

**Speaking Notes - Summary of evidence of Pauline Mary Whitney on
Submission points by Masterton District Council (MDC) S367 and South
Wairarapa District Council (SWDC)S366**

Before Greater Wellington Regional Council

Proposed Natural Resource Plan Hearings Panel

Hearing Stream One, Overall Plan Framework, Beneficial Use and
Development, and Areas and sites with significant mana whenua values

- 1 My name is Pauline Mary Whitney. I am a Senior Planner: Principal of Boffa Miskell Limited. I am a Full Member of the New Zealand Planning Institute, and have over 19 years' experience as a resource management planner.
- 2 Today I wish to highlight the main points of my primary evidence, comment on any changes resulting from reading other expert evidence, and comment on the changes put forward by officers on the opening day of the hearing.
- 3 Before I get into that, I would like to just give an overview of my thoughts on the SWDC and MDC submissions. When I read their submissions, there are three concerns that keep coming to mind: -
 - The first is the complexity of the plan
 - The second is the interpretation issues over how the plan and the provisions will be interpreted and implemented.
 - The third is the costs of complying with the rules.
- 4 From a planning perspective, I can totally understand the councils concerns in terms of community wellbeing, affordability and the economic impact of the approaches proposed in the PNRP. The number of submitters who wish to be heard to my mind indicate the concerns of the community with the plan.
- 5 Turning to my evidence, upon reviewing other experts pre-circulated evidence, I support the amended definition of 'upgrade' as outlined in paragraph 38 of Christine Foster's evidence relating to submission points of Meridian Energy Ltd. Also as a note, although I have not changed my position on other matters as a result of other expert evidence, I can see the merit in a number of the amendments put forward. Policy 4, and Objective 12 and 13 in particular generated a lot of attention and I support the changes many of the submitters seek to these provisions in relation to regionally significant infrastructure.

- 6 In terms of the officer's overview presented on 22 May 2017, there were not many changes put forward as a result of all the expert evidence. The one amendment specifically relevant to submission points by MDC and SWDC relates to Policy 4. and involves removal of clause b). While I support the removal of clause b), along with numerous other submitters, I have concerns with Policy 4, and these concerns remain. In context of minimizing adverse effects, I support amendments recognising the benefits and costs, and functional and operational needs of RSI.

Sought wording for Policy 4 is as follows:

Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall may include:

OR

Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall may include, but not be limited to, consideration of the following matters:

"(a) consideration of the effects and benefits arising from using alternative locations and methods for undertaking the activity (including the costs and benefits) that would have less adverse effects, and

~~(b) where reasonable practicable, locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana-whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and~~

(f) consideration of the functional or operational needs of Regionally Significant Infrastructure.

- 7 As a result of listening to the questions by the panel to the officers on Monday 22 May, I have relooked at the nature of the objectives put toward in my primary evidence. I am satisfied that the changes outlined in my evidence reflect the purpose of an objective, which is to be outcome focused, and a statement about what is to be achieved. The addition of "provided for" to Objective 12 helps make the objective more measurable.
- 8 On reflection I do have a question mark over sought Objective 12A. ("Recognise that some regionally significant infrastructure has a functional need and/or operational requirement to be located and/or operated in a particular environment") which was proposed by Chorus NZ in point S144/005 and which MDC and SWDC submitted in support. This provision may actually be best placed as a policy as by recognising the constraints, you would be achieving Objective O8 and O12.
- 9 In terms of the remaining submission points in my evidence, the outstanding relief sought is as follows:

Section 2.1.1 Objectives Background:

- 9.1 As a minimum I still support the insertion of explanatory text outlining that different objectives will be achieved in different timeframes. At later hearings further specific changes will be sought but at the very least this wording below gives a heads up that there is no uniform timeframe.

Sought wording is as follows:

2.1.1 Objectives

....The objectives provides the direction and justification for the policies, rules and other methods.

Objectives state the goals or aims of the plan and therefore the outcomes sought. Some outcomes are to be achieved immediately, others achieved in the life span of the plan, and others may take longer to achieve over a period that extends beyond the plan life span.

The objectives should be read

Objective 12:

- 9.2 I support amendment to Objective 12 so the benefits of Regionally Significant Infrastructure (“RSI”) are recognised and ‘provided for’; and that roads (as a form of infrastructure that is not significant but none the less important) is recognised at a policy level. In terms of a new objective relating to function and operational requirements, as noted above, this needs to be recognised but perhaps its best at policy level.

- 9.3 Sought wording is as follows:

Objective O12

The social, economic, cultural and environmental and health and safety benefits of regionally significant infrastructure, ~~and~~ renewable energy generation activities, and roads are recognised and provided for.

Objective O12A

Recognise that some regionally significant infrastructure has a functional need and/or operational requirement to be located and/or operated in a particular environment.

Objective 13:

- 9.4 A key amendment to Objective 13 that many other experts sought was the, application of the objective to not just the CMA. To me that’s a key policy change.

Sought wording is as follows:

The use, ~~and~~ ongoing operation and upgrade of regionally significant infrastructure and renewable energy generation activities ~~in the coastal-marine area~~ are protected from ~~new~~ incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.

Policy 12:

- 9.5 Related to the relief sought in Objective 12, I am supportive of reference to 'roads' in Policy 12 relating to benefits.

Sought wording is as follows:

Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities, and roads.

The benefits of roads, regionally significant infrastructure and renewable energy generation activities are recognised by having regard to:

(a) the strategic integration of infrastructure and land use, and

(b) the location of existing infrastructure and structures, and

(c) the need for renewable energy generation activities to locate where the renewable energy resources exist, and

(d) the functional need for port activities to be located within the coastal marine area, and

(e) the operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities, and roads

Policy 14:

- 9.6 I support amendment to Policy 14 relating to reverse sensitivity issues to apply the policy to changing as well as new third party activities.

Sought wording is as follows:

Policy P14: Incompatible activities adjacent to regionally significant infrastructure and renewable electricity generation activities

Regionally significant infrastructure and renewable energy generation activities shall be protected from ~~new~~ incompatible use and development occurring under, over or adjacent to it, by locating and designing any new or changing use and development to avoid, remedy or mitigate any reverse sensitivity effects.

Policy 16:

- 9.7 Given the importance of flood protection, I support amendment so that the benefits of flood and erosion activities are recognised 'and provided for'.

Sought wording is as follows:

Policy P16: New flood protection and erosion control

The social, cultural, economic and environmental benefits of new catchment based flood and erosion risk management activities are recognised and provided for.

Objective 11:

9.8 I retain concerns as to the open ended requirement to “recognise, maintain and improve” opportunities for Maori customary use across every water resource in the region. On this basis I support insertion of the words “where appropriate” at the end of the objective. This provide context and acknowledgment of the particulars of a site and recognises opportunities are likely to vary depending on the circumstances of the use and site.

9.9 Sought wording is as follows:

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 appropriate.

Objective 33:

9.10 I remain supportive of amendment to Objective 33 so that it is the values to be protected. I also support the amendment referring to “inappropriate use and development” and that the values be restored “where appropriate”. Such an amendment would recognise that some activities are appropriate in Schedule C sites (such as those activities on Henley Lake) and that restoration is not always appropriate.

Sought wording is as follows:

The identified values within sSites with significant mana whenua values (as identified and mapped within Schedule C) are protected from inappropriate use and development and restored where appropriate.

Objective 5:

9.11 Related to the definition of Maori customary use, I support amendment to Objective 5 to recognise that providing for Maori Customary use is a progressive objective given the encompassing nature of the term. It’s not something that can be achieved immediately.

Sought wording is as follows:

Objective O5

Fresh water bodies and the coastal marine area, as a minimum, are managed to:

- (a) safeguard aquatic ecosystem health and mahinga kai, and*
- (b) provide for contact recreation, and progressively provide for Māori customary use, and*
- (c) in the case of fresh water, provide for the health needs of people.*

Policy 7:

- 9.12 Within policy 7 I support recognition of the benefits of use of land and water for transportation and RSI.

Sought wording is as follows:

Policy P7: Uses of land and water

The cultural, social and economic benefits of using land and water for:

.....

(k) transportation, including along, and access to, water bodies, and

(l) regionally significant infrastructure

shall be recognised.

Policy 9:

- 9.13 Policy 9 relates to public access and I support amendment to the final part of the policy to include consideration of existing practicable alternatives where access is to be reduced.

Sought wording is as follows:

Policy P9: Public access to and along the coastal marine area and the beds of lakes and rivers

.....

with respect to (a), and (b) and (c), where it is necessary to permanently restrict or remove existing public access, the loss of public access shall be mitigated or offset by providing enhanced public access at a similar or nearby location where a practicable alternative does not already exist.

Schedule C5:

- 9.14 In terms of Henley Lake, I am not in a position to comment on the appropriateness of the inclusion of Henley Lake from a cultural perspective. But from a planning perspective, I still do not see how any activities and structures in Henley Lake which will likely need resource consent, will be able to achieve the directive nature of Obj 33. I support either, Deletion of Henley Lake from the schedule (my preference); or amendment to the policy and rule framework relating to Schedule C sites, specifically Henley Lake. The Henley Lake Reserve Management Plan is five years old and is on the Council program for review in 2018. If not commencing in 2017, the review will commence in 2018.

Pauline Whitney

24 May 2017