities. Any views on whether that
3810 wording change is something that Ātiawa might support?
3811 Gibb: There's sort of two different layers in the way that we talk about mana whenua
3812 engagement. One part is around mana relationship with their sites and with awa
3813 and mahinga kai. Then there's this broader element where we are actually
3814 empowering mana whenua and mana whakahaere as part of the decision-making
3815 for the entire rohe.
3816

3817 When you talk about changing wording to "empowering mana whenua" and
3818 sorry, I didn't fully catch it, but within their rohe, as opposed to communities,
3819 the thing that comes up for me is what is the intent of that? Is it that we are trying
3820 to reflect it back on mana whenua and those matters that I mentioned around
3821 sites of significance and mahinga kai, and are we actually reducing their ability
3822 to engage in that broader context, in that second part that I was talking about,
3823 which is actually about decision-making at the highest level.
3824

3825 So, I just note some caution around that. And that's part of what my submission
3826 today is also focused on. The reporting officer talks about these existing
3827 provisions, but they are very much focused on the sites, mahinga kai, which are
3828 all obviously very significant and important. But, what we are seeking is that
3829 next step to the broader decision-making.
3830

3831 Chair: Thank you. That's actually given me a perspective I hadn't appreciated before
3832 on that wording. Thank you.
3833

3834 On that, and I guess it flows very much from the subjective CC.8 about climate
3835 resilience, the nature-based solutions and climate resilience provisions, this is
3836 one set of provisions where perhaps unlike some of the others, other than in
3837 Method CC.9, which talks about mana whenua/tangata whenua led programmes,
3838 and their ability to support nature-based solutions, there isn't a lot of reference
3839 to the partnership and the importance of working with mana whenua/tangata
3840 whenua. Sorry, actually in Method CC.6 as well that is there.
3841

3842 My question is, do you think that the actual substantive provisions, so Policy
3843 CC.4, 4(a), 14, 14(a) could usefully go further in terms of really supporting
3844 mātauranga Māori advice and the valued contribution of mana whenua/tangata
3845 whenua specifically into those provisions?

3846 [05.35.00]

3847 Gibb: I think the short answer is yes. We are seeing a real lack of mātauranga and
3848 approaches led by Ātiawa mana whenua, and there is huge knowledge and
3849 expertise in resource management that could usefully contribute.

3850
3851 Chair: I am just looking at your submission. I know these provisions have changed
3852 quite a lot from the notified version. Would you have some suggestion that you
3853 could make. It doesn't necessarily have to be right now, but if you do, just where
3854 you think the provisions could be strengthened to provide for that.

3855
3856 Gibb: So, specifically mātauranga Māori as opposed to the partnership that we've
3857 discussed?

3858
3859 Chair: I think both. I fully heard the comment about there needs to be more to support
3860 the partnership. I would find it really helpful and I think the other panel members
3861 would as well, just to see what the wording changes you would support would
3862 be to achieve that.

3863
3864 Gibb: Thank you. Happy to provide that. I think taking some time to reflect on it and
3865 put that in writing to you is a good process.

3866
3867 Paine: Tēnā koe Ms Gibb. I am stuck in the other room with my cold. I am thinking
3868 about the conversation you have just had with Commissioner Nightingale about
3869 putting the partnership and mātauranga in provisions. What is your thought, or
3870 ponder this when you're doing your wording and things, do you not think it
3871 might be an idea to have an overarching clause or something provision that says
3872 there will be partnership in everything.

3873
3874 Because I think if you're doing this provision by provision, what it does say is
3875 that only those provisions you've got something about partnership in, or
3876 [05.37.48] Māori, those are the only provision that iwi or mana whenua is going
3877 to get a say. What's your thought about that?

3878
3879 Gibb: Ātiawa is currently in a process with Whaitua Kapiti where we are really trying
3880 to establish the Te Tiriti whare approach. We are finding that we have a huge
3881 amount of knowledge and expertise and value to bring to that process.
3882 Absolutely there is opportunities for that to be a contribution across the resource
3883 management system within Kapiti, so we would welcome that.

3884
3885 Paine: Talking about the Te Tiriti house model, it would be good for the record if you
3886 just give us a wee bit of a run-down or understanding of what that means.

3887
3888 Gibb: It's an approach where the kāwanatanga are in one whare; so for Whaitua Kapiti
3889 that's both Greater Wellington and Kapiti Councils, and community
3890 representatives and councillors sitting on the committee itself. The councillors
3891 and community members are sitting on the committee, and then they are
3892 supported by Council staff. It is the responsibility of that kāwanatanga whare to
3893 engage with the community and bring that knowledge and expertise to the table.

3894
3895 We then have the mana whenua whare, which is made up of the Ātiawa, Ngā
3896 Hapū o Otaki and Ngāti Toa with their respective support within the mana
3897 whenua whare.

3898
3899 [05.40.00] Those two whare work through whatever the topic of the time is and come to
3900 individual positions about whatever that topic kaupapa is, and then the
3901 committee comes together – six committee members from each of the individual
3902 whare up into the Te Tiriti whare and it's within that whare that the decisions are
3903 made. There's time for wānanga for discussion to test the ideas that are brought
3904 from each of the kāwanatanga and mana whenua whare.
3905
3906 The objective of the Te Tiriti whare is to come to consensus and work through
3907 and hear everybody at the table; and from there move forward into the decision.
3908 Those are the matters that we have provided to you in my speaking notes for
3909 today.
3910
3911 Paine That looks good. That sort of looks like to me it would be adaptable to anything
3912 that the mana whenua wanted to do. I see that part of that process is developing
3913 a road map of how to get there and what you want to achieve. Well done there.
3914
3915 Just for me, this expression of Te Mana o te Wai, this belongs to Ātiawa, or does
3916 it belong to more than? Is this a community thing, or just an Ātiawa thing?
3917
3918 Gibb: This is the decisions that were made in that Te Tiriti whare. The kāwanatanga
3919 committee members and the mana whenua committee members each brought
3920 their ideas and they were collective drafted into what I have provided for you.
3921
3922 Acknowledging that the Whaitua Kapiti is still in process, the intent will be that
3923 it comes through a process like this to be part of the regional plan, and is
3924 representative of Whaitua Kapiti – so both mana whenua and kāwanatanga
3925 community members.
3926
3927 Paine: The last question I have is about the regional significant issues that you wanted
3928 the words “Wellington Region” changed. There may have been a nuance there
3929 that I missed, but when you go “iwi authorities of the Wellington Region” that's
3930 the greater Wellington Region? Are those all of the areas that are covered by...
3931 I'm trying to be really diplomatic and [05.42.48] here, but do you understand it
3932 to be all of the areas covered by greater Wellington?
3933
3934 Gibb: Yes. I am not trying to change the distribution. I am not trying to question the
3935 boundaries of the Wellington Regional Council. My point there is that it's a
3936 kāwanatanga Crown approach to put first the Wellington Region. Actually,
3937 mana whenua were here and the regional boundaries are secondary to the iwi
3938 authorities and their place in this region. I'm just saying that the iwi authorities
3939 are not possessed by the Wellington Region as that drafting indicates.
3940
3941 It's just returning mana to the iwi authorities and acknowledging them first and
3942 their position here, rather than saying they owned by or possessed by the
3943 Wellington Region.
3944
3945 Paine: That's great. Thank you. That's all I have for you. Thanks Ms Gibb. Thank you
3946 Madam Chair.
3947
3948 Chair: Ms Gibb, I'm sorry to go back to Objective CC.8 but I forgot there was another
3949 question I wanted to ask you about that.

3950
3951 Kapiti Coast District Council say that the notified version of Objective CC.8,
3952 which referred to iwi and hapū, are empowered. In their view, they say it is not
3953 clear how hapū empowerment is to be achieved under existing iwi participation
3954 and representation agreements between councils and iwi authorities representing
3955 hapū and Kapiti.

3956 [05.45.15]
3957 Do you think that change that the officer is recommending there is clearer to
3958 mana whenua/tangata whenua instead of iwi and hapū?
3959

3960 Gibb: I am comfortable with mana whenua/tangata whenua. I think it is consistent with
3961 the majority of the RPS [05.45.50]. It didn't raise any concerns for me when I
3962 read that.
3963

3964 Paine: I do have one more question Madam Chair if you have the time.
3965

3966 Chair: Yes, please.
3967

3968 Paine: Ms Gibb, talking about that specific objective/policy, removing iwi and hapū –
3969 and I did ask the reporting officer about, “What if you were Māori or you're a
3970 hapū, where do you actually sit in the scheme of things?” Easy if you're mana
3971 whenua, you sit there. But, if you're the hapū or you're a Māori community that
3972 is not under the iwi, what sort of weight do you see Council or whoever giving
3973 to those groups?
3974

3975 Gibb: I acknowledge the significant challenges. I think that I acknowledge that it's part
3976 of a structure that issues have been caused because of wording that is written
3977 down within government documents.
3978
3979 I think it's probably one that I'm best not to comment on.
3980

3981 Paine: What do you think about the word just “Māori” in there? I am not saying take
3982 out mana whenua. Any thoughts about that? Or, something that you would like
3983 to take away and ponder?
3984

3985 Gibb: It's very important for Ātiawa that mana whakahaere have their ability to speak.
3986 Within Ātiawa there's no-one collective voice. Whether that is hapū, whether
3987 that is landowners, it's very important that mana whakahaere have their
3988 appropriate voice within the appropriate context. That's one of the things that I
3989 raised today about Council processes; is that there's often confusion within
3990 Council about who is the appropriate person to speak to. There is more and more
3991 issues caused when Council approach different people and don't follow a
3992 process that is actually set up.
3993
3994 There are attempts by Ātiawa to build that relationship with Council and have
3995 clear processes. Then it's up to Ātiawa internally to ensure that the appropriate
3996 lines of communication are made and respecting the voice of mana whakahaere.
3997

3998 Paine: Challenges that we face. Thank you Ms Gibb. Thank you Madam Chair.
3999

4000 Chair: Ms Gibb, I have some more questions but I will just if Commissioner Wratt
4001 wanted to ask anything.

4002
4003 Wratt: Thank you Chair, no. I am happy with where we have got to. Thank you Ms
4004 Gibb.
4005
4006 Chair: Ms Gibb, just going back to the natural hazards provisions, Policy 29 where you
4007 had sought an amendment, as you said earlier for partnership approach with
4008 mana whenua to be incorporated into those provisions.
4009 [05.50.00]
4010 I know the S42A authors didn't support that particular change in Policy 29. I
4011 haven't actually found the place in the S42A Report yet. I will just leave that. I
4012 think it is addressed in there, their reasons.
4013
4014 But, do you think that without having that there, there is a change that at that
4015 point where the District Plan is being developed that there is a risk that proper
4016 discussions/engagement with mana whenua/tangata whenua will not take place?
4017
4018 Gibb: I definitely believe there is significant risk to that. I'm not suggesting that
4019 Council not come to Ātiawa at all. I highlighted previously some of the
4020 challenges that we have had around being brought late into that process. That is
4021 being retrofitted for mātauranga or time pressures where mana whakahaere
4022 aren't able to appropriately gather mātauranga to input into the process.
4023
4024 Complexities mount the longer the Council wait to bring us into the process,
4025 which is why partnership is so important, because it signals that it needs to
4026 happen from the beginning.
4027
4028 Chair: Ensuring the te ao Māori perspective. I know that at this level of work
4029 identifying hazards and mapping them it's obviously very technical. There will
4030 be, I guess, for want of a better word, the western scientists will all be there with
4031 their views.
4032
4033 If I understand you correctly, you're saying mātauranga Māori and te ao Māori
4034 perspective can only but contribute in a positive way to that discussion.
4035
4036 I do apologise if this is being simplistic, but if I'm just playing devil's advocate
4037 for a moment, is there a chance that someone could say "I've got the western
4038 scientists on one hand telling us there's a really important hazard here that needs
4039 to be properly assessed and factored into planning."
4040
4041 Is there a chance ever that a mātauranga Māori perspective might say something
4042 completely different? Or, would it only strengthen the knowledge and awareness
4043 of that hazard and how to deal with it?
4044
4045 Gibb: I think it could very well suggest something different. Its process is very
4046 important in te ao Māori also. It's the way that you work through looking at
4047 hazards and how you identify them, and then how you're balancing the values
4048 that you place on hazards or response to hazards.
4049
4050 There is discussion in the Report around hard structures. That's a western
4051 approach which has significant impact on Ātiawa values; so what is the value
4052 behind that?
4053

4054 It's possibly mahinga kai and what does that mean? That's a whole economic
4055 system for Ātiawa, so are we actually taking into account the impact of that hard
4056 structure on that whole economic system when we are making the decision? Or,
4057 do the parameters that are set by the decision-makers simply focus on ensuring
4058 that that property on the other side of that hard structure is maintained and
4059 protected.

4060

4061 [05.55.00] There's a lot to contribute. Mātauranga wouldn't necessarily say it's not a
4062 hazard. If a hazard has been identified by western science, mātauranga may not
4063 say it's not a hazard, but it's more how do we engage with that hazard that really
4064 comes into question?

4065

4066 Chair: The authors do support mātauranga Māori having particular regard to Policy 52
4067 which is about minimising the effects of hazard mitigation measures.

4068

4069 There is also a provision about sites of significance being able to be identified
4070 and obviously that would have to require a partnership approach to do that.

4071

4072 What I think I'm hearing you say is that's currently not supported in Policy 29
4073 itself. Do you think 51 and 52 also need to go further?

4074

4075 We are getting a consolidated set of these provisions, which we will be able to
4076 put up in the officer's reply.

4077

4078 Gibb: Perhaps it's best if I come back to you alongside that other response.

4079

4080 Chair: Sure. In the rebuttal evidence there are changes that they are now supporting I
4081 think... I was going to sites of significance to mana whenua/tangata whenua, but
4082 actually I think might have been in their evidence in chief.

4083

4084 I think maybe we can both go and do some more thinking about that.

4085

4086 But, coming back, and just your views and is that partnership approach
4087 appropriately recognised throughout these hazard provisions and what changes
4088 you would be supporting.

4089

4090 Thank you.

4091

4092 Any other questions for Ms Gibb?

4093

4094 [Nil response]

4095

4096 I think that might be all that we have Ms Gibb. I know Ātiawa has some relief
4097 that it's seeking on the freshwater chapter and indigenous biodiversity, and I
4098 think also the open form function.

4099

4100 Gibb: You will see me again.

4101

4102 Chair: Look forward to seeing you again, yes. Thank you so much for your time and
4103 your submission.

4104

4105 Gibb: Thank you all for your time today as well.

4106
4107 Chair: Kia ora.
4108
4109 That is the end of the presentations we have today. Thanks very much. We have
4110 got karakia to close the day off. Thank you.
4111
4112 Admin: [Karakia 06.00.39]
4113
4114
4115 [End of recording 06.00.58]

Transcription Hearing Stream Three – Climate Change Day Four

SUBMISSIONS

Proposed Change 1 to Regional Policy Statement for Wellington Region

Date: Thursday 31 August 2023

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

Hearing Panel: Commissioner Dhilum Nightingale (Chair)
Commissioner Glenice Paine [**Appearing remotely**]
Commissioner Gillian Wratt

Hearing Advisors: Jo Nixon
Whitney Middendorf

1 Chair: Mōrena. Good morning. Me karakia tātou. Kia ora.
2
3 H/Advisor: *Kia hora te marino*
4 *Kia whakapapa pounamu te moana*
5 *Hei huarahi mā tātou i te rangi nei*
6 *Aroha atu, aroha mai*
7 *Tātou i a tātou katoa*
8 *Hui e, tāiki e!*
9
10 Chair: Tēnā koutou katoa. Nō Heraka aku tipuna, nō Poneke ahau, kei Tapu Te Ranga
11 au e noho ana, tōkutoru aku tamariki, ko Dhilum Nightingale tōku ingoa. Nō
12 reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.
13
14
15 Mōrena, good morning. My name is Dhilum Nightingale. I am a Barrister in
16 Kate Shepherd Chambers and an Independent Hearings Commissioner. I live in
17 Te Whanganui-a-Tara, Wellington. Nau mai haere mai ki te kaupapa o te rā.
18
19 A very warm welcome to you, to the Climate Change Hearing of submissions
20 on Proposed Change 1.
21
22 We will just start with some very brief health and safety messages.
23
24 The stairs are out the door and just down to the left. The wharepaku are out the
25 corridor and down to the right. If the fire alarm sounds the hotel staff will give
26 us directions – we go down the stairs and assemble on the grass in front of
27 Victoria University, and we won't re-enter until the all-clear is given. Drop,

28 cover and hold if there is an earthquake. If there is a tsunami warning then we
29 will move to higher ground which is the top floor of the hotel.
30
31 We are the Independent Hearing Panels that will be hearing submissions and
32 making recommendations to Council.
33
34 As you will be well aware, PC1 is being heard through two process – non-
35 freshwater and freshwater; and the Panel members are sitting on both panels. We
36 hope that is going to promote integration and alignment between the processes
37 and the provisions.
38
39 We may be making recommendations for re-categorisation between the two
40 streams in our recommendation reports.
41
42 I would like to invite the Panel members to introduce themselves please.
43 Commissioner Paine is online. Kia ora.
44
45 Paine: Mōrena koutou. Ko wai au. Ko Piripiri te maunga, ko Waitohi te awa, ko
46 Waikawa te marae. Ko Te Ātiawa me Ngāi Tahu ōku iwi. Nō Picton ahau. Ko
47 Glenice Paine taku ingoa.
48
49 My name is Glenice Paine. I am an Environment Court Commissioner and I have
50 been appointed to both panels. Kia ora.
51
52 Wratt: Mōrena. Ko Wharepapa te maunga, ko Motueka te awa, nō Whakatū ahau. Ko
53 Gillian Wratt tōku ingoa.
54
55 My name is Gillian Wratt. I am an Independent Freshwater Commissioner,
56 initially just on the Freshwater Panel but now on both. I live in Nelson and my
57 background is in the science sector. Kia ora.
58
59 Chair: Before we pass the floor over to you, just a couple of housekeeping matters.
60
61 Hearings are being livestreamed and recorded for transcription purposes. Please
62 speak into the mics and press the green button before you speak; and if you could
63 say your name as well because that is helpful for the transcript.
64
65 Before we get underway, we've got various Council staff and consultants in the
66 room and it would be great if they could introduce themselves and then we will
67 pass over to you for your introduction. Thank you.
68
69 Guest: Mōrena. Ko Pam Guest tōku ingoa. He Kaitohutohu Matua ahau. I work for
70 Greater Wellington. I'm a Senior Policy Advisor and Reporting Officer on the
71 Climate Resilience Nature-based Solutions Topic. Welcome.
72
73 Dawe: Mōrena koutou. Ko Iain Dawe tōku ingoa. I am a Senior Natural Hazard Analyst
74 at Greater Wellington Regional Council. I have been involved in drafting up the
75 Hazard provisions.
76
77 Chair: Our Hearing Advisors are Ms Middendorf and Ms Nixon.
78

79 [00.05.00] We have pre-read your submissions and your evidence. Thank you very much
80 for that material. We have a really good amount of time with you this morning,
81 so that's great. Ms Nixon will ring a bell when it's five minutes before the end
82 of your allocated time and then we have got also a good amount of time for
83 questions from the Panel.
84
85 Unless anyone has got any process or admin related matters, we will pass over
86 to the team from Kāinga Ora.
87
88 **Kāinga Ora:**
89
90 Whittington: Kia ora koutou. My name is Nick Whittington. I am counsel for Kāinga Ora. To
91 my right I have Brendon Liggett, the National Development Planning Manager
92 and Victoria Woodbridge who is a Planning Expert engaged by Kāinga Ora.
93
94 I am entirely comfortable with questions throughout our presentation. I think the
95 witnesses are too. We found throughout the country in these processes that
96 actually we tend to get to the heart of matters a lot quicker, and you can guide
97 us about the things that we can help you with most. So, don't feel that you need
98 to wait till the end to interrupt us with questions.
99
100 I am going to speak first and mainly on the question of flood hazard mapping. I
101 will throw to Mr Liggett during that for one particular piece of experience that I
102 would like him to pass onto you. Then Ms Woodbridge will speak after that –
103 and I hesitate to say the 'rats and mice' but more the other things beyond flood
104 hazard modelling and mapping, which is the main point that we want to discuss
105 with you this morning.
106
107 On that matter then, Kāinga Ora's position is that there are two approaches in
108 New Zealand to managing the issue of flood hazards through district plans. The
109 maps can operate as an overlay in the plan and effectively dictate the application
110 of the rules that follow, or that manage the issue; or the maps can sit in the
111 background to assist in determining the application of a stable rule framework
112 to manage the issues.
113
114 The way it is put in the evidence for Kāinga Ora is that both are available
115 approaches and have their advantages and disadvantages. The way it is put in
116 the evidence for the Council is that its preferred method is best practice, and
117 that's a matter I am going to be coming back to. In my submission, they are both
118 available and legitimate approaches. They both have their advantages and
119 disadvantages no question, and that's really what we should be here to debate.
120
121 I happen to think Kāinga Ora's position certainly is that the advantages and
122 disadvantage of the Greater Wellington preferred approach are overstated, and
123 the disadvantage is understated. I will come onto that, but I disagree with the
124 view of the Council's experts that its approach is what is called best-practice.
125
126 I say that for a couple of reasons. One is that it's an implication that this approach
127 that Kāinga Ora prefers, which is used in two large areas of New Zealand,
128 Auckland and Tauranga, is not best practice, which I find a surprising
129 contention; but I also think that it distracts from the real argument. Applying the
130 label 'best practice' is not a threshold in the RMA or a test in the RMA, or the

131 approach that one should take to this issue. It's about trying to identify the most
132 efficient and effective approach to managing these hazards. And, so applying
133 that label really assumes what it seeks to prove.

134
135 I will go to the advantages and disadvantages now.

136
137 The advantages are said to be public involvement through a Schedule 1 process
138 and alleged ease of use. These are process concerns. They put form and process
139 in my submission over the substance of having the best method to actually
140 manage these hazards.

141 [00.10.00]

142 In my submission, if here is an approach which enables the hazards to be
143 managed with the most up-to-date information, why would we put form and
144 process concerns over that substance?

145
146 Part of that reasoning is that there is no point pretending that councils are going
147 to undertake Schedule 1 processes every two to three years to update their flood
148 hazard mapping, because history tells us that does not happen. Councils are
149 generally, in my experience, reluctant to undertake plan changes if they can
150 possibly avoid it. But, the approach that Greater Wellington takes would require
151 those councils to do it. It tells them how they must allocate those resources. And,
152 since he plan can't actually tell those councils how to do that, it relies on
153 something that Greater Wellington can't control.

154
155 In my submission, the better way to do this is for both methods to be an available
156 approach within the Wellington Region and District Councils can choose which
157 approach they prefer; and whether they are prepared to take Greater
158 Wellington's preferred approach and know that they need to allocate appropriate
159 resourcing to ensure that these plan maps are kept up-to-date through Schedule
160 1 processes on a regular basis, or whether they are prepared or prefer to take a
161 slightly different approach, which will not require quite so many Schedule 1
162 processes.

163
164 Chair: Mr Whittington, you said you were happy to have questions along the way.

165
166 Whittington: Yes.

167 Chair: You said that public involvement in Schedule 1 processes and ease of use of
168 process concerns, but if I am a land owner in the region and say Wellington City
169 develops a new layer and I don't have any input into that, and it affects my
170 property, that is more than a process for me.

171
172 Whittington: I have two responses to that. The first is that the approach that Kāinga Ora
173 prefers doesn't exclude public engagement. The Greater Wellington Regional
174 Council flood hazard modelling standard has three opportunities for public
175 engagement during the creation of the inputs into the model, after the model is
176 produced and after the maps are first produced, and prior to finalisation of those
177 maps. So, there are three separate opportunities for public engagement prior to
178 the point at which you would start a Schedule 1 process. This approach does not
179 exclude public involvement at all.

180
181 Chair: Would that be direct notification to new affected land owners through that
182 approach?

183
184 Whittington: I don't know whether that's what the standard requires. It provides an
185 opportunity for public engagement. How the Council decides to undertake that
186 is less clear from the standard. To suggest that it's about excluding the public
187 versus including the public is too black and white in my submission.
188
189 Chair: But, if you're going through those three engagement steps, how much more is it
190 to actually put it through a notified plan change?
191
192 Whittington: I think it gets to the point where we are talking about how much engagement is
193 appropriate, and the development of a model over a number of months if not
194 years and updating that enough; or do you then add another year plus depending
195 on how litigious people become to that process. When in the meantime we have
196 in the District Plan by this stage out-of-date maps that are not accurately
197 depicting the flood hazard risks and locations where flood hazards are now either
198 an issue or not an issue or not an issue, compared to where they were when they
199 first went through the plan, as opposed to being able to model sub-catchments
200 and have an update to those; or do an entire region-wide update. It's entirely up
201 to the Council.
202 [00.15.15]
203 It seems to me that, by the time we are talking about whether a Schedule 1
204 process is important on the end of that, we're talking about how long is a piece
205 of string.
206
207 The second answer though is that, in this area, it's not an area, with respect,
208 where public engagement is fundamental. It's not about the amenity where
209 people live. It's not the sort of thing that lay witnesses are likely to have
210 significant ability to influence the process. This is a matter of expertise as to how
211 to these flood hazards, which are very important to manage, are managed.
212
213 Chair: Is this only the identification of the area, as opposed to the provisions that would
214 be consequential to that identification?
215
216 Whittington: Yes. Kāinga Ora's preferred method has a stable rule framework in the District
217 Plan that applies. It can be differentiated based on low, medium or high risks.
218 All that really changes is the background information available to people to
219 determine which framework they fit into. Are they in an area of low risk, are
220 they in an area of medium risk, and then the steps they may need to take to
221 manage that flood hazard on their property after that. It's all publicly available
222 information. It can be a GIS layer that sits within Council's available E-Plan; it's
223 just not part of a Schedule 1 process.
224
225 Chair: I don't know if you heard any of the submitters yesterday from the Mangaroa
226 Peatland Community. They spoke very passionately about their land and what
227 they see are processes, which are currently very open and that they are able to
228 participate in, but still processes that have very significant potential impacts on
229 their land and what they can do on their land.
230
231 Upper Hutt has recently notified a plan change to put a flood hazard layer over
232 that peatland area. I think from their perspective (obviously not speaking to
233 them, but just based on what they were saying yesterday) not being able to be
234 fully involved in the Schedule 1 process on an issue was so significant to them.

235
236 So, I get what you're saying, but is there an opportunity in the policy provision
237 suite that Kāinga Ora is recommending to allow some flexibility?
238

239 Say if the Regional Council or the District Council recognise that there was a
240 particularly sensitive community, an issue that needed more of a case-by-case
241 approach to hazard management, could that be accommodated in the approach?
242

243 Whittington: The plan framework, the rules that will apply, the rules that will require a
244 resource consent or not, the rules that will dictate the information required and
245 the discretions to be applied by the Council in determining whether a property
246 owner is appropriately managing the hazard risk when undertaking a
247 development for example, they are all matters that will go through the usual
248 Schedule 1 process.
249

250 Land owners will certainly be able to have a say in how hazards are managed.
251 At the time they will be able to see what part of that framework applies to their
252 land. It's just that over time with changes in the catchment the part of the
253 framework that they fit in may change. They can't control that. They can't
254 control that at any stage.
255

256 Chair: Sorry, I don't quite follow that.
257

258 [00.20.00] How would I know at that point, that my property might in the future come under
259 one of these low, medium or high risk? So, how would I know that I have an
260 opportunity to participate in something if I don't right now that it might actually
261 impact on me?
262

263 Whittington: You won't know, but you won't know whether it's going through a Schedule 1
264 process or not. If I have land that's not currently covered by a flood hazard in a
265 Schedule 1 map, or the District Council is putting through a new plan change to
266 explain or change the mapping in its District Plan, and my property is not
267 covered, then I won't know if there are up or downstream changes in a
268 catchment, which mean that my property is now actually subject to a flood
269 hazard but not depicted in the plan.
270

271 I don't see that as a flaw in the Kāinga Ora approach. If it's a flaw, it's also a
272 flaw in the First Schedule process that the Council suggests.
273

274 Chair: Sorry, I know we need to move on as well to the other experts, but I didn't quite
275 follow that. Sorry, you might not be familiar with Proposed Change 47 to Upper
276 Hutt, but in that they clearly say, "Here's a layer, and these are the properties
277 that could be impacted. Here's the opportunity to comment on that." So, I don't
278 quite understand how what you just said.
279

280 Whittington: Let's say that I'm on the border of Plan Change 47. I am not covered by it, but
281 I'm on the border of it. I have the opportunity to involve myself in that process,
282 as to what Plan Change 57 will require of those who are affected by it. What I
283 can't control I whether changes within catchments may mean that in five years'
284 time my property is all of a sudden needing to be subject to those rules and that
285 framework, because all of a sudden, the way that the water flows within the
286 catchment now affects my property.

287
288 So, the point I was making is, whether that goes through a Schedule 1 process
289 every five, ten or however many years it takes for a council to update this; or
290 whether it's a non-Schedule 1 process that all of a sudden makes my property
291 subject to a particular rule framework, that does not change. Reality on the
292 ground is what changes that and not whether or not I've had an opportunity to
293 go through a process.

294
295 To go back to your question about those who are affected by Plan Change 47
296 and that spoke to you yesterday, I am not trying to suggest that the opportunity
297 to comment through a Schedule 1 process is not valued by people. I am not trying
298 to suggest that a Schedule 1 process is not an important virtue. The opportunity
299 to have a say in rules that will govern how one deals with one's land are very
300 important. But, in my submission, when we are talking about managing flood
301 hazards that can be overstated, and it's not as if there aren't appropriate
302 opportunities for people to have a say in the development of the model and prior
303 to the production of the maps.

304
305 Wratt: Can I just ask a question on that?

306
307 You talk about opportunity, but is that a requirement on the Council? Because
308 what we are hearing is that there is in this region, particularly in relation to the
309 example that Chair Nightingale has talked about, some history which has
310 resulted in not a very trusted relationship between those land owners and the
311 Council. Anything that those land owners would see, that would give the
312 Council the opportunity to do something without engaging them, would cause
313 them some concern at the moment. There's work going on to try and address
314 that issue.

315
316 I guess the point I am trying to make is, there's one thing about creating
317 opportunity, which is great, but the reality is that Council's don't always create
318 opportunity unless they are obliged to – and a Schedule 1 process obliges them
319 to.

320
321 Whittington: I've got two points to make in response to that. The first (and I don't know
322 anything about the specifics of the situation in Upper Hutt)... I might go to the
323 second first.

324
325 [00.25.00] The second is that whether or not that is the case, in my submission should be a
326 matter for the particular District Council. If that is a good reason for the Regional
327 Council effectively dictating what processes must be followed in each district of
328 this Greater Wellington Region, all based on Upper Hutt's experience, in my
329 submission that's not appropriate. It may well be that Upper Hutt needs to take
330 one approach, but Hutt City, Wellington or Porirua can take a different approach,
331 because in their situation they don't feel that they've got that same problem.
332 They may feel that they would rather allocate their resources to updating
333 modelling frequently, rather than paying for a public Schedule 1 process to go
334 through.

335
336 Wratt: So, when they do that, if they do that regular updating, what is the requirement
337 on them to provide for public input?

338

339 Whittington: At the moment, I don't know if it's a requirement but the standard that is
340 followed is the 2021 Standard. It's a Greater Wellington Regional Council
341 document. I'm basing it on the flow diagram. I can provide a copy to you.
342
343 It provides at least three opportunities for public engagement. It doesn't specify
344 in great detail what that public engagement necessarily follows. I'm sure that it's
345 not as widely advertised as a Schedule 1 process would be. I am sure that it's for
346 example largely aimed at experts and those who advise property owners,
347 planners, hydrologists and that sort of thing.
348
349 Chair: Is that document you mentioned in the list that Dr Dawe has proposed in Policy
350 29?
351
352 Whittington: It's called Flood Hazard Modelling Standard. It is dated 6 May 2021 prepared
353 for the Greater Wellington Regional Council by Cardno Limited. What it does
354 is specify the process that the Council should go through, and I understand will
355 go through, to produce its flood hazard modelling. It involves gathering and
356 accessing data, which has a public engagement process associated with it;
357 hydrology peer review, hydraulics, producing the maps and then an independent
358 audit.
359
360 It may well be that document should be beefed-up to provide some more
361 specifics about the type of engagement that's appropriate.
362 Wratt: Does there need to then be something? If were to take your approach, would
363 there need to be something in a policy or method that actually reflected that
364 document and the need to update it, refer to it, strengthen it or whatever?
365
366 Whittington: I don't know that I would say that it has to be done, but I certainly wouldn't
367 disagree that it would be desirable.
368
369 Wratt: I have a slightly different question. One of the points that has been made to us,
370 and I'm sorry I can't remember who by, in relation to Auckland and Tauranga,
371 and particularly in relation to Auckland I think, was the reason they have taken
372 the approach you're talking about was because they had very inadequate
373 mapping in the context of their plan processes. They didn't have good enough
374 maps to actually use those in the plans. The comparison was that in the
375 Wellington Region is there is good planning maps, good flood hazard maps. So,
376 there isn't that same concern about using those within the plans.
377
378 Whittington: I think Mr Liggett will be able to give more information about this. My
379 understanding is, that in Auckland the maps were produced but found through
380 whatever means to not be as accurate as they should be.
381 [00.30.00]
382 I think Tauranga the issue was not so much the same issue, but that parts of the
383 city had not been fully mapped; whereas other parts there was no issue with the
384 mapping.
385
386 That's the position in Wellington, where in Hutt City there are parts of the city
387 that haven't been completely mapped; the same in Porirua where the mapping is
388 incomplete. In my submission that's not really a factor.
389

390 It's also that's not the reason that Kāinga Ora recommends this approach. The
391 reason that Kāinga Ora recommends this approach is because whether the maps
392 are accurate or not, on the day that they are put into a Schedule 1 process, by the
393 time that Schedule 1 Process is over they're out of date by necessity. It depends
394 on how much development has occurred in a particular area. I am sure parts of
395 the maps are probably fit for purpose for a long period of time, but other parts
396 will not be.

397
398 When you think about the work that's going to happen in the Wellington Region
399 through RiverLink, through Let's Get Wellington Moving, over the next few
400 years these maps will very quickly become out-of-date and they will not
401 accurately depict the flood hazard that applies to properties in the region. It will
402 depend on District Councils to go through further Schedule 1 processes to ensure
403 that they are up-to-date and fit for purpose.

404
405 It's that disconnect between what the maps show and what the reality is that gets
406 further and further apart the more time that goes past, and that's what Kāinga
407 Ora is concerned about.

408
409 Chair: This might be a question for Mr Liggett. I am interested in two things: Kāinga
410 Ora and the traditional Schedule 1 mapping approach, have you experienced that
411 has caused issues where you have wanted to develop land for housing? I guess
412 just a better understanding what the problems are that you have experienced.

413
414 Whittington: That's a perfect opportunity for me to hand over, because I was going to ask him
415 to chime in effectively with what is Kāinga Ora's experience of both approaches.

416
417 Liggett: Kia ora. Brendon Liggett. My Whittington has described my role as the
418 Development Planning Manager at Kāinga Ora.

419
420 I think, just to answer your question – and obviously I haven't presented the
421 evidence as such at the moment, but I think there is one point I do want to open
422 with, and it's actually the concluding the statement in my evidence at paragraph
423 4.9.

424
425 There's two key elements that we are trying to see out of this entire process, both
426 at the regional level but also within the District and City Councils themselves,
427 is that we have a framework that appropriately manages the risk of natural
428 hazards full-stop. We are not saying to ignore natural hazards. We need to make
429 sure that the risks of those are appropriately managed and that we have
430 throughout the planning system a suite of objective, policies and rules that do
431 hat relative to the risk. And, yes, the focus of our example, if I call it that, before
432 you is the flooding issue, because we have had the most experience dealing with
433 that, but equally it can apply to many – not necessarily all, but can apply to many
434 of the natural hazards that present, and I will touch on your discussion about
435 Plan Change 47, having just brought that up.

436
437 I guess there's two parts to it from our perspective. They all shoot back to the
438 efficiency and effectiveness of the framework to manage the risk.

439
440 In the case of the Auckland Unitary Plan I was personally heavily involved in
441 that and yes there were a lot of questions raised by a lot of submitters about the

442 validity of the assessment of the mapping at that particular point in time. We
443 have many examples across Auckland where the mapping, given the process that
444 it follows, identifies land subject to flooding risk that is factually incorrect when
445 you get onsite.

446
447 Chair: Did the AUP initially have a ‘hazards must be mapped’ approach?
448

449 Liggett: Yep and promoted through the documentation and overlay to do that.
450

451 There’s an issue about the depth of interrogation and accuracy of the modelling
452 at the site level to determine activity status on any given site.

453 [00.35.00]

454 The Auckland model was based on Lidar data, so contour mapping – apply
455 rainfall event to a catchment and predict where the water will go, both in terms
456 of path flow which is a velocity and depth issue.

457
458 The Lidar data is half metre, so if your levels are half a metre and then you apply
459 that to a site, you have a curb, you have a slight variation and you miscalculate
460 where the water will go, you’re going to put a path across a property where it
461 doesn’t actually do that. Then you’re going to subject that site to inefficient
462 process when you’re dealing with the site development and that you’re going to
463 be either freeboard levels, so you’re going to elevate buildings unnecessarily and
464 lead to a whole lot of things around accessibility and outcomes of the ‘built for’,
465 if you want to be a permitted activity.

466
467 Alternatively, you’re going to require expensive site specific assessment to
468 discuss and disseminate whether you are or are not and to the degree that you
469 are affected by flooding.

470
471 At the site level, we say that having fixed mapping that isn’t as accurate as it
472 needs to be to determine activity status on a site isn’t necessarily effective for
473 those people looking to undertake change at the consent level.

474
475 Equally, if you have a change in the catchment and there’s a lot of work that we
476 are doing around the country, and in Auckland I would site Northcote and works
477 we are doing in Mt Roskill, and in the Wellington region I would site Porirua,
478 where we are undertaking fundamental changes to the catchment hydrology to
479 mitigate the very issues that we’re presented with – the flood risk to property.
480 We are undertaking substantial works within the catchment to modify and
481 improve the outcomes for urban zoned land.

482
483 We can do that as a piece of, I will call it, infrastructure investment for now, but
484 then we are still left with a planning framework that if we hard-bake it in an
485 overlay, until such time as somebody, Council or others, invest in a Schedule 1
486 process to uplift that recognition of a hazard that is no longer present. Then you
487 have all those inefficiencies I described.

488
489 Equally, the flipside risk of going at a point in time we’ll identify the hazards
490 now based on what we know (and I will say this with the utmost respect, and
491 our own organisation faces it too sometimes) public entities are resource
492 constrained. So, if you are looking at a programme of district planned
493 development over time, does Council want to consistently reinvest in its hazard

494 knowledge base through the District Plan process – repeatedly as anything
495 changes in the catchment.

496
497 Because the flipside risk is, if that model produced today is wrong, we have land
498 that is subject to flooding that we haven't yet identified, or any other hazard.
499 The only trigger for Council is you're in the overlay or you're out of the overlay,
500 and we don't get into what should be the real discussion in our view which is
501 what is the risk? So, what defines a high/medium/low risk? We should be having
502 a conversation with the communities about what is the flow depths that are
503 acceptable or not? What is the flow rates that are acceptable or not for particular
504 land use classes?

505
506 If we've had that conversation we've had direct community involvement in the
507 identification of the risk as we understand it and accept it. Then it's simply at the
508 resource consent stage we have other information that can evolve as new
509 information comes to light, or as models are proven wrong. The Auckland
510 example of Cyclone Gabrielle, we've got buildings that were only two years old
511 that were flooded out. The model was wrong. The assumptions that it took, using
512 the best information that was available didn't play out on the ground.

513
514 How do we deal with that? Two weeks after the event should somebody drop a
515 consent in and go, "Actually your model says I'm not subject to flooding, but it
516 just had two metres of water go through the house." There's no ability for
517 Council at the regulatory end to say, "Actually, there is reason to say this site is
518 subject to flooding against the parameters that are defined. It's not mapped, but
519 there's new information that tells us you have a risk here, its medium, and you
520 need to do x, y and z."

521
522 Wratt: Can I just explore that a little bit further. I understand what you are saying, it
523 makes a lot of sense.

524
525 Extrapolating that – and I'm not a planner, I was here as a Freshwater
526 Commissioner and now I'm involved more in the planning stuff, so it may be a
527 dumb question.

528 [00.40.00]

529
530 There is currently no process whereby if you are doing a development through
531 the Resource Consent process, or as you say there's been a significant event,
532 there is no process whereby the Council can then take that into account in
533 subsequent consenting? That's what I'm hearing you say: that in the example of
534 the building that's been flooded, the Council can't then say to someone who then
535 wants to build on that site, "You can't because of the recent evidence we had of
536 the flooding." Before they can do that, it has to go through that formal Schedule
537 1 mapping process.

538
539 Liggett: If all the rules were hanging off the map and overlay, the map's spatial extent of
540 flooding. That's what triggered all the rules in all the assessment. If this site sat
541 outside of it how does Council require that assessment at the resource consent,
542 if otherwise all things are permitted? It can't engage in that conversation. You're
543 left to get a resource consent granted and then somehow try and deal with it
544 through the Building Act in terms of the life and property risk under the Building
545 Act.

546
547 Chair: I am not sure if Policy 51, the version that Dr Dawe supports in his rebuttal
548 evidence, actually creates a problem in that scenario that you have just
549 mentioned. Please Ms Woodbridge jump in if you would like to comment on
550 this.

551
552 My reading of this is when you're at that consenting stage. In that scenario where
553 say someone who previously wasn't identified on a layer, but clearly their place
554 has been affected by flooding; so later on they need consent to do some work.
555 My reading of this policy is that it allows the District Council to appropriately
556 recognise that there are hazard risks and manage them through appropriate
557 conditions.

558 Liggett: I would offer two comments to that.

559
560 If you're directing, as Policy 29 does, the overlay as a requirement, there's no
561 question around the objectives and policies framework, that's not disputed. But,
562 if you're saying the overlay is what is known, how does public access the other
563 information that Council holds. It's not in the overlay that may signal this stuff.
564 I know dealing with Cyclone Gabrielle work in Auckland yes they have their
565 GIS view, and I can tell you from evidence they have presented it's been updated
566 over 50,000 times since it was produced, with new information regularly.

567
568 The information that was collected from Cyclone Gabrielle is slowly being
569 updated directly into that information. It's much more accessible than waiting
570 for Council to do all of its work. It is going to promote, as we understand it, a
571 response to... sorry, I'm getting my events confused – the Auckland
572 Anniversary floods. Sorry, there's been a lot of them. The Auckland
573 Anniversary floods. They are promoting a plan change and the entire
574 intensification planning instrument has been put on hold to allow that work to
575 occur.

576
577 But today, public can draw some of the information Council holds from what I
578 would call it's live feed. Public isn't having to wait necessarily for all of that
579 information to come through a Schedule 1.

580
581 The other point I would make, and Mr Whittington might want to offer a view,
582 or Ms Woodbridge, on this, talks about when you're considering a Resource
583 Consent Application. I would agree for subdivision ultimately under the Act
584 natural hazards is a consideration for subdivision. Often when you're dealing
585 with subdivision processes that is a specific assessment required by nearly all
586 District Plans.

587
588 The challenge I would put at your feet is how do you deal with the land use
589 component, because at what point does a permitted activity trigger assessment
590 under the RPS? At what point does a controlled activity or restricted
591 discretionary activity trigger an assessment under the RPS that would draw my
592 attention to Policy 51?

593 [00.45.00]

594 My understanding of that relationship in many cases it wouldn't, because we
595 have contained ourselves. Discretionary and non-compliant, yes, potentially; but
596 what are we letting through all of those other ones in circumstances, and I can
597 speak to what we look for as a planning framework, and I will speak to the

598 residential specifically; if we are residentially zoned we should be permitted or
599 restricted discretionary for the residential use of that land.

600
601 Do we need to write in every single plan in Wellington as an assessment matter
602 Policy 51 of the RPS? Or, do we do it differently, where we actually define the
603 risk and set a package of rule around that. Use the non-statutory mapping, to a
604 non-statutory spatial extent, to trigger that investigation.

605
606 Chair: I take the point. I will be looking forward to hearing Dr Dawe's views as well
607 on what you are saying.

608
609 The fact that we do have very directive wording in here and taking this structure
610 and analysis approach, and we are hopefully going to see that influencing
611 decisions and giving us more certainty on situations like that, I would hope with
612 that directive language Policy 51 would be very relevant in a 104, even for an
613 RD.

614
615 Mr Whittington may have a view on that.

616
617 Whittington: I was going to say, I would switch that around slightly. Unless the way that
618 Policy 51 is implemented by District Councils is to add a matter of discretion
619 into the restricted discretionary framework, it would be unlawful for a District
620 Council to take that into account under s.104B. So, s.104B is about restricted
621 discretionary activities and it says you can't take anything into account that is
622 outside the matters for which you have restricted your discretion.

623
624 So, unless they have done that intermediate step of providing for it, there's no
625 mechanism for the assessing officers, the processing planners, to look back to
626 Policy 51 of the RPS. They won't be able to get there, regardless of what Policy
627 51 very fairly attempts to achieve. That approach assumes that Councils are
628 going to put that into matters of discretion. I question whether that's appropriate?
629 The Productivity Commission has talked about the importance for residential
630 development of having as many permitted activities, and if you are going to
631 extend to restricted discretionary activities, limiting the matters of discretion as
632 much as possible is really important to our urban development framework.

633
634 So, I question whether the assumption that Policy 51 makes is appropriate or
635 correct.

636
637 I just have one other point to make, and I could go back to Mr Liggett, but before
638 we go perhaps to Ms Woodbridge, which is to try and tie it all together.

639
640 The purpose of the RPS is to provide an overview of the resource management
641 issues for the region and the policies and methods to achieve integrated
642 management. This approach dictates to Councils the one approach they must
643 take. It has resource implication for them, but the costs and benefits of this
644 approach have not been assessed by the Regional Council. It is simply saying
645 this is its preferred approach. It sees the advantages and disadvantages in a
646 particular way and it's imposing that view on the District Councils without
647 having actually assessed the costs and benefits of it, or trying to quantify them;
648 and that's the sort of thing that should be happening at the District Council level
649 on this issue.

650
651 So in my submission it is no efficient, effective or appropriate, and arguably not
652 within the purpose of the RPS for that reason. It's not consistent with an
653 overview. It's removing a legitimate and available approach from Councils.
654
655 They may choose to take the Regional Council's preferred approach through the
656 District Plans. I haven't looked it up, but I believe for example that the Hutt City
657 decision in its latest IPI which I think has come out, does adopt that approach;
658 but it should be for the District Councils to determine, rather than that having
659 been dictated from on high by the Regional Council with respect.
660 [00.50.00]
661 Chair: Just before we move on, with the approach that you're suggesting, do you think
662 that would promote climate resilience and the ability to be more responsive to
663 all the terrors that are coming at us?
664
665 Liggett: I think my response to that would be two part.
666
667 The approach we are advocating for is in our view definitely more responsive.
668 It allows the latest information to be at the feet of the decision-maker at the point
669 at which they make the decision.
670
671 With respect to the wider question of climate resilience, we would say that is
672 where you actually get into the risk management framework and the definition
673 of that. You need to make sure that when you're defining the level of risk that
674 future account of climate change is built into that.
675
676 Chair: That's the low/medium/high?
677
678 Liggett: And, how you define what's low, what's medium, what's high. A rainfall event
679 today, if we accept the climate science, will be different to a rainfall event in a
680 hundred years. We need to look to that hundred year framework or that hundred
681 year risk when we actually assign categorisation of risk.
682
683 Chair: And, that is appropriately set at the district level?
684
685 Whittington; I think that can be set at the regional level. That's where regional consistency is
686 a virtue. How it's then given effect to through the District Plans is not something
687 that in my submissions needs to be necessarily regionally consistent. But,
688 absolutely that high/medium/low and the way you identify those risks and how
689 they should be managed – that's the thing that I think this Regional Policy
690 Statement can and should do.
691
692 Chair: Thank you. I think I'm following that. If we look at the provisions Ms
693 Woodbridge, it might be great to get your views now. In terms of the distance
694 between what Dr Dawe is supporting and what you're advocating for, is it just
695 this mandatory identification of the overlay or are there other issues in Policy
696 29? I have read your evidence but it's just good while we are discussing this, to
697 hear your views.
698
699 Woodbridge: Yes, it was the inclusion of the reference to hazard overlays. It think it was in
700 clauses (b) and (c) from memory, or maybe (c) and (d). My feeling was that
701 clause (a) would be sufficient to provide direction to councils whilst allowing

702 them some flexibility to address hazard overlay mapping according to best
703 practice, as Mr Whittington and Mr Liggett have identified.
704 Liggett: I think if I can just make one more point.

705
706 Given the conversation has been focused around the overlay or not overlay
707 question, I think the other broader question (and we were touching on it in the
708 conversation of Policy 59, but it does apply elsewhere through the Regional
709 Policy Statement) is the degree of flexibility or not that the RPS is going to. Yes
710 the RPS needs to direct the management of issues, but some of the methods that
711 is directing get right down to the very specifics. If I was looking at CC.14, again
712 we've got the issue of the resource consent consideration, but we are now right
713 down into, as I read it, requiring re-use tanks for development as the response to
714 climate mitigation and adaptation.

715
716 By going to that level of depth of detail, are we taking away the flexibilities for
717 communities to determine their appropriate response?
718

719 A lot of hazard management and a lot of climate resilience conversations still
720 need to happen at the district level. When you're talking about some of the big
721 investments, and River Link is slightly different, that's a big partnership –
722 [00.55.00] central government, Regional Council and local councils all coming together;
723 but there will be elements of that, that are sitting squarely within the District
724 Council's response – in terms of how they fund it, how they manage it and what
725 communities are willing or not to accept.

726
727 The wider comment I would offer is some of these provisions get very, very
728 directive and very, very specific about the solutions that communities will adopt
729 for themselves; in circumstances where a lot of that should be either held at the
730 District Plan level in terms of those very specific methods, or more broadly some
731 of those things should be held (when we're talking about energy efficiency and
732 other things, in other parts of the RPS) that may well be a conversation that's
733 more appropriate for government to have at the Building Code and Building Act.
734

735 Chair: Thank you. In the remaining time we have, and I'm just conscious we have got
736 our next submitter here too, I have some questions on the other aspects of your
737 relief. I will just check with the Commissioners that they have covered all of the
738 questions they had on the mapping issue.

739
740 Wratt: Thank you.

741
742 Paine: Mr Liggett, without getting down into the weeds, I understand Kāinga Ora's
743 position, but I have two questions.

744
745 One is, if you were doing this updating all of the time and not going through the
746 Schedule 1 process, what sort of safeguards are there around that, to make sure
747 that the information that's constantly being put in is robust and correct?
748

749 The second one was something brought up by one of our Māori submitters
750 yesterday. It was about iwi being involved in identifying hazards. This fast
751 process that you're proposing, how do you think that makes way for them to be
752 involved?
753

754 Liggett: The one example I can specifically speak to, having been involved in it
755 repeatedly, is the Auckland example. The primary mapping they use a special
756 consultative process under the Local Government Act. There is bylaws involved
757 in how they do that. I am aware when certain risks are being identified on a site
758 that Council will often issue a direct letter to that land, so people are aware of it.
759 Post the Auckland Anniversary floods we received numerous letters, in the
760 hundreds, of properties that they were interested in. Having received all of those
761 we actually went, “Let’s get more efficient and let’s deal direct on our portfolio
762 of issues.” We put it into a separate process with Council.
763
764 There is other tools in the toolbox for Councils to communicate issues outside
765 of the Resource Management Schedule 1 process would be my response.
766
767 Whittington: Before we hand over to Ms Woodbridge, can I say, to the extent that’s a concern
768 and a real concern, and I agree with that, about iwi involvement, the answer may
769 well be to update the standard. The standard is what ensures that the information
770 produced, the outputs will be robust, and maybe that needs to be updated. But,
771 it seems to me to throw the baby out with the bathwater to say if that standard is
772 not sufficiently detailed about the level of engagement that will be required, then
773 we must jump to a Schedule 1 process. That seems to throw the baby out with
774 the bathwater.
775
776 The disadvantages of that process are worse in my submission than the flipside.
777
778 I feel like we’ve left Ms Woodbridge with next to no time.
779
780 Chair: Just before we go, just a very last question on this. This is obviously a really
781 significant issue for Kāinga Ora. Is this approach that you’re taking allowing the
782 more dynamic and more identification, are you hoping that’s going to enable
783 more of the development that you need to, or that it’s going to protect the
784 development better?
785
786 Liggett: I think the answer would be that it would enable better development responding
787 to the risks and it would manage those risks where development is occurring, in
788 a more responsive way, that is both efficient and effective for the Council, for
789 the community and for the person undertaking development.
790 [01.00.00]
791 Chair: Thank you. Ms Woodbridge, did you want to present your evidence, or are you
792 happy to take questions? We have read it.
793
794 Woodbridge: I am happy to take questions.
795
796 I did just have one point of clarification if I may, which was in relation to Policy
797 CC.8, so just moving away from the flood hazard mapping.
798
799 That was around the text that I had recommended including to the explanation
800 note for the Policy. I note that the Reporting Officer in their right of reply has
801 taken on-board some of my recommendations and suggested some further
802 recommendations to the Policy. I think generally those recommendations are
803 consistent with what I have recommended. I think they’re a good approach.
804

805 I think the only thing that's potentially missing from them is where I have also
806 referred to District Plans managing development locations in a way that...
807

808 Chair: Sorry to interrupt. Are we looking at the right provision? CC.8 is about
809 prioritising reduction of greenhouse gas emissions. That is the provision?
810

811 Woodbridge: Yes.
812

813 Chair: Just wanted to check we had the right one.
814

815 Woodbridge: It's just the explanation where I had recommended some additional text. If you
816 have got a colour version my text is in blue.
817

818 I had recommended that there be an explanation to explain that district plans can
819 contribute to reducing greenhouse gas emissions through enabling development
820 in locations. That does have a cross-over to some of the other transport related
821 policies and likely to the urban development policies and objectives which will
822 be heard in the next hearing stream. But, I think it's an important point to include
823 in this particular policy. It's a policy, but it's got a more general approach to the
824 prioritisation of reducing greenhouse gas emission.
825

826 That would be my only point to raise. I think the wording I propose is possibly
827 a little bit confusing actually, but I think the general principle could be included.
828

829 Chair: Thank you. This is actually a point that I wanted to pick up with you.
830

831 You're obviously supportive of the Council's goals of more active transport and
832 reducing emissions through land use and transport integration. For your
833 developments, to what extent are you able to factor that in? If you can explain
834 when you look for areas suitable to develop and maybe for existing
835 developments as well, what are you able to do?
836

837 Woodbridge: That's probably a question more for Mr Liggett who is part of that development
838 process at Kāinga Ora. He would probably be able to answer that more clearly
839 if that's okay.
840

841 Liggett: There's a couple of development processes that we engage with – the public
842 housing development programmes, that's the public housing for those tenants
843 that require that provision. What we know from our tenant base is access to cars
844 is actually a problem. We have a much greater use of public transport from our
845 tenant base than the population at large. We have done a survey across the
846 country. In some communities, and these will be the metropolitan areas, so
847 Auckland, Wellington and Christchurch, our experience is that up to 66 percent
848 of our communities will utilise public transport.
849

850 For us, that's a clear marker as to where we need to be placing our development.
851 What is the accessibility to public transport options? It's something that is a
852 material consideration in our identification of land right at the start of the
853 development cycle.
854

855 The other question that we have to face when we are doing our wider urban
856 development processes, which looks at other forms of housing type, affordable

857 and just general market activity. For us, it's understanding the constraint of a
858 particular site and looking very explicitly at what are the access constraints in
859 terms of alternative modal choice, and looking for options to solve that problem
860 through the development process.

861 [01.05.00]

862 We have got an example of a project where we are just about to lodge a private
863 plan change with Council at the moment; where we are working through with
864 their public transport provider how we bring on-stream bus services to a
865 community currently not served and we are looking to add additional housing
866 into that community.

867
868 We are using our process to actually provide increased accessibility not only for
869 the development that we are undertaking, but also for the community that sits
870 between the current service and our site. It's very much right at the heart of our
871 core activity.

872

873 Chair: Thank you for that explanation. We are out of time which is a shame.

874

875 Policy 1 NPS-UD and I am sure you will be coming back to the urban hearing.
876 I appreciate your point about walkable catchments and very much we are looking
877 to get integration between the provisions. I might actually ask you these
878 questions. It's really about Policy 1 and NPS-UD and emissions reduction
879 planning and things within the District Council powers to achieve well-
880 functioning urban environments and reducing emissions.

881

882 I think we will come back to that.

883

884 I did have a question about CC.14 in the nature-based solutions provisions. It's
885 actually just a general question.

886

887 Various submitters, and I think you might have raised this as well, throughout
888 the RPS there are quite a few policies that have a direction for plan making, like
889 CC.4 and then CC.14(a), that package, how relevant are these provisions once a
890 district plan has given effect to the matters in CC.14; how relevant is this
891 consideration policy and is there a chance of it cutting across and resulting in
892 confusion?

893

894 Woodbridge: It possibly also speaks to the point that's been raised previously. It may depend
895 on the activity status under the District Plan. A controlled activity has limited
896 scope and RDA limited scope also. So, if the District Plan has already given
897 effect to CC.4 and implemented that policy through their own plan provisions
898 then I would depend on the scope of the activity status as to whether you would
899 look back... for a non-complying activity status you may well look back up to
900 the Regional Plan, but if you are talking about a controlled activity or an RDA
901 then no you may not.

902

903 Chair: CC.14(a) would become less relevant?

904

905 Woodbridge: Yes.

906

907 Chair: Relevant if there was a plan change. I think that's just the point, that workability
908 point I am trying to make sure I understand. I don't know if anyone wants to

909 comment on that. If there's a plan change and this is perhaps a relevant point,
910 how does it impact when the plan has already given effect to CC.14?
911

912 Woodbridge: I do struggle myself a little bit with understanding the consideration policies. A
913 resource consent is vastly different from a plan change. The assessment that you
914 go through for both is quite different.
915

916 To have a policy that requires you to consider something for both ends of those
917 spectrums and also then a further policy that requires a district plan to
918 incorporate objectives and policies, seems a little bit of a duplication.
919

920 I can understand that this may be applying if CC.4 hasn't been given effect to,
921 but in which case that seems like it's got a limited life potentially.
922

923 I think Hearing Stream 2 covered some of the integration matters around
924 consideration policies. I'm afraid I wasn't involved in that, so not sure of those
925 discussions.
926

927 Bu yes, your considerations at a resource consent level, where you've got a
928 proposal in front of you, are quite different to say a plan change or a district plan
929 review which is required to give effect to those regional policies.
930 [01.10.05]

931 I hope that helps.
932

933 Chair: Thank you. I don't know if anyone else had a quick comment on that, otherwise
934 we might have to call it there.
935

936 Whittington: I am in your hands. What I would say is that it almost seems to be attempting to
937 get around the king salmon cascade approach by making considerations relevant
938 at a lower stage, even though under that cascade approach, as long as the plans
939 are recognised as giving effect to that policy, the intent is that you shouldn't
940 need to go further up the chain towards Part 2 of the RMA. It is only in the
941 recognised exception, such as a gap in the plan or where it doesn't fully give
942 effect to, the high order policy statement that it's intended that decision-makers
943 lower down should be going further up the chain. It seems to me it's trying to
944 get around that dictation.
945

946 Chair: Thank you. We really have to leave it there. If this is an issue you identify in any
947 of the urban form provisions, I would really appreciate any legal submissions on
948 that point.
949

950 Thank you Mr Whittington, thank you Ms Woodbridge, thank you Mr Liggett.
951

952 **Ngā Hapū o Ōtaki:**
953

954 Chair: Ngā Hapū o Ōtaki. Welcome and sorry to keep you waiting. Kia ora. Sorry to
955 keep you waiting. Thank you for your patience.
956

957 Would you like us to introduce ourselves?
958

959 Hapeta: Yes, that would be good.
960

961 Chair: Tēnā koutou katoa. Nō Poneke ahau, kei Te Tapu Te Ranga au e noho ana,
962 tōkotoru aku tamariki, ko Dhilum Nightingale tōku ingoa. Nō reira, tēnā koutou,
963 tēnā koutou, tēnā koutou katoa
964
965 My name is Dhilum Nightingale. I am chairing Part 1 Schedule 1 and Freshwater
966 Hearing Panel. I will pass over to Commissioner Wratt.
967

968 Wratt: Tēnā koutou katoa. Ko Gillian Wratt tōku ingoa. My name is Gillian Wratt. I
969 was initially appointed as an Independent Freshwater Commissioner onto the
970 Freshwater Panel, and am now also on the P1S1 Panel. I live in Whakatū, Nelson
971 and I have a background in the science sector. Kia ora and welcome to the
972 hearing.
973

974 Paine: Tēnā korua, nau mai haere mai. Ko wai au. Ko Piripiri te maunga, ko Waitohi te
975 awa, ko Waikawa te marae. Ko Te Ātiawa me Ngāi Tahu ōku iwi. Nō Picton
976 ahau. Ko Glenice Paine taku ingoa.
977
978 My name is Glenice Paine. I am an Environment Court Commissioner. I have a
979 background in resource management, especially biodiversity and biosecurity. I
980 have been appointed to both panels. Aroha mai, I've got a cold so I'm separated
981 from the rest of the panel. Nau mai haere mai.
982

983 Chair: Welcome. If you would like to introduce yourselves. We have pre-read the
984 further submission that you have made but we would love to hear further from
985 you. Thank you.
986

987 Hapeta: Tēnā koutou katoa. Tēnā tātou i tēnei huihuinga. Koutou, te rōpū e noho ana ki
988 te, me kī, hei tirohia, hei whakarongo ki ēnei kōrero e hora nei ki mua i te aroaro
989 o tēnei rōpū, nō reira, tēnā koutou katoa.
990
991 Ko Denise Hapeta tōku ingoa. Nō Ōtaki ahau. Nō Ngāti Raukawa, Te Arawa, a
992 Muaupoko. Āe, ko au tonu te Tiamana o Ngā Hapū o Ōtaki. He rōpū tērā o ngā
993 hapū e rima e noho ana ki Ōtaki ki tēnei takiwā o Ōtaki, nō reira, tēnā koutou
994 katoa.
995 [01.15.00]
996 Kia ora. My name is Denise Hapeta, I was born and bred in Ōtaki. My iwi
997 affiliations are Ngāti Raukawa ki te Tonga, Muaupoko and Te Arawa, Ngāti
998 Whakaue. I am currently Chairperson of Ngā Hapū o Ōtaki and that comprises
999 the five resident hapū located and situated here in Ōtaki.
1000
1001 I am here presenting today with one of our Poutaiao team members here at Ngā
1002 Hapū o Ōtaki, Aroha Spinks. I am going to let Aroha introduce herself we
1003 commence our delivery to you today. Tēnā tātou.
1004

1005 Spinks: Kia ora koutou. Ko Aroha Spinks tōku ingoa. E noho ana au ki Ōtaki. Nō Ngāti
1006 Raukawa, Ngāti Toa Rangatira, Ngāti Kapumanawawhiti ahau. Environmental
1007 scientist and Doctor in Resource and Environmental Planning. Honoured to be
1008 here to represent the hapū of Ōtaki. Kia ora.
1009

1010 Hapeta: We have some slides here, about nine slides. We have a bit of a summary we
1011 would like to share with you here today.
1012

1013 I guess what I would like to do is just talk a little bit about our connections here
1014 in Ōtaki. We are five hapū, the most southern hapū of the Raukawa ki te Tonga
1015 iwi. Our iwi spans from Mai Miria Te Kakara which is up in the Bulls/Rangitikei
1016 area there, that's our most northern region. Mai Miria Te Kakara ki Rangataua,
1017 tae noa mai ki Ōtaki nei ki Kukutauaki. Kukutauaki is the southern boundary of
1018 Raukawa ki Te Tonga. It's a little tributary that sits between Pekapeka and
1019 Waikanae. We also have close affiliations and have always had close affiliations
1020 to what we call the ART Confederation, which comprises Raukawa ki Te Tonga,
1021 Te Ātiawa ki Whakarongotai and Ngāti Toa Rangatira.

1022
1023 Our rohe spans from Miria Te Kakara in the northern region of Rangitikei there
1024 on the Bulls area, and it stretches all the way down here through Ōtaki and
1025 through Waikanae where Te Ātiawa ki Whakarongotai are resident, the resident
1026 iwi there, and it moves further south to Ngāti Toa Rangatira ki Whitireia,
1027 whakawhiti atu i Te Moana o Raukawa ki Wairau, ki Whakatū. Ngāti Toa
1028 Rangatira is also domiciled in residence at Te Tauihu o Te Waka a Māui in the
1029 northern boundary where Glenice is currently resident, around the Picton,
1030 Waikawa and Nelson area.

1031
1032 Since the mid-1800s our confederation of iwi have traversed and moved from
1033 their homelands in the north. Certainly Ngāti Raukawa and Ngāti Toa Rangatira
1034 from our homelands in the north, Kawhia Moana and Maungatautari in the
1035 Cambridge and Waikato area. Our people, our tūpuna traversed the lands to find
1036 another home for our people, pre 1840, and came to Ōtaki and settled here in
1037 Ōtaki. Then Ngāti Toa of course travelled through the south and for a long time
1038 now have been domiciled in the Porirua, Wairau, Whakatū area at the top of the
1039 South Island.

1040
1041 Quite often we refer to ourselves as a member of the ART Confederation and
1042 our five hapū here in Ōtaki being member hapū of Raukawa ki Te Tonga, and
1043 still maintain strongly those relations with our whanaunga of Te Ātiawa ki
1044 Whakarongotai and Ngāti Toa Rangatira.

1045
1046 When we look at a photo like this and we look at Kapiti Island, which was once
1047 the residence of our tūpuna, where they resided pre-1840 where our people
1048 signed the Treaty of Waitangi post-1840, it's a significant picture you are looking
1049 at there on your screen now.

1050
1051 The Māhau is the local marae, Māhau here at Raukawa marae in Ōtaki. The
1052 trustees of that marae are members of the three iwi of Raukawa ki te Tonga, Te
1053 Ātiawa Ki Whakarongotai, and Ngāti Toa Rangatira.

1054
1055 It was established that way in 1936 and those trustees still exist today, to ensure
1056 our confederation continues on, to work together for the benefit of our three iwi.

1057 [01.20.00]

1058 We thought we would cover that today with you, just to give you a little bit of
1059 history on it.

1060
1061 Our collaboration has stayed strong in all we do, since the early 1840s. Most
1062 things we do now we are at the table or sitting beside our whanaunga of Te
1063 Ātiawa and Ngāti Toa, on numerous occasions and for a range of various
1064 important kaupapa.

1065
1066 The most important aspect that I want to share today is the importance of the
1067 whenua we have here in Ōtaki; the whenua that our [01.20.40] Confederation
1068 are working very hard, despite the challenges we face to retain that land and to
1069 ensure that that land is going to provide homes for the next four to five
1070 generations of our people; ensuring that the lands will be rendered to our
1071 mokopuna in the same pristine state that our people acquired it pre-1840 is really
1072 important to us today.
1073
1074 What we would like to share with you are some important matters and some
1075 important facts that describe some of the issues we have here in Ōtaki and want
1076 to share with you today.
1077
1078 We talk about our whenua in the assets, as our greatest asset here as a people
1079 and as an iwi, Toitū te whenua, whatungarongaro te tangata. – ‘Man may
1080 disappear but the land will always remain.’ Man may come in the face of four
1081 or five generations but the land will remain here.
1082
1083 As I said earlier, our purpose is to ensure that our small little home we call Ōtaki
1084 can continue to be lived in safely, and in good use and responsible use of our
1085 land to make sure that our future generations and people who choose to live here
1086 going forward can live in harmony with the whenua and all of our natural
1087 resources.
1088
1089 Our people have endured some substantial impositions over the last two hundred
1090 years. The Waitangi Treaty claims will attest to that. Ngā Hapū o Ōtaki are about
1091 to commence their Treaty claims at the first week of October and will carry on
1092 and will conclude in the first week of December. That will be the final claim
1093 hearing for Raukawa ki Te Tonga and it will occur here at Raukawa Marae in
1094 Ōtaki.
1095
1096 The intention or systemic demise that has been forced upon us and imposed upon
1097 us by Crown and local government agencies and bylaws continue to be felt
1098 today. We feel those even when we sit at the table with GWRC and Crown
1099 agencies to encourage our leaders to pursue responsible processes and
1100 responsible systems for looking after our land and allowing development to
1101 occur – in a responsible way that will not render our land in a poor condition to
1102 the future generations.
1103
1104 I would like to stop there. I might add that Ngā Hapū o Ōtaki as a member of
1105 Raukawa ki Te Tonga have partnerships with GWRC, Greater Wellington
1106 Regional Council, Kapiti Coast District Council and other Crown agencies
1107 through the Wellington Regional Leaders Committee.
1108
1109 There is barely a meeting goes past that we are not participating in, where we
1110 are encouraging developers and local government and regional government to
1111 do good, to ensure they do good.
1112
1113 What does that mean? It means you do no harm to our whenua. Do no harm and
1114 look for ways to ensure that current generations are going to render the land in
1115 as good as or better condition for the future generations. How we do that – that’s
1116 a solution we are yet to be able to achieve and agree on. But, as we look at

1117 developments, impacts on climate change, impacts on freshwater, there are so
1118 many examples that will have been presented to you this week by ourselves and
1119 others, that describe irresponsible behaviour that is not looking after the natural
1120 waterways that traverse our lands here in Ōtaki.

1121
1122 I am going to pause there and pass it over to Aroha Spinks who is going to give
1123 our clinical evidence, being one of our leading planners in our Poutaiao rōpū for
1124 Ngā Hapū o Ōtaki.

1125
1126 Tēnā koutou.

1127
1128 Chair: Kia ora.

1129
1130 Spinks: In 2012 Ngā Hapū o Ōtaki participated with others of the ART Confederation to
1131 review the Kapiti Coast District Council, and within that in 2012 address climate
1132 change.

1133 [01.25.08]

1134 Those representatives indicated that Māori people had the ingenuity and
1135 resourcefulness to survive the increasing pressures of global changes. The ART
1136 review has encouraged KCDC to address the looming climate crisis in several
1137 ways and we have included an Appendix that we will send in with our brief.

1138
1139 Just a few of those comments was to include and engage iwi early in planning
1140 and implementation, renewable energy technology on all buildings
1141 infrastructure, free local green waste re-use programme and the restoration of all
1142 our waterways.

1143
1144 We submitted two submissions into the KCDC District Plan to provide evidence
1145 that was important to use, which also included papakāinga provisions which we
1146 helped to develop, as well as climate change impacts.

1147
1148 We sent in the two submissions to the Regional Policy Statement in 2022 and in
1149 principle Ngā Hapū o Ōtaki supports the overall intent of the Regional Policy
1150 Statement Change 1. It addresses several topics such as climate change.

1151
1152 We want to see consistency throughout the climate change policies with our
1153 treaty partners, Greater Wellington Regional Council and Kapiti Coast District
1154 Council, that is informed by our mātauranga and expertise.

1155
1156 Our submission in December supported principles raised by Ngāti Toa Rangatira
1157 and Ātiawa ki Whakarongotai, our ARTS Confederation; and we presented
1158 some of those areas that we observed and have experienced at Ngā Hapū o Ōtaki.

1159
1160 We mentioned as well in December that we opposed one of the submissions that
1161 suggested that mana whenua be considered as a group with the wider
1162 community. We hold and assert a strong view that our ancestors signed the
1163 Treaty of Waitangi which in our perspective did not give way our rights of
1164 rangatiratanga, self-governance or sovereignty, and at the very least ensured our
1165 rights to be treated as treaty partners with the Crown, central governments and
1166 local government agencies, such as the Greater Wellington Regional Council.

1167

1168 We seek balanced decision-making and we also seek balanced resourcing
1169 between the treaty partners, to see and ensure robust climate change adaptations
1170 in the future; to voice our opinion, that increased mitigation for climate impacts
1171 needs to be begin immediately.

1172
1173 We encourage to work collaboratively on future mitigation projects with the
1174 councils and wider community, and we express our views that there are powerful
1175 opportunities for hapū and iwi to lead projects. We have also included a few of
1176 those projects that we have been involved in with Ngāti Raukawa, such as the
1177 Lake Waiorongomai Restoration Project, Manaaki Taha Moana Project,
1178 planning for climate impacts on Māori coastal ecosystems and economies. He
1179 huringa āhuarangi, he huringa ao, a changing climate and a changing world.
1180 These projects will provide links with in our brief.

1181
1182 Ngā Hapū o Ōtaki, we advocate that we are the best to provide the mātauranga
1183 and knowledge of our ancestral landscape and that we have expertise in climate
1184 action and adaptation strategies within our rohe. Working alongside western
1185 based knowledge systems, such as climate science and predictions, socio
1186 ecological infrastructure and economic assessments; however, we would like to
1187 highlight that kaupapa Māori and te ao Māori frameworks, as well as our own
1188 science and cultural practices, are not only valid but have been successful over
1189 centuries within this country. So, therefore it would be very appropriate to be
1190 used in the future in the next phase of planning as well as climate resilience.

1191
1192 Ngā Hapū o Ōtaki have been actively involved in the Kapiti Coast District
1193 Council, Takutai Kapiti, a community led coastal adaptation project. We still
1194 have two coastal advisory panel members – Moira Poutama and Mark Karatoa.

1195 [01.30.00]

1196 Although we have put our scientific advice and things into the northern
1197 adaptation area and it's moved south, we are committed to stay and work
1198 alongside the ART Confederation as well as Council.

1199
1200 We at times raise concerns though, but we are able to work through these in
1201 helping with hapū engagement and valuable input into our kai moana there,
1202 mahinga kai and some of these areas that you will see on the map there.

1203
1204 Our executive actually asked us to run three workshops on this topic, because it
1205 was such an important topic to our whānau, especially in the wake of Cyclone
1206 Gabrielle. The whānau were so engaged in it and concerned seeing some of these
1207 maps, and asked for a fourth wānanga and workshop to be held – especially to
1208 reach out to our beach residents, which we did.

1209
1210 Some of the key statements from our whānau (because we're only representative
1211 of them) was that climate change is a critical issue, it is urgent and the balance
1212 has already tipped. Do not wait fifty years.

1213
1214 In doing our adaptation strategies: do no more damage to our taiao. Build
1215 resilience and work with taiao, work with the atua, work with nature.

1216
1217 We wish to see an increase of native planting on dunes around the ponding areas,
1218 the wetlands and on waterways as well. Extend green corridors on our whenua,

1219 on public reserves and parks. Prioritise endemic species, rongoā, medicinal
1220 plants as well, and also those at risk of extension.
1221
1222 We would like to see climate mitigation and future planning that includes our
1223 cultural identity and heritage.
1224
1225 We had one person say, “Funk it up.” Just thought I would add that in.
1226
1227 Retreat was also discussed. It was mentioned that it is following traditional
1228 practices. Noted was that our ancestors moved for practical reasons and season
1229 [01.32.29].
1230
1231 Retreat is mana enhancing they said; deciding to work and move together, and
1232 in what forms which we take and what we do as adaptation strategies, is mana
1233 enhancing and work together.
1234
1235 Maintaining rangatiratanga and self-determination was also important. As our
1236 whānau looked at the coastal inundation and sea level rise and coastal erosion
1237 maps, they also mentioned that at no time did they want to be pushed off their
1238 land. They didn’t want it repeated. The colonisation mechanisms that our
1239 ancestors endured they didn’t want to see that again; and as Whaea Denise
1240 mentioned, we still feel the repercussions of those today.
1241
1242 However, being informed, being educated and growing that awareness was all
1243 things that they encouraged, so that whānau could make decisions themselves
1244 and the wider community as well.
1245
1246 As you will see, this slide and the next slide from [01.33.36] our ancestral lands
1247 that still remain in Māori ownership with the Māori lands, are small and limited
1248 and only a fraction of what they used to be. So, it's important to our whānau that
1249 they maintain what they still have.
1250
1251 As you can see in this next slide again from Jacob’s, inundation, especially
1252 around the Ōtaki River mouth, just based on the sea level, or really the height of
1253 the land, means that it's going to really impact around our region.
1254
1255 We wanted this opportunity for the Hearing Panel, as well a Greater Wellington
1256 Regional Council and others in the community, to see that the risk of coastal
1257 inundation in our small section of the Wellington region is significant.
1258
1259 Ngā Hapū o Ōtaki have informed Kapiti Coast District Council through the plan
1260 change process as well as Takutai Kapiti, but there was also a limitation in the
1261 Takutai Kapiti project whereby the coastal area is only being considered
1262 currently through that project. It's a limitation.
1263 [01.35.00]
1264 We also know that along with sea level rise is increased precipitation. So, there
1265 is more flooding that will occur inland of this coastal region. We accept that
1266 there’s a process that the Council are following, and that there is going to be
1267 another project that runs next and will go beyond this project. But, really
1268 knowing the effects of what has been happening around Aotearoa right now, we
1269 think that is really important, so we would like to just raise that with the Regional

1270 Council, that the impacts of flooding, inundation further than just the coastal
1271 region is important to us here at Ngā Hapū o Ōtaki.

1272
1273 Just speaking on consistency, we have been involved as well in the Whaitua
1274 Kapiti Project, which was and is a treaty based project inspired by our
1275 whanaunga Professor Whatarangi Winiata. We just want to mention that we do
1276 have Caleb Royal and myself sitting on that Advisory Board. It is based on a
1277 treaty principle. We would like to promote that: that treaty based models for
1278 shaping co-design and implementation in future Greater Wellington Regional
1279 plans and resource management avenues, alongside mana whenua is important.

1280
1281 We advocate for further resourcing those, so that we can be recognised and our
1282 information in mātauranga included into modelling and other aspects of the
1283 planning.

1284
1285 Whaitua Kapiti process aims to provide mana back into our wai, into our
1286 waterways, and it's paramount to our Taiao Programme, and to the members of
1287 Ngā Hapū o Ōtaki. Waters such as Ōtaki River seen here provide cultural values
1288 with physical, spiritual and economic dimensions that will be incorporated as
1289 we move forward on that project.

1290
1291 We would like to mention that we are really pleased to see that the Regional
1292 Policy Statement Change 1 and Climate Change workstream includes
1293 recognition of te ao Māori and mātauranga, but we want to extend that intention
1294 to ensure that we are included in the planning and implementation that must
1295 follow. Restoring our waterways, restoring native indigenous biodiversity
1296 throughout our region should include us, from the Tararua Ranges and the
1297 mountains through the coastal margins, and it is essential for future climate
1298 adaption and mitigation.

1299
1300 Reducing the impacts on our environment in multiple ways, such as the climate
1301 action and zero carbon emission transport we support.

1302
1303 We have a photo of all whānau around planting at the Waitohu Stream, which is
1304 a project that we did with the regional councils. Having more of these
1305 opportunities to have our whānau, we had students from Te Rito, one of the
1306 colleges, there as well.

1307
1308 As you can see, these restoration projects provide that opportunity to connect
1309 with then whenua, with the land, to have multiple generations all working
1310 together.

1311
1312 What we would like to stress is as we include mātauranga Māori in our data we
1313 also want to stress the importance of data sovereignty and protecting that
1314 knowledge and things that you gather.

1315
1316 We also want to potentially promote the opportunity for us to hold onto our
1317 information and build on models and ways in which our systems can speak with
1318 both councils, but that we are maintaining some of those wāhi tapu areas, or
1319 mahinga kai areas that aren't open for the public; but that we would like to see
1320 influencing the decisions, policies and plans moving forward.

1321 [01.40.00]

1322 That's me. Kia ora. Back to you Whaea.
1323
1324 Hapeta: Kia ora tatou. Just wanted to share. Aroha just mentioned a project that our team
1325 worked on back in 2022, in particular, the treaty house model that was Uncle
1326 Whatarangi Winiata's pet kaupapa way back in the 1980s. That particular
1327 proposal on the Whaitua was actually presented to GWRC, at the Council, it
1328 would have been closer to one of the latter October Council meetings in
1329 Wellington in October last year. Aroha presented that paper, or was asked to
1330 present the paper,
1331
1332 An interesting comment from some of the councillors at the time, one of the
1333 comments was, that they were quite surprised to see that a model like this had
1334 been in place for so long and hadn't come before them. One particular councillor
1335 asked why it had taken so long to be put on the table in the front of the Council.
1336
1337 The meeting itself on the day actually took up and made the recommendation to
1338 take on-board and receive the proposal and to undertake further engagement
1339 with it. Since then of course there's been an election and there's been a change
1340 of Council members. But, that was tabled in front of Council in October last
1341 year, and the recommendation at the meeting was that they receive the paper and
1342 endorse it.
1343 There were a couple of recommendations in the paper, presented by our ART
1344 Taiao team. Again it was as collection of our ART Taiao expertise that work on
1345 local iwi matters throughout the Ōtaki, Kapiti Coast and Porirua area.
1346
1347 I just want to touch a little bit more about where Ngā Hapū have been engaging
1348 regularly, and I mentioned it earlier in my introduction, with Kapiti Coast
1349 District Council, local government and regional government.
1350
1351 At local government we have for 29 years now had a Memorandum of
1352 Understanding in a partnership arrangement with Kapiti Coast District Council
1353 and it's called Te Whakaminenga o Kapiti. That is a partnership arrangement
1354 with the three iwi, Ngāti Raukawa, represented by Ngā Hapū o Ōtaki, Te Ātiawa
1355 ki Whakarongotai, and Ngāti Toa Rangatira. That partnership has been in place
1356 for 29 years. We know we're turning the 30th celebration in February 2024.
1357
1358 The opportunity and the quality of partnership that that document and that
1359 understanding has generated between the three iwi and the Council, while it's
1360 had some turbulence in its earlier years, more recently there has actually been
1361 full partnership occurring certainly recently in the PC2 changes for KCDC in
1362 terms of intensification. Again, in some of the plan changes required by the
1363 Crown and Regional and then into local government, where we as a collective
1364 iwi of ART, worked alongside the senior staff and the planners at KCDC to write
1365 a papakāinga plan for Kapiti Coast District Council.
1366
1367 That was something unique but it was a lot of work. There was a lot of sharing
1368 and understanding, but were really satisfied, highly satisfied with the level of
1369 dialogue that we were able to have in a very open forum with the KCDC
1370 planners, and the final document and the final schedule of changes that we
1371 recommended to Council were actually approved back in June/July this year at
1372 Kapiti Coast District Council.
1373

1374 It allows for continued use of Māori owned land, or where Māori are currently
1375 living, to build papakāinga for our people. And, as we enter into the current
1376 proposed intensification and NDS that is rolling out throughout the country and
1377 certainly in the wider Wellington Region, it allowed our people to be able to
1378 continue to live on their whenua.

1379
1380 In Ōtaki we still have traditional papakāinga.

1381 [01.45.00]
1382 What does that mean? We have streets in Ōtaki that currently have fifth
1383 generation people, family members living on the land that their tūpuna lived on
1384 in the late 1800s. In one particular area we have got one hapū, Mai Ōtaki, and
1385 most of the homes on the street are all members of Mai Ōtaki who continue to
1386 live in the papakāinga of their people.

1387
1388 What does that do? It ensures that consequently there has been minimal
1389 development and the capacity for high intensification and MDRS in those areas
1390 will be prevented. The capacity or the likelihood that some of these land areas
1391 would be intensified, multiple dwellings where waste water, stormwater and
1392 discharge is multiplied by 400-500 percent to what it currently is; and how that
1393 taxes our whenua here in Ōtaki.

1394
1395 Aroha has given you some plans of Ōtaki. You saw that earlier. The ebb of the
1396 tide from the foreshore, the beach area here in Ōtaki into our township is evident
1397 in all we do here in Ōtaki. An example would be in October if its spring tide and
1398 we've had heavy rains and we are at the Rangiātea urupā and we are burying our
1399 people at the urupā, chances are if it's been heavy rain for a week our sexton will
1400 have some concerns about the capacity to reach dry ground.

1401
1402 So, what does that mean? Heavy, heavy rains for a week prior to
1403 September/October, if we had have been there two weeks ago we were just
1404 having absolute five or six days of heavy rain, and it means some of the areas in
1405 our urupā where our people have chosen to be buried by their family members
1406 is not always possible because we hit water. That water is seawater. It's seawater.
1407 It's not freshwater it's seawater. So, where the tide penetrates the whenua here in
1408 Ōtaki it is far reaching. Far reaching.

1409
1410 You're looking a building here now at Te Wānanga o Raukawa which sits west
1411 of the Rangiātea Church and urupā area. It talks about the attempts our people
1412 have undertaken to develop on our tūpuna land. This is all Māori land that was
1413 left by our tūpuna for the purpose of church missions and societies I guess, and
1414 their activities, and education for our people. That was given in the late 1800s,
1415 early 1900s, to establish the Ōtaki Māori Boy's School which was built on this
1416 complex and those lands in 1909. It ceased to operate as that, but it continues to
1417 serve its purpose of education.

1418
1419 More recently, Te Wānanga o Raukawa undertook to build new premises and
1420 buildings on our campus at Te Wānanga o Raukawa. We have been there since
1421 1981. Most of our buildings that we had arrived on the back of a truck. They
1422 were buildings that had been picked up from someone else and we delivered
1423 them to Ōtaki.

1424

1425 We were driving piles down into the ground around the various areas on our
1426 campus and on one corner we struck absolute river boulders. How do I know
1427 this? That was my role at Te Wānanga at the time. My brother was as builder.
1428 He would describe to us the size of the boulders, as shallow as two metres below
1429 the ground. They weren't just the odd stones; they were river boulders showing
1430 us where the Ōtaki River once traversed.

1431
1432 Twenty metres further down they would be driving piles into the ground to put
1433 up a two storey relocated building on our campus. In some cases after heavy,
1434 heavy rain again the piles would disappear.

1435
1436 So, we know where the water comes in. We know what is achievable on our land
1437 and what's just not practicable. Anything above two or three storeys on any land
1438 from the western end of Tasman Road that takes you out to the Ōtaki Beach to
1439 where this campus sits pretty much at the end of Tasman Road and at the end of
1440 the township, the water level below the ground is very high. It sits high. It's
1441 higher at spring tide. It's higher after heavy rains.

1442
1443 Most of the lands are below the ground by a number of water tributaries that
1444 traverse from the Ōtaki River to the Mangapōuri [01.49.56] to the Waitehu
1445 [01.49.58] which all meet and converge out at Ōtaki Beach.

[01.50.00]

1446
1447 When we talk about the freshwater, the capacity to contaminate that is high. It
1448 has occurred over the years. [01.50.09] recently entered into a challenge to
1449 become part of the living building challenge as we develop and extended, and I
1450 guess modify our campus, at Te Wānanga o Raukawa there on Tasman Road.

1451
1452 We have met some substantially high standards in what we have achieved in our
1453 buildings. Waste water and stormwater is recycled on site. All the new buildings
1454 are solar powered. All the buildings have met the living building standard
1455 requirements. Our sewerage is currently through [01.50.55] and Greater
1456 Wellington Regional Council were quite [01.50.58] in this process. It was one
1457 of its first kinds in the Wellington Region. Our sewerage system does not
1458 contribute and run directly into the town of the structured sewerage system. It is
1459 built in quite a sophisticated filtering system on some of our land areas within
1460 the campus.

1461
1462 GWRC worked at some length on that with our architects to achieve what we
1463 needed to do. There was capacity to discharge into the town infrastructure in
1464 town sewerage and waste water system should we get an overflow and our land
1465 can't cope with the volume coming down.

1466
1467 Just want to make [01.51.42] level of our commitment, to ensure that what we
1468 have in Ōtaki is responsible building that does no harm to our land and our
1469 waterways.

Chair:

1470
1471 Thank you Ms Hapeta. That was so interesting to hear. We would love to hear
1472 more of these examples of mātauranga Māori and practices. Absolutely
1473 fascinating. I do want to make sure that we have a couple of minutes left for
1474 question time. Is that okay if we can check in and see if the Commissioners have
1475 any questions for you and Ms Spinks.
1476

1477 Hapeta: Sure.
1478
1479 Chair: I'm sorry to interrupt but we are over time now and we have other submitters
1480 who are waiting too.
1481
1482 Is it possible to see you? We've got your presentation.
1483
1484 Thank you so much. I am really sorry to interrupt but I do want to see if the
1485 Panel have any questions. Commissioner Paine have you got your hand up there?
1486
1487 Paine: Yes I have. Thank you, that was a brilliant presentation. It answered a lot of my
1488 questions. One of them was just your view about the way the provisions are
1489 worded, whether you thought they provided enough impetus to be involved with
1490 everything that's happening in your region. But, then when you outlined your
1491 29 year partnership with Kapiti and what you're doing and all that you're
1492 involved in, it seems to me that whether you are named in the provisions or not
1493 you're actually participating in running or making your views known in your
1494 region. Would that be correct?
1495
1496 Spinks: Yes, I think we are definitely doing everything we possible can with a small
1497 team. I think the biggest thing is resourcing us to grow more and grow our
1498 capacity. Bring in the next younger generation who will be our leaders in time
1499 too. We operate with a very small team due to being under-resourced really. If
1500 we could increase the resources I think you would see us doing even more
1501 amazing stuff and inputting further.
1502
1503 I believe that's one of the areas. If we can have any of the wording that ensures
1504 the implementation as well. That's really the crux of things that we are trying to
1505 drive into any policy and the plans that fall out from those as well.
1506
1507 Paine: Right through the provisions Greater Wellington talks about mana
1508 whenua/tangata whenua. How do you think that relates to you? I am conscious
1509 Ngā Hapū and you talk about the ART Confederation. How does that capture
1510 you?
1511 [01.55.03]
1512 Hapeta: Kia or Glenice. I will pick that up.
1513
1514 I think because KCDC is sitting our back door literally and we have hands-on
1515 activity with them, engagement with them, it's far greater now than it used to be
1516 Glenice. I'm probably going to say that in the last two years there's barely a
1517 week that doesn't go past that we are engaging with them on some matters; and
1518 certainly on issues pertaining to our taiao we are getting better.
1519
1520 The constraints we have and the challenges we have at GWRC level is probably
1521 time constraints where there is projects like this rolling out. This was voiced at
1522 a meeting I was at just yesterday, Tuesday, down at GWRC with mana whenua,
1523 working on the long term plan and talking about adequate time and advanced
1524 notice to let mana whenua really have a good look at it and have the time to
1525 actually share it with their people and understand.
1526
1527 If I think about some of our elderly people who have lived most of their lives on
1528 the beach and talk to us about how the changes have occurred, it's getting that

1529 story into the proposals, into the planning, so that the process that we undertake
1530 to do better has the full story, rather than what people have picked up, or through
1531 GPS mapping recently.

1532
1533 We sat in the climate change here two months ago now, when we had the
1534 workshops with our local people. We had a number of the consultants that had
1535 been working with GWRC and KCDC come out and sit with us, and then we
1536 had someone in the room with us who just talked about sitting out there with
1537 their kuia thirty or forty years ago and describing what Ōtaki Beach used to look
1538 like; just saying “What you call sand dunes now are not sand dunes. We had
1539 mountains. Our sand dunes were mountains in the day at Ōtaki Beach.” They’re
1540 not like that anymore.

1541 So, understanding the erosion from some of the rivers and other work that
1542 happens upstream on our rivers and what that’s done. So, Rangiuru itself, the
1543 Ōtaki River mouth has changed dramatically over the years. The [01.57.29]
1544 enter into the Ōtaki Beach, again over the years, in our fifty years here, or sixty
1545 years of living here in Ōtaki it has changed dramatically. It's getting those real
1546 stories and live stories into the discussions, so that when the planning is going
1547 forward to mitigate potential flooding etc. and endorsing of activities or new
1548 development it's responsible development. Sometimes it doesn't always happen
1549 that way because the speed of which it's happening Glenice.

1550
1551 So, that’s one. That’s probably one. In saying that, I would probably say that
1552 GWRC, their team and most of their people work really hard to keep us informed
1553 and try and help us to stay abreast of the new developments that are coming up
1554 and to ensure we are there.

1555
1556 Aroha’s comment about capacity on the ground, for most mana whenua it's
1557 probably the biggest challenge we all have.

1558
1559 Glenice: So, it would be really integral as far as natural hazard identification is concerned
1560 that you are involved in that identification because it's your whakapapa that is
1561 actually telling you when you’re talking about inundation and the seawater in
1562 the urupā and all these things that are happening.

1563
1564 Hapeta: I think certainly the desire could be there Glenice, it's just time constraints and
1565 people’s schedules don’t always enable that. I think we are working better at in
1566 the partnership. We have a partnership arrangement with GWRC and I’ve got to
1567 say the dialogue in the last two years has been substantially higher and more
1568 frequent.

1569
1570 I guess our biggest challenges that we’ve had is external consultants coming in
1571 to consult and advise and just not knowing the lay of the land.

1572
1573 Spinks: And, not having that ability to include that knowledge too. I was quite surprised.
1574 It was one of the issues that I had raised around the coastal erosion details with
1575 the scientists, with Takutai Kapiti, in that when we had taken [01.59.52] back to
1576 a whānau they had different results and things like that. But, there was no
1577 opportunity to then input that back into the remodel.

1578 [02.00.00]

1579 Hopefully moving forward noting that with both Councils and working together
1580 in the future to have that inclusion included partway through the system. Having
1581 more time, as Aunty mentioned, would be really helpful.
1582

1583 Paine: I know my Chair is probably going to growl at me very shortly, but I just want
1584 to reassure you whanaunga that I have heard what you have said, and have taken
1585 down about the data sovereignty. We did explore the treaty house model with
1586 Ātiawa yesterday.
1587

1588 Thank you for your presentation it was very enlightening. Good luck with your
1589 treaty claims in October.

1590 Chair: Thank you so much. We are unfortunately out of time, unless Commissioner
1591 Wratt had something very pressing that she would like to ask.
1592

1593 Wratt: I don't have any questions for you, but just to say thank you very much for that
1594 really informative presentation. It really is impressive to hear about the
1595 initiatives that you have underway and have been doing for some time now, and
1596 the relationship and engagement between you and KCDC. Thank you very much
1597 for that presentation. Impressive to hear what you are doing.
1598

1599 Chair: Thank you, Kia pai tō rā. We look forward to perhaps seeing you again in a
1600 Hearing Stream down the track.
1601

1602 Hapeta: Kia ora.
1603

1604 Chair: We will be back in five, because we are over. We will see Rangitāne o Wairarapa
1605 in five minutes. Thank you.
1606

1607 **Rangitāne o Wairarapa:**
1608

1609 Kia ora. I do apologise for running late. Welcome to Hearing Stream Three. We
1610 did introductions in the earlier hearing stream that you presented at, but if you
1611 would like us to go through intros again we are happy to do that.
1612

1613 Burns: I think we're okay, thank you.
1614

1615 Chair: You're okay and know who we all are. Great. We'll pass over to you Ms Burns,
1616 thank you and your team.
1617

1618 Burns: I will pass it straight over to Amber.
1619

1620 Craig: Kia ora koutou.
1621

1622 Tū taua mai i runga
1623 Tū taua mai i raro
1624 Tū taua mai i roto
1625 Tū taua mai i waho
1626 Kia tau atu te mauri tū, te mauri ora
1627 Ki te katoa
1628 Haumie, hui e, tāiki
1629

1630 Mātauranga Māori is a way in which was see the world within te ao Māori. It is
1631 completely different to how you see the world in a te ao Pākehā lens and with
1632 western science. For us it is the intergenerational view of our whenua, our awa,
1633 our āngi, our taiao and our whakapapa. It is how we pay homage to our atua, all
1634 of which have a purpose. We work throughout our lives to uphold their mana.

1635
1636 As an example, Hinekauorohia and atua are a reflection and let us reflect on the
1637 past with clarity, look at ourselves in a shimmering present, and also take a
1638 glimpse of the future.

1639
1640 If we talk about climate change, natural risks and solutions without the clarity
1641 of the impacts of our past, including colonisation, the Tohunga Suppression Act
1642 and the removal of our ability to enact kaitiakitanga just to name a few things,
1643 then we are only looking at a fraction of the story and we will not be able to
1644 move forward into a new future.

1645
1646 How are we ever supposed to look about solving one of the greatest challenges
1647 sitting in front of us as humanity?

1648
1649 [Māori 02.04.20]: if it is not corrected it will continue to be wrong. If we do not
1650 do this, if we do not go back and correct these issues then we leave a mess for
1651 our future mokopuna. This is not just for us but exhibited in our policies on how
1652 we allow people to not do the right thing.

1653
1654 No longer is it acceptable for us to allow easy opt-out solutions. We need to be
1655 making massive changes if we are to āwhina Papatūānuku. We have to correct
1656 it now so that these wrongs are not passed onto our mokopuna. There is no easy
1657 path out of this. We need to put the mahi in now for our mokopuna to thrive.

1658 [02.05.00]

1659 How our worlds differ is also in our language, in the kupu we use. What you call
1660 indigenous biodiversity is still a very siloed approach for us in te ao Māori.
1661 Adding in taonga within the policy for us is a way to capture not only anything
1662 in the definition of indigenous biodiversity but also the prioritisation of each
1663 whānau, hapū and iwi of their taonga within their regions. This, as you are aware,
1664 can also be very different across the Wairarapa let alone the Greater Wellington
1665 Region.

1666
1667 Our way of dealing with risk is also utilising tikanga and kawa. I would suggest
1668 as well that our knowledge of risk management far exceeds what you write down
1669 in a register. We have intergenerational knowledge that is passed down to us,
1670 through mōteatea, toi, manuscripts and waiata, telling us of the thousand year
1671 floods, of the thousand year earthquakes of what to do.

1672
1673 We also ensure that we mitigate the risk of hinengaro, wairua and whānau risks
1674 and that we look at risks in a holistic way.

1675
1676 I just want to mention that there were also some recommendations in this hearing
1677 that we don't need to necessarily explicitly call out mātauranga Māori because
1678 it has already been done today.

1679
1680 I would welcome anyone to spend a week in our shoes. A snapshot into the life
1681 of our kaumātua who are still fighting to be treated as equals at the table that

1682 was not built for them; that I my lifetime, 38 years, my Uncle [02.06.46] has
1683 never had a resource consent or project come to him and asked to include
1684 mātauranga Māori from the beginning. We are not even talking about tino
1685 rangatiratanga at this stage. This is the bare minimum that Greater Wellington
1686 Regional Council should be doing. Who is the best people to know or experience
1687 this? We are.

1688
1689 See, my job saw me on Monday being on the banks of the awa debating the flood
1690 management experts and why they cannot just move gravel to straighten an awa
1691 and how we should not plant willows.

1692
1693 I was on Wednesday in a long-term planning session to help debate how your
1694 organisation prioritises the funds to ensure our whānau, hapū and iwi get to
1695 include mātauranga Māori from the beginning; to co-design at all stages
1696 governance, management and operations.

1697
1698 I am there now debating whether we should include mātauranga Māori in a
1699 policy as the bare minimum for everyone to ensure they enact the right
1700 behaviours.

1701
1702 I stand here doing this for our kaumātua who have fought to even be heard. I
1703 stand here doing this to ensure our tamariki don't have to be here in this situation
1704 in twenty years' time arguing the same kōrero.

1705
1706 I stand here doing this to ensure we āwhina Papatūānuku for our future
1707 mokopuna.

1708
1709 Tama tū, tama ora
1710 Tama noho, tama mate

1711
1712 Those who stand live, those who sit will die.

1713
1714 I will now pass it onto Maggie.

1715
1716 Burns: Kia ora Amber. Thank you.

1717
1718 Tēnā koutou. Ko Maggie Burns ahau. I have been asked to provide planning
1719 evidence on this matter on behalf of Rangitāne o Wairarapa. I take my statement
1720 of evidence as read. I would just like to reiterate some key opinions and respond
1721 to some points raised in rebuttal evidence.

1722
1723 I note that I am largely supportive of the recommendations in the S42A reports.
1724 I have recommended in my evidence an additional policy to address points
1725 relating to consideration of mātauranga Māori, sites of significance and taonga
1726 species in relation to climate change, adaptation resilience and natural hazard
1727 risk management. This has been responded to and not accepted in the rebuttal of
1728 Mr Wyeth and Dr Dawe.

1729
1730 I particularly respond to the rebuttal of Dr Dawe that use of mātauranga and te
1731 ao Māori happens in standard practice and implementation of policies. I disagree
1732 with the suggestion that use of mātauranga is implicitly used in planning
1733 processes and consider that explicit reference is still necessary in this case.

1734
1735 Particularly I note that mātauranga has value and climate change mitigation,
1736 adaptation and natural hazard risk management, not just for iwi but also for the
1737 wider community. Amber has discussed this in more detail and has touched on
1738 some of her on-the-ground experience.
1739
1740 With regard to Policy CC.8 in relation to avoiding or reducing greenhouse gas
1741 emissions, I am still of the opinion that to the greatest extent practicable is more
1742 appropriate than where practicable. I consider that establishing a level of
1743 attainment an ambitious outcome is required in this context, while
1744 acknowledging that practical and logistical limitations do exist.
1745 [02.10.00]
1746 The need for significant reduction in greenhouse gas emissions has been
1747 identified by Greater Wellington as a priority and I consider that the use of ‘to
1748 the greatest extent practicable’ better acknowledges this priority.
1749
1750 In my evidence I recommend deletion of the phrase, “Te Rito o te Harakeke” in
1751 sub-clause (e) of Policy 52, since it has been removed from the gazetted version
1752 of the National Policy Statement for Indigenous Biodiversity.
1753
1754 I note the comments in Dr Dawe’s evidence regarding the use of Te Rito o te
1755 Harakeke and the suggestion that Te Mana o Te Taiao may be an appropriate
1756 replacement.
1757
1758 I would just like to refer again to the concerns conveyed in the Rangitāne o
1759 Wairarapa submissions, and using Māori concepts without proper consideration
1760 of local expression. In my opinion there may be interpretation issues where there
1761 is no national guidance on producing and implementing local expressions, like
1762 there is for te mana o te wai in the NPS-FM.
1763
1764 In my opinion, for a Māori concept to have weight in policy it's meaning needs
1765 to be expressed, grounded in mātauranga from the hapū and iwi in that rohe.
1766
1767 In my opinion, the use of te mana o te tai would not achieve this unless there
1768 was significant effort made to establish its meaning and partnership with mana
1769 whenua.
1770
1771 Regarding the use of the term taonga species, while [02.11.19 – loss of
1772 connection].
1773
1774 Chair: Sorry, we probably missed the last ten seconds. We got your point about needing
1775 to be expressed at the local level. If you don’t mind repeating.
1776
1777 Burns: I was just talking about the use of the term ‘taonga species’ in that policy and
1778 acknowledging that indigenous ecosystems and biodiversity is likely to cover
1779 most, if not all relevant species. But this is still western science view and what
1780 is valued from an ecological lens may be different from what is valued from a
1781 cultural lens.
1782
1783 Including of taonga species ensures this consideration is explicit and gives
1784 weight to species that are taonga because of their cultural and spiritual

1785 significance and not just for mahinga kai which is also recognised, or
1786 biodiversity because of [02.12.20] reasons.
1787
1788 This also recognises mana whenua/tangata whenua knowledge and provides for
1789 kaitiaki responsibilities.
1790
1791 Thank you all for your time. I will pass back to Ms Craig, just to close our
1792 presentation.
1793
1794 Craig: Kia ora. Karakia whakamutunga.
1795
1796 Unuhia, unuhia, unuhia
1797 Ki te uru tapu nui a Tane
1798 Kia wātea, kia māmā te ngākau
1799 Te tinana, te wairua i te ara takatū
1800 Koia rā e Rongo
1801 Whakairia ake ki runga
1802 Kia tina, tina
1803 Haumi e, hui e, tāiki e
1804
1805 We'll close it out. I guess there will be questions.
1806
1807 Chair: Thank you. Yes, we do have quite a bit of time for questions. That's good. I have
1808 a few, but I will see if any of the other Commissioners would like to go first.
1809 Commissioner Paine?
1810
1811 Paine: Kia ora Ms Burns. You went a wee bit fast for me and I didn't quite catch some
1812 of the policies that you were referring to. What policy is that taonga species?
1813 What were you referring to?
1814
1815 Burns: That is Policy 52.
1816
1817 Paine: When you say taonga species, you're not thinking whose taonga species? In
1818 settlements there are taonga specie lists and some of them are slightly different.
1819 So, we're not referring to anyone specific?
1820
1821 Burns: No, that's right. It's just a consideration of taonga species and that could be from
1822 the perspective of many different hapū and iwi.
1823
1824 Paine: I found your submission and your points really clear and to the point.
1825
1826 Ms Craig, just thinking about your inclusion and engagement with the Councils
1827 in Greater Wellington and closer to home, and local. How do you find that? Are
1828 there any barriers for you as Rangitāne?
1829
1830 Craig: There absolutely are. It sort of depends on which councils and which elections.
1831 Every three years it's a kind of roll the dice on who comes in and then what that
1832 relationship may be like.
1833 [02.15.00]
1834 Sometimes depending on who's in at a particular time we might have a really
1835 great relationship, and then it can change just with elections.
1836

1837 So, I guess the whole point of why we are trying to target Regional Policy
1838 Statements is it kind of allows a bare minimum behaviour to be driven down
1839 into district plans and other kind of mahi like that. We felt like this was a really
1840 important step to then drive into those kind of areas for behavioural changes that
1841 we would like to see as a bare minimum.
1842

1843 Paine: One of the questions I did ask another iwi submitter was about wanting to have
1844 mana whenua/tangata whenua must be engaged within each of the provisions.
1845 Then you could start to read things like, unless it's explicit in a provision then
1846 people are inclined, if you've got it peppered everywhere, are inclined to think
1847 all of those ones that don't have mana whenua/tangata whenua in don't apply.
1848

1849 What's your thoughts about something more overarching the beginning of a
1850 chapter or of the plan?
1851

1852 Craig: I understand that argument. My only concern about that is, if it's not in their face
1853 they're not going to read the other overarching stuff sometimes. Explicitly
1854 calling it out and saying, "Actually, yeah it is up there," but there's no harm to
1855 also include it in the lower down kind of provisions as well, to make sure that
1856 absolutely we are exhibiting the right behaviours. This is the bare minimum we
1857 would expect. At this stage if it's a repeat of the same then really it's just a no-
1858 brainer.
1859

1860 It's reminding people because sometimes they only look at those provisions
1861 versus the overarching stuff. We kind of want to target everything to make sure
1862 it's wrapped up. It's a brainer. Come see us. Have a cup of tea. We're friendly
1863 as. Then we can work out what's the best way.
1864

1865 It might also be that we might say, "Actually, we don't need to be across this,
1866 because we're happy that you're going as you are." That's also a really easy
1867 conversation to have as well.
1868

1869 Paine: Thank you Ms Burns and you too Ms Craig. I found that quite clear.
1870

1871 Chair: Yes thank you. Ms Burns in Policy 52, in paragraph (e) you support Te Rito o
1872 te Harakeke being deleted from there. I heard the reasons you gave. Do you think
1873 that there's a chance of anything being lost by deleting that and not having any
1874 sort of explicit reference to the NPS indigenous biodiversity; that we might lose
1875 something in the application of that policy?
1876

1877 Burns: I think we are still obviously trying to work through what the implementation of
1878 NPS-IB looks like at this stage. I think there's a bigger danger putting in a
1879 concept such as that which is no longer in National Guidance. That hasn't been
1880 discussed in detail or pulled out from conversations with hapū and iwi. I think
1881 that's a bigger danger than having something in there.
1882

1883 Certainly there's further conversations to be had about how we implement the
1884 NPS-IB throughout the RPS in the coming months and years as [02.19.22] come
1885 up.
1886

1887 Chair: Thank you. We will look forward to talking with you about that when we get to
1888 the biodiversity topic.

1889
1890 Still on that policy, is the language in (f) clear enough? Dr Dawe has
1891 recommended that wording change to say “sites of significance to mana
1892 whenua/tangata whenua including those identified in a planning document
1893 recognised by an iwi authority.”
1894 [02.20.00]
1895 If I understand your relief correctly, I think those words, including those are an
1896 improvement. Are the words “identified in a planning document recognised by
1897 an iwi authority” clear enough and appropriately factor in the involvement and
1898 input that you would want to have?
1899
1900 Burns: I think those words in my opinion would primarily be referring to iwi
1901 management plans for example. I wanted to keep the reference to that within
1902 that policy, so that when and if those are produced those listed are considered as
1903 well.
1904
1905 Certainly my relief sought with regard to including those is that it's not just
1906 limited to those that are listed in either of those plans. It allows for identification
1907 as it comes through consents or designations, or other planning processes.
1908
1909 Craig: I just want to touch on this briefly: there is a whole history of our whānau not
1910 trusting councils. So, even though there is now district plans and they hold sites
1911 of significance, they tend to be the ones that were really only identified in the
1912 treaty claims. There is some where whānau and hapū don't feel comfortable
1913 sharing them, for their own choice, because they feel like they may be desecrated
1914 or they don't trust people. So, that's really important.
1915
1916 When resource consents come up, that the hapū and the whānau get their own
1917 choice whether to share that or not.
1918
1919 Chair: Still in that policy, the relief that you've sought about consistent terminology,
1920 so indigenous biodiversity as opposed to local indigenous ecosystem and
1921 biodiversity. I think Dr Dawe supports wording that's a bit of both of those.
1922 Indigenous ecosystems and biodiversity, you're comfortable with that wording?
1923
1924 Burns: Yes I am.
1925
1926 Chair: A comment in para 34 of your evidence, this policy that you support as an
1927 overarching policy about the integration of te ao Māori and mātauranga Māori,
1928 have you got any preference for where in the RPS that should sit?
1929
1930 Burns: That is a good question. Not particularly. Certainly because obviously it relates
1931 to both natural hazard management and climate change, I think it could fit in
1932 either.
1933
1934 I'm not sure sorry.
1935
1936 Chair: That's fine. I think just in discussions with submitters, it seems that there are
1937 some provisions that recognise these very important concepts and matters to
1938 different degrees than others. I think Commissioner Paine raised this point
1939 earlier: is there a better way of making sure... and that's a point you're making

1940 is'n't it, all through the RPS rather than having selective provisions, which might
1941 lead to unintentional interpretation issues.
1942

1943 Burns: Yeah, that's right. Certainly there are some provisions that include mātauranga.
1944 In my opinion mātauranga is equally relevant, and others... yeah, we wish to see
1945 that throughout.
1946

1947 Chair: We will ask the reporting officers to think about that. I guess at the moment it's
1948 all quite siloed because that's just the nature of this with the different reports.
1949 We obviously are not taking a siloed approach. We will be looking at integration
1950 across all of PC1. We will ask for their views on that and how that can be best
1951 achieved. That will help us.
1952

1953 Any other questions from the Commissioners?
1954 [02.25.00]
1955 Wratt: I don't have any specific questions. Your evidence is very clear. Thank you very
1956 much. Thank you for your presentations and your time. Kia ora.
1957

1958 Chair: We have heard from some people about the challenges with needing to promote
1959 afforestation. This question relate to the regional forestry spatial plan provision
1960 which is in the nature-based solutions topic.
1961

1962 There's the Method CC.4. Sorry Ms Burns, I'm sure somewhere in your
1963 submission you talk about forestry.
1964

1965 Burns: Yes, paragraph 64 onwards I talk about Method CC.4.
1966

1967 Chair: Thank you. I'm keen to understand Ms Craig, we have heard from Masterton
1968 District Council I think it is, their concerns about the Wairarapa being used as a
1969 carbon sink for the region and unmanaged... well, maybe unmanaged is not fair,
1970 but basically really widespread forestation. Just keen to understand, what are
1971 your perspectives on that from the ground?
1972

1973 Craig: I'm massively concerned, not only from an iwi perspective but also from a
1974 whānau and a hapū perspective. We have large corporations, I would say, green
1975 washing by paying corporations to come and buy land over in the Wairarapa and
1976 plant it out in pine. Pine is a second close hate for me after willows. I spend my
1977 life wanting to get rid of the damn things and yet they keep planting them
1978 everywhere because they're cheap, and they gets lot of money from it and then
1979 they can feel better about flying planes all over the world.
1980

1981 It's a massive issue, especially in the South Wairarapa. Although that was
1982 Masterton, we're seeing it in Carterton up the Mangatarere Valley. There is a lot
1983 of forestry heading up to the Tararua Ranges. South Wairarapa is seeing it
1984 around the Aorangi Ranges.
1985

1986 We are also seeing though, and this is partly why we wanted to say that forests
1987 plans should be in collaboration with mana whenua, because we are not seeing
1988 any of those plans; and then who is holding them to account? Because it's our
1989 whānau who drive past these places every day and see the destruction of our awa
1990 and ephemeral streams where people think that because it's dried up they don't
1991 have to look after the river beds. With the felling of them too, the destruction of

1992 our waterways with more sediment going into our awa and coming especially
1993 down the [02.29.23] Valley, because that's up the top near the source of where
1994 our awa comes from. It then puts all the sediment down further into the stream.
1995
1996 It's massively concerning. It's on the list of stuff that keeps us at night. There is
1997 a lot of stuff that keeps us up at night; so it's one of many.
1998
1999 Does that answer your question?
2000
2001 Chair: Really helpful. Just looking at the method, maybe this is one of those provisions
2002 where the intention might be there, that yes, very much there will be this
2003 partnership approach; but there is no explicit reference to that in the provision.
2004 [02.30.00] I think it is the point that we were talking about earlier.
2005
2006 Craig: I think one of the things that is really keen for us is that it's not just being part of
2007 the part, but also how do we monitor and then audit the fact that if people are
2008 exhibiting the right behaviours, if we have our whānau driving past and we have
2009 whānau/hapū that are regularly onsite, or driving there, that they have the ability
2010 to be able enact stuff if they already know about the plans.
2011
2012 Chair: Sorry, I take that previous comment back. I think Ms Guest does support at the
2013 beginning method – prepared using a partnership approach with mana
2014 whenua/tangata whenua and other key stakeholder... sorry, I missed that
2015 initially. I guess it's that point about actually how that plays out on the ground
2016 isn't it. How that's honoured.
2017
2018 This wording is an improvement and does satisfy the relief that you were seeking
2019 on Method CC.4. Yes, we've heard the comments you made about nothing beats
2020 actually talking and working things through together.
2021
2022 Anything else to follow up from that?
2023
2024 I do just have one final thing. It's in Objective CC.8.
2025
2026 Objective CC.8 and you do refer to that in para 26 Ms Burns, the reporting
2027 officer Mr Wyeth supports an amendment here to add the words to the end of
2028 the objective, 'mana whenua/tangata whenua are empowered to achieve climate
2029 resilience in their communities and within their rohe.'
2030
2031 Yesterday we were talking with Ātiawa, Ms [02.33.19] and one of the concerns
2032 she raised, and Mrs Gibb expressed it much more eloquently than this, but in a
2033 really brief nutshell the concern I think is that if this involvement is limited to
2034 within the rohe, if there are actually other concerns that are helping elsewhere,
2035 is that limiting, unintentionally, the ability to actually put in and influence?
2036
2037 Do you have any concerns with Mr Wyeth's suggestion to add the words, "and
2038 within their rohe" at the end of that objective?
2039
2040 Burns: I think I would agree with that statement, that it's potentially limiting. I
2041 appreciate that is an attempt to address some of the relief I sought in relation to
2042 the definition of community and what that means. I still think that there's a need
2043 for some reference in policy to those significant cultural sites and taonga species,

2044 in order to implement that Objective CC.8. So, yes, I would mirror those
2045 concerns raised.
2046

2047 Craig: I just want to highlight as well, as mana whenua we are considered mana whenua
2048 of Wairarapa, right? But, our tūpuna are buried on Kapiti Island. Ngāti Moeteao
2049 is the daughter of Tūteremoana and his pā site was in Te Whanganui-a-Tara.
2050 [02.35.02]

2051 Te Awakairangi are all places where we still have whakapapa to, but it's not seen
2052 by the Crown as mana whenua. But, we have an agreement with Te Ātiawa that
2053 they come and consult with us and talk to us as per our Tatau Pounamu for
2054 anything that is concerning for us over there.
2055

2056 I guess our agreement that we have between iwi will supersede whatever is
2057 written down here, because that's just how we roll.
2058

2059 Burns: Just to let you know, per rohe can be seen as whose rohe? In what context? Is
2060 that the Crown mandate? To me contextually it matters I think is the key thing.
2061

2062 Chair: That's really well expressed. I think that example is a good example. I know we
2063 will absolutely keep that in mind when we are looking at the wording in that
2064 objective. Thank you very much for that.
2065

2066 Thank you so much. We look forward to talking with you further in Hearing
2067 Streams down the track. Thank you very much for continuing to do all that you
2068 do. Also having to engage in this process as well.
2069

2070 We will close for the morning session. Back at one o'clock. Kia ora.
2071

2072 [Break for lunch – 02.36.56]
2073

2074 Kia ora. Good afternoon everyone. Welcome to the afternoon session for the
2075 Climate Change topic. Last day of hearing submitters.
2076

2077 A warm welcome to Horticulture New Zealand. Would you like the Panel to
2078 introduce themselves?
2079

2080 Ko Dhilum Nightingale tōku ingoa. I am a Barrister and Independent Hearings
2081 Commissioner. I am chairing the two processes you will be aware we've got
2082 going on here – the freshwater and non-freshwater processes.
2083

2084 Health and safety: the hotel staff will look after us all if there's an emergency
2085 and hopefully there won't be.
2086

2087 We have got two other Commissioners on the Panel today. Commissioner Kara-
2088 France is unwell so isn't here, but we have Commissioner Paine who is online
2089 and I will let Commissioner Paine introduce herself.
2090

2091 Tēnā koe Ms Landers. Ko Glenice Paine tōku ingoa. I am an Environment Court
2092 Commissioner. I am stuck in this room on my own because I don't want to share
2093 my germs. I have been appointed to both panels. Nice to see you. Kia ora.
2094

2095 Wratt: Kia ora, welcome to the hearing. Ko Gillian Wratt tōku ingoa. I'm Gillian Wratt.
2096 I was initially appointed as a Freshwater Commissioner but now have the
2097 pleasure of being on both panels. I'm an independent Freshwater Commissioner
2098 and I live in Whakatū, Nelson. My background is in the science sector.
2099 Welcome.
2100

2101 Chair: Maybe just quick housekeeping matters: there's a microphone and the hearings
2102 are being livestreamed and recorded for the transcript. If you could just press the
2103 button before you speak, and helpful if you could also say your name before you
2104 speak for the transcript.
2105
2106 I think that was all I needed to cover. Please, over to you, and if you would like
2107 to introduce your team and present your submission and evidence that would be
2108 great.
2109
2110 **Horticulture New Zealand:**
2111

2112 Sands: Kia ora. Ko Michelle Sands tōku ingoa. I'm the Manager of Strategy & Policy
2113 for Horticulture New Zealand. Jordan Landers is online and she's our Planner.
2114
2115 Today I am just going to introduce the key themes of my evidence and then
2116 Jordan will speak to the planning matters that she wants to draw attention to,
2117 which are really related more specifically to natural hazards.
2118 [02.40.00]
2119 I will start with just some high level points that I have made in my evidence, but
2120 one is around the importance of food security. We consider that is a nationally
2121 important matter and is one that should be taken into consideration for both
2122 climate change emissions and climate change adaptation and natural hazards
2123 planning. We were encouraged in the S42A to see that that theme had come
2124 through, but we would like to see it come through into the natural hazards
2125 provisions as well and Jordan will touch on that.
2126
2127 Just staying with that topic, and this is explained in my evidence, but New
2128 Zealand is geographically isolated and we rely on our food producers here to
2129 produce food for our population; and that's particularly the case for horticultural
2130 produce which perishable – so in particular vegetables. I think on average it's 80
2131 percent of the vegetables grown in New Zealand are for New Zealand's
2132 consumption, but it is actually a higher proportion of that for most crops. It's just
2133 we export quite a lot of onions. New Zealand is too far away to import these
2134 foods. You would have to import them by air freight.
2135
2136 This is relevant to the Wellington region. The Wellington region is very
2137 dependent on the generosity of other regions in terms of providing food for this
2138 region's people. It has allowed the land in Kapiti, which is good in terms of
2139 climate and soil for growing vegetables, to be fragmented and lost to
2140 urbanisation.
2141
2142 Longer ago there was a conscious decision to give up the Hutt, which was
2143 previously a market gardening area, and to shift that to the Kapiti/Levin area,
2144 and that is gone.
2145

2146 In the Wairarapa there is potential for horticulture. It is something that in our
2147 view the Wellington Region should think to in terms of its dependence on other
2148 regions, the future of it being able to playing a bigger part in New Zealand's
2149 food resilience.

2150
2151 The second point I wanted to make is around enabling low emissions land use
2152 change. We are quite happy with where the s42A had landed there. In our
2153 submission, for a bit of background, horticultural crops are the lowest emissions
2154 food. If you eat fruit and vegetables that is the lowest emissions food that you
2155 can eat. As part of a transition to a low emissions economy, we see, or we hope
2156 that there will be growing demand for plant based foods – both in our export
2157 markets and domestically.

2158
2159 It is really important as we plan ahead to think about how can we enable that
2160 transition.

2161
2162 I have been part of the steering group for He Waka Eke Noa and that has been
2163 trying to think about, I suppose, an integrated way of managing agricultural
2164 emissions. Understanding that price is part of how emissions might be reduced,
2165 but so too are other elements in terms of regulatory signals.

2166
2167 What we think is a good approach is one which is enabling for farmers to make
2168 changes, to transition to alternative land uses, or alternative farming systems that
2169 have lesser emissions.

2170
2171 We think that the approach is S42A is a good one with more focus on enabling,
2172 rather than being overly regulatory in terms of restricting activities.

2173
2174 The other point I want to make is around climate change adaptation.

2175
2176 When thinking about this, we have our zero carbon Climate Change Response
2177 Act and the Emissions Plan, and the Adaptation Plan, which you can have regard
2178 to now, but even though those are separate plans, we need to think about them
2179 in an integrated way; because we need to get to nett zero at 2050 and stay that
2180 way for every year ever after.

2181
2182 We need to think about the activities, such as horticulture on highly productive
2183 land, which is so important in terms of enabling our transmission to a low
2184 emissions economy. Then we have to think about how do we maintain and
2185 protect those activities into the future with a more volatile climate.

2186
2187 This is where we think that it's important to think about highly productive land
2188 and food security when we are thinking about natural hazard policies.

2189
2190 [02.45.00] The National Policy Statement for highly productive land, which we discussed
2191 in a previous hearing stream, talks about protecting highly productive land for
2192 land-based primary production for current and future generations. It starts to
2193 think about this land as an intergenerational asset.

2194
2195 I think in Wellington this land, our highly productive land, is on flood plains.
2196 This land has taken thousands of years to develop but is vulnerable. It is
2197 vulnerable to flooding. I guess it always has been, but it is increasingly

2198 vulnerable because of climate change, but also because of the choices that we
2199 have made about the land uses within catchments.

2200
2201 As we have seen in Hawkes Bay recently with Cyclone Gabrielle ‘HUGE’
2202 volumes of sediment deposited on the flood plain. That is a consequence of
2203 choices upstream. It's also a consequence of the design of the flood protections
2204 schemes with very high stop-banks and not much storage within those
2205 catchments; actually not necessarily protecting that highly productive land well
2206 enough in our view, or not taking a long enough view in terms of the way that
2207 that land would be protected.

2208
2209 But, what we would say as well is that when we are thinking about the protection
2210 of highly productive land, we're not just talking about stop-banks. We are
2211 thinking that about in a really integrated catchment approach, in terms of all of
2212 the activities that are happening within a catchment and the land uses.

2213
2214 One thing, and Jordan will comment on this too I imagine, is the interpretation
2215 in the S42A Report of the officer who thought that by recognising food security
2216 on land that is flood prone that planners might seek to avoid that activity being
2217 in that place; like not wanting to increase the vulnerability of the food supply by
2218 allowing food production to be located on land that is flood prone.

2219
2220 We need to be careful, because if that was the way that it was interpreted that
2221 would be very perverse; but what we would say is that the food supply relies on
2222 highly productive land. We don't have a way of growing horticultural crops that
2223 doesn't use that soil. We are more vulnerable if we don't produce our own food
2224 and we rely on imported food. We are more vulnerable because we can't actually
2225 import healthy food here. So, our food security relies on that soil. What we are
2226 talking about is being mindful of the way that land is managed into the future
2227 from a whole catchment perspective.

2228
2229 Those are the points that I wanted to make. Any questions would welcome.

2230
2231 Chair: Thank you. Ms Landers, did you want to take us to the key points in particular
2232 where the relief you're seeking isn't supported by the reporting officers in their
2233 rebuttal evidence? That would be really helpful, thank you.

2234
2235 Landers: As Michelle introduced, my name is Jordan Landers. I did the Planning
2236 Statement for Horticulture New Zealand on this topic. As Michelle alluded to, it
2237 was positive to see some changes to CC.16 and 15, but those sit more in the rural
2238 community sector space as opposed to the natural hazard provisions; so I will
2239 focus on the rebuttal in relation to Objectives 19 and 20 and the policies under
2240 that, which I believe are covered by Mr Beban in his rebuttal evidence.

2241
2242 Firstly, just upfront I want to clarify the scope of changes that we sought. In the
2243 rebuttal it notes that they're seeking a change to include food security in
2244 Objective 19 and 20, Policies 29, 51 and 52. I just want to add a point of
2245 clarification that ‘sought introduction of food security’ into Objective 19 around
2246 minimising or avoiding risk from climate change, or potentially Objective 20 as
2247 an alternate policy; and saw a change in Policy 52 around being able to protect
2248 highly productive land. I just want to add the clarity in terms of Policies 29 and
2249 51, which provide the direction on how you manage hazard prone land, that we

2250 weren't seeking a food security introduction there, and we were generally kind
2251 of comfortable with the S42A recommended changes there.

2252 [02.50.00]

2253 That kind of brings me to probably the first area, where there's a difference in
2254 opinion in terms of what my evidence is seeking and I guess the effect of that
2255 and Mr Beban's response; and that is through Objective 19 and adding food
2256 security to that, so that as part of the objective you would be seeking to reduce,
2257 minimise or avoid the risk to food security from natural hazards and the effects
2258 of climate change.

2259

2260 Mr Beban is concerned that that would result in an inappropriate planning
2261 response where you might restrict the use of that highly productive land for
2262 production activity, which I agree would be a not ideal outcome and not
2263 consistent with highly productive land NPS.

2264

2265 One point of clarification that it might be useful to seek there, is that that
2266 discussion is wrapped up in also Policy 29 and 51 changes, which from my
2267 perspective those are quite important, alongside Objective 19 and how that's
2268 kind of given effect to. In my perspective, I feel like Policy 29 and 51 do provide
2269 or wouldn't prevent the use of highly productive land that is flood prone, for
2270 example other natural hazards, from being used in the way that it enables... it
2271 talks about having hazard overlays of a low and medium, and then high risk
2272 where the risk of the activity is high functional operational needs. I think that
2273 does provide a pathway for food production, but that's kind of where we differ
2274 somewhat.

2275

2276 I will leave that matter there and just move onto the other matter in the rebuttal
2277 and then we can come back to that in questions if that's alright.

2278

2279 Chair: I was going to say, is it okay to ask a question on that particular point, or would
2280 you prefer to finish and then have questions at the end?

2281

2282 Landers: That's fine, you can have a question now.

2283

2284 Chair: Just that point to ensuring that highly productive land can continue to be used
2285 for food production, the changes in Policy 29 that Mr Beban is supporting, would
2286 you need to be appearing at all the different plan changes to make the argument
2287 that there's a functional and operational need? For the objectives you're trying
2288 to achieve, or Hort New Zealand is trying to achieve, how workable is this policy
2289 for you?

2290

2291 Landers: I guess to a degree it depends how it's implemented. How I read it is that in the
2292 high risk areas where there's also a high risk of activity which generally I would
2293 understand to be more around risk to human life and that kind of thing, often the
2294 actual use of the land for primary production isn't necessarily high risk. But, I
2295 think it could be determined through that policy development process that either
2296 the land use risk isn't high as well, or there is a functional operational need
2297 because of the highly productive land situation.

2298

2299 I guess it would depend to a degree on how that is implemented at the council
2300 level.

2301

2302 Chair: Having specific recognition within the objectives that you're seeking would
2303 probably make that case stronger for you wouldn't it. The provisions that Mr
2304 Beban currently supports don't recognise food security specifically in these
2305 provisions. The S42A author, or maybe it's Mr Beban, recommends that coming
2306 into Policy CC.15 improving rural resilience to climate change.

2307 [02.55.00]

2308 But, you're saying you would prefer that it's also captured in the 29 and 51
2309 provisions?
2310

2311 Landers: I am not seeking food security be inserted specifically into 29 and 51, but into
2312 Objective 19, which talks about minimising risk on food security.
2313

2314 I will just note on that point that I was quite intentional with the use of food
2315 security there, in terms of that in capturing a bit of a broader values discussion
2316 as opposed to directly any food production. Kind of the contribution to the food
2317 security more generally, so it's not quite as broad-brushed to any food production
2318 activity.
2319

2320 Chair: We have heard from some submitters that the hazard risk approach that's
2321 provided for Policy 29 is too prescriptive in terms of what it is requiring district
2322 councils in particular to do through the identification of hazard overlays; and
2323 instead the direction should be yes identify hazard areas, low/medium/high
2324 categorisation but not requiring a layer to be included through a Schedule 1
2325 process through a District Plan. Instead, there would be something that sits
2326 outside that, that could be more responsive, could be updated more frequently.
2327

2328 This is a key part of Kāinga Ora's relief. While they were talking about flood
2329 hazards in particular, I think they were also wanting this approach to apply to
2330 other hazard identification, so maybe slope and stability or other hazards.
2331

2332 Have you got any views on whether that hazard overlay identification is
2333 something that should remain as a regulatory needs to go through a Schedule 1
2334 process, or if it was outside that how that would protect the interests of say your
2335 growers.
2336

2337 Landers: I think in terms of growing and how that plays out into the District Plan
2338 provisions, it really depends on the regulatory rule or objective policy provisions
2339 that would apply to each of those overlays. What I have seen in other district
2340 plans to date, for example where there is higher risk overlays and there is a risk-
2341 based approach taken, activities which have schools and large collections of
2342 people for example, tend to trigger higher activities that is then say non-habitable
2343 horticultural structures.
2344

2345 I think the rule framework being appropriate to the mapping is probably the most
2346 important, as to whether that mapping should sit outside or inside. It is not
2347 something I have given a huge amount of thought in this context, but I guess if
2348 there are rules tied to it, it's maybe clearer that it is mapped in the plan more
2349 certain. I think it's more the rules being appropriate to the risk – that's probably
2350 the key thing.
2351

2352 Chair: Understand that point and the structures, the non-habitable structures that are
2353 used for growing.

2354
2355 That point though, that Kāinga Ora said, there's two sides. There's a benefit in
2356 having that more dynamic responsive mapping, and that is that areas that might
2357 initially have a hazard protection placed over them, instead of waiting and as
2358 more information becomes available you can do a more detailed site assessment,
2359 and actually it could be that certain activities are fine to locate there, and they're
2360 not going to be impacted; so you can free up that land for other uses in a much
2361 more efficient way than you could if you had to go through a Schedule 1 process.
2362
2363 I am just trying to understand in terms of food, using the land for food
2364 production, have I got it right that it actually doesn't... as you said a lot of highly
2365 productive land is on flood plains; so that mapping may not actually impact your
2366 growers. Have I got that right?
2367 [03.00.00]
2368 Landers: Can you just clarify the question?
2369
2370 Chair: The extent to which hazard mapping, whether that's regulatory or non-
2371 regulatory, the extent to which that actually impacts the activities that you're...
2372
2373 Sands: My experience of using hazard maps in district plans is that I think on the bigger
2374 flood plains and the rural land users, it's less dynamic than it is in that more
2375 urban context. In terms of the flood hazard and flood hazard management, just
2376 because they're modifying the hydrology more readily as part of their urban
2377 development sometimes, they'll be changing the stormwater and putting in some
2378 storage ponds and things like that, so they'll be actively manipulating the hazard,
2379 and kind of managing it as part of their development; and so therefore I can
2380 understand their point around wanting that more dynamic approach.
2381
2382 I think it's probably a little less dynamic on the bigger flood plains which are
2383 related to the bigger rivers, which are related to the bigger flood protection
2384 schemes, and those are very important; they potentially are going to experience
2385 a change in their management and the level of service as we understand more
2386 about climate change.
2387
2388 It's not like you're going to put a pack-house in and you're going to put a stop-
2389 bank up particularly for that. It's more like you're living with the scheme as it is
2390 in the more macro picture. I am disagreeing with their point, I just think it's
2391 probably less relevant for the bigger flood plains.
2392
2393 Wratt: Just exploring that a little bit more. I guess the context for me in horticulture
2394 might be if there was something happened higher up in the catchment – and I
2395 guess flooding is the obvious one isn't it – that changes the flow of the stream
2396 or something like that. From horticulture production, if you see that happening
2397 you're going to see it aren't you. It's not something you're going to have to refer
2398 to a map to figure out in a way.
2399
2400 Sands: I think there is value in good, transparent flood hazard information. We have
2401 seen for example in Hawkes Bay people within active conveyance zones and
2402 perhaps their activities are not high risk in the way that Jordan described,
2403 because it's not necessarily about habitable buildings, but still significant
2404 investment in areas that are higher risk.
2405

2406 So, I do think there is a benefit of having transparency with that information.
2407
2408 But, in terms of things that might change the risk over time, that upper catchment
2409 is very important. Whether that is in bush plantation or pastoral farming is very
2410 important in terms of the performance of the schemes.
2411
2412 It doesn't change overnight. It's a gradual thing. I suppose in the context of
2413 Schedule 1, I think probably that rhythm would be sufficient.
2414
2415 Landers: I think one further thing I would just note reflecting on that discussion is that
2416 kind of alludes to the importance I guess that the rural frameworks that sit in the
2417 lower down documents enable you (and this is probably through a consent
2418 process really) to reflect if there is better information or more site investigation
2419 is done at that more granular level; like kind of similar to how highly productive
2420 land LEC 1, 2, 3 mapping, but then you actually do that more site specific, and
2421 the ability to respond to if that's telling you something different to the what the
2422 higher level maps might tell you – as opposed to being too rigid in terms of the
2423 bounds of what you can consider when you're consenting.
2424
2425 Chair: That rule framework that you mentioned, that's not really specifically these
2426 provisions that we're looking at here.
2427
2428 Landers: No.
2429
2430 Chair: That's going to be elsewhere.
2431
2432 Landers: The next level down, yes.
2433
2434 Chair: Next level down and the policy support and the national direction for that will
2435 probably be coming more from the NPS itself won't it, which we did talk about
2436 with Ms Levens I think at the last hearing. You would have seen the officer does
2437 support some of the relief that you had requested there in the reply evidence. So,
2438 there is that reference there to recognising highly productive land. I think that's
2439 gone into one of the IM policies. You must have been very persuasive at that
2440 hearing.
2441 [03.05.00]
2442 Back to these provisions: then 52.
2443
2444 Landers: If I could help with 52 briefly.
2445
2446 Basically the change that I suggested in 52 was to see the effect of that would
2447 be basically to enable consideration of the protection of highly productive land
2448 requiring the hard structures, hard engineering, or structural protection where it
2449 is part of a long-term strategy.
2450
2451 I thought that point was just a little bit not fully captured in the rebuttal. I just
2452 wanted to clarify that that wasn't intended to necessarily stop any impacts on
2453 highly productive land, although we are generally seeking that highly productive
2454 land and food security is a value that's considered in your response to natural
2455 hazards. But, the specific relief sought there was more about enabling a pathway
2456 that you could consider protection of highly productive land with food security

2457 values if there was a strategy that had been agreed and that's really highly valued
2458 for food security as I said.
2459
2460 That was the intent of the change there, which I think is kind of speaking to the
2461 NPS-HPL and what that seeks. I note that those provisions are linked to having
2462 that long term strategy and being the best practical option; so I feel like it is a
2463 reasonable consideration to have in there without being too broad, noting that
2464 generally we don't want to be just putting hard engineering structures
2465 everywhere. That was the intent of that change.
2466
2467 Chair: I actually picked up on that when I was looking for the officer's response on that
2468 relief. I couldn't see it in the rebuttal, or the evidence in chief. I couldn't see it
2469 there, so we might just ask, and I'm not sure if it's Dr Dawe or Mr Beban...
2470
2471 Landers: I think it's Mr Beban on that one.
2472
2473 Chair: Mr Beban to give his views on that in his reply.
2474
2475 One point that was made at the previous hearing about that is that relief like this
2476 is not needed because you've always got the NPS that provides for Hort
2477 structures etc. and enables them in these areas. What's your view on that?
2478 Obviously you're saying this is still needed despite the direction in the NPS.
2479
2480 Landers: I think in the NPS it talks to that on highly productive land some flood control,
2481 flood mitigation, where they are done by councils are considered regionally
2482 significant infrastructure or if it's s.6, management of significant natural hazards,
2483 that that could be a land use activity that could occur on highly productive land
2484 that's not kind of inappropriate.
2485
2486 I think it's not super explicit that you could do it, and then I think you could run
2487 into maybe an issue in this policy where it is saying avoid structural protection
2488 or hard engineering unless necessary for these things. So, I feel like adding it
2489 here would be complementary to the HPL NPS and be consistent with, but kind
2490 of a bit more specific at the regional direction level.
2491
2492 Chair: Thank you, that's very clear. I will just see if anyone else has any questions. I
2493 was interested in the scenarios that you had presented in your evidence, from
2494 para 22, but I will just see if anyone else would like to ask a question.
2495
2496 Wratt: Nothing more from me thank you. Your submission and evidence is clear and to
2497 the point. Thank you for the explanations you have given.
2498
2499 Paine: Nothing from me Madam Chair, thank you.
2500
2501 Chair: Ms Landers, this point, I'm interested in your views obviously as a planner. Is
2502 Hort New Zealand presenting again at a future hearing stream?
2503
2504 Landers: Yes in future hearing streams.
2505
2506 Chair: We might come back to it. It's just this general point, and feel free to have a
2507 think, but I am trying to get different planning perspectives on these
2508 consideration policies and how they interact with the direction to district and

2509 regional plans; and then like in Policy 52 having this consideration requirement
 2510 coming in again for land changes and variations.
 2511 [03.10.15]
 2512 One perspective we had this morning was that that actually potentially runs up
 2513 against the direction from the King Salmon cases. I just want to see your view
 2514 on whether that is actually workable, having that regulatory direction for
 2515 planning and then having in a sense the same things coming up different wording
 2516 in a consideration policy.
 2517
 2518 Really interested in the scenarios in para 22 in your evidence, but I think we
 2519 have unfortunately run out of time. It's been a really useful discussion thank you
 2520 very much.
 2521
 2522 Landers: Thank you.
 2523
 2524 **Peka Peka Farm Limited**
 2525
 2526 Chair: Peka Peka Farm Limited, kia ora, welcome.
 2527
 2528 Shall we quickly run through some intros or are you happy that you know who
 2529 we are.
 2530
 2531 Lewandowski: Some quick intros would be wonderful.
 2532 Chair: Some quick intros, absolutely, because we don't want to eat into your time. I
 2533 think we have got quite a lot of questions for you.
 2534
 2535 Ko Dhilum Nightingale tōku ingoa. I am the Chair of the P1S1 and the
 2536 Freshwater.
 2537
 2538 Just while I'm here, quick housekeeping: there's a microphone and green button.
 2539 If you could say your name before you speak. Maybe actually we've got some
 2540 from the council team here and it might be helpful as well, maybe once we have
 2541 done the panel intros if the Council team could introduce themselves, so you
 2542 know who is all here.
 2543
 2544 Wratt: Kia ora. Ko Gillian Wratt. I am Gillian Wratt, initially appointed as an
 2545 Independent Freshwater Commissioner to the Freshwater Panel, now on both
 2546 panels. I live in Whakatū, Nelson and I have a science sector background.
 2547
 2548 Paine: Kia ora. Ko Glenice Paine tōku ingoa. I am an Environment Court
 2549 Commissioner and I have been appointed to both panels. Kia ora.
 2550
 2551 Dawe: Kia ora, I'm Iain Dawe, Senior Natural Hazard Analyst at Greater Wellington.
 2552
 2553 Guest: Kia ora, I'm Pam Guest, Senior Policy Advisor and Reporting Officer on climate
 2554 resilience and nature-based solutions.
 2555
 2556 Lewandowski: I can return the favour Commissioners, I am Mitch Lewandowski and I am the
 2557 local Planning Consultant here on behalf of Peka Peka Farm Limited. Thank you
 2558 for the opportunity. Greetings and introductions aside I have provided you some
 2559 detail very briefly on Peka Peka Farm at s.4 of my evidence. I am happy to
 2560 answer any questions there, but I won't pursue that particular aspect anymore.

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[03.15.00]

Commissioners, I think there's probably three themes maybe to the evidence in this submission.

In a central thrust there is that Change 1 should not unduly impact on the competitive operation of land and development markets, and that direction is drawn from the NPS-UD, in particular Objective 2. It is also referenced elsewhere, Policy 1 from memory.

I highlight at s.4.10 to 4.13 of my evidence what I see as an absence of considering that particular aspect through the s.32 evaluation, and in turn we pick up on how those provisions, in my view, risk unduly affecting that competitive operation of land and development markets.

I won't go over that in too much more detail except to say that Objective 2 for instance is not mentioned in the s.32 evaluation. Even where the specific provisions of the NPS-UD are drawn out, that is an absence in my assessment of it in any case.

Why that matters, I guess resultingly, is that an overly restrictive position on greenfield development ignores the ongoing role that greenfield development will continue and needs to continue to play in maintaining adequate land supply.

At paragraph 4.19 I have included for you a recent comment from the Kapiti Coast District Council hearing panel, the recent decision there on their intensification planning instrument; so that is, as you are well familiar, the plan change that has given effect to the NPS-UD and the MDRS, and the thrust of that comment is that whilst the intensification changes obviously boosted development capacity from those existing sources, their view that would not be enough. So, I think putting some words in their mouth, what I think they're saying is, we've got a significant boost to what's called plan enabled capacity. You put some tests through that to get to some feasible capacity, but when you get to the next text down of realisation they're expressing some doubts either that those numbers are a little bit heroic, or that that simply is not going to be enough in and of itself.

What that points to is, I think, the ongoing role that greenfield will play, and that is supported in my view by the fact that the NPS-UD certainly encourages greater intensification - absolutely supported; but on the flipside does not seek to limit other provision, greenfield provision for instance, and rather it just seeks that that competitive operation of markets is maintained.

At 4.8 I think I set out what I think the relevant NPS-UD provisions are. Obviously we have got to give effect to test on that, and just highlight matters such as the Emissions Reduction Plan and National Adaptation plan are of course a slightly lesser test as having had to have in regard to those.

I guess we get to a situation where there's a number of competing interests that require balancing. At 4.21 I guess I provide my summary of where I think the balance perhaps has fallen, as opposed to where I think the balance should necessarily lie.

2613 The benefits of those reductions which PC1 is seeking to achieve, must of course
2614 be weighed against the costs of the “restrictions” that it is imposing.

2615
2616 The other aspect there I highlight for you, and I guess another theme of the
2617 submission in evidence, is making sure that the methods that are being used here
2618 are appropriate and the right tool for the job when considered against other
2619 existing tools and the ETS is one that is highlighted there; as I understand the
2620 primary means for pricing transport emissions to achieve our climate goals.

2621
2622 The second aspect then is needing to consider the provisions that are the subject
2623 of this hearing, in concert with other PC1 provisions. I tackle that at 4.5 of my
2624 evidence Commissioners.

2625
2626 The example I offer you is Policy 55 and I will be coming back to talk to you
2627 about that one at the next stream; but with an eye to the future, and I guess your
2628 role in needing to look at these with a view down the road, that is I think a
2629 pertinent example. That policy is engaged as a consideration policy when you
2630 are thinking about providing for urban expansion, and notably it references a
2631 number of the climate change provisions, and a key one there is Policy CC.1. I
2632 will delve into that one a little bit more shortly.

2633
2634 Then in turn, Policy UD-3 and that’s responding to out of sequence or unplanned
2635 development opportunities flows from, or in turn references up towards Policy
2636 55.

2637 [03.20.00]

2638
2639 Turning briefly to Policy CC.1, that has been amended reasonably significantly
2640 from its notified version to what you have before you. It's introducing I suggest
2641 the need to give effect to a hierarchy, and in my view that hierarchy maybe
2642 charitably causes a tension with, and more realistically probably I think creates
2643 a conflict with those urban development provisions, when you read those three
2644 matters in the hierarchy – providing for and concentrating development in
2645 locations to minimise travel; providing for and concentrating development
2646 within walkable catchments.

2647
2648 All very good things that have been addressed through local council plan
2649 changes to give effect to the MDRS and the NPS-UD requirements, but not
2650 something that in my view takes appropriate cognisance of the other arm, of how
2651 we deal with land supply etc. which is the greenfield aspect.

2652
2653 Chair: Don’t worry about that bell by the way, we’ve still got another fifteen minutes.

2654
2655 Wratt: Can I just explore that. I wouldn’t have thought that that hierarchy prevents
2656 greenfield development. You can still do, and I think your evidence talked about
2657 the location of the development you’re planning near Ōtaki wasn’t it I think.

2658
2659 Lewandowski: Just south of, yes indeed.

2660
2661 Wratt: Surely minimising travel distances, walkable catchments of public transport
2662 routes where practicable, new infrastructure or capacity upgrades on the
2663 transport network, surely those are all things that you do need to be considering

2664 when you're doing a greenfield development in the context of climate change
2665 and the need to reduce emissions.
2666

2667 Lewandowski: I think I agree with you Commissioner. I certainly didn't say prevent.
2668
2669 The situation I think is being created is a conflict rather than a ban, and therefore
2670 are the hurdles that are being imposed overly onerous is the question that I am
2671 raising. I probably come to the conclusion that they are.
2672
2673 Also, minimising travel distances, no argument from me; but the heading there
2674 is providing for a concentrating development in locations as the first aspect of
2675 the hierarchy.
2676

2677 Chair: Have you seen the latest version of these provisions that are supported by Ms
2678 Allwood. There is actually a booklet right there to your right. Sorry, I know these
2679 things are moving very quickly, but in Ms Allwood's rebuttal evidence, and I
2680 am not sure what tab – the last one – just have a look at CC.1, because she does
2681 support some further changes there. Obviously we haven't issued a rex on those
2682 yet.
2683

2684 Lewandowski: The change to supporting?
2685

2686 Chair: Yes.
2687

2688 Lewandowski: I apologise if I have missed that Commissioner.
2689

2690 Chair: That's quite understandable how that happens. I think how the transport expert
2691 described this is, that Policy CC.9 is more about that spatial planning. We can
2692 take a look at that and see if you have got concerns with that policy, but CC.1 is
2693 really more about the land transport infrastructure enabling that I guess in a way
2694 that will support this mode-shift.
2695

2696 Lewandowski: Yes and in terms of CC.9 those aspects around EV charging infrastructure and
2697 car share, I think even with the evidence we have expressed support for that
2698 aspect. Very comfortable with that.
2699
2700 Coming back to CC.1 and again apologies for my overlooking that, I guess on
2701 the hop, I would say that that is getting to a much better place than it was.
2702

2703 Chair: Feel free once you've had more of a look.
2704 [03.25.00]
2705 Obviously there will be another version that comes through in the reply.
2706 Actually, we have been thinking about directing expert caucusing on the
2707 transport provisions, so there will be a Minute that will come out about that for
2708 planners that have interest in these provisions.
2709
2710 Feel free, even once we have ended this hearing stream, if there are matters that
2711 you wish to address when you come back on the urban form, NPS-UD. Feel free
2712 if there are things. As you say, the integration of these provisions is very
2713 important and a key part of our tasks.
2714

2715 Lewandowski: Thank you Commissioner I appreciate that. Trying to look at these things in the
2716 round is always useful, and some of these barriers are a little bit artificial so
2717 agreed.
2718

2719 Chair: You had some other relief. I will leave it up to you. Would you like to keep
2720 talking about these? I have got questions on your other relief as well.
2721

2722 Lewandowski: I have two more minor points Commissioner and then I think we can probably
2723 get into some questions.
2724

2725 If I may just return to Commissioner Wratt's question: it is certainly not the
2726 position that greenfield development should be provided for on an uninhibited
2727 basis. Absolutely appreciate the need for testing these matters. I think the driver
2728 of the submission was to make sure that that playing field was appropriately
2729 balanced rather than slanted in any particular way. I very much acknowledge the
2730 point made.
2731

2732 Wratt: To just come back to your earlier point, which is around interference with the
2733 market, some of these things will interfere with the market, but they are designed
2734 to interfere with the market, to drive appropriate development in the context of
2735 the world that we now live in, in terms of climate change, climate adaptation,
2736 emission reductions and all those things which are what this chapter is about.
2737

2738 Lewandowski: Absolutely agree. At the risk of going down a rabbit hole, in a previous life I
2739 wrote the first Capacity Assessment for Wellington. I was involved in the NPS-
2740 UDC as it then was.
2741

2742 One of the aspects there, particularly around the monitoring, was looking at
2743 those urban rural land use differentials. That fundamentally is what we are
2744 driving at here. We're getting a little bit off topic, but it's those artificial barriers
2745 and the impact they have on land prices. Well-trodden ground Commissioner. I
2746 am sure you are very familiar.
2747

2748 Thirdly, the Peka Peka submission in evidence addresses some of the
2749 appropriateness or maybe achievability of some of the provisions and RM terms.
2750 I won't dwell on that too much. I know others have dealt with those matters with
2751 you as well. But, just by way of example, Objective CC.2 around equity,
2752 Objective CC.7 and CC.8, I tried to combine those and in the end in very much
2753 the too hard basket I think. Policy CC.2 around travel choice and CC.11 around
2754 carbon assessments, that's covered in the evidence Commissioners - I won't
2755 dwell on it.
2756

2757 Lastly, in terms of some specific provisions, Objective CC.3 I think with the
2758 change, or what I did spot in rebuttal is removing those three targets as Mr Wyeth
2759 has now recommended, I think that's in a much better place. I am comfortable
2760 with those recommendations.
2761

2762 Policy CC.2 I have got some concerns around the enforceability of that, and
2763 happy to explore that in questions if needed.
2764

2765 Lastly, CC.8 there has been some significant rewording there. Concern around
2766 the avoidance where practicable in respect of that policy.

2767
2768 CC.9 was that linkage back to the hierarchy of CC.1. That's obviously changed.
2769 I might take myself away and have a think about that inter-relationship now.
2770
2771 Chair: I am really interested in getting your views.
2772 [03.30.00]
2773 If your client does proceed with the development, applying for consent, I'm
2774 really interested in your perspective on these provisions for the whole of life
2775 carbon emissions assessment.
2776
2777 Having to work with the optimal transport demand provisions, if these become
2778 operative as they are, I'm really interested in knowing what that would mean for
2779 you going through a consenting process. Because, we've heard from some
2780 people saying emission reductions, regional discharges sure, but it's limited what
2781 can occur at the land use stage - CC.11 requiring these emission assessments.
2782
2783 Concerns have been raised around the workability of that provision.
2784
2785 Lewandowski: I think I picked up on some of that as well Commissioner. I think, if I remember
2786 rightly... first of CC.11 is framed in encourage terms. What I said first and
2787 foremost is are we going to be in a situation where at every resource consent
2788 we're going to be having a squabble about should we be encouraging it here or
2789 not.
2790
2791 Chair: Someone, and it might be Kāinga Ora, have prepared legal submissions I think
2792 on the word 'encourage'. I might have got that wrong but someone has. We are
2793 aware of that word 'encourage' and just how that would be interpreted.
2794
2795 Keep going.
2796
2797 Lewandowski: I won't necessarily delve into that. I haven't followed along with your last few
2798 days I'm sorry. I didn't hear any discussion on that.
2799
2800 What was the other one you mentioned? The travel choice assessments was it?
2801 Or, the optimising travel demand.
2802
2803 Chair: Yes, that hierarchy, but also the travel choice. These triggers, the new Policy
2804 CC.2A, which you might not be fully across, that's also in the new suite.
2805
2806 Lewandowski: I caught up with that, yes.
2807
2808 Chair: That, setting them I guess is a bit of an interim or an indication with these
2809 regional thresholds, for the development that your client might be proposing, if
2810 those thresholds were then put into the Kapiti Coast District Plan would they
2811 require a travel choice assessment in your consenting application and if so what
2812 would you need to do to put that assessment together. I really want to understand
2813 how workable these provisions are.
2814
2815 Lewandowski: Maybe just to go back a little bit to go forward: we will be quite a way short of
2816 consenting. We would be in a plan change situation first and foremost. The site
2817 is rurally zoned. There's an initial step there.
2818

2819 The travel choice assessment would apply given the scale of what is likely to be
2820 proposed for Peka Peka there.
2821
2822 What would be involved? I'm not sure we have frankly turned out minds to that
2823 in detail.
2824
2825 What I was more concerned about with the travel choice assessment, and this
2826 also goes back to Commissioner Wratt's earlier comment, which is very aware
2827 and very comfortable that any given greenfield proposal such as this one or any
2828 other needs to be best foot forward. It will succeed or fail on a range of factors
2829 – proximity to public transport, other connectivity matters etc. Some sort of
2830 centralised car share scheme. There's a litany of things that will impact on that.
2831
2832 I guess I'm sitting there reasonably comfortable that best foot forward is going
2833 to be the test of that. What I was concerned about with that travel choice
2834 assessment was the use of the word "will" in (a) and (b), because what we are
2835 dealing with there is enforcing that travel choice on the person who is living in
2836 house A in the eventual development.
2837 [03.35.00]
2838 I don't think that's achievable and in the evidence I have suggested that "will"
2839 should become "can". WE can demonstrate how that "can" be achieved, but I
2840 don't see how a condition of consent for instance can dictate that on that day I
2841 will choose to ride my bike versus jump in car whether electric or not.
2842
2843 Chair: But, this is about having provisions that would support that to happen, rather
2844 than nobody is going to be coming along and asking the owners of these
2845 properties how they actually get around. It's about supporting.
2846
2847 Lewandowski: I am probably taking it to a silly conclusion, but I do have concerns with "will
2848 be maximised and will be minimised" in CC.2. "Can be" is a very different
2849 position to "will be".
2850
2851 Wratt: You're looking at Policy CC.2(b) which says demonstrates how the use of
2852 private vehicles will be minimised.
2853
2854 Lewandowski: And, (a) above that Commissioner as well, correct. Matter (c) I'm entirely
2855 comfortable we can show cycle lanes, we can show bridle pathways or whatever
2856 they might be. We can show connections and that comes back to standing and
2857 falling on merits. But "will be maximised will be minimised" I think risks and
2858 is just stretching a little bit too far.
2859
2860 Chair: We have unfortunately come to the end of the timeslot. Was there anything that
2861 you really wanted to get across that you haven't quite had the chance?
2862
2863 Lewandowski: I think I have covered the points, thank you Commissioner. We will be back for
2864 the next hearing. I guess with your permission, I think implied anyway, we might
2865 sort of look back a little bit as well as concentrating on those provisions to sort
2866 of come back to some of these aspects as well. I appreciate that. Thank you very
2867 much.
2868

2869 Chair: It's still a long way away, but even at the end of that hearing stream, next year
2870 there is another wrap-up opportunity. We can hopefully look at how they are all
2871 reading together based on the officer's latest recommendations.
2872
2873 Keep an eye out for a direction on caucusing. We will certainly be talking about
2874 that ourselves. It will be appreciated if you can make that work.
2875
2876 Lewandowski: Appreciate that. Absolutely.
2877
2878 Chair: Just before you go, just one very quick question. You talk about Objective CC.7
2879 and CC.8 and raise these workability issues and maybe that they're impractical
2880 to achieve through a plan; but the methods that speak to these, as I understand
2881 it, they're really one of the main way of achieving those objectives.
2882
2883 Lewandowski: Yes.
2884 Chair: A lot of that, the Council talks about it as overcoming social inertia and actually
2885 getting the behaviour change that's needed happening.
2886
2887 Lewandowski: Maybe just to leave you a final thought on that, I have no concerns with the
2888 outcome being sought. The outcome is laudable whether is Objective CC.7 or
2889 CC.8.
2890
2891 I wonder whether an RM plan is the most appropriate place for it. If you put
2892 those into a long term plan, for a council long term plan, I would say wonderful.
2893 The planner in me struggles to see how CC.7...
2894
2895 Wratt: So, we're talking about Objectives CC.7 and CC.8?
2896
2897 Lewandowski: Correct. Objective CC.7...
2898
2899 Chair: As a statement of what it is, the Regional Council is wanting to achieve, isn't
2900 that appropriate to have an outcome that's...
2901
2902 Lewandowski: Yeah, we might get into some philosophising Commissioner. As it stands, my
2903 evidence doesn't make much of it in the wash. I think it's fairly neutral. I know
2904 others have. I will leave that in your hands.
2905
2906 Chair: Thank you. We'll look forward to talking again in the urban hearing.
2907
2908 Lewandowski: Thank you for your time. Appreciate it.
2909
2910 **[03.40.00] Waka Kotahi:**
2911
2912 Chair: Kia ora Waka Kotahi.
2913
2914 Welcome to the climate change topic. Shall we do some really brief
2915 introductions, so you know who the Council staff are who are here, unless you
2916 heard those intros before.
2917
2918 Kia ora. Nau mai haere mai. Ko Dhilum Nightingale tōku ingoa. I am the Chair
2919 of the P1S1 non-Freshwater and the Freshwater Panels.
2920

2921 We have pre-read your submission and your evidence. I will ask the other
2922 Commissioners to introduce themselves and then we will go into intros from the
2923 Council team.
2924

2925 Wratt: Tēnā koe. Ko Gillian Wratt tōku ingoa. I am Gillian Wratt. I was appointed
2926 initially as an Independent Freshwater Commissioner onto the Freshwater Panel,
2927 now on both panels. I live in Whakatū, Nelson and my background is in the
2928 science sector. Welcome to the hearing.
2929

2930 Paine: Kia ora. Ko Glenice Paine tōku ingoa. My name is Glenice Paine. I am an
2931 Environment Court Commissioner and I have been appointed to both streams.
2932 Thank you.
2933

2934 Chair: Thank you. I will invite the Council.
2935

2936 Dawe: Kia ora. Ko Iain Dawe tōku ingoa. Senior Natural Hazard Analyst at Greater
2937 Wellington.
2938

2939 Guest: Kia ora, I'm Pam Guest, working on the climate resilience and nature-based
2940 solutions topic. Thank you.
2941

2942 Chair: We also have the Council's transport expert, Mr Tindall. Mr Tindall feel free if
2943 you do want to come and sit at the table. It is always good to have interactive
2944 dialogue where we can. That way, the submitters can maybe see you too.
2945
2946 Welcome Mr Tindall.
2947
2948 Over to you Waka Kotahi.
2949

2950 Keating: Good afternoon. Thanks for the introductions. My name is Evan Keating and
2951 I'm a Planner at Waka Kotahi based in the Auckland office. I don't have any
2952 evidence prepared. I am here simply to ask any questions about Waka Kotahi's
2953 interests or operations if I can assist. I will hand you over to our Consultant
2954 Planner Ms Heppelthwaite.
2955

2956 Heppelthwaite: Kia ora koutou Panel. Thank you for your introductions. It is nice to see you
2957 individually, otherwise you appear as a group on-screen. Good afternoon to the
2958 Council staff as well.
2959
2960 Thank you for confirming that you have read our primary statement. That is
2961 helpful. I am of course available to answer any questions to that. For today I
2962 have prepared a brief statement to cover off three remaining points in regards to
2963 the rebuttal evidence which I have received. I do have that in written form. Given
2964 that what I will speak to today does relate to quite specific wording changes,
2965 please be assured that it will appear in front of you at the close of hearing in a
2966 written format; so don't feel you need to make notes of what I am about to walk
2967 you through, because it will relate to word changes here and there.
2968
2969 The three items which I am going to talk to I think is a very minor change to the
2970 rebuttal evidence of Mr Wyeth in regards to Climate Change Method 2, and a
2971 couple of more substantive areas where I have got a different opinion to Mr

2972 Beban on natural hazards Policy 29 and Ms Allwood with regard to Transport
2973 Policy CC.1.

2974
2975 Perhaps I will just start with the first of those, which is reasonably straight
2976 forward.

2977
2978 My Wyeth has proposed a consequential amendment to Method CC.2 which I
2979 agree with. He has proposed to include the word “avoiding” in the title and the
2980 words “avoiding and reducing gross greenhouse gas emissions” within the text
2981 of the method.

2982
2983 My only concern with that is in the Policy CC.8 to which the amendment relates,
2984 to make both the Policy and the Method consistent. There is actually an “or” in
2985 the context rather than “and”. So, in CC.8 the wording is, “avoided or reduced”
2986 in regard to greenhouse gas emissions, and in the Method it's “avoided and
2987 reduced”.

2988 [03.45.03]
2989 So, my request is that Method 2 is made consistent with CC.8 the Policy, and
2990 that the “and” is changed to “or”. As I mentioned, this will come to you in written
2991 form, so if that seems extremely finicky it will become clearer when the text is
2992 in front of you.

2993
2994 The second matter relates to natural hazards Policy 29. This is a point where Mr
2995 Beban and I have had some, I will say, discussions, but really it's an exchange
2996 of evidence that discussion - we haven't spoken in person about this; about a
2997 change which was proposed to Policy 29 which effectively precludes
2998 development in high hazard areas. Mr Beban proposed in his primary statement
2999 to include the wordings which reflected “unless there's a functional operational
3000 need into the policy”. I have some reservations about that approach, given that
3001 functional operational need isn't a requirement in the CPS; and I do
3002 acknowledge that this policy applies broader than the CPS.

3003
3004 In my primary evidence, I had proposed changes to that policy, which if you
3005 wish to see they are located in my Attachment A, which is the last page of my
3006 primary evidence – which proposed alternative wording. That alternative
3007 wording was to delete functional operational need and its associated words, and
3008 replace with the wording, “unless providing for infrastructure and hazard risk
3009 are appropriately managed.”

3010
3011 I will refer to the correct page number in my primary evidence. It is page-9 and
3012 paragraph 6.3.

3013
3014 That was my primary position on having read Mr Beban's evidence. He made
3015 some quite useful comments.

3016
3017 I still don't agree with his proposed wording, but I do acknowledge that he has
3018 pointed out the wording I had put forward in my primary evidence was a little
3019 open in regard to the reference more broadly to infrastructure; so I have proposed
3020 to refine that in my statement, which you will receive later, to refer to “regionally
3021 significant infrastructure” so it creates more of a nuanced approach and
3022 recognises that it is likely that regionally significant infrastructure will have a

3023 need in some cases to locate in high hazard areas, and that it should be able to
3024 do so as long as the hazard risks are appropriately managed or responded to.
3025
3026 That is my second point.
3027
3028 I should have invited questions and if you wish to ask during or after.
3029
3030 Wratt: I do have a question in the one you have just talked about, Policy 29. I guess it's
3031 just in response to what you have said, I can certainly see the reason for putting
3032 regionally significant infrastructure, but taking out “functional or operational
3033 need” what if there is a functional or operational need which is not regionally
3034 significant infrastructure?
3035
3036 Your wording would only apply to regionally significant infrastructure wouldn't
3037 it?
3038
3039 Heppelthwaite: Yes, that's correct.
3040
3041 Commissioner, are you asking me whether I think functional operational need
3042 may capture a wider range of activities rather than just infrastructure, yes I agree
3043 it might.
3044
3045 Wratt: Maybe it needs both concepts in there I guess. I won't try to wordsmith it. I will
3046 leave that to our S42A authors to think about.
3047
3048 Heppelthwaite: I guess my primary concern with functional operational need is that it imposes
3049 a test for every single piece of infrastructure or other item, and that that's always
3050 going to be a hurdle, if you like, to pass regardless of what the time is.
3051
3052 Wratt: Yes, appreciate that concern.
3053
3054 Heppelthwaite: I would happy to, if you wish, give that some further thought, or even have some
3055 discussions with Mr Beban and/or other submitters if that's helpful.
3056
3057 Wratt: That sounds helpful. Thank you.
3058 [03.50.00]
3059 Heppelthwaite: If there are no other questions I will move to the last item which is Transport
3060 Policy CC.1. I would like to acknowledge Ms Allwood's assessment. She has
3061 made quite a lot of effort both in her primary statement to accommodate
3062 concerns and update the policy, and also in her rebuttal evidence. Quite a number
3063 of the concerns I raised in my primary statement have actually been addressed,
3064 so I would like to pass on my thanks to her for that.
3065
3066 The two concepts which remain within CC.1 which I have some discomfort
3067 with, and they are the same as identified in my primary statement, is the retention
3068 of hierarchy approach between Items A, B and C. Also in clause (c) the
3069 prioritisation outright of pedestrians, cyclists and public transport above cars. At
3070 the outset I would like to say I am a keen cyclist and happy walker and I
3071 completely support the concept of ensuring that pedestrians, cyclists and public
3072 transport is given a high priority in all circumstances, but I don't think it should
3073 be at the cost or without consideration of the context of the environment in which
3074 it's being assessed.

3075
3076 In that regard, I have described in the written statement you will have received,
3077 that I continue to support removal of the hierarchy approach, which is currently
3078 proposed with Item A, B and C, being the order the priorities are set out in Ms
3079 Allwood’s evidence. I prefer an approach which puts each of those three items
3080 forward on its own merit and allowing each to be considered individually and
3081 relative to the project that is being assessed.

3082
3083 In relation to the prioritisation of active modes and public transport modes over
3084 motor vehicles, I have reconsidered the wording I put forward in regard to
3085 modifying (c). My primary evidence added to the tail end of Item C wording,
3086 which says, and if you are able to look at my Attachment A in my evidence,
3087 which is the last page, page-15, there is blue text about halfway down the page.

3088
3089 My primary evidence reflects an earlier version of Policy CC.1. What I will refer
3090 to you in this is actually listed under Item B which is the last blue paragraph
3091 under the heading Policy CC.1. It is the equivalent of Ms Allwood’s Item C, but
3092 in my earlier version I had rearranged the structure so the numbering is slightly
3093 different.

3094
3095 The aspect I wish to refer you to is the second to last and last lines. If I start at
3096 (b), we are providing new infrastructure or capacity upgrades on the transport
3097 network. Prioritise walking, cycling and public transport. Then the text I
3098 proposes commences there: “where this is consistent with the primary function
3099 of the infrastructure.”

3100
3101 That was my primary position, and that the prioritisation need to be consistent
3102 with the primary function of the infrastructure. For example, if it was a road then
3103 the road remain the priority.

3104
3105 However, on reading Ms Allwood’s evidence, I thought there needed to be
3106 perhaps a slightly more balanced approach to that, and I have proposed that
3107 instead of saying, “consistent with the primary function” that it takes into
3108 consideration the primary function.

3109
3110 I think it provides more of a balanced opportunity to consider both what the
3111 purpose of the transport infrastructure is, along with the walking, cycling and
3112 public transport aspirations; and whether it's practicable to prioritise those as
3113 well.

3114
3115 I will include my updated position on Policy CC.1 in the document I will
3116 circulate at the close of this hearing, and that includes wording which reflects
3117 both of those points; both the removal of the hierarchy and also the wording I
3118 just talked you through for Item C.

3119
3120 There is also some consequential changes to the explanation, which reflect
3121 changes in regards to CC.1. It is all set out for you. I appreciate you don’t have
3122 it in front of you but I am happy to answer any general questions you have in
3123 that regard or on my primary statement.

3124
3125 Chair: Thank you very much. I do have some questions.
3126 [03.55.00]

3127 If you don't mind going back to the Hazards and then I will come back to
3128 Transport.
3129
3130 We are hearing from the next submitter after you about Policy 29 NZCPS. If
3131 you are available and interested in staying for that, the Director General of
3132 Conservation, we are currently thinking about whether we think it might be
3133 useful to have the planning experts coming together and looking at these
3134 provisions. It might be useful for you to hear what Mr Bryce has to say about
3135 that.
3136
3137 Policy 29(d), and I know you will have been familiar, or had these discussions
3138 with DoC in many other forums, that policy encouraged the location of
3139 infrastructure away from areas of hazard risk where practicable.
3140
3141 Are you saying that the wording that Mr Beban supports doesn't give effect to
3142 that policy in the NZCPS? It's too restrictive?
3143
3144 Heppelthwaite: Yes I am. In my view I agree with Mr Beban. He pointed out in his rebuttal
3145 statement that he considered there was a mechanism in Policy 29 to avoid, have
3146 an avoid framework. But, on my reading, particularly if I refer to... sorry, are
3147 we talking about 25 or 29? CPS 25?
3148
3149 Chair: Yes, that's right.
3150
3151 Heppelthwaite: And, Policy 29. In CPS Policy 25, which is what Mr Beban and I have been
3152 exchanging discussions on effectively, (a) talks about avoid increasing the risk
3153 of social environment and economic harm from coastal hazards; and CPS.25(b)
3154 talks about avoid redevelopment or change in land use that would increase the
3155 risk of adverse effects.
3156
3157 So, in my view there is an avoid framework, but that avoid framework relates to
3158 25(a) which is avoiding harm from coastal hazards, and 25(b) which is avoiding
3159 increase of risk. Whereas I think Mr Beban's Policy 29 precludes development
3160 outright. The first part of 29(d) says avoid development where hazard risks are
3161 assessed as high. As I mentioned, he obviously then came through and added,
3162 except for functional and operational need, or words to those effect.
3163
3164 So, I do agree with him that there is an avoid framework, but it's avoid harm and
3165 increasing the risk of adverse effects, versus an operational and functional need
3166 test.
3167
3168 Chair: And, 25(d) which is what I guess enables infrastructure has that policy pathway.
3169
3170 Heppelthwaite: Yes correct.
3171
3172 Chair: That is what 29(d) is trying to do, by setting the RPS level direction for plan
3173 making further down, but your view is encourage the location of infrastructure,
3174 and that national direction will not be given effect to by 29(d).
3175
3176 Heppelthwaite: Yes. Either in the primary evidence or the rebuttal evidence Mr Beban and I
3177 agree. I would suggest that encouraging location is relatively permissive, but I

3178 think that's even further supported by the words "practicable" at the end of
3179 29(d). I have addressed 29(d) in my primary statement at paragraph 6.3.
3180
3181 I think there is definitely a view, in my opinion, that the infrastructure was
3182 clearly anticipated to be something which may have to locate in a coastal hazard
3183 area.
3184
3185 Yes, I would be most interested to listen to DoC Madam Chair. I will stay for
3186 that.
3187
3188 Chair: Great.
3189
3190 I'm looking at the NZCPS. I will bring up your evidence, but maybe you can
3191 just talk to it.
3192 [04.00.00]
3193 The hazard overlays, do you think that's appropriate in terms of the work that
3194 Waka Kotahi needs to plan for and do? It's appropriate to have district plans
3195 include regulatory hazard overlays as opposed to something that's more
3196 dynamic and non-statutory?
3197
3198 This is coming from Kāinga Ora's relief, where they are seeking more flexibility
3199 in the identification of hazards.
3200
3201 Heppelthwaite: I'm not overly familiar with that aspect of Kāinga Ora's relief, but I'm going to
3202 draw a parallel. I have been reviewing most recently the Christchurch District
3203 Plan, but I am also very familiar with the Auckland Unitary Plan. Both of those
3204 plans have non-statutory flooding hazard mapping as a method to manage
3205 hazards. I am well aware that those hazard layers, the non-statutory layers are
3206 updated periodically by both authorities. Is that the type of example Kāinga Ora
3207 is looking at?
3208
3209 Chair: Exactly. Has that caused any issues that you're aware of?
3210 Heppelthwaite: In my experience Waka Kotahi has its own suite of specifications and design
3211 requirements to manage hazards. They are relatively regularly updated and they
3212 take into account modelling both of the Council and generally on larger sized
3213 projects also they quite often undertake their own modelling and assessments of
3214 hazards, to ensure that they meet their own internal specifications for the entire
3215 lifecycle of whatever asset they are intending on constructing.
3216
3217 Put another way, they are an organisation that is already aware of and very
3218 attuned to the needs of need to construct for resilience and to consider climate
3219 change in that process.
3220
3221 Most recently I have engaged to assist in review of a coastal transport
3222 infrastructure hazard guideline for Waka Kotahi. It is yet to be ratified, but that's
3223 an example of looking forward to update existing guidance in that space.
3224
3225 Chair: A changing hazard map that didn't go through a plan change process wouldn't
3226 really cause Waka Kotahi any issues say if it wanted to apply for a notice of
3227 acquirement over an area, and then there was change that you couldn't
3228 participate in because it didn't go through a process. Am I correct – that

3229 shouldn't really cause any problems because your design standards are such that
3230 you would be able to meet those requirements anyway?

3231
3232 I'll ask Mr Keating to comment on that from an organisation perspective in a
3233 moment, but I think probably first to say, my experience with region wide
3234 mapping for councils is that it can be of a more coarser grain; and when one gets
3235 down to a project, site or a few kilometres length strength of project, the
3236 modelling undertaken by the applicant, and I used that term generally and not
3237 just to Waka Kotahi, is generally required to be site specific.

3238
3239 So again, in the Auckland context they have their overlay flow paths and flood
3240 hazards mapped and when an applicant comes to make an application on most
3241 sites they are required to get a site specific assessment.

3242
3243 In my view, the non-statutory mapping is a trigger for further investigation. It is
3244 not often a very definite hard line. It's something that triggers a look and more
3245 refinement. That's a general comment in my professional opinion. I will ask Mr
3246 Keating to comment on Waka Kotahi's concern or otherwise about non-statutory
3247 hazard layers.

3248
3249 Keating: Thank you. Yes, I guess there's two sides. One is as Ms Heppelthwaite talked
3250 about here, and we have our own standards and we do our own assessments
3251 regardless of what the regulatory requirements are. One of those standards is
3252 what we call Z19, environmental and social responsibility screening. Any
3253 project over a certain size will have to go through to [04.04.21] all the constraints
3254 are, and the district plan, regional plan and any non-stat layers in the GIS will
3255 feed into that, on whatever information we have. We will all work within design
3256 to our standard regardless of what the regulatory standards are.

3257
3258 On the other side of it is, is there a concern if the councils are able to update this
3259 information without our input, and if that will then have a flow-on effect at
3260 consenting level I would say we would have a concern with that. Obviously that
3261 depends how high the consenting barriers and how robust the [04.04.54]
3262 modelling or Geotech whatever else goes beyond that. It's hard to give a
3263 definitive view beyond that. As I say, ideally as a stakeholder we would be
3264 consulted on preparation of these non-statutory things that can evolve. I guess it
3265 will all depend on the detail and how involved we were or not, or what the
3266 outcomes are in terms of restrictions.

3267 [04.05.20]
3268 Wratt: I have a question from the other angle I think, which is where the plans are
3269 statutory, so the hazard mapping is within the plan. What would happen where
3270 Waka Kotahi for example had information that was counter to what was in the
3271 hazard mapping in the plan? I think that was one of the concerns I was hearing
3272 from Kāinga Ora, is that in a consenting process the updated information that an
3273 applicant may have can't be considered because it's not part of the statutory
3274 regulations I guess. I am not sure I have expressed that very well.

3275
3276 Keating: [04.06.15] developer/submitter would have a concern with that. In my
3277 experience there are times there is like a threshold or a trigger for assessment
3278 but then there's site specific things. I guess as, [04.06.32] you want that, at the
3279 very least, to be able to be taken into account. As to how the mechanism or the

3280 structure works beyond that I don't have a view. But we would have concern if
3281 we had better or new information that couldn't be considered.
3282

3283 Wratt: The comment this morning was along the lines of if you're doing a development
3284 and there's a flood hazard map that's no longer relevant and you're having to
3285 put a higher basement to lift your infrastructure, there's quite a significant cost
3286 in that, associated with responding to out of date information.
3287

3288 Heppelthwaite: I would agree that can be a concern. If it even goes back a level, it can be the
3289 difference between requiring a consent of not requiring a consent. If you are
3290 faced with a map that says you need a consent because you're in this area, and
3291 in your advocate capacity you've established that actually you're not in that
3292 particular hazard area then a discussion with the council is needed; but the
3293 Council can't side-step it's requirement to require consent if that's what the rules
3294 say and the mapping layers are mandatory.
3295

3296 Wratt: Thank you. You have expressed that much more clearly than I was trying to do.
3297

3298 Chair: I have got a few questions on the Transport provisions and I know we are fast
3299 running out of time.
3300

3301 Maybe if I start off at quite a high level and kind of work down into a little bit
3302 more detail.
3303

3304 Transport emissions, as you will be well aware are the largest share of the
3305 country's emissions. In her evidence Ms Allwood says "accumulative
3306 incremental changes to transport infrastructure will collectively make significant
3307 and meaningful change."
3308

3309 This may be a question for Mr Keating, but do you believe that's correct?
3310

3311 Keating: On a general level, yes. It all depends on the scale of each individual change and
3312 how many, but as a general principle, yes, I would accept that.
3313

3314 Chair: This may be a question for both of you. Do you think that this package of
3315 provisions, which I understand are trying to be ambitious – the Council said it is
3316 wanting to be ambitious and show leadership – that this is what is needed to
3317 drive and achieve the change that the country needs to make?
3318

3319 First of all, I think two parts: are you seeing some real ambition here, some
3320 things that you're perhaps not seeing elsewhere in the country that these
3321 provisions are trying to achieve? And, second of all, and it's a massive question
3322 in the two minutes we have left, how workable are they in terms of achieving
3323 transport emission reductions?
3324

3325 Keating: I will give a view on the first one if I can. Certainly yes ambitious. I think the
3326 Greater Wellington Plan change is far and above more ambitious than any others
3327 we have seen; particularly I think it was Plan Change 8 of the RPS in Auckland.
3328 It was much smaller and very, I would say, minimal level of intervention.
3329 [04.10.00]

3330 [04.10.04] successfully, I can't really give a view on that. The only corporate
3331 view I can give, and [04.10.12] is that we prefer things to be consistent

3332 nationally, and be consistent with the Emissions Reduction Plan; and that's
3333 partly our interest in some of these issues in the plan change that we are all
3334 working to the same level. That's not to say it's wrong or incorrect for the
3335 Council to be ambitious but it's not generally our preference. It's more to have
3336 everyone on the same level.

3337
3338 Chair: But, the Emissions Reductions Plan is putting that challenge out there isn't it?
3339 It's saying, "We need to be doing our land use management and transport, we
3340 need to be doing things differently."

3341
3342 Keating: Yes, correct. I have lost track of the detail, but as far I know there was or is to
3343 be a further level of detail to come out about individual regional targets for
3344 emission reduction; so at a general [04.10.55] first and then some of the changes
3345 follow after that. I know that doesn't always happen in sequence.

3346
3347 Chair: Ms Heppelthwaite, your comments on the workability of these provisions in
3348 achieving the NPS-UD, emission reductions, well-functioning urban
3349 environments. If these are implemented well how successful do you think they
3350 will be in achieving those goals.

3351
3352 Heppelthwaite: I think they are based on some fairly well-known and accepted premises,
3353 ensuring that land use is located conjointly with frequent transport services.
3354 That's a key one. Reducing the need for people to hop in their cars is another
3355 key point.

3356
3357 I have really looked at this at a fairly high level with regard to impacts on
3358 significant roading infrastructure, rather than in the round; but I think my general
3359 overview would be that it is definitely a supportive step in the right direction.
3360 The devil is, as Mr Keating said, always in the detail about the administration. I
3361 noted some questions earlier to the previous witness regarding it would affect a
3362 particular development and that type of assessment is one which is useful when
3363 considering how this is actually put through to the district plans, but then also
3364 through to the consenting, or as per the last witness a plan change stage.

3365
3366 I think it's moving in the right direction but it really needs to be tested a few
3367 times at a consent or plan change stage to see how it actually turns out.

3368
3369 Chair: I really appreciate. I know the huge amount of experience you have on roading
3370 projects. If we do direct expert caucusing on these provisions, and I fully
3371 appreciate you are coming from the State Highway perspective, but we would
3372 still really appreciate your input into that, to really help the region achieve these
3373 climate reduction goals and make these provisions workable. We'll let you know
3374 you very soon what we plan to do with that, but just to say we would really value
3375 your input into that.

3376
3377 Heppelthwaite: Thank you. I would happy to assist if that is useful for the panel.

3378
3379 Chair: I'm sorry we don't have time now. I am not sure the suggestions you're making
3380 to change the regional thresholds. Those amendments there, it would be really
3381 good, and maybe in that forum is better, to look at those changes they're trying
3382 to achieve, and is that actually going to again push things out and encourage
3383 more ambition with the response?

3384
3385 We probably have run out of time. Sorry we couldn't quite get through
3386 everything. We will probably see you at the urban form hearing.
3387
3388 Heppelthwaite: Yes. Thank you all for your time and questions. I will stay for DoC but switch
3389 my camera off.
3390
3391 Chair: There is a livestream.
3392
3393 I'm really sorry, I didn't check in with Commissioner Paine to see if the
3394 Commissioner had any questions.
3395
3396 Admin-Jo: I have sent through the livestream link and if you could join by the livestream
3397 just because DoC is joining by Zoom. It just makes the technology work a bit
3398 better. Thank you.
3399
3400 Chair: Thanks for your time.
3401
3402 Keating: Thank you.
3403 Chair: A short break just over five minutes and then we'll be back for DoC. Thank you.
3404
3405 [Break taken 04.14.56]
3406 [04.15.00]
3407 Chair: Kia ora. Nau mai haere mai. Kia ora Ms Anton and Mr Brass. Welcome to the
3408 Climate Change hearing.
3409
3410 You have the distinguished honour of being our final submitter that we are
3411 hearing from today and actually for the whole topic.
3412
3413 Would you like introductions, or have you heard them before if you were
3414 listening to other submitters? Introductions from the panel?
3415
3416 Anton: Kia ora Madam Chair, thank you. I would if that's alright please. This is my first
3417 appearance for the Panel. Thank you.
3418
3419 Chair: Ko Dhilum Nightingale tōku ingoa. I am Barrister and Independent Hearings
3420 Commissioner and am chairing the PIS1 non-Freshwater process as well as the
3421 part for Freshwater process.
3422
3423 You may have picked up from the Minutes issues recently that unfortunately
3424 Judge Thompson had to withdraw from the Freshwater Panel for family reasons.
3425 Our Panel is actually four but Commissioner Kara-France is not here today
3426 because she is not well. We are panel today of three. Our quorum is three.
3427
3428 I will pass over to the other Commissioners to introduce themselves.
3429
3430 Wratt: Kia ora koutou, or kia ora kōrua. Ko Gillian Wratt tōku ingoa. I am Gillian
3431 Wratt. I was appointed initially as an Independent Freshwater Commissioner
3432 onto the Freshwater Panel, now on both panels. I live in Whakatū, Nelson and
3433 my background is in the science sector. Welcome to the hearing.
3434

3435 Paine: Kia ora. Ko Glenice Paine tōku ingoa. I am Glenice Paine. I am an Environment
3436 Court Commissioner. I hail from Picton, Waikawa, and I have been appointed
3437 to both panels. I am in this room by myself trying not to spread my germs. Kia
3438 ora.

3439

3440 Chair: The floor is yours. We have pre-read everything you have provided us. Thank
3441 you for that. Your points are very clear. Just so you know, the previous
3442 submitter, and I don't know if you heard, their presentation, Waka Kotahi, some
3443 of the relief you are both seeking is on the same provisions and they said they
3444 would be interested staying and listening to your evidence as well and
3445 submissions.

3446

3447 I think that's probably all I want to cover on intros, so over to you. Please leave
3448 time for questions, because I think we definitely have questions that we would
3449 like to ask. Thank you.

3450

3451 Anton: Thank you Madam Chair. I am Katherine Anton and I am Legal Counsel for the
3452 Director of Conservation who has made a submission in this case, in this topic.
3453 It is quite a narrow submission just on Policies 29, 51 and 52 – certainly quite
3454 important policies in our view.

3455

3456 I am here with Mr Murray Brass, who is a Senior RMA Planner and is based in
3457 Dunedin.

3458

3459 Thank you for confirming the filed papers are read. I don't actually have
3460 anything to add or speaking points in particular, but just to reiterate that in the
3461 general scheme I concur with the statutory framework that applies to this
3462 Regional Policy Statement change that Greater Wellington's legal counsel has
3463 submitted.

3464

3465 In my legal submissions I sum up some of the relevant provisions in the New
3466 Zealand Coastal Policy Statement relating to natural hazards, and coastal
3467 hazards in particular.

3468

3469 I also note some of the key themes from the King Salmon spring court case back
3470 in 2014, talking about directive language which some of these hazard provisions
3471 certainly have, and how the more directive language it is the more onus there is
3472 for those policies to be implemented in Regional Policy Statements and plans.

3473

3474 Since the submissions were filed Friday last week the Supreme Court released
3475 its decision in Port Otago and EDS. I haven't done any talking points in relation
3476 to that. I do not think anything changes in my legal submissions as a result of
3477 that case. It didn't change what King Salmon said about directive provisions, but
3478 it did distinguish King Salmon in relation to the particular parts of the New
3479 Zealand Coastal Policy Statement that it was considering.

3480 [04.20.00]

3481 I essentially submit that Mr Brass has done some detailed analysis on the
3482 provisions and made some recommendations for changes to better implement
3483 the New Zealand Coastal Policy Statement. I submit that is a way for the
3484 Regional Policy Statement to implement the New Zealand Coastal Policy
3485 Statement in this matter.

3486

3487 That is all I would like to say. I am happy to hand over to Mr Brass and/or take
3488 questions just as the Panel prefers to structure that.

3489
3490 Chair: Thank you. Just before you start Mr Brass.

3491
3492 Ms Anton, just the relevance of the Gallagher case you mention in your legal
3493 submissions, are you able to talk about that a little bit more. In para 10 you talk
3494 about give effect to requirements. You say, “As long as it is specific it gives
3495 more direction...” I don’t need to read that all out, but I am just interested in the
3496 key point that you would like us to take away from that case as we think about
3497 these hazard provisions.

3498
3499 Anton: Thank you for that opportunity. The Gallagher case I think is a little bit more
3500 illustrative of implementing these provisions rather than a legal precedent
3501 setting. It is illustrative because there are a number of hazards in question, but
3502 one of the main ones was coastal inundation. The Council in that case had made
3503 a plan change to avoid increasing risk and had a zoning plan where there
3504 shouldn’t be any development and where there could be some development. In
3505 that case, the applicant’s, the Gallagher’s wanted an exception to that. They
3506 wanted more development than the Council and its expert advice was willing to
3507 allow in the plan change.

3508
3509 The court in that case found that the Gallagher’s shouldn’t have their exemption
3510 because it would increase the number of people in residential buildings at risk
3511 than was presently the case, resulting in increased consequences if there was a
3512 coastal overtopping event.

3513
3514 It’s more illustrative I think, rather than legal precedent setting. I hope that assists
3515 with the context of the submission.

3516
3517 Chair: Yes. Thank you. Thanks for that. We might come back to a couple of other points
3518 of interpretation.

3519
3520 Let’s have a look at the provisions that Mr Brass wants to take us to. Thanks.

3521
3522 Brass: Kia ora koutou. Ko Murray Brass tōku ingoa. As noted, I am a Senior RMA
3523 Planner with the Department of Conservation.

3524
3525 I don’t have any further written material but there are a number of points in my
3526 evidence that with your leave I would just like to quickly speak to and update –
3527 partly on the rebuttal evidence and also a matter or two that has arisen in the
3528 course of the hearing so far.

3529
3530 The first point I guess, starting from my para 13, which is around avoiding
3531 increasing risk in the coastal environment, and that really flows directly from
3532 the NZCPS Policy 25, which I have covered relevant provisions in paragraph
3533 14.

3534
3535 The S42A Report and rebuttal evidence have rejected the extra provision that I
3536 was proposing, on the basis that the policy already has wording to avoid
3537 increasing risk. In my view it remains that the policy does not do that. I
3538 understand that the CMA foreshore are defined as high risk and low and

3539 moderate risk areas on land, the only requirements under the policy would be to
3540 manage subdivision use and development, which is inconsistent with that require
3541 under a 25 [04.24.18] in the NZCPS.

3542
3543 I also disagree with the contention in the rebuttal evidence that my suggestion
3544 changes would apply to broadly, because they would apply to the entire coastal
3545 environment and that simply reflects what the NZCPS requires.

3546
3547 So, therefore I retain my view that specific provision in the RPS is required.
3548 I note that I address the same issue with regard to Policy 51, so I won't repeat
3549 that now, but I would just note that having reviewed things further I would
3550 probably prefer Policy 51 as the more effective and efficient place to address the
3551 issue.

3552 [04.25.00]

3553 Also, just responding to Waka Kotahi, and I think we have a similar... it's not
3554 exactly a concern, but picked up with the way that Policy 29 is drafted, it has the
3555 effect of avoiding the activities, certainly in terms of the NZCPS, and the aim of
3556 that policy is about avoiding increasing risk and adverse effects, which is an
3557 important difference. I think that's partly where some of the different views are
3558 arising.

3559
3560 I would also just note I think there was mention that the panel might be interested
3561 in asking planners to put their heads together. If that was the case I'm certainly
3562 open to doing that, and that policy could well be suitable for that.

3563
3564 Chair: Sorry to interrupt. There are these different concepts on these provisions and I
3565 just want to be really clear that I understand them and understand what you're
3566 seeking, in light of what we have heard from Waka Kotahi.

3567
3568 Taking Policy 25 of the NZCPS, the avoid and the very strong directive that Ms
3569 Anton has explained; avoiding the risk again, and that's a risk that coastal
3570 hazards can create; and (b) again, it's about any develop or changes in land use
3571 that would increase the risk of effects from coastal hazards.

3572
3573 Am I correct in saying that those two provisions... no, actually, I'll get your
3574 views on them. How are those two provisions, (a) and (b) provided for in Policy
3575 29 and 51?

3576
3577 Brass: I think that's really where my concern sits. For things that are captured by
3578 particularly 29(g), so in areas where risks and hazards are assessed as high, those
3579 activities are to be avoided. In that case, it's probably going further than NZCPS
3580 itself requires, and if the activities are avoided then harm and adverse effects as
3581 a result will be avoided.

3582
3583 My concern then is stepping outside those high risk areas. That's the terrestrial
3584 coastal environment that's outside a high risk overlay. The NZPCS still requires
3585 the risk of increasing harm and adverse effects be avoided, but I just can't find
3586 that in that policy frankly.

3587
3588 Chair: Sorry Mr Brass, I think I lost you somewhere in there. Did you say 29(g)?

3589
3590 Brass: Sorry, no, I was looking at 51.

3591
3592 Chair: Do you mind going back? I spent that time thinking I had the wrong set of
3593 provisions. Sorry, do you mind going back to 51(g)?
3594

3595 Brass: The equivalent is 29(d). It's the same thing. In 29(d) it is to avoid subdivision
3596 use or development and has sensitive activities where the hazards and risks are
3597 assessed as high. I am not clear from that whether the intention is that the plan
3598 would map a hazard area, and then on a case-by-case basis you would assess the
3599 risk and that would align more with how the NZCPS works. But, reading it on
3600 its face, it really seems to be in those zones those activities are to be avoided,
3601 when those overlays...

3602 [04.30.00]
3603 Chair: You have identified a gap. At 25(b) of the NZCPS, avoiding development and
3604 land use that would increase the risk of adverse effects from hazards... so, that's
3605 the risks to third parties, or could be the environment and the risks of adverse
3606 effects from coastal hazards. But, 29(d) is saying in these high areas the lower
3607 level plans have to have these provisions that avoid development. Is that what
3608 you're saying – that there's a gap, because where's the provision that gives effect
3609 to the second part of 25(b)? Is that the bit that's missing?
3610

3611 Brass: Partly, but more my concern is outside those areas where hazards and risks are
3612 assessed as high. So, this is through those hazard overlays which lead to
3613 objectives and policies.
3614

3615 You will have, as I understand, the CMA foreshore would be assessed as high.
3616 Parts of the terrestrial coastal environment would presumably have those
3617 overlays but other parts would not. In those other parts outside those high hazard
3618 overlays, there isn't that requirement either to avoid the activities or to avoid
3619 increasing the risk.
3620

3621 Chair: Understand. So, do you think to address that, because obviously this applies to
3622 both regional plans as well as district, do you think there needs to be something
3623 that's specific to the coastal environment in order to best achieve Policy 25?
3624

3625 Brass: Yes I do. I would be open to a similar approach outside the coastal environment.
3626 That would be consistent but that is not what the Director General has sought.
3627 It's been focused on [04.32.21] NZCPS.
3628

3629 Chair: Can you think of any unintended consequences or burden on plan making (I
3630 don't know if that's the right word) – anything unintended. If Policy 25 (a) and
3631 (b) were to be implemented but in a way that applied everywhere rather than just
3632 in the coastal environment.
3633

3634 Brass: I don't think I would call it an unintended consequence, but a clear consequence
3635 that would arise would be that activities that increase risk in particularly low and
3636 moderate hazard areas are going to be more constrained by the plan. So, there is
3637 going to be an impact on the ability to develop, but I would probably say that's
3638 an intended result of that kind of policy as opposed to an unintended
3639 consequence.
3640

3641 Chair: One example that we heard about earlier this week and I'm just talking about it
3642 just because sometimes it's helpful to have specific scenarios to test these

3643 provisions, is the sea-wall upgrade that Wellington Airport as said they need to
3644 do. They're obviously on the coast.

3645
3646 I am not sure if it's fair to ask what your view would be of how that upgrade
3647 work, or how these provisions would impact on that project. I think the things
3648 that we want to achieve or we have to achieve implementation of 25 in the coast,
3649 and are we... trying to do that as well as provide for the other things that Policy
3650 29 are trying to do, is it muddying or making things more complex than they
3651 need to be.

3652 [04.35.00]

3653 Brass: I don't think it is making it more complex in that the NZCPS applies and re the
3654 intention of having that expressed within the policy is to give effect to that
3655 through the RPS directly. The rebuttal evidence took the stance that the NZCPS
3656 applies anyway, but I think it's both a more effective and efficient of giving
3657 effect to the NZCPS and also clearer for plan users to reflect that in the RPS,
3658 rather than RPS users having to be aware that if their activity is within these
3659 overlays the NZCPS is then pulled through into the RPS, but if it's outside those
3660 overlays it hasn't been pulled through and they separately have to look up to the
3661 NZCPS for the relevant provision. I think that would concern me more in terms
3662 of unnecessary complexity.

3663
3664 Chair: Turning to the relief you think is needed to achieve that, and you're saying
3665 Policy 51 is actually maybe the better place for it?

3666
3667 Brass: Essentially, the [04.36.38] Policy 29 or Policy 51 was really intended to be
3668 equivalent. It could apply in either. My preference for 51 is essentially that then
3669 it applies directly, rather than being something that comes in, if you like, in a
3670 secondary way once it's applied through district and regional plans.

3671
3672 Chair: Dr Dawe's response... I think it was Dr Dawe, it might have been Mr Beban,
3673 the response was that your proposed GA is really replicating a lot of the language
3674 that's in the NZPCS. You have talked about that point.

3675
3676 Is there a way to achieve that intent and give effect to the NZCPS without...
3677 basically, have you thought about some alternative wording that means that
3678 Policy 25(a) and (b) won't be directly replicated, but can give some further
3679 helpful direction about how that policy can best fit in the RPS context?

3680
3681 Brass: I did look at 29(d) and 51(g) and whether it would be possible to incorporate
3682 something in there, rather than requiring an additional clause. But, I think really
3683 particularly because those clauses are directed at avoiding activities, rather than
3684 avoiding increasing harm or increasing risk, I wasn't able to find a way to tie the
3685 two together within one clause. I am totally open to more elegant drafting if there
3686 is available. I wasn't able to find a simpler way of achieving the end.

3687
3688 Chair: Does that mean that if there did happen to be a proposal for subdivision use
3689 development in the coast, and someone could make the argument that this
3690 development wasn't going to increase the risk of these social environmental and
3691 economic harms, or other adverse effects from coastal hazards, then they have
3692 satisfied the requirements of this policy?

3693 [04.40.05]

3694 Brass: That would be my intention. One of the examples that was used in the rebuttal
3695 evidence was sports fields. I wouldn't see anything at all to avoid the activity of
3696 a sports field even within a high hazard area. It's probably quite an appropriate
3697 use because it doesn't increase that risk.
3698

3699 Chair: Thank you. That's really clear. I will just see if any of the other Commissioners
3700 have any further questions from that discussion.
3701

3702 What would be an example just looking at your suggesting wording in 51(g)(a)?
3703 A sports field is one example. What would be another activity that might not...
3704 I'm just interested in identifying something that wouldn't increase the risk of
3705 social harm.
3706

3707 Brass: Examples I've seen would be residential redevelopment which better provides
3708 for residential activity, but isn't putting an increasing number of people within
3709 an area of hazard. One that was an issue that went through in Dunedin was
3710 around essentially adding kitchen facilities to a house and in that case it was a
3711 development but it was the same number of people living in the house. The risk
3712 of the house was no different. Those types of activities, there are certainly other
3713 things, probably more you industrial commercial type uses which are hard
3714 structures which they may occasionally get wet and they dry out again, and
3715 they're designed for that.
3716

3717 Chair: I don't think we need to worry too much about the bell. We have still got some
3718 time.
3719

3720 Could you just remind me, the comment that you made at the beginning about
3721 all of the coastal environment being... I don't know if you used the word
3722 "identified as high risk" but remind me about your comment about that.
3723

3724 Brass: As I understand it from the rebuttal evidence, within the Wellington Region, the
3725 coastal marine area is all identified as high hazard. I understand that includes the
3726 foreshore.
3727

3728 Then what the current drafting the policy is directing is that on land is for
3729 councils to identify areas of high, moderate and low risk, and place overlays on
3730 them.
3731

3732 My concern is around those overlays triggering the avoidance – where the
3733 overlays aren't high essentially.
3734

3735 Chair: It's okay if it's identified as high, the policy will be achieved – 25. It's where
3736 they're assessed as low or moderate and there's a risk it could enable more
3737 development than what is provided for by 25.
3738

3739 Brass: That would both in terms of NZCPS 25(a) and (b). Both development where
3740 essentially you're putting people or resources in harm's way, but also
3741 development which is in some way increasing risk for somebody else.
3742

3743 Chair: You talked about to extend the house and have more people there, so that's
3744 [04.45.00] exposing more people to that risk. What are some other examples of
3745 development on the coast that might exacerbate or increase risks for people?

3746
3747 Brass: Probably residential is the key one. Commercial industrial. If for example you
3748 had a large concrete slab building that was going to deflect onto a neighbouring
3749 property, that's potentially an issue. Commercial industrial it's probably easier
3750 to build in a way that can avoid increasing the risk, simply because you build
3751 with harder structures and people aren't living in it.
3752
3753 One of the ones I have been involved in for example are university residential
3754 colleges certainly avoiding putting them in harm's way.
3755
3756 Chair: That sort of extra sensitivity of the activity?
3757
3758 Brass: Yeah.
3759
3760 Chair: In Policy 51(h) as supported by the Officer, that's the one that if you're in the
3761 coast, if we don't have your provision that you're proposing it's (h) that has the
3762 risk of not providing, not giving effect to Policy 25 of the NZPCS.
3763
3764 Brass: Yes.
3765
3766 Chair: The introductory words of (h)... the point that you're making is, it's not enough
3767 to say, "Let's try to see how we can reduce the impacts of the hazard, the effects
3768 of the hazard, and this development should not be allowed for at all if it's in the
3769 coast."
3770
3771 It's not enough to try to go, "Let's increase our hazard management response in
3772 these areas?"
3773
3774 Brass: I'm certainly not saying that activities can't be appropriate within those areas
3775 where hazards and risk are assessed as low to moderate. I think development can
3776 happen in those circumstances.
3777
3778 Chair: Sorry, I was meaning if it's in the coastal environment.
3779
3780 Brass: Yes. I don't think the NZCPS is a barrier to development per se. The issue is, is
3781 it going to increase risk or at risk effects or of harm. I don't feel that (h) really
3782 directs that. It's essentially looser wording than the NZCPS would require.
3783
3784 That word "appropriate" is always pretty open to interpretation.
3785
3786 Chair: Would you expect that the next level down, which I guess for the coast it would
3787 have to be at the regional plan level, would you expect clearer articulation of
3788 Policy 25(a) and (b) to give that further direction for consenting, and actually
3789 the [04.49.36] plan changes as well?
3790
3791 Brass: Yes I would expect that and it would apply to district plans as well, in terms of
3792 the terrestrial coastal environment. But, my preference is that you have a direct
3793 [04.50.00] nexus via the RPS, rather than relying on them going back up to the NZCPS
3794 Development Policy 25.
3795
3796 Chair: Any thoughts on that – and we asked some other planners this questions too Mr
3797 Brass, that in 51 how it refers to I think the consenting direction is clear, or the

3798 purpose of this provision in consenting, but how it also applies to plan changes
3799 and reviews. I guess the two scenarios where there has been a district plan or
3800 regional plan has given effect to Policy 29.

3801
3802 What impact does this consideration Policy of 51 have on any future plan
3803 changes?

3804
3805 Brass: My reading is that it essentially creates that as an ongoing obligation. So, it's not
3806 just that you put into your plan. Once under Policy 29 it may trigger further plan
3807 changes if hazard information becomes available. That's certainly a fairly
3808 common trigger for plan changes, but probably more generally is just that if
3809 there are other plan changes. For example, a lot of districts now are looking in
3810 terms of housing development. So, the effect of 51 is that both if you have future
3811 hazard focused plan changes, but also plan changes for other things, to make
3812 sure that they remain consistent with that requirement.

3813
3814 Chair: Thank you. That's really useful.

3815
3816 Brass: I think that is really important.

3817
3818 Chair: Important to retain that as a direction for ongoing plan changes?

3819
3820 Brass: Yeah.

3821
3822 Chair: The only other thing I want to talk about was infrastructure. I know we've only
3823 really got a couple of minutes.

3824
3825 The key point of difference, NZTA are saying the words in Policy 25(d)
3826 "encourage the location of infrastructure"... they're requesting in Policy 29 a
3827 change. So, where hazards have been identified there's a high risk. This avoid
3828 direction applies unless you're providing for infrastructure and you manage the
3829 risks appropriately. They're saying that the direction in the NZCPS is very
3830 enabling for infrastructure in that situation. The provision you're supporting
3831 requires as I understand it, allows for infrastructure but you need to go through
3832 that functional operational need assessment.

3833
3834 Is that it? Have I captured that right?

3835
3836 Brass: Yes, that's correct. My thinking there, NZCPS 25(d) still encourages the
3837 location of infrastructure away from areas of hazard risk. So, if you like, if it
3838 doesn't have a need to be there then you should be encouraging it to be
3839 elsewhere; but if it does have a need to be there, then I'm comfortable that 25(d)
3840 does allow for infrastructure to occur within areas of hazard risk.

3841 [04.55.15]

3842 It's less hard-edged if you like than (a) or (b).

3843
3844 Chair: The officers might have a different view having heard from submitters, but so
3845 far I think they are supportive of retaining the functional operational need
3846 assessment, rather than a more enabling provision for infrastructure. They might
3847 come back on that point.

3848

3849 Thank you. I think we have run out of time unfortunately. Thank you very much
3850 for your legal submissions and the evidence. It's really helped us understand
3851 these hazard provisions better, and absolutely what may need to change to give
3852 effect to the NZCPS. We really appreciate your input.

3853
3854 Was there anything else you feel we haven't covered that you would like to talk
3855 about?

3856
3857 Brass: If I may, just two very quick things.

3858
3859 Chair: Please.

3860
3861 Brass: One was in terms of... it's both 29(d) and 51(g) where there's that exemption for
3862 activities that have a functional or operational need. In my evidence I had
3863 suggested that should be limited to infrastructure. That reflected the submitters
3864 who were seeking that.

3865
3866 The rebuttal evidence has disagreed with that. I am probably now sitting
3867 somewhere sort of in between and I do see there are activities other than what is
3868 strictly defined as infrastructure that may still be appropriate. But, having
3869 reflected on that, I think now the really key focus is the additional clause that I
3870 have sought in terms of that avoiding and increasing risk. I think if that issue
3871 was addressed then that largely addresses my concern around that infrastructure
3872 exemption.

3873
3874 The other thing I did just want to highlight, which is not in my evidence; in my
3875 evidence at para 34 I supported a proposed change in the S42A Report to ensure
3876 that hazard mitigation activities don't increase risks; so again time back to
3877 NZCPS. The rebuttal evidence has now proposed a change so that instead of...
3878 so that they minimise and do not increase, it would be minimise or do not
3879 increase. I think that is a very different effect. Essentially it's a consent applicant
3880 choose whether they are going to avoid increasing risk or just minimise it.

3881
3882 Again going back to early mention of sea-walls, and I have spent a bit of time
3883 walking the beaches on the Kapiti Coast and sea-walls along there; so the
3884 example of a private sea-wall to protect private property which is going to have
3885 end effects on a neighbouring property, my reading of the NZCPS is that
3886 increasing the effects on your neighbour is not something that would be
3887 approved under the NZCPS.

3888 That change from and to an or, would allow an applicant to say, "I am not going
3889 to avoid increasing risk to my neighbour, but I am going to fettle the design of
3890 the sea-wall and the end, and put a rebate and some planting and minimise how
3891 much worse I'm going to make it for my neighbour," and I can't see that as being
3892 consistent with the NZCPS.

3893
3894 Chair: Understand that point. Thank you.

3895 [05.00.00]

3896 Thank you very much. I know Dr Dawe, I think, had said in his evidence that if
3897 you had examples where that exemption functional operational need. I think you
3898 made the point that housing might be able to make that argument – functional
3899 operational need. I think he invited you to if you had some specific examples.

3900

3901 I think we really have unfortunately run out of time. I think this room is needed
3902 for something else. If you do have any comment on that in twenty seconds or so.
3903

3904 Brass: I don't have specific examples relating to that wording "functional operational
3905 need". It's more a general concern of seeing quite frequently where land owners
3906 and developers are still looking to push the envelope and develop in areas where
3907 there is potentially risk.
3908

3909 It's that that's driving my concern rather than that specific wording has been
3910 misused.
3911

3912 Chair: Thank you so much for your time. Thank you Ms Anton, thank you Mr Brass.
3913 Unfortunately we have to leave it there.
3914

3915 Anton: Thank you.
3916

3917 Chair: I am sure we will see you in the biodiversity hearings if not before. Thank you.
3918

3919 Anton: Thank you very much.
3920

3921 Brass: Thank you.
3922

3923 Chair: Thank you everyone. That concludes the Climate Change Hearings. Unless there
3924 is anything else we will wrap up with a karakia. Thank you very much Ms Guest.
3925

3926 Guest: Thank you. Just before I wrap up with karakia, on behalf of the Council we
3927 would like to make a couple of acknowledgements: firstly, to acknowledge the
3928 ongoing participation of mana whenua/tangata whenua partners in the Change 1
3929 Process. We are very aware of the pressures they are under and really appreciate
3930 the time that they take to submit and present to us. Particularly we want to
3931 acknowledge Ngā Hapū o Ōtaki who made their first appearance in hearings for
3932 RPS this week. Thank you to them.
3933

3934 I would like to acknowledge the pressures that the Panel has been under this
3935 week with the rapidly changing line-up. We really acknowledge it and
3936 appreciate the fact that you're continuing in a very professional manner to run a
3937 nice tight show and to make everyone feel welcome. Thank you all for that. Best
3938 wishes to the two Commissioners and a rapid recovery.
3939

3940 Onto karakia.
3941

3942 Kia tau te manaakitanga ki runga i tēnā, i tēnā o tātou
3943 Kia piki te ora, kia piki te māramatanga
3944 Kia hoki pai atu, kia hoki pai mai
3945 Tūturu whakamaui kia tina
3946 Tina, haumie, hui e, tāiki e
3947
3948

3949 [End of recording 05.03.16]