

WELLINGTON REGIONAL COUNCIL

PROPOSED CHANGE 1 TO THE WELLINGTON REGIONAL POLICY STATEMENT

MINUTE 27

HEARING STREAM 7 (HS7) – RESPONSE TO SUBMITTER CORRESPONDENCE, COUNCIL’S REPLY FOR HS7, AND UPDATED TIMETABLING DIRECTIONS

1. We have now concluded the hearing of submitters on Proposed Change 1. As we noted at the end of the hearing yesterday, we acknowledge and thank everyone who has participated in the hearings to date, including the Hearings Advisors, s 42A report writers, Council staff, all submitters, experts and counsel. We are grateful for your thorough and considered engagement in the process.
2. This Minute:
 - a. Notes specific submitters’ decisions to withdraw from presenting in the HS7 hearings,
 - b. responds to unsolicited comments received from submitter Doctors for Active Safe Transport (DAST) S116 regarding Hearing Stream 3 – Climate Change Transport Right of Reply from Ms Allwood,
 - c. sets out specific questions we direct Council to address in their Reply for HS7, and the due date for the Reply, and
 - d. provides updated and consolidated timetabling directions.

Submitters electing not to present at HS7

3. Counsel for Department of Conservation and WIAL sought leave on 12 and 15 April respectively, to be excused from the hearing time they had been allocated in HS7.
4. Counsel for DoC advised that the hearing slot was no longer required, and Counsel for WIAL advised that although WIAL did not necessarily agree with all of the Officer’s analysis regarding the definition of RSI, it supported the Officer’s recommended amendments to the ‘Wellington Airport’ provision within the definition. Counsel for WIAL supplied Memorandum of Counsel on the 15th of April, it is available on the hearing website [HS7 S148 Wellington International Airport Ltd Memorandum of Counsel 150424 \(PDF 195 KB\)](#)
5. The leave sought by DoC and WIAL is granted. We note that a minor issue did arise in the hearing on Monday regarding the Airport definition (discussed in para 10(g) below), and the Reporting Officer will contact Ms Dewar and/or Ms Hunter to discuss this, and advise us of the outcome in due course.

Comments from DAST (S116)

6. On 7 April 2024, the Hearings Advisor received a document headed [‘Right of Reply from Doctors for Active Safe Transport, Hearing Stream 3 – Transport, 7 April 2024’](#). The Hearings Advisor is of course obliged to provide any correspondence from submitters to us.

7. The document from DAST provides comments on Ms Allwood's Reply evidence following the Hearing Stream 3 Transport caucusing.
8. The process we have notified to all parties does not provide for further submitter comments after the Reporting Officer Right of Reply. To allow this would invite yet a further round of comments from the Reporting Officer, and any other submitter that wanted to comment on those comments.
9. We assure DAST that we will be giving full consideration to their Hearing Stream 3 presentation and evidence, but the 7 April 2024 comments have been provided outside the process and we are unable to consider them.

Council's reply

10. We ask the Council to please address the following matters in its reply (in addition to any other matters it wishes to raise following the hearing of submitters on this topic).

Categorisation of provisions

- a. Please advise whether, having heard submitters, you recommend any changes to the categorisation of provisions between FPP and P1S1.
 - i. In Table 3 of the s 42A Report on Definitions, the Officer recommends that the three definitions that are within the scope of the Report (*National Grid*, *Regionally Significant Infrastructure* and *Strategic Transport Network*), are re-categorised as P1S1 provisions on the basis that while activities associated with these definitions may have some interaction with water quality, the connection to freshwater quality and quantity is indirect because the substance of the definition substance is largely about the activity itself rather than its effects.
 - ii. It seems that Officers across the different hearing streams may have applied a different methodology to the categorisation of provisions and definitions in Proposed Change 1. For example, the explanation and rationale given by the HS4 Report Author, to the categorisation of HS4 definitions to the FPP (see Table 5, s 42A Report, HS4) and the explanation and rationale given by the HS7 Report Author to the categorisation of HS7 definitions (see Table 3: FPP assessment), seems to be different.
 - iii. We found the approach described in Mr Wyeth's HS2 Right of Reply evidence clear and helpful (see paragraphs 39 – 42).
 - iv. We would be grateful if the Officers across the different hearing streams could please review their advice on the categorisation of all provisions to the FPP with a view to providing consistent analysis and rationale for their recommendations.

Consequential amendments

- b. Can the s 42A Officer please review whether the amendments he has proposed to Methods 1 and 2 accurately capture the intent. Please consider whether this formulation (or an alternative) is clearer:

“Method 1 / 2: The process to amend district/regional plans to implement policies [X] – [Y] will commence as soon as reasonably practicable, **and be notified in the next relevant plan change or full plan review unless an alternative timeframe for notification is specifically directed within the policy** ~~unless otherwise specifically directed within the policy, and must be given effect to through the next relevant plan change or full plan review.~~

- c. In response to questions from Ms Rushmere for UHCC at the hearing, can Officers please advise whether the timeframe of 30 June 2025 in CC.2 and CC.2A (the transport subtopic in HS3) is the timeframe for notification of the plan change document, or the timeframe for the provisions to be implemented and operative? The meaning of the phrase “*including objectives, policies and rules*” in Policies CC.2 and CC.2A is not clear. The same issue arises in Policies 24B, 24C and 24D in HS6 (although we appreciate these are the subject of caucusing in early May) so the Officer may wish to confine his comments to CC.2 and CC.2A.
- d. Can Council please review the provisions cross referenced within Methods 1, 2 and 4 and advise on the following.
- i. Do Methods 1, 2 and 4 contain all the relevant regulatory policies, including those that are supported by Council Officers in their final ‘reply’ set of provisions within each hearing stream? We query, for instance, if Policies 24B and 24C from HS6 are inadvertently missing, (although we appreciate these are the subject of caucusing in May and so may not have been included for that reason).
 - ii. Can Council please check the policies cross-referenced in Methods 1, 2 and 4 against the list of regulatory policies that they provided to us on 8 April 2024. Are both lists of regulatory policies consistent? For instance, the ‘8 April’ version lists Policy FW.4, but this is struck out in Method 1 (Appendix 1, HS7, Consequential amendments).
- e. The Introduction text to HS4 and Policy 55 refer to the Wellington Regional Growth Framework or the Future Development Strategy. We understand that the FDS was adopted in March 2024. Can Council please advise whether it recommends any consequential amendments to the HS4 Introduction text or to Policy 55 as a result of the adoption of the FDS? We are interested in advice on consequential changes, for example:
- i. can the paragraph commencing “The Wellington Regional Growth Framework provides a spatial plan...” be deleted from the Introduction;

- ii. Can Policy 55(b) be amended to read “it has regard to the *Future Development Strategy* that describes where and how future *urban development* will occur in that district or region” (based on the wording supported by the Officer in their Reply evidence), and
- iii. Does the Council consider that any consequential amendments are needed to the definition of *Future Development Strategy*?

Variation 1

- f. During the HS7 hearing, Commissioner Paine asked Mr O’Brien, the Reporting Officer for Variation 1, about the phrase “safe and healthy access” in paragraph 4 of the proposed long-term freshwater visions.
 - i. Commissioner Paine was uncertain what “healthy access” meant. We understand the words were suggested by Mr Brass, on behalf of the Director-General of Conservation and may respond to concerns raised by Waka Kotahi around ‘health and safety’ issues in accessing water bodies when infrastructure was present (see paragraph 5.1 of Ms Heppelthwaite’s evidence). We also understand that the phrase was supported by the original Reporting Officer for this topic, Mr Sheild.
 - ii. It may just be that the reference to “healthy” is intended to apply to the recreational activities mentioned in the remainder of paragraph 4 of the objectives, in which case some restructuring of the sentence may be needed. If the term is intended to refer to “health and safety” issues, then again, some rephrasing may be required as this seems to be a different point from “safe and healthy access”.
 - iii. We request that Mr O’Brien consider this further, and discuss with Mr Brass and/or Ms Anton, and Ms Heppelthwaite, to ensure that the policy intention of the submitters’ relief is clear and reflected in the provision to the extent the Officer considers appropriate.

Regionally significant infrastructure definition

- g. The definition of RSI includes ‘Wellington International Airport’. We have some questions about the clarity of the amendment proposed by the Officer, and supported by WIAL.
 - i. Can the Officer please confer with Ms Dewar and/or Ms Hunter and advise whether WIAL agrees to any amendments to the definition to clarify that the buildings, installations, equipment referred to must be owned/operated by WIAL (so that, for instance, a car rental business located on WIAL’s land that is operated by a third party, is not RSI).
 - ii. We appreciate the definition begins “Wellington International Airport including its infrastructure etc” (emphasis added). However, we query

whether amendments are helpful to remove any doubt that other buildings/installations etc located on airport land, are not RSI.

- iii. We also query the words “its administration”. We assume that administrative activities associated with the airport must be carried out by the airport in order to come within the RSI definition, but we query whether this wording also requires clarification.
- iv. Can the Officer also consider whether the word “such” can be removed from the definition, so that it would read “... buildings, installations, and equipment on or adjacent to any ~~such~~ area used in connection with the airport...”, in the definition of Wellington airport.
- h. Does Mr Watson have any additional comments in response to Ms McGruddy’s presentation at the hearing and [Hearing Statement dated 10 April 2024](#), requesting that rural water storage infrastructure be included within the definition of RSI? Would it be appropriate, in the Officer’s view, to recognise ‘community scale’ (as opposed to ‘single-farm or ‘neighbourhood farm scale’) rural water storage and supply networks in the definition of RSI, and if so, can the Officer please provide any wording he would recommend to reflect this.

Natural character

- i. Can Dr Dawe please advise how / where other requirements of Policy 13, NZCPS are implemented in the RPS? Can Dr Dawe also consider please consider whether any amendments are appropriate to the explanation to Policy 3 to make it clear that it only implements Policy 13 in part.

Wrap up / Integration

- j. Can Counsel for the Council please advise whether the panels are able to recommend deleting the words ‘see also’ from all the tables subject to Change 1, or whether this could raise issues of scope or other legal issues. Council’s recommendation to delete the words ‘see also’ is set out in paragraph 12 of Ms Pascall’s comments of 8 April 2024 (Response to Request for Information in Minute 23 – Paragraphs 6(d) and 6(f)) uploaded to the HS7 webpage.
11. We direct Council to please provide its response to the above questions in paragraph 10, as part of its HS7 Reply, by 3pm on 30 May 2024.

Updated and consolidated timetabling directions

12. Updated directions for the remaining stages of the Proposed Change 1 process are currently as follows: (with previously unconfirmed or new dates or timing highlighted in bold)

Topic	Due Date
Hearing Stream Six (HS6) Indigenous Ecosystems Caucusing Session	6 th May 2024
Publishing and notification of HS6 Caucusing Joint Witness Statement	5pm 9 th May 2024
HS6 Submitter Comments on Joint Witness Statement	5pm 21 st May 2024
HS6 s42A Report Author Right of Reply	3pm 30th May 2024
HS7 s42A Report Author Right of Reply	3pm 30th May 2024
P1S1 and Freshwater Panel Recommendation Report	21 st June 2024
Notification of Counsel Decision	19 th August 2024

Service on Council

13. Any evidence, submissions or other information required by this Minute, and any memorandum or application to the Freshwater Hearings Panel and/or P1S1 Panel should be lodged by email to regionalplan@gw.govt.nz.

Dated: 17 April 2024



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