

**BEFORE THE HEARING PANEL APPOINTED BY GREATER
WELLINGTON REGIONAL COUNCIL**

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

AND

IN THE MATTER of hearing of submissions on the Proposed
Change 1 to the Regional Policy Statement
for the Wellington Region

HEARING STREAM 3

**STATEMENT OF EVIDENCE BY JORDYN LANDERS FOR
HORTICULTURE NEW ZEALAND (PLANNING)**

14 AUGUST 2023

INTRODUCTION

1. My full name is Jordyn Maree Landers. I am currently employed as a Senior Planner at Beca, a role I have been in since July 2022.
2. I was previously employed as an Environmental Policy Advisor at Horticulture New Zealand (HortNZ) between August 2019 – July 2022. In that role I was involved with regional and district planning processes in regions where fruit and vegetables are grown commercially. Prior to my role with HortNZ, I was employed as an Environmental Planner at GHD.
3. I hold a Master of Planning and a Bachelor of Science from the University of Otago. I am a full member of the New Zealand Planning Institute (NZPI). I have over six years planning experience.
4. Based on my previous role with HortNZ I have a broad understanding of the horticulture sector and the interfacing planning considerations under the RMA.
5. I assisted HortNZ in the preparation of its submission and further submissions on Proposed Change 1 to the Wellington Regional Policy Statement. I was asked by HortNZ to consider the analysis and recommendations of the s42A reports for Hearing Stream Three – Climate Change and to prepare planning evidence in relation to the Natural Hazards Topic. I am authorised by HortNZ to present this statement of evidence.
6. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses (Environment Court of New Zealand Practice Note 2023) and agree to comply with it. This evidence I am presenting is within my area of my expertise, except where I state that I am relying on the evidence of another person. To the best of my knowledge, I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

SCOPE OF EVIDENCE

7. HortNZ made submissions (and further submissions) on the Proposed Change 1 to the Regional Policy Statement for the Wellington Region ('Change 1') that are being addressed in Hearing Stream 3.
8. This statement addresses HortNZ submission points (and where applicable, further submission points) relating specifically to the natural hazard's topic of Hearing Stream 3.

9. In relation to the provisions that HortNZ has an interest in for this topic:
- a. Issue 1, Objective 19, Objective 21, Objective CC.6, Policy 29, Policy 51, Policy CC.16 and 'hazard sensitive activity' are being heard under Part 1, Schedule 1 of the Resource Management Act 1991 (RMA); and
 - b. Objective 20 and Policy 52 are being heard under the Freshwater Planning Process (FPP) in Part 4, Schedule 1 of the RMA.
10. In preparing this statement, I have reviewed:
- Proposed Change 1 to the Regional Policy Statement for the Wellington Region.
 - Section 32 Report Evaluation of provisions for Proposed Change 1 to the Regional Policy Statement for the Wellington Region.
 - The following Section 42A reports dated 31 July 2023: Topic: Climate Change General (prepared by Jerome Wyeth); Topic: Agricultural Emissions (prepared by Jerome Wyeth); Topic: Climate Resilience and Nature-Based Solutions (prepared by Pam Guest); Topic: Energy, Waste and Industry (prepared by Jerome Wyeth); and Topic: Natural Hazards (prepared by Iain Dawe and James Beban).
 - HortNZ's submission and further submission.

RESPONSE TO SECTION 42A REPORT – TOPIC: NATURAL HAZARDS

Summary of HortNZ's submission and further submissions

11. Table 1 below summarises the provisions which HortNZ made submissions (and further submissions).

Table 1: Summary of HortNZ submission and further submission interests

Provision	Summary of HortNZ's interests
Issue 1: Risks from natural hazards	HortNZ submission (S128.009) sought amendment to include 'food production and food security'. (Supported in part, by Rangitāne o Wairarapa Inc FS2.7).
Objective 19	HortNZ submission (S128.010) sought amendment to include 'food production and food security'. (Supported in

	part, by Rangitāne o Wairarapa Inc FS2.8).
Objective 20	HortNZ submission (S128.011) sought clarification of the drafting and retention of 'minimise' direction. (Supported in part, by Rangitāne o Wairarapa Inc FS2.9).
Objective 21	HortNZ submission (S128.012) sought amendment to include 'food production and food security' (as a component of resilience). (Opposed, by Rangitāne o Wairarapa Inc FS2.10).
Objective CC.6	HortNZ submission (S128.007) sought the definition be retained as notified.
Policy 29	HortNZ submission (S128.036) sought amendment to refer to '... subdivision, <u>inappropriate</u> use or development'. (Supported by Fulton Hogan Limited FS11.012; Opposed by Ātiawa ki Whakarongotai Charitable Trust FS20.023).
Policy 51	HortNZ submission (S128.046) sought amendment to '... subdivision, <u>inappropriate</u> use or development'.
Policy 52	HortNZ submission (S128.047) sought amendment to (c) to include 'highly productive land with food security values'. (Opposed by Ātiawa ki Whakarongotai Charitable Trust FS20.026).
Policy CC.16	HortNZ submission (S128.051) sought amendment to add 'Options for water storage to promote resilience for rural and urban communities'.
Hazard sensitive activity	HortNZ submission (S128.065) sought amendment to delete 'hazardous facilities' – the S42A report recommends that this submission be accepted. HortNZ supported in a further submission (FS28.094) the submission of BP Oil NZ Ltd, Mobil Oil Ltd and Z Energy Ltd

Key issues and outcomes sought

12. The key subject of HortNZ's submissions is that food security is a nationally important issue which needs to be addressed at all levels. This theme is very much inherent to HortNZ's submissions on the natural hazard's topic.
13. The National Policy Statement for Highly Productive Land 2022 ('NPSHPL 2022') was gazetted following the notification of Change 1 and provides direction to protect highly productive land for land-based

primary production, both now and for future generations. However even without this national direction, there is a need to carefully consider issues such as productive soils, food production and the food security that contribute to the sustainable management purpose of the RMA. HortNZ's submission notes that the Wellington Regional Growth Framework highlights a challenge of integrated management in relation to highly productive land is recognised in the:

“Wairarapa and Horowhenua also contain important areas of highly productive land, where rural values such as soil protection, food production and water quality have to be provided for and balanced against urban development. This will need to be carefully considered into the future.”¹

14. The most fertile soils are often located in areas subject to natural hazard risk, and in land use planning primary production activities are generally provided for (as compared to activities such as residential development) in areas with an increased risk profile. At least, the primary production activities are not subject to more stringent controls due to the inherently lower risk to human life in a natural hazard event.
15. That said, natural hazards pose a risk to food production and can disrupt food supply – this does not mean that we should not grow food on our productive soils, but it does raise an important consideration in relation to natural resources in a changing climate of, through resource management frameworks:
 - a. Not exacerbating, through other development or hazard mitigation measures, the risks of natural hazards on highly productive land;
 - b. Considering as part of a climate change adaptation and mitigation, areas of highly productive land which we may need to strategically protect from natural hazards in the interests of food security.

Issue 1

16. Issue 1 is part of the introduction to Chapter 3.8 Natural Hazards and recognises the risks associated with natural hazards.
17. The author of the s42A (Mr Dawe) recommends that HortNZ's

¹ Wellington Regional Growth Framework (July 2021) - <https://wrgf.co.nz/wp-content/uploads/2021/08/1320-Wellington-Regional-Growth-Framework-Report-JULY-2021-FINAL-LR.pdf>

submission (seeking the inclusion of ‘food production and food security’) be accepted in part, and that Issue 1 be amended to refer to “the local economy”, on the basis that food production is a subset of business activity.²

18. I do not oppose the inclusion of the local economy as recommended by the s42 author; however, I consider that there are more specific social wellbeing values and human health considerations linked to food production and particularly food security, which are not adequately captured by reference to the local economy (and considering food production as a subset of business activity). The s42A report acknowledges the importance of food production (and notes that in the ‘Climate Change – General’ Topic, a change is recommended to the introductory text to specifically refer to food security, in the context of a regionally significant issue relating to the risks associated with natural hazards being exacerbated by climate change)³. It is clear from recent severe weather events the significant impacts of natural hazards on our food production system (and consequently food security). Including recognition of food security in Issue 1, helps to add the necessary context to resource management relating to natural hazards.
19. I consider that Issue 1 should be amended as follows (s42A recommended changes in red, my changes in green):

Issue 1: Effects of Risks from natural hazards

Natural hazard events in the Wellington region have an adverse impact on people and communities, the natural environment, businesses, food security and the local economy, property and infrastructure.

Objectives 19, 20, 21 and CC.6

20. Objective 19 seeks to minimise the risks of natural hazards and climate change. HortNZ’s submission (S128.010) sought an amendment to this objective to include ‘food production and food security’.

² S42A Report Natural Hazards, at paragraph 115 and 116.

³ Recommended changes to the Issue 3 of Chapter 3.1A Climate Change: **3. The risks associated with natural hazards are exacerbated by climate change** The hazard exposure of our communities, land, *mana whenua/tangata whenua* sites, *wāhi tapu*, infrastructure, food security (including mahinga kai), and water security is increasing because of climate change impacts on a range of natural hazards.... (continues)

21. The author of the s42A report (Mr Beban) recommends that HortNZ's submission be rejected on the basis that food security is not an issue intended to be captured by Objective 19. The author of the s42A report notes that food production is often located on flood plains where the most fertile soil is located, and considers that inclusion of food security in this objective "*may result in councils making land use zoning decisions that would prevent these activities from occurring on land subject to natural hazards*"⁴ (which in the authors opinion would negatively impact on food security).
22. I agree that preventing food production from occurring on fertile soils that are flood prone would be a perverse outcome (as well as being contrary to direction in the NPSHPL 2020, to protect highly productive land for land based primary production). However, this objective could be considered in a number of different contexts, for example:
- When assessing a proposal for a flood protection scheme that might increase the risk of flooding on productive land that has food security values;
 - When assessing new urban development which may result in an increased risk of land with food security values being impacted by natural hazards (where this was to an extent that the risks from natural hazards to food security is increased);
 - When assessing structures associated with primary production in a natural hazard area, whether this would increase risks from natural hazards to food security (which I would generally expect to not be the case as they support the production activity, unless they were to, for example cause an increase for example the risk of flooding);
 - A proposal that provides flood protection from an identified areas of highly productive land that is significant for food security, would be assessed favourably against this objective.
23. In my opinion, recognising food security in the objective would not imply the situation noted by the author of the s42A report (i.e., land zoning preventing food production on land subject to natural hazards). This is contingent on the policy direction that sits under the objective (which is discussed below). I consider this risk is further lessened with reference to food security in the objective (rather than directly food production) as it speaks to the value associated with the activity rather than just the activity itself. This is because food production is a

⁴ RMA s42A report at para 146.

component of food security, describing the production of food; whereas food security is a broader concept which refers to the access to sufficient, safe and nutritious food.⁵

24. I consider that Objective 19 should include a reference to food security to provide a comprehensive list of considerations. I note that Objective 21 and Objective CC.6 are more general in the way they are framed (referring to the resilience of communities and the natural environment).
25. I consider that Objective 20 would also be suitable for reference to, food security as it is about minimising the risks of from natural hazards through mitigation measures, and relates to fresh water, which food production relies upon, and which is also impacted by rainfall and flood events. Food security also depends on natural processes and is a inherent the second priority of Te Mana o te Wai. However I note that while HortNZ made a submission on Objective 20 (seeking clarification of the drafting and retention of 'minimise' direction), but it did not directly seek this change to Objective 20.
26. I propose an amendment to Objective 19 as follows (S42A recommended changed in red, my changes in green):

Objective 19

The risks ~~and consequences~~ to people, communities, ~~their~~ businesses, property, food security and infrastructure ~~and the environment~~ from natural hazards and the effects of climate change effects are ~~reduced~~ avoided or minimised.

27. An alternative relief, if the Panel consider there is scope through HortNZ's submission on Objective 19 and 21, Objective 20 could be amended to include reference to food security, as one of the list of considerations in terms of minimising the impacts of mitigation activities:

Objective 20

Natural hazard ~~mitigation measures~~ and climate change ~~mitigation and adaptation activities~~ minimise the risks from natural hazards, and impacts on, Te Mana o te Wai, Te Rito o te Harakeke, ~~sites of~~

⁵ Food security is defined by the Food and Agriculture Organization (FAO) of the United Nations as "a situation that exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life."

significance to mana whenua/tangata whenua, natural processes, land valued for food security, indigenous ecosystems and biodiversity.

Policies 29 and 51

28. Policies 29 and 51 set the direction for managing activities on land that is at risk from natural hazards. HortNZ sought changes to the policies by referring to 'subdivision, inappropriate use and development' rather than just a blanket reference to avoiding *any* 'subdivision, use or development' (and hazard sensitive activities) where the hazards and risks are assessed as high to extreme (as per the notified wording).
29. In my opinion, the policies (as notified) will have prevented new horticultural activities highly productive land where hazards are assessed and high to extreme, even if the risk of that activity was low.
30. I consider that the amendments to Policy 29(d) and Policy 51(g) recommended by the author of the s42A report (Mr Beban) are an improvement on the notified provision, provided this applies where *both* the hazard and the risk is considered high (so as to enable low risk activities, such as non-habitable structures for primary production), alongside the recommended change to the 'hazard sensitive activity'⁶:

'... avoid [or avoiding] subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high, unless there is a functional or operational need to be located in these areas' (wording recommended for Policy 29 and 51)⁷

Policy 52

31. Policy 52 is applicable to the consideration of a resource consent, notice of requirement, or change, variation or review of a district or regional plan relating to hazard mitigation measures, and sets out matters that 'particular regard' shall be given to.
32. In relation to the broader context outlined above, about the location of

⁶ Recommended by Mr Dawe at para 416 of the S42A Report natural Hazards:

Hazard sensitive activity Means any building that contains one or more of the following activities:

....

- ~~hazardous facilities and major hazardous facilities~~

⁷ For Policy 29, recommended by the S42A author at paragraph 259, and in respect of Policy 51, paragraph 501 of the S42A Report Natural Hazards.

fertile soils often coinciding with flood plains and the need to strategically plan and provide for the productive use of this land to contribute to food security (refer para's 12-15); I consider that Policy 52 is important for setting out the key matters that will be considered when a proposal for hazard mitigation measure is assessed, and consider that the policy should recognise highly productive land with food security values.

33. HortNZ's submission (S128.047) sought amendment to clause (c) of the policy to provide for structural engineering solutions to protect 'highly productive land with food security values' from natural hazards (flooding). The submission was rejected by the author of the s42A report (Mr Beban) on the basis that this change would be "*best addressed in a future RPS change or variation*"⁸ due to the purpose of Change 1 being to respond to the directives under the NPS-UD, and the NPS-FM.⁹
34. I do not agree with the rationale provided by the author of the s42A report, for the following reasons:
- a. I acknowledge that the NPS-UD (and to a lesser extent NPS-FM) are the primary drivers for Change 1, however the Section 32 report clearly sets out that a key topic being addressed in Change 1 is "*The impacts of climate change including regional policy to complement central government policy direction*", along with (in addition to urban development and freshwater matters) indigenous biodiversity to achieve integrated management.¹⁰
 - b. With reference to the rebuttal legal submissions on behalf of Greater Wellington Regional Council in Hearing Stream 2 regarding scope to implement the NPSHPL 2022, I acknowledge that there is not an obligation to implement this national policy statement through Change 1, however as those submissions noted: "*This does not make the NPS-HPL irrelevant, but it does mean that any amendments the Panels and GWRC can make to give effect to the NPS-HPL are still*

⁸ Quoted from S42A Report Natural Hazards, at paragraph 336.

⁹ S42A Report Natural Hazards, at paragraph 336.

¹⁰ Section 32 Report for Proposed Change 1 to the Regional Policy Statement for the Wellington Region, paragraph 9.

limited by scope constraints (as relevant)".¹¹

- c. Changes to Policy 52 (including Clause (c), specifically) are within the scope of Change 1 and HortNZ made a submission seeking inclusion of a consideration relating to highly productive land for food production. With reference to the commentary on scope noted in the legal submissions (referred to above), I do consider this does not 'substantially change its ambit'.
 - d. Inclusion of the consideration sought by HortNZ contributes to integrated management, and there is no specific need to delay this consideration to a further plan change in my view. Clause (c) has also been amended to refer to 'regionally significant infrastructure'; I consider that reference to highly productive land with food security equally has a regional (if not national significance) warranting consideration.
35. There are safeguards (or restrictions on when structural protection works or hard engineering methods can be justified by (c)) through the two limbs of the clause - there must be both unacceptable risk and it has been identified in a long-term hazard management strategy as the best practicable option. This indicates that there is a strategic and long-term lens applied. For these reasons, I consider it a reasonable inclusion to include highly productive land values for food security values, particularly when noting this (food security) has been noted as a regionally significant issue in relation to risks from climate change.¹²
36. I propose an amendment to Policy 52 as follows (s42A report recommended changed in red, my changes in green):

Policy 52

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, for hazard mitigation measures, particular regard shall be given to:

...

¹¹ Legal submissions in reply on behalf of Wellington Regional Council Hearings Stream 2 Integrated Management (7 July 2023), quoted at paragraph 17 : [https://www.gw.govt.nz/assets/Documents/2023/07/HS2-Rebuttal-legal-submissions-of-counsel-on-behalf-of-GWRC-7-July.pdf](https://www.gw.govt.nz/assets/Documents/2023/07/HS2-<u>Rebuttal-legal-submissions-of-counsel-on-behalf-of-GWRC-7-July.pdf</u>)

¹² Recommended at paragraph 130 of the S42A Report Climate Change – General.

(c) avoiding structural protection works or hard engineering methods unless it is necessary to protect existing development, highly productive land with food security values, regionally significant infrastructure or property from unacceptable risk and the works form part of a long-term hazard management strategy agreed to by relevant authorities that represents the best practicable option for the future;

...

CONCLUSION

37. In summary, in this statement I seek amendment to the following provisions addressed in the Natural Hazards topic:

- Issue 1 – to include specific reference to food security.
- Objective 19 (or Objective 20) – to includes specific reference to food security.
- Policy 52 – to include reference in (c) to highly productive land with food security values.

Jordyn Landers

14 August 2023