

1. INTRODUCTION

- 1.1 My full name is Matthew Cecil Heale. I am Principal Planner and Nelson Planning Team Lead at the Property Group Limited, based in Nelson. I am a chair accredited commissioner and a Freshwater Commissioner. My full experience and expertise is outlined in my evidence for Hearing Stream 4 – Urban Development (15 September 2023).
- 1.2 I am providing planning evidence on behalf of Kāinga Ora on Plan Change 1 (“**PC1**”) to the Regional Policy Statement for the Wellington Region (“**RPS**”). I was not involved in the preparation of primary and further submissions by Kāinga Ora in relation to PC1 but have been involved in providing evidence for Kāinga Ora on the Wellington City Council PDP.
- 1.3 I am familiar with the corporate intent of Kāinga Ora in respect of the provision of housing and urban development within the Wellington region. I am also familiar with the national, regional and district planning documents relevant to PC1.

2. CODE OF CONDUCT

- 2.1 Although this is a Council hearing, I have read the Environment Court's Code of Conduct for Expert Witnesses and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

3. SCOPE OF EVIDENCE

- 3.1 Hearing Stream 5 addresses submission points relating to freshwater.
- 3.2 In preparing this evidence I have read the following documents:
- a) The RPS and PC1 provisions;

- b) The Kāinga Ora submissions in relation to PC1;
- c) The Section 32 Evaluation report for PC1; and
- d) Section 42A Hearing Report – Hearing Stream 5.

4. AREAS FOR IMPROVEMENT SOUGHT:

4.1 Kāinga Ora remains of the view that amendments are necessary to PC1, in the following provisions:

- a) Policy 15; and
- b) Regional policies referencing lot boundaries.

4.2 The remainder of my evidence addresses these key matters of particular interest to Kāinga Ora that remain of concern.

Earthworks and Vegetation Clearance – Policy 15

4.3 The Kāinga Ora submission¹ sought amendments to Policy 15 to separate regional and district plan functions and to improve readability.

4.4 While the reporting officer has amended Policy 15 to make a distinction between regional and district plans, I believe the policy language is too directive particularly relating to district plan earthworks controls.

4.5 In particular, Policy 15(b)(i) “requires” urban development to follow existing contours, where practicable. Policy 15(b)(ii) already requires the extent and volume of earthworks to be minimised, so it is unclear why earthworks are “required” to follow existing land contours as well.

4.6 The purpose of the RPS is to set the regional direction so (b)(i) appears to be quite detailed for an RPS and will require District/City Councils to go through the costly process of considering whether it is practicable for urban development to follow existing land contours

¹ Submission point 158.020

when developing district plans. Given the steep topography of some parts of the Wellington urban area it will be difficult for urban development to follow existing land contours, particularly the given the level of intensification anticipated by the NPS-UD.

- 4.7 For the reasons outlined above, changes should be made to Policy 15 as follows (refer blue highlights):

Policy 15: Managing Minimising the effects of earthworks and vegetation ~~disturbance~~ clearance – district and regional plans

Regional and district plans shall ~~include policies, rules and/or methods that control earthworks and vegetation disturbance to~~ minimise the extent necessary to achieve the target attribute states for water bodies and freshwater ecosystems including the effects of these activities on the life-supporting capacity of soils, and to provide for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga ~~manage the effects of earthworks and vegetation clearance, as follows:~~

- (a) Regional Plans shall include policies, rules and/or methods that:
- i. Control the effects of earthworks and vegetation clearance to achieve the target attribute states for water bodies and freshwater ecosystems, including receiving environments;
 - ii. In the absence of target attribute states, minimise silt and sediment runoff into freshwater and receiving environments, or onto land that may enter water; and
 - iii. Minimise erosion.
- (b) District Plans shall include policies, rules and/or methods that:
- i. Require urban development to follow existing land contours, to the extent practicable;
 - ii. Minimise the extent and volume of earthworks required for urban development
 - iii. Require setbacks from waterbodies for vegetation clearance and earthworks activities;
 - iv. Manage sediment associated with earthworks;
 - v. Manage subdivision layout and design.

(a) erosion; and

~~(b) silt and sediment runoff into water, or onto land that may enter water, aquatic ecosystem health is safeguarded.~~

Reference to Lot Boundaries in Regional Plan Policies

- 4.8 The Kāinga Ora submission² sought deletion of chapter 4.2 or, in the alternative, that policies are reworded to reflect the planning hierarchy (RPS/Regional Plan/District Plan) and address identified significant resource management issues.
- 4.9 The reporting officer has recommended changes that appear to have gone beyond regional plan and regional council functions/standards, particularly by including reference to lot boundaries in Policy 42(j). Lot boundaries are created via subdivision and RMA s31(2) notes that the control of subdivision is a district function. This is not included in RMA s30 regional council functions which tend to focus on natural values such as soil conservation, water, natural hazards, air, and the coastal environment. A review of RMA s66(1)(a) and s74(1)(a) highlights that matters considered by regional council and district council plans align with relevant council functions outlined above. It is also noted that the National Planning Standards have a mandatory standard for a subdivision chapter in District Plans³ but not Regional Plans⁴.
- 4.10 For the reasons outlined above, changes should be made to Policy 42 as follows (refer blue highlights):

Policy 42 – Effects on freshwater and ~~the coastal marine area receiving environments~~ from urban development ~~Minimising contamination in stormwater from development – consideration~~

When considering an application for a regional resource consent that relates to urban development the regional council must give effect to *Te Mana o te Wai* and in doing so must have particular regard to:

- (a) Adopting an integrated approach, ki uta ki tai, that recognises the interconnectedness of the whole environment to determine the location and form of urban development;
- (b) Protecting and enhancing mana whenua /tangata whenua

² Submission point 158.001

³ National Planning Standards – District Plan Structure Standard – Table 4

⁴ National Planning Standards – Regional Plan Structure Standard – Table 3

- freshwater values, including mahinga kai, in partnership with mana whenua/tangata whenua;
- (c) Providing for mana whenua/tangata whenua and their relationship with their culture, land, water, wāhi tapu and other taonga;
- (d) Incorporating the use of mātauranga Māori to ensure the effects of urban development are considered appropriately;
- (e) The effects of use and development of land on water, including the effects on receiving environments (both freshwater and the coastal marine area);
- (f) The target attribute states set for the catchment;
- (g) The extent to which ~~Require that~~ the urban development, including stormwater discharges, ~~earthworks and vegetation clearance~~ meets any limits set in a regional plan and the effect of any exceedances;
- (h) The extent to which ~~Requiring that~~ urban development is located and designed and constructed using the principles incorporates Water Sensitive Urban Design techniques to avoid adverse effects of contaminants on water bodies from the use and development of the land;
- ~~(i) — Require that urban development located and designed to minimise the extent and volume of earthworks and to follow, to the extent practicable, existing land contours;~~
- ~~(ii) — Require that urban development is located and designed to protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries; The extent to which the location of lot boundaries and new roads protects and enhances urban development mitigates adverse effects on the health and wellbeing of adjacent rivers, lakes, wetlands, springs, riparian margins, and receiving environments, including the natural form and flow of the waterbody.~~
- (k) The extent to which ~~Require hydrological controls to avoid~~ minimises adverse effects of runoff quantity (flows and volumes) ~~and maintain, to the extent practicable, on~~ natural stream flows;
- (l) The extent to which ~~Requiring~~ urban development incorporates stormwater quality management that will minimise the generation of contaminants, and maximises, to the extent practicable, the removal of contaminants from stormwater;
- (m) ~~Requiring~~ The provision of riparian buffers for urban development adjacent to natural waterbodies for all waterbodies and avoid piping of rivers;
- ~~(ma) — The extent to which the development avoids piping of rivers and whether there is a functional need for the activity in that location;~~
- (n) The practicability of ~~D~~ daylighting rivers within the area proposed for urban development area, where practicable;
- (o) The extent to which rivers and wetlands within the area proposed for urban development have been mapped, and whether the scale of the

urban development necessitates such mapping Mapping of rivers and wetlands;

- (p) Efficient end use of water and alternate water supplies for non-potable use;
- (q) Protecting drinking water sources from inappropriate use and development; and
- (r) Applying a catchment an integrated management approach to wastewater networks including partnering with mana whenua as kaitiaki and allowance for appropriately designed overflow points where necessary to support growth and consideration of different approaches to wastewater management to resolve overflow.

4.11 A similar issue arises in relation to proposed amendments to Policy 14 (h). It is therefore recommended that a full review of other policies is undertaken as there may be other policies where district council functions have been included in regional plan policies as a result of officer recommendations.

5. CONCLUSION

- 5.1 In conclusion, I am of the opinion that the amendments sought by Kāinga Ora (as outlined in my evidence) are appropriate and will assist in improving the consistency, usability and interpretation of provisions with the PC1 and the wider RPS. This will include how provisions are interpreted by both plan users and Councils within the Wellington region and nationally.
- 5.2 Overall, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA (including proposed changes to objectives), relevant objectives of the RPS and other relevant statutory documents.

Matthew Cecil Heale

3 November 2023