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**Proposed Change 1 to the Regional Policy Statement for the Wellington Region**

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The following is my submission on the proposed change to the Regional Policy Statement .

In preparing my submission I have copied the relevant section from the proposed plan change and shown it in **black**.

My observations are shown in **red**.

The decision that I am requesting is shown in **green**.

I wish to be heard by speaking in support of my submission.

**Disclosures:** I could gain an advantage in trade competition through this submission: No

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Preamble to the Proposed Regional Policy Statement. Council order paper 18 August 2022

Document states - Recommendations in reports are not to be construed as Council policy until adopted by Council

Members of Council present at the meeting held on Thursday 18<sup>th</sup> August 2022 were:

Cr Ponter (Chair), Cr Staples (Deputy Chair), Cr Blakeley, Cr Brash, Cr Connelly, Cr Gaylor, Cr Hughes, Cr Kirk-Burnnand, Cr Laban, Cr Lamason, Cr Lee, Cr Nash, Cr van Lier.

When a vote was called all those present voted in favour.

The following formed a part of the Council order paper and as a result may be construed as Council policy to which all Councillors consent.

Page 10 Clause 44 – states

**the intent of RPS Change 1 to wrap constraints around the housing intensification direction** by August 2022, so that the urban development does not occur at the expense of environmental, social and cultural values.

This clause clearly states that it is the deliberate intention of GWRC to use the RPS to create a change in the directives contained in NPS-UD by wrapping constraints around housing intensification direction. In doing so GWRC is acting Ultra Vires and is once again following the path for which it was severely admonished by the Environment Court in that it is making regulation by fiat. All Councillors have made themselves a party to this intention and are jointly and severally responsible for it.

The community is increasingly troubled by the council's apparent belief that it has the right, power and mandate to regulate matters more properly the domain of central government, and to ignore limits imposed by central government where the council disagrees.

It is not the place of the GWRC to be the self-appointed arbiter in deciding which parts of Government policy contained in a NPS it will choose to fully implement. Local government's role is to implement what central government has mandated, not to go beyond and create regional inconsistencies.

Decision requested – amend the document to remove any and all clauses that seek to implement the intention stated above which is contrary to the intent and direction contained in NPS-UD.

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Page 13

Council is required by the Resource Management Act 1991 to prepare a Regional Policy Statement and to give effect to national direction, including the National Policy Statement on Urban Development 2020 and the National Policy Statement for Freshwater Management 2020

See page 10 which states intent to constrain NPS-UD. GWRC cannot have it both ways – either they support the national direction or they do not.

Decision requested – affirm that GWRC have a statutory obligation to give effect to NPS and not make up their own rules as they go along.

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Page 15

The focus of RPS Change 1 is to implement and support the National Policy Statement on Urban Development 2020 (NPS-UD),.

Another statement of support and again the intention to constrain makes this disingenuous.

Decision requested – require GWRC to be consistent and not pose contradictory statements in the document.

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**FW –**

The document contains the Fresh Water indicator in numerous places and whilst in some cases there is a clear linkage to NPS-FM there are many where the linkage is tenuous at best.

The preamble specifies the criteria for determining the scope of a freshwater planning instrument - namely that there should be a direct relationship to freshwater quality or quantity. The Court's decision maintains that it is up to regional councils to determine and justify a connection to freshwater for each provision.

Council has indicated which parts of Change 1 meet at least one of the tests now required to form part of a freshwater planning instrument:

- a - give effect to parts of the NPS-FM that regulate activities because of their effect on the quality or quantity of freshwater, or
- b - relate directly to matters that will impact on the quality and quantity of freshwater.

This process and logic have not been applied in a consistent fashion.

Decision requested – GWRC must examine the document and remove the FW indicator from those parts of the document where it fails to meet their own specified criteria. Those parts will not comply with the scope of a freshwater planning instrument but will fall under a Section 1 process.



**The overarching resource management issues for the Wellington Region are:**

Adverse impacts on natural environments and communities

leaving communities and nature increasingly exposed to the impacts of climate change.

Communities and nature have always been and will always be exposed to the impacts of climate. Nothing within the RPS will reduce that impact and the focus should be on putting measures in place that will deal with the consequences that will arise. Refer recent weather generated impacts on Nelson/Marlborough and Northland.

We should be using this time between waves to shore up our protections, not abolish them.

Decision requested – GWRC to focus on positive measures that can mitigate climate generated impacts.

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Lack of mana whenua / tangata whenua involvement in decision making

Māori have not been given **sufficient** weight in decision-making, including from governance level through to the implementation.

This raises the question as to what equals sufficient weight. It is not appropriate to address a perceived imbalance by setting about creating another and larger imbalance. Throughout the document there is focus on consulting the Maori portion of the community, but the same emphasis is not being given to consulting the remainder and numerically larger section of the community. GWRC has an obligation to represent and take care of all population groups of the Region and not to deliberately disenfranchise one or more groups of people.

Decision requested – GWRC to address the lack of consultation across all sectors of the community and not favour one to the exclusion of others.

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### 3.1A Climate Change

While historical emissions mean that we are already locked into continued global warming until at least mid-century, and longer for sea-level rise, there is still opportunity to avoid the worst impacts of climate change if we act urgently across all sectors to make significant reductions in global greenhouse gas emissions.

The reality of global greenhouse emissions is that even if NZ was to eliminate all of its emissions it would have zero impact on the global situation but would cripple our economy.

If we are to cope with the results of climate change, we need to have the strongest economy that we can generate which will give us the resilience to mitigate the inevitable consequences of changing weather patterns and sea levels. To take measures that create a negative impact on our economy for

little more than a bureaucratic feel-good factor is counterproductive. The country needs to be strong for it to survive.

Decision requested – GWRC to ensure that the need for a strong economy is recognised and measures put in place to promote commerce and agriculture as a key elements of the RPS.

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The key areas of action required to address climate change are

1. methane reductions offer a **significant opportunity for global cooling in the short-term.**

Opening statement says that we are already locked into continued global warming until at least mid-century. Action item 1 is diametrically at odds with that statement. Which one of these contradictory positions does GWRC want to adopt.

Decision requested – amend this statement so that the document is consistent.

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Increase greenhouse gas sinks through carbon sequestration, while recognising that this is **only a short-term solution.**

Not a short-term solution but if done properly through plantation forests that are sequentially harvested it can both lock in carbon and produce an ongoing economic benefit. Forests can be a mix of both fast growing, high value timber and crop producing trees.

Decision requested – delete the statement re short-term solution.

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Take adaptation action to increase the resilience of our communities, the natural and built environment to prepare for the changes that are already occurring and those that are coming down the line. Critical to this is the need to protect **and restore** natural ecosystems so they can continue to provide the important services that ensure clean water and air, support indigenous biodiversity and ultimately, people.

This clause sees the introduction of the concept of restoration, which is inadequately defined in the definitions section of the RPS. Based on the past track record of GWRC ecologists the community does not trust GWRC with open ended powers which a concept of this nature would give. There is no argument with protecting that which currently exists but issue is taken with the concept of returning something to a loosely defined prior state.

Decision requested – remove the words **and restore** from this clause.

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Greenhouse gas emissions must be reduced significantly, immediately and rapidly.

Immediate, rapid, and large-scale reductions in greenhouse gas emissions are required **to limit global warming to 1.5°C,**

This wild goose has long flown with the target of 1.5 C already exceeded and GWRC needs to stop focussing on what we cannot do and pay greater heed to what we can do. The greatest amount of effort must be directed at that which we can do best. Knee jerk reactions are, for the most part, counterproductive.

Decision requested – amend this clause to read “Net Greenhouse gas emissions must be reduced.” Delete the phrase “significantly, immediately and rapidly.”

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Climate change and the **decline** of ecosystem health and biodiversity are inseparably intertwined.

Climate change is placing significant additional pressure on species, habitats, ecosystems, and ecosystem processes, especially those that are already

threatened or degraded, further reducing their resilience, and threatening their ability to persist.

This statement amounts to a pure throwaway line and there is no evidence to support the contention that climate change is damaging biodiversity. Present levels of CO2 are around 445 parts per million. To gain maximum plant growth in a commercial greenhouse the CO2 level is artificially increased to between 1,000 and 1,300 parts per million. Rather than reducing resilience, climate change is encouraging plant growth through increased CO2 levels and temperatures. Instead of there being a decrease in indigenous biodiversity there is evidence to indicate that the converse is the case.

Decision requested – delete this clause which is little more than rhetoric. Statements should only be made when they are able to be evidentially supported. There are no footnotes in the document to support the linkage claimed.



The risks associated with natural hazards are exacerbated by climate change our over-reliance on hard engineered protection works, which will inevitably become overwhelmed and uneconomic to sustain, will ultimately increase the risk to communities and the environment.

This statement is made from a pre-conceived point of view and is not based on evidential analysis. There are numerous examples of hard engineered protection works throughout the world that have given and continue to give the protection that they were designed to achieve. Thames Barrier ( tidal surge), Rhine estuary at Maastricht ( tidal surge and controlled river flow), Afsluitdijk (to create dry land from a 5 metre deep seawater bay). Closer to home the entire Hutt valley is protected from periodic flooding by the stop bank system and there will only be any increased risk if there is a failure to maintain them.

Within GWRC there is a group of officers who have a philosophical objection to any action which interferes with the course of nature, as evidenced by the concept of “give the rivers room to move” and to whom any engineered solution is anathema.



Decision requested – delete the above clause which has no evidential basis. Hard engineered protection works that are well designed, well-engineered and well maintained do not increase risk.

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The impacts of climate change will exacerbate existing inequities

The impacts and costs of responding to climate change will not be felt equitably, especially for Māori. Some communities have no, or only limited, resources to enable mitigation and adaptation and will therefore bear a greater burden than others, with future generations bearing the full impact.

The concept that somehow there will be a greater impact for Maori living in say Katherine Mansfield Drive than on the rest of the community is patronising. Climate change effects will not discriminate on the basis of ethnicity.

Decision requested – remove the phrase “especially for Maori” to better reflect the obligation of GWRC to consider the community in its entirety.

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Climate change threatens tangible and spiritual components of Māori well-being

Another distorted view of the world which is lacking in balance. Where any community chooses to locate is the result of a number of factors, all of which were relevant at the time that the decision was made. Proximity to water for both transport and life support, proximity to raw materials and to food supply are all influencing factors globally.

Decision requested – remove the word Maori and insert Community.

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KkW Policy 10 For Kahungunu ki Wairarapa indigenous species and tangata whenua values come first: Management of Trout and Salmon shall be consistent with the values of tangata whenua. Indigenous species shall have

the priority to be abundant, **which may mean trout and salmon shall be removed**

This aspect is suggesting an action which would be illegal, and it is not appropriate for GWRC to be aligning itself with KkW Policy 10. In doing so they would appear to be encouraging others to commit an offense.

Questions for GWRC.

1. Have they identified how this provision will work with the Freshwater Fisheries Regs and are they confident that compliance with the RPS will not expose people to any additional compliance costs or liability under the Regs?
2. Have they consulted with DOC or Fish and Game in developing this provision?
3. Given that mass killing of edible fish is undesirable, where do they anticipate the unwanted fish will be transported to? Have they thought about the impact on indigenous fish in those locations?

Decision requested – It is not the place of GWRC to selectively observe legislation and they should be so advised. KkW Policy 10 should be removed from the RPS

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The regionally significant issues and the issues of significance **to the Wellington region’s iwi authorities** for natural hazards are:

The inclusion of this phrase is not necessary and implies that the effect on Iwi is deserving of special mention and differs from the effect on other sectors of the community.

Decision requested – remove the highlighted phrase from the RPS.

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Human actions can increase risk and consequences from natural hazards

While there may be truth in this statement it should also be recognised that the converse is also true – eg. Hutt River stopbanks.

GWRC needs to recognise that it has a strong philosophical bias against anything that is not a “natural” solution.

Decision requested – amend the clause to read “increase or decrease”

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Policy CC.5: Avoid increases in agricultural greenhouse gas emissions – regional plan

Regional plans shall include objectives, policies, rules and/or methods to avoid changes to land use activities and/or management practices that result in an **increase, in gross greenhouse gas emissions** from agriculture.

There are many situations where a change in agricultural practice will result in both an increase and a decrease in emissions. The focus should be on the net change and not focus on only one side of the equation. Philosophically GWRC appear to wish to view only one side of the equation but that results in a false picture of what is happening in reality. GWRC do not seem to have a grasp of basic mathematics.

Decision requested – Delete the word “gross” and insert the word “net”.

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Policy CC.6: Increasing regional forest cover and avoiding plantation forestry on highly erodible land – regional plans

Regional plans shall include objectives, policies, rules and/or methods that support an increase in the area of permanent forest in the region

(a) promoting and incentivising the planting or regeneration of permanent indigenous forest over exotic species,

, offsetting through carbon sequestration is only a short-term solution

Offsetting through carbon sequestration is a **viable, long-term solution**. GWRC may seek to reduce emissions and might even, to some extent, succeed. GWRC will, however, have no control and minimal influence over the global emissions output. The emphasis on permanent indigenous forest has little to

do with whether it is the most effective course of action to sequester carbon but is greatly influenced by a philosophical mindset.

Forest, comprised of any species, will only produce a net storage of carbon while it is in an active growing phase. Once the forest is mature it reaches a state of limbo where there is no longer a net absorption of carbon and as trees within the forest die and fall to the forest floor and rot, the forest becomes a net emitter of methane.

Plantation forest can be sequentially planted, harvested and again planted. Erosion and slope stability issues can be addressed and controlled. Research can focus on economic utilisation of slash and controls put in place to ensure that it is not left on site to clog waterways.

Using this methodology, it is feasible for NZ to become a net sequester of carbon and at the same time generate a strong positive cash flow.

Aiming for carbon zero is short-sighted – we should be targeting a strongly negative carbon long term position. There is a global market for carbon credits that is likely to remain in the longer term and we should be aiming to take advantage of this market. Carbon sequestration can be used to create a double economic benefit using trees to produce crops, high value timber, construction materials etc. as well as creating carbon credits.

Decision requested – GWRC review the calculations which have been used to support the concept that permanent forest gives the best overall outcome taking all factors into consideration. GWRC to produce the scientific evidence for scrutiny and peer review.

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Policy 18: Protecting and restoring aquatic ecological function health of water bodies – regional plans

(b) there is no further loss of extent of natural inland wetlands and coastal wetlands, their values are protected, and their restoration is promoted.

When it comes to GWRC making statements relating to wetlands and the concept of restoration, the Mangaroa Peatlands community have every reason to be hypersensitive. GWRC have a past track record of taking punitive action against both members of the community and the Upper Hutt City Council.

Their actions have been referred to as draconian by the Environment Court and their ill-considered case has cost the ratepayers of the Wellington Region in excess of one million dollars.

We have on record Councillor Ros Connelly informing the peatland community that she was in favour of the peatland water table being raised by over 2 metres in order to restore the wetland and that she was in favour of compensation being paid to affected property owners. This is indicative of a worrying mind set on the part of GWRC.

The peatland is not now a natural wetland and has not been a natural wetland since the late 1800's and early 1900's as confirmed in evidence to the Environment Court hearing which was initiated by GWRC. We consider that the phrase "and their restoration is promoted" should be deleted from the RPS as its presence will be interpreted by the eco factions within GWRC as license to proceed along extreme lines.

Decision requested – delete the phrase "and their restoration is promoted".

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Policy 23: Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans

By 30 June 2025, District and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values

GWRC is again showing its arrogant attitude in not only believing that it can accurately predict the outcome of the consultation stage of NPS-IB but know when it will come in to force. The exposure draft indicates that SNA area plans will need to be notified within 5 years from the commencement date which date has not yet occurred. By introducing a date of June 2025 GWRC is attempting to pressure already overloaded local authorities to produce SNA maps without adequate time for community consultation.

GWRC are also using assessment criteria that have not yet been confirmed following the consultation stage of the draft NPS-IB and as such are attempting to disenfranchise the community.

Decision requested – delete “30 June 2025” and insert “within 5 years from the commencement date of NPS-IB.

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Indigenous ecosystems and habitats **can have** additional values of significance to mana whenua / tangata whenua. There are **a number** of indigenous ecosystems and habitats across the region **that are significant** to tangata whenua for their ecological characteristics. These ecosystems will be considered for significance under this policy **if they still exhibit the ecosystem functions which are considered significant** by mana whenua / tangata whenua.

This paragraph is poorly phrased and makes assumptions without stating any research to substantiate how many ecosystems there are and why they are of significance. If we do not know why they are significant then how can we ascertain if that significance remains. This concept requires a total re-think.

Decision requested – It is recognised that there are values and standards that are of significance to the Maori community and as long as those values and standards remain within that community then there is no conflict. However once you attempt to introduce those standards into the wider community then you need to need to establish who, what, why and where. Wishy washy language such as “can have” and “a number” and “significant” all need to be defined and quantified prior to introduction to the RPS which affects the entire community and not just one sector.

GWRC should refine the RPS to address these factors and meet their obligation to the community.

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Policy 30: Maintaining and enhancing the viability and vibrancy of regionally and locally significant centres – district plans

Policy 30 identifies **the hierarchy of** regional and locally significant centres within the Wellington Region

What does hierarchy mean?

**Hierarchy is defined as a system in which people or things are put at various levels or ranks according to their importance:**

Policy 30 does not identify any hierarchy. If it did then it would be stating that Upper Hutt is more important than Lower Hutt.  
This is yet another example of sloppy drafting on the part of GWRC.

Decision requested – delete the words “ the hierarchy of”.

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**Policy 31: Identifying and enabling a range of building heights and density**

Policy 31 is an unnecessary inclusion that has the potential to cause confusion. NPS-UD clearly specifies how Local Authority District Plans are to be amended to give effect to the NPS and Policy 31 is attempting to insert another layer of bureaucracy in the process. As such Policy 31 adds nothing but the potential for confusion as to whether the Regional Policy Statement or the National Policy Statement prevails.

The NPS contains all of the criteria needed for the Local Authority to make any adjustments to their District plan in order for it to comply with Government direction.

Decision requested – delete Policy 31 from the RPS.

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**Policy 32: Identifying and protecting key industrial-based employment locations – district plans**

Policy 32 is regurgitating clear direction that is contained in NPS-UD and as such is redundant and should be removed.

If GWRC are determined to have their say then it should simply direct Local Authorities to refer to NPS-UD for clear direction.

Decision requested – delete Policy 32 from the RPS

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Policy CC.11: Encouraging whole of life carbon emissions assessment – consideration

, a whole of life carbon emissions assessment is encouraged for all new or altered transport infrastructure

It is highly questionable as to whether such an exercise has been undertaken for GWRC EV bus fleet. If such an assessment has been done then GWRC should include it in the RPS document as an example of how such a calculation should be presented and subjected to peer review.

Decision requested – GWRC to include the whole of life carbon emissions assessment calculation for its EV bus fleet as an example of what is being required.

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Policy CC.13: Managing agricultural **gross** greenhouse gas emissions – consideration

As agriculture is the second largest emitter of GHG in the region, contributing 34 percent of the region’s GHG emissions,

In focussing on gross emissions GWRC is only looking at part of the picture. There are always two sides to any equation, and it is more than possible to decrease gross emissions by say 10% but at the same time reduce an offsetting factor by say 20%. In that case the gross picture would show an emissions reduction, but the net picture would reveal an increase.

Whilst Agriculture is a large numerical component of emissions it is also the sector which has shown one of the largest proportional reductions. It must also be recognised that agriculture provides a very large GDP and export contribution to the economy. The eco zeal to reduce GHG emissions should not be allowed to “kill the goose that lays the golden egg”.

Decision requested – Delete the word “gross” and insert the word “net”.



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Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values

(b) providing **adequate buffering** around areas of significant indigenous ecosystems and habitats from other land uses

The entire concept of buffering has not been adequately defined and there has been no consultation with communities that would be impacted. There has been no definition as to the dimensions of any buffer zone, no definition as to what constitutes 'adequate' nor has there been any clear direction as to what activities within the buffer would be constrained. Not only will there need to be effective consultation with the landowner where the SNA is situated but there would also need to be another layer of consultation for those landowners within the buffer zone. This concept has not been thoroughly thought through and GWRC has failed in its obligation to consult.

Decision requested – GWRC to clearly define the concept of buffering including all relevant factors and rules that would apply to the buffer zone. GWRC to undertake extensive community consultation prior to issuing a consultation document. It is not acceptable for GWRC to be left to make up detailed regulations on the fly.

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Insert a new definition of medium density residential development as follows:  
Medium density residential development Means areas used predominately for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities with a **minimum building height of 3 stories**

This definition on page 221 is incorrect in that it states “minimum” whereas it should be “maximum”.

Decision requested – Amend the document to “maximum”

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Insert a new definition of nature-based solutions as follows: **Nature-based solutions**

Examples include:

Reducing greenhouse gas emissions (climate change mitigation):

- planting forests to sequester carbon
- **protecting peatland to retain carbon stores**

The inclusion of the reference to peatland within a definition constitutes an attempt to regulate by stealth. GWRC needs to clearly state what it means by “protecting” peatland and exactly what form that protection would take.

The Mangaroa peatland overlay encompasses over 75 individual landowners and not one single one has been consulted.

The community feels very strongly regarding the high-handed approach taken by GWRC and the devious manner in which it appears to be trying to gain control of all aspects regarding the peatland. The community perception is highly influenced by the past track record of GWRC in taking punitive action against this community.

Decision requested – that GWRC be instructed to cease and desist in yet another attempt to gain control over the Mangaroa peatland. That the concept of “protecting peatland to retain carbon stores is struck out pending thorough and extensive consultation with the community and Upper Hutt City Council.

That GWRC be required to formulate extensive policies and methodologies regarding the peatland and the implications around loss of use by landowners.

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Insert a new definition of protect as follows:

**Protect** (in relation to indigenous biodiversity) Looking after biodiversity and the ecosystem processes that create and maintain it in the long term. This involves managing all threats to secure species from extinction and ensuring that their populations are buffered from the impacts of the loss of genetic diversity and longer-term environmental events such as climate change. This includes, but is not restricted to, legal protection.

This is another definition that is draconian in that it can be read to cover everything everywhere if GWRC believes it to be appropriate. Again there has been no consultation and its wide sweeping nature can be viewed as abuse of power by GWRC.

Decision requested – Require GWRC to engage in meaningful consultation with the community regarding the powers that is seeking to give to itself.

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Restoration The active intervention and management of modified or degraded habitats, ecosystems, landforms and landscapes in order to reinstate indigenous natural character, ecological and physical processes, and cultural and visual qualities. The aim of restoration actions is to return the environment, either wholly or in part, to a desired former state, including reinstating the supporting ecological processes.

The process of restoration as outlined in the definition is so wide sweeping that it should not be undertaken without extensive community consultation and support.

Decision requested – insert a clause requiring GWRC to engage with the community and only proceed with community approval in each case.

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Te Rito o te Harakeke is a concept that refers to the need to maintain the integrity of indigenous biodiversity. It recognises the intrinsic value and mauri of indigenous biodiversity as well as people's connections and relationships with it

Te Rito is not about indigenous biodiversity but is about the importance of family in its widest sense. You ask me – what is the most important thing – it is people, it is people, it is people. The concept is that if you take out the young then the family will disintegrate and scatter asunder.

Te Rito has been hijacked by ecologists who have made up 6 factors to suit their own agenda.

Decision requested – delete reference to Ti Rito in connection with biodiversity.

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End of Submission