

BEFORE THE HEARING COMMISSIONERS

IN THE MATTER OF the Resource Management Act 1991

AND The Proposed Natural Resources
Plan for the Wellington Region

AND Hearing 3 – Natural Form and
Function

Hearing Speaking Notes of **Lucy Cooper**

on behalf of Fish and Game

Dated: 13 September 2017

CONTENTS

CONTENTS	1
INTRODUCTION	2
CORRECTIONS AND UPDATES TO EVIDENCE	2
SUMMARY OF RELIEF SOUGHT	2
DEFINITION OF NATURAL CHARACTER	3
OBJECTIVE O19	3
PROTECTION OF NATURAL CHARACTER IN THE CMA	4

INTRODUCTION

1. I have prepared a statement of planning evidence for Hearing 3 dated 22 August 2017 on behalf of Fish and Game. This evidence was pre-circulated.

CORRECTIONS AND UPDATES TO EVIDENCE

2. Set out below are the corrections and updates I wish to make to the statement of evidence for Hearing 3:

- a. In my preferred relief for Policy P25, the policy should read:

When making decisions on resource consent applications for subdivision, use and development that may affect natural character of the coastal marine area, natural wetlands and rivers, lakes and their margins, the Regional Council must have regard to:

- i. The avoidance of any adverse effects on natural character. Where avoidance is not reasonably practicable, the adverse effects must be remedied or mitigated; and
- ii. Achieving the relevant numerical and narrative values in HQI index in Table 3.4; and
- iii. Whether the activity is of an appropriate form, scale and design to be compatible with the existing landforms, geological features and vegetation; and
- iv. The cumulative effects of the activity, by itself or in combination with effects of other activities, on natural character; and
- v. Whether there are alternative locations, design or form of development that have less adverse effects; and
- vi. Providing for the restoration and rehabilitation of natural character where that is appropriate and practicable.

SUMMARY OF RELIEF SOUGHT

3. In my evidence for Hearing 3, I sought the following relief:
 - a. The inclusion of a definition of “Natural Character” to provide certainty to decision makers and plan users as to the matters that should be taken into account when considering how activities affect the natural character of lakes, rivers, wetlands and their margins and the coastal environment.
 - b. Alternatively the elements that make up “Natural Character” should be set out in Policy P25.

- c. The inclusion of the HQI tool in Table 3.4 of the pNRP as a means of providing the Council with a practical, efficient and effective means to meet its natural character objectives and obligations under s6(a) of the RMA.
- d. The inclusion of a new method should be included to direct the Council to develop, in collaboration with other agencies and stakeholders, an integrated research, monitoring and reporting programme on the natural character of the Region's rivers.
- e. The preferred relief sought would result in the amalgamation of Objectives O17 and O19, and Policies P25 and P26.

DEFINITION OF NATURAL CHARACTER

4. Natural character is not defined in the RMA. Policy 13 of NZCPS provides direction on the meaning of natural character, making it clear that natural character includes all natural aspects of the land and sea, including the underlying ecological, hydrological and geomorphological processes that shape landforms (including underwater features), the natural movements of water and sediment, aspects of the environment that affect human experience including the night sky, the sounds and smell of the coast, and the context and setting of natural places.
5. As stated in my evidence, other higher order statutory documents also provide guidance and direction as to what is included in the concept of natural character, including the RPS and the NPSFM.
6. My understanding is that definitions of natural character in those documents are derived from case law.
7. The definition I have proposed in my evidence is inclusive and seeks to distil the principle elements pertaining to natural character identified in the NPSFM, the NZCPS and the RPS. I consider it will assist in the interpretation and application of objectives and policies in the pNRP.

OBJECTIVE O19

8. In my evidence, I welcomed Ms Legarth's amendment to O19, as I considered bolstered what was meant by natural processes, and afforded them a level of protection in policy similar to that for natural character.

9. In response to other evidence, Ms Legarth has revised the objective to require that use and development does not 'adversely impact on the integrity and functioning of natural processes'.
10. My preference would be for objectives that clearly ensure the same outcomes and the same level of protection for natural character *and* natural processes. I have sought to achieve this in my recommended amendments to the provisions.

PROTECTION OF NATURAL CHARACTER IN THE CMA

11. In paragraph 53 of her summary of evidence, Ms Legarth raises a question as how the relief sought in my evidence in respect of natural character policy will deal with the protection of natural character in the CMA.
12. The amendments I seek in respect of Policy P25 are set out in my appendix to my evidence. I have now amended my preferred relief to specifically refer to the CMA.
13. The HQI tool has been developed, with Council flood protection staff, specifically for river environments. The incorporation of this tool into the water quality standards for freshwater environments in Table 3.4 requires a policy mechanism to ensure its appropriate implementation. Policy 25 seems to me to be the most logical location for the reference to that standard.
14. I do not consider the incorporation of this tool into Policy P25 as precluding that policy from being able to provide appropriately for the preservation and protection of natural character in the coastal environmental (including the CMA) as envisioned by s6(a) of the RMA.
15. I consider that Policy P25 requires the following elements to meet Fish and Game's relief:
 - a. Incorporation of the HQI into Table 3.4 and reference to HQI in the policy;
 - b. The ability for decision makers to consider cumulative effects on natural character; and
 - c. The ability to consider the opportunities for the restoration and rehabilitation of natural character.
16. These key elements have been incorporated into the revised Policy P25 and alternative P25 in my evidence.

17. Proposed Method 10A specifically addresses river environments. I consider it will complement M22 and M25 which are focused on the restoration and identification of natural character in the coastal environment, respectively. The approach set out in all three Methods is consistent with the direction set in the RMA by section 6(a).