

Before the Hearings Commissioners

Under the Resource Management Act 1991 (the **RMA**)

In the matter of a submission by Waka Kotahi NZ Transport Agency (Plan Change 1 Submitter S129 and Further Submission FS3 and Variation 1 Submitter S6 and further Submitter S1) on Plan Change 1 Hearing Stream 7 - Small topics, wrap up and Variation 1

and in the matter of Wellington Regional Policy Statement

Summary statement of evidence of Catherine Lynda Heppelthwaite for Waka Kotahi regarding Plan Change 1 Hearing Stream 7 - Small topics, wrap up and Variation 1 on the Wellington Regional Policy Statement

Dated 28 March 2024

1. INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

1.1 My full name is Catherine Lynda Heppelthwaite. I am a principal planner for Eclipse Group Limited. I am presenting this planning evidence on behalf of the NZ Transport Agency (**Waka Kotahi**).

1.2 I hold a Bachelor Degree in Resource Studies obtained from Lincoln University in 1993. I am a full member of the New Zealand Planning Institute, a member of the Resource Management Law Association and the Acoustical Society of New Zealand. I have more than 25 years' experience within the planning and resource management field which has included work for local authorities, central government agencies, private companies and private individuals. Currently, I am practicing as an independent consultant planner and have done so for the past 18 years.

1.3 I have extensive experience with preparing submissions and assessing district and regional plan and policy statements in relation to infrastructure. I am currently assisting Waka Kotahi and KiwiRail in relation to planning processes for the NPS-UD and MDRS and other plan changes including the Wellington Natural Resources Plan Change 1.

2. CODE OF CONDUCT

2.1 I have read the Environment Court's Code of Conduct for Expert Witnesses (2023) and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my areas of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

3. SCOPE OF EVIDENCE

- 3.1 My evidence will address the following:
- a. The statutory and higher order planning framework;
 - b. Waka Kotahi submissions and further submissions;
 - c. Council's s42A recommendations and evidence; and
 - d. Further amendments required.

3.2 In preparing my evidence, I have considered the Section 42A Hearing Report Hearing Stream 7 (S42A Report) on Small topics, wrap up and Variation 1 prepared by Mr Richard Sheild¹.

4. THE STATUTORY AND HIGHER ORDER PLANNING FRAMEWORK

4.1 In preparing this evidence I have specifically considered the following:

- a. The purpose and principles of the RMA (sections 5-8);
- b. Provisions of the RMA relevant to plan-making and consenting;
- c. National Policy Statement for Indigenous Biodiversity 2023;
- d. National Policy Statement Freshwater 2020 (updated February 2023);
- e. Resource Management (National Environmental Standards for Freshwater) Regulations 2020;
- f. New Zealand Coastal Policy Statement 2010; and
- g. National Policy Statement on Urban Development 2020.

4.2 In addition, the S42A Report contains a clear description of the relevant statutory provisions² with which I generally agree or accept and will not repeat here.

5. WAKA KOTAHI SUBMISSIONS AND S42 RECOMMENDATIONS

5.1 In summary, for Variation 1, Waka Kotahi made a primary submission³ generally supporting Objectives TAP & TWT. It also sought clarification around 'access to water bodies' (item (4) of both objectives) and whether this would raise health and safety issues (or other effects) when infrastructure was present.

5.2 Waka Kotahi also made a limited range of further submissions supporting Dairy NZ, Wairarapa Province of Federated Farmers and Wellington City Council.

¹ Dated 8 March 2024 <https://www.gw.govt.nz/assets/Documents/2024/03/S42A-Report-HS7-Variation-1-110324.pdf>

² For example Sections 2.1 and 2.2 of the s42A Report.

³ Submission S6.002 and S6.003

5.3 Mr Sheild has addressed the Waka Kotahi (and others) submissions with the following recommendations on TAP & TWT (4) (red underlined text being his proposed amendments):

Objective TAP: Long-term freshwater vision for Te Awarua-o-Porirua

By the year 2100 [...]

[1]...

[4] Where appropriate and with the agreement of private landowners, provide for safe and healthy access for people and communities to enjoy a range of recreational activities including waka ama, swimming, and fishing, fostering a strong connection to these waterbodies; and

[5]...

5.4 The same amendment is proposed for Objective TWT: Long-term freshwater vision for Te Whanganui-a-Tara (4).

6. ASSESSMENT

6.1 Mr Sheild appears to address this change in his paragraph 70 (third bullet point):

By acknowledging the need for agreement with private landowners, the vision recognizes and respects property rights, which is a fundamental aspect of the Resource Management Act. This addition demonstrates a commitment to collaborative and cooperative approaches to freshwater management, fostering positive relationships between stakeholders and promoting voluntary engagement in achieving shared goals

6.2 I am comfortable with the amendments proposed except the inclusion of the word “private” within Objectives TAP(4) and TWT(4). Mr Sheild has provided no discussion on why TAP(4) and TWT(4) should relate only to private land owners. Retaining “private” could preclude “non-private” landowners from this aspect of the Objectives.

6.3 In my opinion, all land owners should be engaged in discussions / provision of agreement for safe access to waterbodies (and especially where infrastructure is present). In this regard I recommend the deletion of “private” from TAP(4) and TWT(4) (as set out in Attachment A). I consider this amendment would further

support Mr Sheild's outcome⁴ for the Objectives to ...*demonstrates a commitment to collaborative and cooperative approaches ... and... fostering positive relationships between stakeholders.*

7. CONCLUSION

7.1 In conclusion, I consider the following further amendments should to the S42A Report recommended provisions:

- a. The deletion of "private" from Variation 1 Objective TAP: Long-term freshwater vision for Te Awarua-o-Porirua (4) and Objective TWT: Long-term freshwater vision for Te Whanganui-a-Tara (4).

Cath Heppelthwaite
28 March 2024

⁴ S42A Report, paragraph 70.

Attachment A: Proposed Changes

Base text is taken from Rebuttal Evidence of Mr Sheild's Appendix 1 with changes accepted. All changes are in red text. New text is underlined and proposed deletions in ~~strike through~~.

Objective TAP: Long-term freshwater vision for Te Awarua-o-Porirua

Te Awarua-o-Porirua harbour, awa, wetlands, groundwater estuaries and coast are progressively improved to become healthy, wai ora, accessible, sustainable for future generations by the year 2100, and:

1.[...]

4. Where appropriate and with the agreement of ~~private~~ landowners, provide for safe and healthy access for people and communities to enjoy a range of recreational activities including waka ama, swimming, and fishing, fostering a strong connection to these waterbodies; and

5.[...]

Objective TWT: Long-term freshwater vision for Te Whanganui-a-Tara

By the year 2100 a state of wai ora is achieved for Te Whanganui-a-Tara in which the harbour, awa, wetlands, groundwater estuaries and coast are healthy, accessible, sustainable for future generations, and:

1.[...]

4. Where appropriate and with the agreement of ~~private~~ landowners, provide for the safe and healthy access and use of all rivers, lakes, wetlands, estuaries, harbours, and the coast for a range of recreational activities including waka ama, swimming, and fishing, fostering an appreciation of and connection to these waterbodies; and

5.[...]