

**Wellington Regional Policy Statement – Plan Change 1**

**Hearing Stream 5 – Freshwater and Te Mana O Te Wai  
(Hearing Stream 5)**

**Speaking Notes**

**Catherine Clarke**

**on behalf of Winstone Aggregates**

---

1. My name is Catherine Mary Clarke. I am a Partner and Planner at Boffa Miskell Limited. I provided a statement of planning evidence on Hearing Stream 5, on behalf of Winstone Aggregates. I understand that my statement evidence has been taken as read.
2. To begin, I would like to acknowledge the Section 42A Report Author, Ms Pascall, and her efforts in meaningfully responding to many of the points raised in my evidence - in her supplementary evidence<sup>1</sup> in a very short turn around. I am in general agreement with many of Ms Pascall's most recent Recommended Amendments to the Provisions (as set out in her supplementary evidence dated 13 November 2023), with a couple exceptions.
3. Therefore, to assist the Panels today, I will limit my comments to the main outstanding matters of disagreement between my evidence and the position of Ms Pascall.

---

<sup>1</sup> Statement of supplementary evidence of Kate Pascall on behalf of Wellington Regional Council – Hearing Stream 5 – Freshwater and Te Mana O Te Wai – 13 November 2023.

## Objective 12

4. Firstly, I generally support the changes to Objective 12 recommended by Ms Pascall in her supplementary evidence. In particular I am supportive of her recent amendments to clause (b) of Objective 12 which now aligns with Policy 5 of the **NPS-FM**<sup>2</sup> as set out in my statement of evidence – and changes this clause to refer to *maintain* and *improve*, rather than *protect* and *enhance*.

Objective 12 - Te Mana o te Wai in the Wellington Region - Supplementary evidence

- (b) Maintains the health and wellbeing of water waterbodies and freshwater ecosystems and improves the health and wellbeing of degraded waterbodies and freshwater ecosystem health.

## Policy 18 – regional plans

5. Similarly, I also support the changes recommended by Ms Pascall to Policy 18 in response to my evidence to refer to “maintain or improve” rather than “protect and enhance”.
6. However, Ms Pascall has not accepted all the changes sought to Policy 18, particularly to clause (c) and clause (n) of Policy 18.
7. Proposed Policy 18 of the RPS provides direction on the policies, rule/methods that regional plans shall include to give effect to Te Mana O Te Wai as directed by the NPS-FM. However in my opinion, Policy 18 particularly clause (c) and to some extent clause (n) as amended in Ms Pascall’s supplementary evidence, remain inconsistent with the NPS-FM.
8. As I discuss in paragraphs 8.1 to 8.21 of my evidence, Policy 18 needs to recognise that all regional must now include policy provisions that provide for the loss of the values and extent of natural inland wetlands and rivers in appropriate circumstances and provide a consenting pathway for these activities in accordance with Section 3.22 and 3.24 of the NPS-FM.

---

<sup>2</sup> National Policy Statement for Freshwater Management – February 2023

Policy 18 – clause (c) - supplementary evidence

- (c) ensuring there is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Policy 18 – clause (n) – supplementary evidence

- (n) avoiding the reclamation, piping, straightening or concrete lining of rivers unless :
  - (i) there is a functional need for the activity in that location; and
  - (ii) the effects of the activity are managed by applying the effects management hierarchy.

9. With respect to natural inland wetlands, Clause (c) of Policy 18 (as now amended by Ms Pascall's supplementary evidence ) just repeats Policy 6 of the NPS-FM. It does not recognise the qualifier to Policy 6 in the NPS-FM being Section 3.22 Natural Inland Wetlands that specifically requires regional councils to include a policy in their regional plans that provides for the loss of extent or values of natural inland wetlands in certain circumstances for specified beneficial activities (including quarrying activities, cleanfilling, specified infrastructure and the like).
10. Similarly with Rivers, Clause (n) of Policy 18 (as now amended by Ms Pascall's supplementary evidence) seeks to reflect Section 3.24 – Rivers of the NPS-FM to some extent, by directing regional plans to provides for the loss of extent or values of natural inland wetlands in the certain circumstances (*where there is a functional need, and the effects management hierarchy is applied*).
11. However, the amended Clause (n) has narrowed the scope of the provisions in Policy 7 of the NPS – FM, to only refer to the activities listed (being reclamation, piping, straightening or concrete lining of rivers). As set out in Paragraphs 8.15 – 8.16 of my evidence, there appears to be no evidential basis for narrowing the scope of clause (n) of Policy 18 of the RPS (to apply only to reclamation, piping, straightening or concrete lining of rivers), and in my experience it is an unusually prescriptive approach in a RPS document. I continue to consider the provisions in Policy 18 should be written to refer to the full range of activities that may potentially result in the loss of river extent and value in a manner consistent with Section 3.24 - Rivers of the NPS – FM.

12. As set out in Paragraph 8.21 of my evidence, I continue to consider that PC1 of the RPS, and in this case Policy 18 must include policy provisions that provide for the potential loss of extent or values of natural inland wetlands and rivers in the specific circumstances set out in Sections 3.22 and 3.24 of the NPS-FM.
13. From a planning perspective, I consider this is required so there is a consistent policy hierarchy, with the RPS policies providing the higher order policy framework to support the lower order policy (and rules/methods) that the Region must include in its Regional Plan, as directed by Sections 3.22 and 3.24 of the NPS-FM. As written, the higher order RPS policy directions in Policy 18 clause (c) (no further loss of extent of natural inland wetlands) and to a lesser extent clause (n) (avoiding only reclamation, piping, straightening or concrete lining of rivers unless there is a functional and applying the effects hierarchy) will be inconsistent with the required lower order Regional Plan policy directive to provide for the potential loss of extent or values of natural inland wetlands and rivers in the circumstances, as mandated by Sections 3.22 and 3.24, NPS-FM.

**Policy 40** – consideration - when considering an application for a regional resource consent.

14. Again, I support the changes to Policy 40 to recommended by Ms Pascall in her supplementary evidence referring to “maintain or improve” rather than “protect and enhance” in the policy title and clauses (a) and (b).
15. For the same reasons as I have already mentioned for Policy 18, I consider Policy 40 must include policy provisions that provide a regional consenting pathway allowing for the potential loss of extent or values of natural inland wetlands and rivers in the specific circumstances (for quarrying, cleanfilling, specified infrastructure and the like) as set out in Sections 3.22 and 3.24 of the NPS-FM.

16. As written, the higher order RPS policy directions in Policy 40 clause (o) (*avoiding the loss of river extent or values, to the extent practicable*) and clause (p) (*ensuring no further loss of extent of natural inland wetlands*) will (again like Policy 18) be inconsistent with this required lower order Regional Plan policy directive required by Sections 3.22 and 3.24, NPS-FM.

### **Policy 41**

17. I support the changes recommended by Ms Pascall to Policy 41. I had sought changes to the former *clause (c) which has since been deleted and replaced with a new clause a and d*. While my relief was not directly accepted, the changes recommended by Ms Pascall address my previous concerns.

### **Definitions**

18. I support the amendments and additions Ms Pascall has recommended to the definitions. These changes align with the relief sought in my evidence, specifically the addition of defined terms for aquatic compensation and aquatic offsetting, and the amendment to vegetation clearance.

19. I also support removing reference to the defined term “maintain” in Policy 40 in line with my evidence which allows for its ordinary meaning to be applied.

### **Conclusion**

20. I would happy to answer any questions the Panel has in relation to these notes or my evidence.



**Catherine Clarke**

22 November 2023