

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of the proposed Wellington Natural Resources  
Plan (NRP): Hearing Stream 1

**BETWEEN** **MAYPOLE ENVIRONMENTAL LIMITED**  
Submitter [No. 143]; Further Submitter [No. 47]

**AND** **GREATER WELLINGTON REGIONAL  
COUNCIL**  
Territorial Authority

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**STATEMENT OF CHRISTOPHER ADRIAN HANSEN  
FOR MAYPOLE ENVIRONMENTAL LIMITED**

**5 MAY 2017**

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## **Introduction**

1. Maypole Environmental Limited lodged a submission and further submission to the proposed Wellington Natural Resources Plan (NRP). Maypole has received the notice of the hearings of submissions on matters to be addressed in Hearing Stream 1, and has reviewed the s.42A Report. There are only three matters that relate to Maypole's primary submission, and Maypole does not intend to attend the Hearing Stream 1 hearings, but provides this statement for the Hearings Panel as it deliberates on the matters addressed.
2. Maypole intends to attend future hearings when substantive matters raised in its submissions are addressed, and will provide the Hearings Panel with an overview of the development it is undertaking on the Ngarara Farm north of Waikanae, and how the proposed NRP provisions relate to this development.
3. For completeness, I have provided in **Attachment 1** my qualifications and experience, and confirm that I will be providing expert planning evidence at future hearings. In that evidence, I will provide an overview of the planning context including an assessment of the higher order planning mechanisms and an assessment of the s.32 requirements for objectives, policies and rules when I attend the first hearing.
4. This statement is specific to the three matters included in Maypole's submission which are:
  - (a) Policy P9 – Public access to and along the coastal marine area and the beds of lakes and rivers;
  - (b) Policy P45 – Managing adverse effects on sites with significant mana whenua values;
  - (c) Schedule C2 – Sites of significance to Te Atiawa ki Whakarongotai.

## **Policy P9**

5. Policy P9 implements Objectives 09 and 010 and relates to public access to the coastal marine area and the beds of rivers and lakes. The intention of the notified Policy P9 is to avoid a reduction in the extent or quality of public access to the beds of lakes and rivers, except in circumstances stated in (a) to (c) in the policy. These circumstances

include when there is a need to protect values of estuaries and sites with significant historic heritage or/and with significant indigenous biodiversity as identified in the respective schedules. Where it is necessary to permanently restrict or remove existing public access, this loss is to be mitigated or offset by providing enhanced public access at a similar or nearby location.

6. Maypole is particularly interested in access to the wetlands as the Ngarara Farm has a significant wetland area that has been covenanted for 20 years with the QEII Trust, and actively managed for pest species. In its submission Maypole was concerned that the policy did not promote public access to wetlands, as the operative Freshwater Regional Plan does (including Issue 2.2.4; Objective 4.1.7; Policies 4.2.9 and 4.2.27; Method 8.25). Maypole considers there are benefits that can be gained from providing for managed access to wetlands, including community involvement in wetland restoration and education about native fauna and flora, improving the communities understanding of the values of the wetlands to the region or district's biodiversity. Maypole sought for Policy P9 to be amended to promote sustainable public access to wetlands.
7. The s.42A Report (Issue 3.2; Beneficial Use and Sustainability) does not appear to acknowledge Maypole's submission and does not seem to consider the request sought by Maypole. Without specific reasons why the Council Officer has not addressed or accepted Maypole's submission point, it is difficult to provide informed planning comment on these matters.
8. I note the s.42 Report does recommend some amendments to Policy P9 (paragraph 245 of the s.42A Report) which include amending the policy by:
  - (a) Amending the policy to read: "Maintain and enhance Reduction in ..."; and
  - (b) Deleting the following words: "... beds of lakes and rivers ~~shall be avoided~~ except where it is necessary to: ... "
9. I acknowledge the recommended amendments go some way to addressing the concerns raised by Maypole, as it removes the restrictive approach to public access to the beds of lakes and rivers, including estuaries (and presumably wetlands). Notwithstanding this, I note the recommended amendments do not specifically relate to wetlands, and

do not specifically promote sustainable public access to wetlands for education and recreational purposes.

10. I also note that Maypole did not seek specific wording in its submission to address the concerns it raised. I recommend the following amendment be made to Policy P9 to address the submission point made by Maypole:

- (a) Amend Policy P9 to read (underlined words to be added; ~~erossed-out~~ words to be deleted):

- “Maintain and enhance Reduction in the extent or quality of public access to and along the coastal marine area, and the beds of lakes and rivers, and wetlands for education and recreational purposes shall be avoided except where it is necessary to: ...”*

11. In my opinion, these amendments have planning merit and will add clarity to the policy which will guide decisions on resource consents related to this matter. I also consider the amendments mean the policy is the most appropriate way of achieving the objectives of the plan, as per the s.32 (1) (b) evaluation requirement.

#### **Policy P45**

12. Policy P45 intends to avoid, in the first instance, activities in sites with significant mana whenua values identified in Schedule C. If the site cannot be avoided, then more than minor adverse effects must be evaluated through a Cultural Impact Assessment (CIA) undertaken by the relevant iwi authority. The policy identifies how adverse effects will be managed, including receiving written approval from iwi authorities. Where more than minor adverse effects on significant mana whenua values cannot be avoided, the activity is considered inappropriate, and offsetting is also considered inappropriate.
13. In its submission, Maypole expressed particular concern on what it considered was restrictions on the installation of structures in Schedule C watercourses, and in particular the Ngarara Stream. Maypole agreed that the mana whenua values should be protected, but considered low impact developments (or in other words developments with no more than minor adverse effects) should be provided for or not unnecessarily restricted. Maypole also supported the requirement for a CIA in some instances, however considered written approval of iwi should not be required when effects are no

more than minor, or when alternative practices (such as when Kapiti Coast District Council provides iwi with a resource consent application) already exists. Maypole provided as an example the recent development of the Waimeha Stage 1 development, which I will provide detail when attending the first hearing.

14. Maypole sought for the focus of the policy to be taken away from the avoidance of the activities, and provide for the avoidance, remedying or mitigation of environmental effects. Maypole also sought for the policy to be amended to only require CIAs when adverse environmental effects are more than minor and to recognise there are other management processes, including district plan consents, in place that require iwi involvement and approval.
15. I also note Maypole supported submissions by First Gas Limited and Carter Family and the relief they sought in their submissions.
16. The s.42A Report (Issue 2.3 - Significant Areas and Sites for Mana Whenua) provides a useful commentary on the intent of policy P45 and its relationship with other policies. The key point made in the s.42A Report is that that policy only relates to activities that have more than adverse effects on significant mana whenua values identified in Schedule C sites (which should not go ahead), and therefore does not apply to activities with effects that are no more than minor. The s.42A Report recommends no amendment to Policy P45.
17. I note the s.42A Report does not specifically reference Maypole's submission points, and does not recommend the amendment sought by Maypole, or the submissions that it supported in its further submission.
18. In the absence of specific reasons why Maypole's submission points have not been accepted, it is difficult to provide an informed comment. Notwithstanding this, I consider the clarification in the s.42A Report that Policy P45 only applies to activities that cause adverse environmental effects that are more than minor is helpful, and I accept the policy clearly makes this point. Notwithstanding this, I prefer the additional wording sought by First Gas Limited which seeks the words "where practicable" be added to the policy. In my opinion this provides clear guidance to decision makers

when considering a consent, represents best planning practice, and introduces a sense of practicality currently missing from the policy.

19. In terms of Maypole's request to only require CIAs when adverse environmental effects are more than minor and to recognise there are other management processes, including district plan consents, in place that require iwi involvement and approval, I support this view. My experience with the Ngarara Farm development to date is that a CIA has been prepared by iwi for substantial developments, and I consider this is best planning practice. My experience is also that the Kapiti Coast District Council also provides any district resource consent to the local iwi (in this case Te Atiawa ki Whakarongotai) and therefore there is an element of duplication in the policy which requires written approval of iwi.
  
20. In my opinion, the following amendment to Policy P9 would meet Maypole's concerns (underlined words are additional):  

*“(d) where adverse environmental effects are more than minor, receiving written consent from the iwi authority.”*
  
21. In my opinion, these amendments have planning merit and will add clarity to the policy which will guide decisions on resource consents related to this matter. I also consider the amendments mean the policy is the most appropriate way of achieving the objectives of the plan, as per the s.32 (1) (b) evaluation.

#### **Schedule C2**

22. Schedule C2 identifies sites of significance to Te Atiawa ki Whakarongotai. Of particular relevance to Maypole is the Ngarara Stream – Kawakahia which runs through part of the Ngarara farm.
  
23. In its submission, Maypole indicated it understood the importance of listing sites of cultural significance in Schedule C2, and sought further descriptions of the cultural significance of the Ngarara Stream – Kawakahia.
  
24. The s.42A Report (Issue 4 – Significant Areas and Sites for Mana Whenua) notes Maypole's request in paragraph 231 and notes in paragraph 232 the level of detail

provided needs to be consistent across Schedule C. It also notes that the Kaitiaki Group decided that the schedule should identify the key value type, but their expectation was that owners or resource users should contact local iwi for further information where desired or necessary. In relation to the Ngarara Stream, it records that additional information on the Ngarara Stream is available, and has been sent to Maypole along with the details of the iwi contact.

25. As a result of Maypole's submission, the s.42A Report recommends a note is added to the beginning of Schedule C to indicate that further information on particular sites is available from mana whenua, and suggests the wording for this note.
26. I accept the views provided in the s.42A Report, and I support the recommended note, and the wording proposed. In my opinion this satisfies the concerns expressed by Maypole, and represents best planning practice.
27. In my opinion, these amendments have planning merit and will add clarity to the Schedule. I also consider the amendments mean the Schedule as a method is the most appropriate way of achieving the objectives of the plan, as per the s.32 (1) (b) evaluation.

**Chris Hansen**

**05 May 2017**

## **Attachment 1 – Qualifications and Experience**

### **Introduction**

1. My name is Christopher Adrian Hansen and I am a Director and Principal Planning Consultant with Chris Hansen Consultants Ltd. My qualifications are a Bachelor of Regional Planning (Hons) from Massey University (1980). I am a full member of the New Zealand Planning Institute, a member of the Resource Management Law Assoc., and a certified Hearings Commissioner.
2. I have over 34 years' experience in planning and resource management. I began my career in 1980 with the Ministry of Transport who had the responsibility for coastal and maritime planning under the former Town & Country Planning Act, and joined the Ministry of Works & Development in 1982 when the coastal and maritime responsibilities were transferred to the Minister of Works. I later joined the Ministry for the Environment from 1987 – 89 where I was involved in the preparation and 'testing' of parts of the proposed Resource Management Act legislation. In 1989 I joined the Department of Conservation in a management role that including planning responsibilities under the Conservation Act, and input into RMA process on conservation matters. Since 1995 I have practiced as a consultant planner, firstly with Tonkin & Taylor Ltd (11 years) and then Sinclair Knight Merz (4 years) as their National RMA Planning Manager. I have run my own practice since 2010.
3. I have particular experience in the review and assessment of regional and district plans and the preparation of submissions, attendance at hearings providing expert planning evidence, and in mediation to resolve appeals.
4. I provide the attached statement of evidence in support of the submissions lodged by Maypole Environmental Limited (Maypole) to the proposed Wellington Natural Resources Plan (NRP). While I was not involved in the preparation and lodgement of Maypole's original submission on the NRP, I assisted Maypole to review submissions and prepared its further submission.



5. 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. I also confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise.

