

**BEFORE THE HEARINGS PANEL**

**UNDER** of the Resource Management Act 1991 (**RMA**)

**IN THE MATTER** of the proposed Wellington Natural Resources Plan (NRP)

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**SUMMARY OF EVIDENCE OF CHRISTOPHER ADRIAN HANSEN  
ON BEHALF OF RAVENSDOWN LIMITED**

**12 JUNE 2017**

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## Introduction

1. My name is Christopher Adrian Hansen and I am a Director and Principal Planning Consultant with Chris Hansen Consultants Ltd. My qualifications and experience are included in my Evidence in Chief dated 05 May 2017.
2. I provide the following summary of the main points of my planning evidence in accordance with paragraph 40 of Hearing Panel Minute 2 dated 9 December 2016.
3. While this is a local authority hearing, I confirm I have read the Code of Conduct contained in the Environment Court's Practice Notes for Expert Witnesses and agree to comply with it.

## Summary

4. I have divided my planning evidence into two parts: Part I addresses those matters that are not resolved when reviewing the s.42A Report recommendations. In a number of occasions Ravensdown's submission points have not been either identified or addressed. However, it is clear when reviewing the tracked change version of the proposed NRP that incorporates the s.42A Report recommendations that Ravensdown's submissions have been rejected. Part II summarises in table form those matters that are resolved by the s.42A Report recommendations.
5. By way of general comment, Ravensdown supports the interim approach taken in the proposed NRP and the setting of a timeline for limits to be in place by 2025. Ravensdown also supports the reference to and reliance on good management practices to manage adverse effects of activities on the natural environment.
6. In terms of a general planning comment, I consider that s.32(1)(b) of the Act requires proposed policies and methods (rules) to be evaluated to determine the extent to which they are the most appropriate way to achieve the purpose of the objectives, which are in turn required to meet the sustainable management purpose of the RMA.
7. The following is a summary of the main points of my planning evidence relating to Part I matters that are not resolved:

***Objective 03***

8. I support Ravensdown's request for an amendment to the objective to clarify that Mauri will be enhanced where it is degraded. I note in my evidence I am not a cultural expert and I do not have the support of a cultural expert providing me specialist advice on the Mauri of freshwater, and therefore my comments are from a planning and not a cultural perspective, and relate to the wording, structure and intent of Objective 03 – I note this principle applies to other comments I make on cultural matters.
9. I consider the amendment provides clarity and direction to the resource user that if they wish to undertake activities associated with water quantity or quality where are degraded to a state that the Mauri of the waters is affected, then they will be required to demonstrate how enhancement will be achieved. This clarity also provides guidance to the resource user that where water quantity/quality is good or meeting standards meaning the Mauri of the waters is healthy, then proposed activities will have to maintain that state and Council will not be requiring enhancement where it is not necessary.
10. I do not agree with the Council Officer that providing the 'qualifier' sought by Ravensdown will weaken the intent of the objective.

***Objective 09 and Policy P10***

11. I support Ravensdown's request for an amendment to these provisions to clarify the enhancement of recreational values will be undertaken where they are degraded (Objective 09) or where necessary (Policy P10). While Ravensdown supports the intent of the provisions, it considers when recreational values will be enhanced should be directly related to when the waterways that sustain these values is degraded.
12. The Council Officer has referenced consistency with provisions of the NZCPS, Wellington RPS and the NPS-FM for reasons why Objective 09 is justified, and Policy P10 is assessed as part of a later Hearings Stream (which I find unhelpful).
13. I have reviewed the provisions of the NZCPS, Wellington RPS and the NPS-FM referenced in the s.42A Report and I do not consider any of these provisions would preclude the amendment to

Objective 09 sought by Ravensdown. I also note the RMA does not specifically require maintenance and enhancement of recreational values.

14. Overall, I consider the amendment sought by Ravensdown has planning merit (for similar reasons I discuss above) and is consistent with the higher order policies and objectives referenced by the Council Officer for a reason to reject the request for amendments.

### ***Objective 011***

15. I support Ravensdown's request to amend the objective to clarify that opportunities for Maori customary use will be improved where improvement is necessary. My comments above regarding Objective 03 apply, and I consider the amendment has planning merit as it clarifies the intent of the objective.

### ***New Objective 013B and new Policy P4B***

16. I support Ravensdown's request for the new objective and policy to specifically address reverse sensitivity issues that can arise when non-rural activities are allowed to establish in the rural environment, and then these people start to complain about activities that have adverse effects that they find unacceptable.
17. I consider the proposed NRP provides an opportunity for Council to provide a clear planning response to reverse sensitivity issues by providing direction in policies on how it will consider reverse sensitivity issues through its regional plan. This is consistent with the RPS intent, including Policies 1, 54 and 56 which are directly related to Council responsibilities relating to air discharges, and soil erosion. I have suggested wording for a new Objective 13B and new Policy P4B in Attachment 1.

### ***Policy P3***

18. I support Ravensdown's request for a definition of 'precautionary approach' and the need for guidance regarding how Policy P3 will be implemented. I note Ravensdown supported the intent of Policy P3 and provided recommended wording for a note to accompany the policy.

19. While I accept the Council Officer's opinion that the suite of plan provisions provides a 'signal' that a precautionary approach will be adopted, in my opinion more than a 'signal' will assist to ensure the intent of the provisions is not lost in interpretation in the future. I support the wording recommended by Ravensdown.

***Policy P4***

20. I support Ravensdown's request for a number of amendments to Policy P4 to address a number of difficulties applying the policy to nutrient discharges from farming activities.
21. I note the s.42A Report does not address Ravensdown's requested amendments which I consider the amendment has planning merit as it clarifies the intent of the policy.
22. Ravensdown's main concern is that Policy P4 intended to minimise rather than manage adverse effects in terms of Part 2 of the act which requires adverse environmental effects to be *avoided, remedied or mitigated*. While in principle I accept that 'minimising' can be considered a component of remedying or mitigating adverse effects and can be considered a management tool, the context of minimising in Policy P4 seems to be focused on reducing rather than controlling the effects of activities through BPO and management practices.
23. In my opinion the amendments proposed by Ravensdown are appropriate and have planning merit, add clarity to the policy, and will achieve the intent of the policy.
24. I note Policy P4 is the subject of Minute 5 recently issued by the Panel which outlines two themes that had come from the first week of the Hearing Stream 1 hearings – delete the policy in its entirety as it is considered unnecessary or substantially reword it. Ravensdown opposed this policy and has sought a number of amendments to make the policy workable. I would support the first option (deleting the policy) if the policies that contain the 'minimisation' approach in the proposed NRP are amended to refer to 'avoid, remedy or mitigate' adverse effects.
25. However, if 'minimisation' is retained within the policies in the proposed NRP, I see merit in having a policy that provides guidance as to how it will be interpreted. However, I do not support the notified policy which I consider is unworkable and I consider the amendments sought by Ravensdown to address the difficulties with the policy as it is notified is necessary. I would

support conferencing on the amendments to the policy if minimisation is to remain within the proposed NRP.

**Policy P7**

26. I support Ravensdown's request to amend Policy P7 to apply to and enable and provide for primary production.
27. While I accept the Council Officer component that aspects of primary production are included in the list, other aspects of primary production are not such as cropping, dairy and drystock farming, sheep and beef etc. I also note other 'generic' industry names are used (aquaculture; industrial processes and commercial uses, electricity generation etc.) meaning the requested amendment is not out of character with the policy. In my opinion the amendment sought by Ravensdown (and others) has planning merit and adds clarity to the policy that it applies to all primary production, not just aspects
28. In Part II of my evidence I provide in table form a summary of those submission points made by Ravensdown that have been resolved through the s.42A Report recommendations.
29. I have attached to this summary the wording sought by Ravensdown to the particular provisions addressed in my evidence that remain outstanding.

**12 June 2017**

**Chris Hansen**

**Attachment 1** – Wording of proposed NRP provisions sought by Ravensdown

## ATTACHMENT 1 – WORDING OF PROPOSED NRP PROVISIONS SOUGHT BY RAVENSDOWN

### Objective 03

*“**Mauri** is sustained and enhanced where degraded, particularly the **mauri** of fresh and coastal waters.”*

### Objective 09

*“The recreational values of the coastal marine area, rivers and lakes and their margins and **natural wetlands** are maintained and enhanced where degraded.”*

### Policy P10

*“... (b) managing activities to maintain or enhance where necessary contact recreation values in the beds of lakes and rivers, ...”*

### Objective 011

*“Opportunities for **Māori customary use** of the coastal marine area, rivers and lakes and their margins and **natural wetlands** for cultural purposes are recognised, maintained and improved where improvement is necessary.”*

### Policy P3

*“[NOTE: A precautionary approach is one that adopts prudent foresight, and is only applied in circumstances where there is scientific uncertainty or ignorance about the nature or scope of environmental harm.]”*

### Policy P4

*“Where minimisation of adverse effects is required by policies in the plan, minimisation means reducing-controlling adverse effects of the activity to the smallest amount practicable using the best practicable options to support achievement of the NRP and Whaitua Implementation Programme (WIP) objectives and shall include consideration of:*

- a) the nature, objectives and functional requirements of the activity, and*
- b) the practicality of ~~consideration of~~ alternative locations and methods for undertaking the activity that would have less adverse effects, and*

- c) the practicality of locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous vegetation), and
- d) ~~timing of the activity or the adverse effects of the activity, to avoid time of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and~~
- e) using **good management practices** for reducing the adverse effects of the activity, and
- f) designing the activity so the scale or footprint is as small as practicable, and
- g) developing strategies for priority catchments to support prioritising effective and cost-effective interventions.”

Policy P7

“(f) primary food production and harvesting, and

....

~~shall be recognised~~ enabled and provided for.”

New Objective 13B

“*The social, economic, cultural and environmental benefits of rural activities are recognised.*”

New Policy 4B

“*Sensitive non-rural activities are located within rural areas in a way that avoids reverse sensitivity effects on rural activities.*”