

REPLY EVIDENCE OF RICHARD SHEILD

Introduction

1. The Panel asked for the 'genealogy' of the proposed additions to the plan change. Set out below are the relevant high order documents which informed these proposed amendments.

Policy A

2. Policy A as drafted in GW evidence reads:

The use, development and subdivision of land must consider effects on:

- i. gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries*
- ii. drinking water sources*
- iii. ecosystem values*
- iv. any relevant water quality attribute targets in a regional plan*

3. The direction for this policy currently sits in Policy FW.3 of the Proposed Regional Policy Statement Change 1. Clause (k) within this policy states that district plans must “require that urban development is located and designed to protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries”. Clause (q) states that district plans must “consider the effects of land use and development on drinking water sources”. Clause (g) states that district plans must “consider the effects on freshwater and the coastal marine area of subdivision, use and development of land” – this is broad and includes ecosystems. Finally, clause (h) states that district plans must “consider the use and development of land in relation to target attribute states and any limits set in a regional plan”. These clauses cover all aspects listed within Policy A.
4. With regard to the Whaitua Implementation Programmes, the direction in this proposed policy implements direction spread across multiple WIP recommendations.
5. The direction to consider the effects of new development on freshwater comes from recommendation 58 in the Te Whanganui a Tara WIP, which says (emphasis mine):

Greater Wellington and Mana Whenua, together with territorial authorities and the relevant three waters agency, develop (by 2025) a comprehensive suite of regulatory and non-regulatory interventions for new property developments and infrastructure, to be implemented through WSUD via a catchment-management approach. These interventions would include water impact assessments, rainwater/stormwater harvesting, rain gardens, constructed wetlands, green roofs, improved sump maintenance, strategic street sweeping and permeable pavements to reduce water-quality impacts and reduce peak wet weather flows. Existing properties and infrastructure should be retrofitted using this WSUD approach whenever opportunities arise (e.g., at the end of an asset’s life).

6. This recommendation provides the direction to consider effects of new property developments (such as new medium or high-density residential developments) on freshwater, with the specific interventions to focus on implementing water sensitive urban design (which is covered in the evidence on Ms Guest and Mr Farrant).

7. Additionally, there is direction to consider effects on drinking water sources in recommendation 54 in the Te Whanganui a Tara WIP, which says (emphasis mine):

Greater Wellington, Mana Whenua, Hutt City Council, Upper Hutt City Council, the relevant three waters agency and the community actively work together to better protect the current and future sources (surface water and groundwater) of human drinking-water from emerging threats. They do this by investigating the risks associated with water quality and quantity and managing activities that may adversely affect this (such as land use and contaminant discharges). This may include developing district and regional plan provisions and other methods.

8. Recommendation 22 in Te Mahere Wai directs that “activities affecting water quality will ensure that the water quality standards set in the PNRP, or the A band attribute state in the NPSFM 2020, whatever is more stringent, are achieved”. Given the use and development of land can affect the target attribute states, this policy is a reasonable intervention to address this problem.
9. Finally, there are more general and longer-term recommendations in Te Mahere Wai that are relevant. Recommendation 3, to “identify and restore wai ora in all freshwater and coastal receiving environments in Te Whanganui-a-Tara by 2071” articulates an aspiration for healthy water, which will require the direction in Policy A to be achieved.

Policy B

10. Policy B as drafted in GW evidence reads:

Manage the effects of urban development on freshwater by requiring that urban development is located and designed to minimise the extent and volume of earthworks and to follow, to the extent practicable, existing land contours.

11. Again, the direction for this policy sits in Policy FW.3 in Proposed Regional Policy Statement Change 1. Clause (j) directs district plans to “require that urban development is located and designed to minimise the extent and volume of earthworks and to follow, to the extent practicable, existing land contours”. The wording in Policy B mimics this.
12. Recommendation 4 from Te Mahere Wai is the primary WIP direction behind this policy, setting the long-term aspiration to restore wai ora. Achieving wai ora will likely need better management of earthworks, given sediment is an identified problem for the urban catchments (as outlined in my planning evidence).

Policy C

13. Policy C as drafted in GW evidence reads:

Manage the effects of earthworks and vegetation removal on water and cultural values by controlling earthworks and vegetation removal to the extent necessary to:

(a) contribute to the achievement of the target attribute states for water bodies and freshwater ecosystems, including the effects of these activities on the life-supporting capacity of soils, and

(b) to provide for tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga

14. The RPS direction for this policy is in Policy 15 of Proposed Regional Policy Statement Change 1. Policy 15 requires that district plans shall “include policies, rules and/or methods that control earthworks and vegetation disturbance to 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”. The proposed Policy C uses this wording with only minor changes.
15. Again, recommendation 4 from Te Mahere Wai provides the WIP direction for this policy, setting the long-term aspiration to restore wai ora. Achieving wai ora will likely need better management of the effects of runoff from earthworks and vegetation clearance, given sediment is an identified problem for the urban streams (as outlined in my planning evidence).
16. Recommendation 22 in Te Mahere Wai directs that “*activities affecting water quality will ensure that the water quality standards set in the PNRP, or the A band attribute state in the NPSFM 2020, whatever is more stringent, are achieved*”. Given both earthworks and vegetation clearance can affect the target attribute states (and the urban streams are below national bottom lines for sediment), this policy is a reasonable intervention to address this problem.

New conditions or matters of discretion inserted – any amended wording proposed to add clarity and certainty

17. My planning evidence recommended three new conditions/matters of discretion to help implement these policies within rules. These are:
18. (a) adverse effects on gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries, drinking water sources, ecosystem values, and any relevant water quality attribute targets in a regional plan.
19. (b) extent and volume of earthworks and the degree to which earthworks follow existing land contours.
20. (c) adverse effects on the relationship between tangata whenua and their culture, land, water, sites, wāhi tapu and other taonga.
21. The Panel raised the question of whether the wording could be amended to add clarity or certainty.
22. With this in mind, I suggest some minor amendments to add clarity for plan users, especially council officers.
23. First, I recommend amending (a) to read:

management of adverse effects on gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries, drinking water sources, ecosystem values, ~~and in~~ order to achieve any relevant water quality attribute targets in a regional plan.

24. This provides clearer direction for plan users and officers that the focus on matters of discretion and conditions should be on managing effects on these waterbodies, with the goal of achieving target attribute states.
25. I do not suggest any further changes to (b).
26. For (c), I suggest a minor amendment to read as:

management of adverse effects on the relationship between tangata whenua and their culture, land, water, sites, wāhi tapu and other taonga.
27. Again, this provides some clearer direction, that the focus should be on managing adverse effects.