

**Before the Freshwater Hearing Panel and the PISI Hearing Panel  
Appointed by Wellington Regional Council  
to Hear Submissions on Proposed Change 1 to the Regional Policy  
Statement for the Wellington Region  
Hearing Stream 2**

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In the matter of: **the Resource Management Act 1991**

And: **Submissions and Further Submissions  
Lodged on Proposed RPS Change 1 Plan  
by Meridian Energy Limited**

**Statement of Evidence of Christine Anne Foster  
Called by Meridian Energy Limited**

**HEARING STREAM 2  
OVERARCHING ISSUES & OBJECTIVE 'A'  
AND INTEGRATED MANAGEMENT**

**29 June 2023**

## **1. Introduction**

- 1.1. My name is Christine Anne Foster. I am a Planning Consultant and sole director of CF Consulting Services Limited, based in Wellington. I hold a Bachelor of Regional Planning and have worked as a resource management planner in New Zealand for over 40 years.
- 1.2. This statement of evidence is within my area of expertise as a resource management planner, except where I state that I rely on the evidence of others or evidence presented in the Council's section 42A report. I have read the Code of Conduct for Expert Witnesses set out in the Environment Court 2023 Practice Note. I am aware of the obligations imposed on expert witnesses by the Code and agree to comply with the Code of Conduct. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 1.3. My planning experience has included the compilation of resource consent applications, assessment of the environmental effects of a variety of projects, community consultation and the drafting and implementation of resource management plan provisions. That experience has been gained in a number of roles including as a staff planner for local authorities, policy analyst with the Ministry for the Environment and, since 1992, as a consultant planner working on contract for a variety of clients including private developers, territorial authorities, regional and unitary councils and central government departments. I have assisted local authorities with the preparation of district and regional plans and regional policy statement provisions under the Resource Management Act 1991 (the RMA) and with plan changes and variations. I am a qualified RMA decision-maker (with chairperson endorsement) under the 'Making Good Decisions' programme and have heard and determined a number of proposed Plan changes.
- 1.4. Based on previous work undertaken for Meridian Energy Limited (*'Meridian'*), including appearing as a witness at Environment Court hearings, I have a broad understanding of the renewable energy generation sector generally, of the imperatives that drive the generation industry and of the realities that confront an energy generator in operating and developing wind farms under the RMA.

## **2. My Role**

- 2.1 I assisted Meridian in the preparation of its submission and further submissions on Proposed Change 1 to the Wellington Regional Policy Statement (PC1). I have also reviewed the four notices of addendum to the publicly notified summary of submissions. I was asked by Meridian to consider the analysis and recommendations of the Council's section 42A report and recommendations for Hearing Stream 2 that pertain to Meridian's submission and further submissions. I am authorised by Meridian to present this statement of evidence to the Hearings Panels.

## **3. Context**

- 3.1 Meridian operates two wind farms and a single wind turbine in Wellington City:

- (a) West Wind (along the Makara coast, comprising 62 turbines generating up to 142.6 MW of electricity, commissioned in 2009);
- (b) Mill Creek (Ohariu Valley, comprising 26 turbines generating up to 59.8 MW of electricity, commissioned in 2014); and
- (c) The Brooklyn Turbine (a single Enercon E44 turbine with 0.9 MW generation capacity first installed in 1993 and upgraded in 2016).

3.2 Meridian also operates the following wind farms elsewhere in New Zealand:

- (a) Te Uku Wind farm (28 wind turbines on land near the western coast of the Waikato District);
- (b) Te Apiti (55 turbines on the lower Ruahine Ranges, Manawatu Gorge); and
- (c) White Hill (29 turbines in Southland).

3.3 Meridian's submission and further submissions on the PC1 focus on the PC1 provisions affecting renewable electricity generation and the role of renewable electricity generation in assisting Wellington Region (and New Zealand) to transition to an economy less reliant on fossil fuels, as intended by the Government's *Emissions Reduction Plan* (2022).

3.4 I am aware that Meridian is considering new opportunities nationwide for generation using renewable sources other than wind (solar in particular) and therefore has an interest in all regional policy statements and regional and district plan provisions. As well as its focus on the company's existing generation assets, Meridian's submission also highlights and responds to the challenges that exist in resource management planning for new and expanded renewable electricity generation. These are challenges that all regions and districts will need to respond to if the goal of net zero carbon emissions is to be achieved nationally and locally. The theme of Meridian's submission is that achievement of the net carbon zero emissions goal, and emissions reduction per se, will require additional renewable electricity generation nationwide and all regions and districts will need to 'do their bit'. This will require regional policy statements, regional plans and district plan settings that actively enable new and expanded renewable electricity generation (of diverse types) in appropriate situations. In this respect, it is my view that regional policy statements need to provide directive guidance to support the transition required.

3.5 Much of Meridian's submission reflects Meridian's concern that the emphasis in PC1 on reducing greenhouse gas emissions from land use activities and transport networks overlooks the importance of measures to enable and facilitate additional renewable electricity generation. Meridian's concern is that the policy outcomes sought by PC1 will not be achieved without improving the resilience of existing renewable electricity generation and related regionally significant infrastructure assets to the potential adverse effects of climate change and unless the policy settings enable the development of additional renewable electricity generation capacity. Those matters are expected to be considered in Hearing Stream 3 later this year.

3.6 Meridian's interest in Hearing Stream 2 is confined to three matters:

- (a) The framing of the proposed new ‘overarching issues for the Wellington Region’ (and the recognition within that of the importance of regionally significant infrastructure generally (and renewable generation in particular) to community resilience);
- (b) The wording of Objective ‘A’ in responding to the overarching issues; and
- (c) The purpose and wording of Policy IM.2.

#### 4. Scope of Evidence

4.1 This statement of evidence addresses the three areas of interest listed above. For each issue, I summarise the issues raised and relief requested in Meridian’s submission, reference the relevant discussion in the Section 42A Report, and examine the matters at issue.

4.2 In preparing this statement of evidence, I have read and considered:

- (a) Proposed Change 1 to the Regional Policy Statement for the Wellington Region;
- (b) The section 42A Hearing Report for Hearing Stream 2 prepared by Jerome Wyeth, dated 16 June 2023;
- (c) Submissions S16, S25, S30, S32, S34, S102, S113, S115, S128, S129, S131, S133, S134, S140, S148, S157, S165, S167, S168, S170 and further submissions FS2, FS3, FS8, FS11, FS19, FS20, FS25, FS28, FS29 and FS30 to the extent these address the proposed overarching regionally significant issues, proposed Objective ‘A’, or proposed Policy IM.2;
- (d) The section 32 report accompanying proposed RPS Change 1, dated August 2022.

#### 5. Overarching Issues

<b>Proposed Amendments to Chapter 3:</b>	<b>Resource management issues, objectives and summary of policies and methods to achieve the objectives in the RPS (Chapter 3 RPS page 15)</b>
<b>PC1 Amendment:</b>	<b>Refer pages 4 and 5 of PC1</b>
<b>Meridian Submission Point:</b>	<b>S100.001</b>
<b>Meridian Further Submissions:</b>	<b>FS26.001 (supporting in part S113.001 by Wellington Water Ltd)</b>
<b>S. 42A References:</b>	<b>Issue 2: Overarching Resource Management Issue 2 Paragraphs 67 to 84, pages 16 to 19</b>

5.1 Meridian’s submission requested insertion of an additional overarching issue (and explanation) in the list in the introduction to Chapter 3, to be placed as issue 4, worded as follows:

- 4. The region’s environment, communities and infrastructure are vulnerable to future national and global challenges associated with climate change.

Climate change is expected to exacerbate flood hazard, including coastal inundation, and drought conditions. The effects of climate change, including coastal and river flood inundation and erosion, are expected to damage or impair the operation of infrastructure (including regionally significant infrastructure). Community resilience to the effects of climate change will depend on the

functionality, integrity and adaptability of infrastructure. Regionally significant infrastructure will need to be upgraded and adapted or relocated to maintain the necessary functionality and capacity to support community resilience.

5.2 The reasons for the requested addition were stated in the submission as:

*'Proposed RPS Change #1 proposes objectives, policies and methods responding to the challenges associated with future climate change. This warrants acknowledgement of the challenges as a regionally significant issue. Infrastructure, including regionally significant infrastructure is essential in supporting communities' resilience against the effects of climate change. Infrastructure, including regionally significant infrastructure, is itself particularly vulnerable to the effects of climate change. Maintaining the functionality, integrity and adaptability of infrastructure will be key to achieving community resilience to the challenges of climate change. Enabling the upgrading, adaptation and relocation of regionally significant infrastructure will support community resilience.'*

5.3 At paragraph 73, the s. 42A report states that Meridian, Wellington Water Ltd and Wellington International Airport Ltd seek amendments to resource management issue number 2 or additional overarching issues be included specific to infrastructure. More correctly, Meridian requested insertion of a new, separate, issue statement. The reporting officer has chosen to address it as a mooted amendment to resource management issue number 2 (RMI 2). RMI 2 discusses population growth, housing supply and infrastructure capacity to support that growth. Meridian did not request any change to RMI 2 and RMI 2 does not address the particular regionally significant issue that Meridian sought to raise in its submissions.

5.4 The s. 42A report recommends (on pages 98 and 100 of Appendix 2 to the s. 42A report) that Meridian's submission and further submission points be rejected. At paragraph 75, the s. 42A report explains that PC1 'has been prepared, in part, to give effect to NPS-UD requirements', in particular, to provide for well-functioning urban environments, enable urban intensification and undertake responsive planning which significantly adds to development capacity. At paragraph 82, the report explains the author's view that the intent of RMI2 is to address the need to respond to population growth and his view that RMI 2 should be focussed on this core issue. The report also states the author's view that there are other objectives in the RPS, such as Objective 10, which specifically relate to regionally significant infrastructure. The inference is that Objective 10, and its related policies, already address the issues raised by Meridian's submissions. My opinion is that the existing objectives and policies do not address the particular matters raised in Meridian's submission.

5.5 I do not agree with the s. 42A report author that what the Council meant to do, through PC1 and RMI 2 in particular, was to address only issues related to managing urban growth and development. The change proposed by PC1 creates a new list of overarching regionally significant issues. Not a list of issues pertaining only to the management of urban development. This new list of overarching regionally significant issues is placed at the head of Chapter 3, conceptually ahead of the issues listed in subsequent topic chapters.

5.6 Currently, Chapter 3 of the RPS presents the regionally significant issues within later individual chapters and references those on page 15 under the following topic headings:

- *Air quality*
- *Coastal environment, including public access*
- *Energy, infrastructure and waste*
- *Historic heritage*
- *Indigenous ecosystems*
- *Landscape*
- *Natural hazards*
- *Regional form, design and function*
- *Resource management with tangata whenua*
- *Soils and minerals*

5.7 PC1 makes no change to this referenced list of topics or the fact that the regionally significant issues for those topics are addressed in their individual chapters. PC1 goes on to insert a new overarching resource management Objective 'A' which seeks to respond to the proposed new overarching regionally significant issues RMI 1, 2 and 3.

5.8 In this way, PC1 inserts an overarching layer into the internal hierarchy of issues and objectives in the RPS and places RMI 1, RMI 2 and RMI 3 and Objective 'A' at the top of this conceptual hierarchy. The language used is 'overarching' (not 'overriding') but the intention appears to be to elevate the relevance or importance of these issues and Objective 'A'. The RPS currently does not have this structure. It is a wholly new feature of the structure of the RPS.

5.9 Section 59 of the Act sets out the purpose of regional policy statements – which is to provide an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region. Section 62 of the Act requires that the RPS must state the significant resource management issues for the region and the resource management issues of significance to iwi authorities in the region.

5.10 Given the 'overarching' purpose of the proposed new set of regionally significant issues, it is important in my opinion that the statement of issues is complete. That would be a reasonable expectation flowing from s. 62 of the Act. My opinion is that, in overlooking the essential role of regionally significant infrastructure in sustaining the resilience against the effects of climate change, the list of issues RMI 1 to 3 is incomplete.

5.11 PC1 is not solely about NPS-UD matters. Paragraphs 7 and 8 of the section 32 report accompanying PC1 state that:

*'7. The RPS integrates national direction in the regional context, and gives integrated direction to regional and district plans<sup>4</sup>. We are changing the RPS because:*

- *There is recent national direction to implement and support including national direction in urban development (NPS-UD required to be implemented by August*

2022), fresh water, biodiversity (NPS-IB is at exposure draft stage) and climate change

- *Implementation of the NPS-UD and NPS-FM needs to be done in an integrated management way. Urban development does not occur in isolation of managing natural and physical resources*

- *The current RPS does not give effect to recent national direction.*

*8. The NPS-UD is a primary driver for undertaking Change 1 now as it requires changes to the RPS by 20 August 2022 to enable more urban development and housing intensification. The driver for the scope of Change 1 is all relevant national direction both NPS-UD, NPS-FM, and also other related national direction. It is important that inter-related issues are addressed at the same time.'*

5.12 The scope of the national direction and the inter-relationships between the different strands of national direction are expanded on in Sections 1 and 5 of the s. 32 report. For example, paragraphs 73 to 87 of the s. 32 report discuss the impacts and challenges of climate change and paragraph 79 identifies damage to infrastructure as a particular issue. Paragraph 98 of the s. 32 report states that the RPS response to climate change in the region focuses on three key areas of action, including:

*'Taking 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 that they can continue to provide the important services that ensure clean water and air, support indigenous biodiversity and ultimately, people.'*

5.13 Given this broad scope of matters, which includes responding to the effects of climate change, it is appropriate in my opinion to consider whether the statement of issues advanced by PC1 is complete. I agree with the sentiment of the s. 32 report (paragraph 8 above) that inter-related issues ought to be addressed at the same time, unless there is a sound reason not to. I understood from the s. 32 report that this was the intention. My opinion is that the listed RMI issues and Objective 'A' address part only of the inter-related climate change issues. What is missing is recognition of the significance of regionally significant infrastructure in sustaining the resilience of communities and the risks and vulnerability of communities in a context of acknowledged challenges associated with adverse climate change effects.

5.14 Meridian's submission addresses regionally significant infrastructure because the RPS includes renewable electricity generation facilities and electricity transmission facilities in the definition of 'regionally significant infrastructure'. Other infrastructure included in the RPS definition of 'regionally significant infrastructure' includes lifeline services and facilities. My opinion is that the risks and vulnerabilities of all of the region's natural and physical resources to the adverse effects of climate change qualify as an overarching regionally significant issue. The three listed issues in PC1 select some, but not all, of those risks.

5.15 In my opinion, the additional issue statement (which I drafted for Meridian’s submission) captures valid and real issues, discussed in the s. 32 report, that have region-wide relevance and are regionally significant. PC1 is an important opportunity to address all of the inter-related significant issues associated with adverse climate change effects. Meridian’s submissions on this point sought to fill an apparent gap and to identify and address the full range of regionally significant issues.

5.16 Structured as proposed by PC1, the adverse effects of climate change appear to have lesser significance (not being ‘overarching’) compared to adverse impacts caused by inappropriate and poorly managed use and development and increasing pressure on housing and infrastructure capacity. There are examples in other regions currently of just how vulnerable regionally significant infrastructure and communities are to the adverse effects of climate change and to the criticality of that infrastructure to community resilience. The absence from the Chapter 3 list of ‘overarching’ regionally significant issues of an issue statement relating to the effects of climate change on natural and physical resources including regionally significant infrastructure is a significant omission in my opinion.

5.17 I do not agree with the s. 42A report that the issues I have described are listed or addressed in other chapters. For example, Objective 10 (referred to in paragraph 83 of the s. 42A report) is a ‘recognise and protect’ objective in Chapter 3.3 (energy, infrastructure and waste):

*‘The social, economic, cultural and environmental, benefits of regionally significant infrastructure are recognised and protected.’*

5.18 None of the issues listed in Chapter 3.3 discuss or recognise the potentially significant challenges of adverse climate change effects in the way these are discussed in the s. 32 report. The issue statement for ‘infrastructure’ says: *‘Infrastructure enables communities to provide for their social, economic and cultural wellbeing. The management, use and operation of infrastructure can be adversely affected when incompatible land uses occur under, over, or adjacent.’*

5.19 The RPS was drafted between made operative in 2013. The commentary on climate change effects and reports informing that commentary are now quite dated. The issue statement quoted above is a product of its era but doesn’t address the issues acknowledged in the s. 32 report.

5.20 I have looked again at the wording of the issue statement proposed in Meridian’s submission. I still think it usefully captures the regionally significant issues but accept that it could be refined to capture other matters that come to light during the hearing.

5.21 For the purposes of s. 32AA of the Act, my view is that insertion of a fourth issue (addressing the effects of climate change as proposed by Meridian) will better achieve the sustainable management purpose of the Act, noting that section 7 (i) in Part 2 of the Act requires that particular regard be given to the effects of climate change. Accordingly, I support the inclusion in the list of regionally significant resource management issues (‘RMI’) in Chapter 3 of the additional (fourth) issue set out in paragraph 5.1 above.



## 6. Objective 'A'

<b>Proposed Amendments to Chapter 3:</b>	<b>Resource management issues, objectives and summary of policies and methods to achieve the objectives in the RPS (Chapter 3 RPS page 15)</b>
<b>PC1 Amendment:</b>	<b>Refer pages 5 and 6 of PC1</b>
<b>Meridian Submission Point:</b>	<b>S100.002</b>
<b>Meridian Further Submissions:</b>	<b>FS26.003 (supporting in part S131.013 by Ātiawa ki Whakarongotai Charitable Trust)</b> <b>FS26.005 supporting in part S148.013 by Wellington International Airport Ltd</b>
<b>S. 42A References:</b>	<b>Issue 4: Proposed Objective A</b> <b>Paragraphs 98 to 132 (pages 21 to 28)</b>

6.1 Meridian's submission requested insertion of an additional sub-clause into Objective 'A' to address the issues discussed in its proposed additional fourth regionally significant issue. overarching issue as follows:

*(e) enables use and development of natural and physical resources to support the infrastructure (including regionally significant infrastructure) necessary to strengthen the resilience of communities to meet the future challenges associated with climate change; and*

6.2 I remain of the view that the outcome sought by the proposed additional sub-clause proposed by Meridian is as important as the other matters in the Objective 'A' list and is not currently provided for in that list. My reasons for considering it important to explicitly state these outcomes follow from the reasons I explained in the preceding section of this statement.

6.3 As with the suggested fourth RMI issue suggested above, I accept that the wording may be improved or refined to capture other matters discussed at the hearing. For the purposes of s. 32AA of the Act, my view is that insertion of an additional sub-clause in Objective 'A', articulating the integrated management outcomes for regionally significant infrastructure and community resilience as proposed by Meridian, will better achieve the sustainable management purpose of the Act, noting again that section 7 (i) concern to have particular regard to the effects of climate change. Accordingly, I support the inclusion in the list of regionally significant resource management issues ('RMI') in Chapter 3 the additional sub-clause (e) set out in paragraph 6.1 above.

6.4 Meridian's submission also raised a concern that the expression 'Te Ao Māori' is not defined for the purposes of Objective 'A'. PC1 intends that Objective 'A' is the overarching objective, sitting at the head of the conceptual hierarchy of objectives and policies within the RPS. As noted earlier, this is not currently a feature of the RPS and is a new approach. In the context of that purpose, it is important in my view that the direction or guidance Objective 'A' is to provide in implementing the other objectives, policies and methods in the RPS is clear. To the best of my knowledge the concept 'Te Ao Māori' is not defined in the RPS. I have my own understanding of what Te Ao Māori encapsulates but I am not clear about how it is to be applied in guiding decision making and plan development. The issue is significant, in my view,

because of the stated purpose in Objective 'A' of Te Ao Māori in guiding integrated management of the region's natural and physical resources. In my opinion, there is potential for duplication of concepts between Te Ao Māori and mātauranga māori (referenced in sub-clause (a)) and mana whenua / tangata whenua values (referenced in sub-clause (c)). In the absence of a definition, Meridian's submission requested deletion of the expression 'Te Ao Māori' from the opening paragraph of Objective 'A'.

- 6.5 At paragraph 114, the s. 42A report explains that the intent of Objective A is to provide greater clarity and direction to Council and territorial authorities in the region about what is meant by integrated management of natural and built environments, and to recognise the importance of Te Ao Māori in natural resource management and decision making. The text of the evaluation in the table on page 60 of the s. 32 report (referenced in paragraph 114 . 42A report) states that: *'New Objective A focuses on the greater integration of natural resources management and decision making, that recognises Te Ao Māori as part of the holistic and inclusive natural resource management system.'*
- 6.6 Paragraph 260 of the s. 32 report explains that: *'A new objective is included for integrated and respectful environmental stewardship that embraces Te Ao Māori and prioritises the health of the natural environment.'* Throughout the s. 32 report, the expression Te Ao Māori is used in the context of there being a 'lack of recognition of Te Ao Māori' or insufficient weight having been given to Te Ao Māori historically or 'embracing' or 'incorporating Te Ao Māori' into environmental outcomes, or requiring data and Mātauranga Māori to be interpreted 'within Te Ao Māori'. This approach is consistent with my understanding of Te Ao Māori as a world view or values system.
- 6.7 Objective 'A' goes further than these explanations indicate – in requiring that integrated management of natural and built environments is *guided by* Te Ao Māori. Section 30 (1) (a) of the Act sets out the functions of regional councils for the purpose of giving effect to the sustainable management of natural and physical resources. The function in clause (a) is *'the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the natural and physical resources of the region'*. In this sense, integrated management is to be for the purpose of sustainable management. Inserting the requirement that integrated management 'is guided by Te Ao Māori' in the opening paragraph implies a narrowing of or redefining of that purpose, making Te Ao Māori the foremost consideration. I support the suggestion made in the s. 42A report that the words be shifted from the opening paragraph and moved into the listed considerations.
- 6.8 That would address part of the issue, in my opinion, but does not address the absence of a definition. I note that the meaning of 'mātauranga māori' (Objective 'A' sub-clause (a)) is explained elsewhere in PC1 and the expression 'ki uta ki tai' is explained in sub-clause (b) of proposed Objective 'A' and elsewhere in PC1. There is not the same expansion or explanation of the meaning of Te Ao Māori. Objective 'A' is intended to have an overarching, important, function in directing how integrated management is implemented in plans and in decision making. For it to be completely helpful, in this respect, some greater depth of meaning or explanation would be helpful. I am not qualified to suggest wording for that, but expect that someone suitably versed in Te Ao Māori would be able to.

## 7. Policy IM.2

<b>Proposed Amendments to Chapter 4.2:</b>	<b>Regulatory policies – matters to be considered</b>
<b>PC1 Amendment:</b>	<b>Refer page 134 of PC1</b>
<b>Meridian Submission Point:</b>	<b>S100.017</b>
<b>Meridian Further Submissions:</b>	<b>FS26.042 supporting S16.030 by Kāpiti Coast District Council</b> <b>FS26.043 supporting S30.057 by Porirua City Council</b> <b>FS26.044 supporting S134.013 by Powerco Limited</b> <b>FS26.046 supporting S148.014 by Wellington International Airport Ltd</b> <b>FS26.045 opposing S102.027 by Te Tumu Paeroa (Office of the Māori Trustee)</b>
<b>S. 42A References:</b>	<b>Issue 6: Policy IM.2 – Equity and Inclusiveness</b> <b>Paragraphs 161 to 182 (pages 35 to 39)</b>

7.1 Meridian’s submission requested deletion of proposed Policy IM.2 and the accompanying explanation. The reason given is that so many of the expressions used within Policy IM.2 are ambiguous or undefined that the policy is incapable of reasonable or consistent application. The s. 42A report author agrees. In paragraph 170 of the s. 42A report, he agrees that the notified wording will be problematic to interpret and implement, particularly through resource consent processes and that the wording is not clearly aligned with the purpose of the Act or any higher-level policy direction. That was the essence of Meridian’s concern and I agree with him. I also agree with his analysis in paragraph 171 that it is not clear how Policy IM.2 relates to Objective ‘A’ and I agree with the entirety of paragraph 172.

7.2 The s. 42A report suggests there are two ways to address the identified shortcomings of proposed IM.2: either delete it or substantially amend it. I agree those are the options. I don’t agree, though, that the scope of the amendments he then proposes can be found in the submission points on Policy IM.2. The s. 42A report states that the key reason for retaining Policy IM.2 is because equity has been identified as a key issue for Council and mana whenua / tangata whenua in the region and there is a risk of inequitable outcomes in relation to climate change (paragraph 176). Interestingly, although apparently a key issue for Council, it doesn’t make the list in the overarching regionally significant resource management issues.

7.3 The explanation to proposed Policy IM.2 states that: *‘This policy requires that equity and inclusiveness are at the forefront of resource management and decision making to prevent any increase in existing inequities, to ensure intergenerational equity, and to improve the overall wellbeing of people and communities’*. There is no mandate under the Act, in my opinion, for placing ‘equity and inclusiveness’ at the forefront of resource management decision making

and plan making under the RPS. For now, the purpose of the Act remains sustainable management. I note that the Natural and Built Environments intends that 'sustainability, equity, and efficiency' are three principles that are to guide the development of allocation methods in plans made under that legislation (and, particularly, for freshwater resources) and that these principles may be applied or required through the future National Planning Framework. It is not clear yet how those principles are to be incorporated into the NBE Act. The three principles are not defined in the interpretation section of the Bill, but it is usual to expect such significant new legislation to be accompanied by some form of guidance material that may assist implementation. Of course, until that legislation is enacted, it should not be relied on in framing policy provisions under the Resource Management Act. In any event, proposed Policy IM.2 uses a slightly different mix of words ('equity and inclusiveness') to the NBE Bill and there is no clarity in PC1 as to the meaning of that expression.

- 7.4 I do not support the amendments proposed in the s. 42A report. I do not consider they overcome the ambiguity in the language of the original wording. The explanation does not assist with understanding because it restates that, now, equity (alone) is to be at the forefront of resource management and decision making. I do not consider the re-drafted wording is consistent with the sustainable management purpose of the Act. For example, there is no proposed environmental constraint included to counter the provision of opportunities for use and development to support economic and cultural well-being in sub-clause (a). That would seem to conflict with other objectives and policies of the RPS that are directed at managing potential adverse effects and sustainable management. In sub-clause (b), the provision for development in urban and rural areas to improve access to public transport, amenities and affordable housing is not constrained by environmental considerations, as one would usually expect.
- 7.5 If, as the s. 42A report suggests, the intention is for Policy IM.2 to be at the forefront of resource management decision making, the proposed re-drafting raises new and potentially problematic issues for decision making when giving effect to sustainable management purpose of the Act and reconciling the management of natural and physical resources in the context of climate change and resilience. The proposed re-drafting changes the policy from one that seeks to *avoid* certain outcomes, to one that seeks to *promote* related but different outcomes. It is not clear to me that this outcome was requested in any submission.
- 7.6 Proposed Policy IM.2 is a policy that directs how the objectives and policies of the RPS are to be implemented by requiring that particular regard is given to achieving the objectives and policies in an 'equitable' way. It is therefore a highly important policy, because it changes the lens one must use in applying those other objectives and policies. I question whether it is needed at all. In my opinion, the proposed re-drafting adds a further layer of confusion. My expectation is that decision makers for applications for consent and future plans and plan changes will struggle to find meaningful or consistent guidance in the wording and I expect it will spawn a great deal of unnecessary argument and uncertainty. It could mean anything to anyone in a given circumstance. I do not consider the proposed policy will be effective (it's not clear what it will achieve other than confusion) or efficient (for the reasons discussed above). On that basis, my view is that the publicly notified wording and the proposed

redrafted wording of proposed Policy IM.2 are not a more appropriate way to achieve the RPS objectives or proposed Objective 'A' than the existing provisions of the RPS.

7.7 I find it intriguing that proposed Policy IM.2 is identified as being part of the freshwater planning instrument. I understand the connection to freshwater management, to the extent that Policy IM.2 directs the other objectives of the RPS pertaining to freshwater. However, none of the sub-clauses (and certainly not the explanation) explicitly relates to freshwater resources. Sub-clause (a) refers to use and development (presumably of any resource, including freshwater) and the original wording (although ambiguous) could be said to have application to freshwater management and decision making. The proposed amendments have, in my opinion, somewhat blurred the connection with the integrated management of freshwater resources.

7.8 Issue 4 in new Chapter 3.1A (Climate Change) identifies the following issue (page 8 of PC 1): *'The impacts of climate change will exacerbate existing inequities'*. There, 'inequity' is characterised as being associated with climate change impacts. Proposed Policy IM.2 is listed as a policy intended to achieve three proposed PC1 objectives related to climate change. These are listed in Table 1A (from page 11 of PC1) as Objectives CC.1, CC.2, CC.8. Proposed Policy IM.2 is not listed in any other cross-referencing tables as being intended to achieve other existing RPS or proposed PC1 objectives. Objectives CC.1, CC.2, CC.8 are:

<b><u>Objective CC.1</u></b>	<b><u>Objective CC.2</u></b>	<b><u>Objective CC.8</u></b>
<p><u>By 2050, the Wellington Region is a low-emission and climate-resilient region, where <i>climate change mitigation and adaptation</i> are an integral part of:</u></p> <p>(a) <u>sustainable air, land, freshwater, and coastal management,</u></p> <p>(b) <u>well-functioning urban environments and rural areas, and</u></p> <p>(c) <u>well-planned infrastructure.</u></p>	<p><u>The costs and benefits of transitioning to a low-emission and climate-resilient region are shared fairly to achieve social, cultural, and economic well-being across our communities.</u></p>	<p><u>Iwi and hapū are empowered to make decisions to achieve climate-resilience in their communities.</u></p>

7.9 In my opinion, the publicly notified wording of Policy IM.2 and the proposed amendments proposed in the s. 42A report expand the potential scope of matters addressed far beyond the outcomes for climate change mitigation and adaptation, low-emissions, community climate resilience of these three objectives. The intention is that proposed Policy IM.2 is to apply to all RPS objectives and policies. There are no clear issue statements, in my opinion, that identify what the issues are, other than the climate change matters identified in Table 1A, that proposed Policy IM.2 seeks to address. There is no clear connection between proposed Policy IM.2 and the non-climate change objective(s) it is supposed to serve.

7.10 As a matter of resource management policy writing practice, it is my opinion that policies, and particularly RPS policies that direct how other objectives and policies of a planning instrument are to be applied, should have a clear connection to a regionally significant resource management issue or issues, should be clear which objective(s) they serve, should be worded unambiguously, should have a clear resource management purpose and should offer meaningful guidance. It should also be possible to monitor their effectiveness over time. The wording proposed for proposed Policy IM.2 fails on all of those counts, in my opinion and I consider it should be deleted.

## **8. Conclusion**

8.1 I will be available at the hearing to answer any questions about this statement.

**Christine Foster**  
**29 June 2023**