

**BEFORE THE INDEPENDENT HEARING PANEL APPOINTED TO HEAR AND MAKE DECISIONS ON
SUBMISSIONS AND FURTHER SUBMISSIONS ON THE INTENSIFICATION PLANNING INSTRUMENT**

IN THE MATTER of the Resource Management Act 1991 (the
Act)

AND

IN THE MATTER of Hearing of Submissions and Further
Submissions on the Upper Hutt City Council
Proposed Intensification Planning
Instrument under Schedule 1 of the Act

**STATEMENT OF EVIDENCE OF RICHARD CAMERON SHEILD
ON BEHALF OF WELLINGTON REGIONAL COUNCIL – SUBMITTER**

41

28 APRIL 2023

Executive Summary

- 1 The National Policy Statement for Freshwater Management 2020 (NPS-FM 2020) requires that territorial authorities adopt an integrated approach to freshwater management, including the management of adverse effects of urban development on freshwater bodies. There is similar direction in Greater Wellington's Proposed RPS Change 1 and in the Te Whaitua Te Whanganui a Tara Whaitua Implementation Programme and Te Mahere Wai o Te Kāhui Taiao.
- 2 Taking an integrated approach to the management of freshwater that incorporates the adverse effects of urban development is essential if the health of water bodies within Upper Hutt City is to be improved. It is also essential to achieve the new urban environment objective in this plan change of a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Qualifications and experience

- 3 My full name is Richard Cameron Sheild. I am a senior policy advisor in the Environmental Policy team at the Wellington Regional Council (Greater Wellington).
- 4 I hold a Bachelor of Arts with Honours in Politics and International Relations from Massey University and Master of Planning from Lincoln University.
- 5 I am a full member of the New Zealand Planning Institute and have been since December 2021.
- 6 I have over 5 years of experience in resource management planning, all spent at Greater Wellington. I have previously prepared Council's s42A report on natural hazards during the development of the proposed Natural Resources Plan and have presented to hearings panels and been involved in mediation on this topic. More recently, I have been involved in providing planning advice to the Te Whanganui a Tara Whaitua process (a catchment committee process to implement section 3.2(1) of the NPS-FM 2020) and was the planning lead on water allocation plan changes to the proposed Natural Resources Plan.

Code of conduct

- 7 I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023 (Part 9). I have complied with the Code of Conduct in preparing this evidence. My experience and qualifications are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

Scope of evidence

- 8 My evidence addresses Greater Wellington's submission points that seek amendments to Upper Hutt City Council's (UHCC) Intensification Planning Instrument (IPI) relating to the integration of urban intensification and freshwater management. Greater Wellington's proposed amendments seek to ensure that the IPI appropriately integrates the management of intensification and effects on freshwater, and in doing so helps to give

effect to the NPS-FM 2020, gives regard to RPS Change 1, and achieves a well-functioning environment.

Background – integrated management, the NPS-FM 2020, and the operative RPS

- 9 Section 3.5 of the NPS-FM 2020 includes direction for territorial authorities regarding their roles in freshwater management.
- 10 Section 3.5(1) requires of local authorities (underlined emphasis my own):
- Adopting an integrated approach, ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:
- (a) recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to hāpua (lagoons), wahapū (estuaries) and to the sea; and
- (b) recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments; and
- (c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and
- (d) encourage the co-ordination and sequencing of regional or urban growth.
- 11 Furthermore, Section 3.5(4) requires that “every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments” (emphasis my own).
- 12 The NPS-FM 2020 makes it clear that Upper Hutt City Council has a statutory role in managing and protecting freshwater within its district, and section 4.1(1) of the NPS-FM 2020 directs that every local authority must give effect to the NPS-FM 2020 as soon as reasonably practicable. Section 75 of the RMA also requires that a district plan must give effect to any national policy statement.
- 13 There is also direction in the operative RPS. Objective 12 seeks to ensure that the quantity and quality of fresh water can meet the range of uses and values for which water is required, safeguard the life supporting capacity of water bodies, and meet the reasonably foreseeable needs of future generations.
- 14 I acknowledge that there is more limited scope to fulfil this role within an IPI, but I consider that it is appropriate and necessary to fulfil some of this role now to the extent that Upper Hutt City Council can within the scope of an IPI.

Background – Proposed RPS Change 1 & Whaitua Te Whanganui a Tara

- 15 Proposed RPS Change 1 was notified on August 19th, 2022. This change includes significant new regional direction on several topics – climate change, urban development, indigenous biodiversity, and freshwater. In the context of the impacts of urban development on freshwater, Policy FW.3 articulates Greater Wellington’s method to give effect to section

3.5(4) of the NPS-FM 2020. It requires district plans to include objectives, policies and methods (including rules) that give effect to Te Mana o te Wai and section 3.5(4) of the NPS-FM and what needs to be done as part of that (eg, adopting an integrated approach that recognises the interconnectedness of the whole environment to determine the location and form of urban development, 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 and require that urban development is located and designed to protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries).

- 16 Upper Hutt City Council was a committee member in the Whaitua Te Whanganui a Tara process. This is the process used by Greater Wellington to implement section 3.2(1) of the NPS-FM 2020, which required engagement with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems within the Greater Wellington region.
- 17 The visions and aspirations of communities and tangata whenua as distilled through this process are captured by the Te Whaitua te Whanganui-a-Tara Implementation Programme¹ and Te Mahere Wai o Te Kāhui Taiao², which include several recommendations relating to reducing the adverse impacts of urban development and intensification on water bodies.
- 18 While these documents themselves are not statutory plans, they were developed as part of the process of giving effect to section 3.2 of the NPS-FM 2020 - engaging with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region. I note that paragraph 134 of the s42A report prepared by officers does state that these are important documents for plan changes and infrastructure planning³.

The importance of an integrated approach

- 19 In my view, the problem with the approach being taken by Upper Hutt City Council in decoupling urban intensification and freshwater management is that it treats the environment as siloed and unintegrated when it is not. Once built, development is often 'baked-in' for decades.
- 20 The scale of urban intensification required to meet the Housing Bottom Lines in Upper Hutt City means that it is critical that Upper Hutt City Council takes an integrated approach to urban development and intensification that manages adverse effects on freshwater. The housing bottom lines mandated by the National Policy Statement on Urban Development 2020 (NPS-UD) requires that Upper Hutt City Council provides capacity for at least an additional 4,713 dwellings by 2031 and 7,510 dwellings by 2051⁴.

¹ https://www.gw.govt.nz/assets/Documents/2021/12/Te-Whaitua-te-Whanganui-a-Tara-Implementation-Programme_web.pdf

²

https://www.gw.govt.nz/assets/Documents/2021/12/te_mahere_wai_20211028_v32_DIGI_FINAL.pdf

³ <https://www.upperhuttcity.com/files/assets/public/districtplan/ipi/councils-evidence-report-upper-hutt-city-council-intensification-planning-instrument.-final.pdf>

⁴ <https://wrlc.org.nz/wp-content/uploads/2022/05/Housing-and-Business-Capacity-Assessment-Complete-Document-with-Appendices.pdf>, pg. 28

21 As part of the Whaitua Te Whanganui a Tara process, the current state and current trends (where applicable) of several NPS-FM attributes that were established during the whaitua process for waterbodies within the area affected by the IPI⁵.

Table 1: Ecological and human health indicators

Sub-catchment areas	Macroinvertebrates		Periphyton		Fish		Human health (<i>E. coli</i>)	
	Current	Trend	Current	Trend	Current	Trend	Current	Trend
Te Awa Kairangi small forested	A		A		A		A	
Te Awa Kairangi Forested mainstems	A		A		A		C	
Te Awa Kairangi Rural mainstems	C		C	Worsening	B		D	Improving
Te Awa Kairangi rural streams	C		C	Worsening	B		D	Improving
Te Awa Kairangi urban streams	C	Worsening	C	Worsening	B		E	

Table 2: Ecological toxicity indicators

Sub-catchment areas	Copper		Zinc		Nitrate		Ammonia	
	Current	Trend	Current	Trend	Current	Trend	Current	Trend
Te Awa Kairangi small forested	A		A		A		A	
Te Awa Kairangi	A		A		A		A	

⁵ https://www.gw.govt.nz/assets/Documents/2021/12/Te-Whaitua-te-Whanganui-a-Tara-Implementation-Programme_web.pdf

Forested mainstems								
Te Awa Kairangi Rural mainstems	A		A		A		A	
Te Awa Kairangi rural streams	A		A		A		A	
Te Awa Kairangi urban streams	B	Worsening	B	Worsening	A		A	

Table 3: Sediment, phosphorus, & dissolved oxygen

Sub-catchment areas	Sediment (clarity)		Sediment (deposited)		Phosphorus		Dissolved oxygen	
	Current	Trend	Current	Trend	Current	Trend	Current	Trend
Te Awa Kairangi small forested	A		A		A		A	
Te Awa Kairangi Forested mainstems	A		A		B		A	
Te Awa Kairangi Rural mainstems	D	Improving	A		B	Improving	A	
Te Awa Kairangi rural streams	B	Improving	A		B	Improving	A	
Te Awa Kairangi urban streams	D	Worsening	No data		C		A	

22 These tables show clearly how the current urban environment in Upper Hutt City has detrimental effects on freshwater health. Waterbodies in the upper reaches of the

catchment are in good health, with poorer quality in rural areas and poorer quality again in urban areas, with worsening trends for some attributes.

- 23 In particular, the Te Awa Kairangi urban streams are below the national bottom line set in the NPS-FM 2020 for suspended fine sediment. For attributes where these streams are above the national bottom lines, the health or quality of these attributes is often degrading.
- 24 Urban intensification poses a significant risk to the health of freshwater bodies when the potential effects on the freshwater bodies are not identified and addressed. The IPI as currently conceived provides for potentially significant urban intensification in several catchments that already have poor water quality and health, with few controls on the effects of this intensification on freshwater. This would not give effect to Policy 5 of the NPS-FM 2020, which requires that the health and well-being of water bodies and freshwater ecosystems is maintained at a minimum and improved where degraded.
- 25 Therefore, I consider it is crucial to ensure that all future urban intensification and development that the IPI provides for is carried out in a way that is properly integrated with freshwater management. Failing to do so will not give effect to Policy 5 of the NPS-FM 2020 and it will be even more difficult for both Upper Hutt City Council and Greater Wellington to achieve the target attribute states that will be set in the regional plan as part of a plan change later this year.

Amendments sought by Greater Wellington

- 26 Greater Wellington has requested amendments to the IPI to ensure that it helps to give effect to the NPS-FM 2020 and that the direction in Proposed RPS Change 1 relating to freshwater is given proper regard.
- 27 Upper Hutt City Council is required to include provisions in its district plan to manage effects of urban development on the health and wellbeing of freshwater bodies and freshwater ecosystems.⁶ District plans are required to give effect to (relevantly) both national policy statements and operative regional policy statements⁷.
- 28 The operative district plan does have some provisions relating to impacts on freshwater. However, these appear relatively narrow in focus. For instance, the existing provisions cover the effects of indigenous vegetation clearance on water quality (ECO – Ecosystems and Indigenous Biodiversity chapter), activities on the surface of water bodies, and the role of wetlands in water quality protection (ASW – Activities on the Surface of Water chapter).
- 29 The operative district plan and the IPI both include provisions (SUB-GEN-P13, SUB-GEN-R2A, SUB-RES-R9, GRZ-P11, GRZ-S9, GRZ-R12, GRZ-R12A, HRZ-O3, HRZ-P8, and more) relating to stormwater quantity and hydraulic neutrality. The gap in my view is provisions relating to water quality, and the effects of urban intensification on freshwater health – effects on water quality only appear to be covered by the district plan’s earthworks provisions.
- 30 Greater Wellington’s submission point 41.3 seeks the insertion of objectives, policies, rules, and methods to give effect to RPS Objective 12, NPS-FM section 3.5(4), have regard to Proposed RPS Change 1 Policy FW.3 and implement Te Mahere Wai and the Te Whanganui

⁶ NPS-FM 2020, Section 3.5(4)

⁷ RMA, s75(3).

a Tara Whaitua Implementation Programme. Submission point 41.5 provides some relief sought that includes more detail as to what these provisions would seek to achieve.

- 31 As these submission points do not include specific drafting, I have drafted specific wording for the Panel's consideration. As **Appendix 1** to my evidence, I have provided this refined relief as well as a section 32AA analysis of the changes sought by Greater Wellington to provide for integrated management of freshwater and urban intensification.

Section 42A Officer's Report

- 32 The officer's section 42A report has recommended the rejection of submission point 41.3. The rationale provided is:

32.1 That RPS Change 1 is still going through the Schedule 1 process and the provisions may change as they subject to several submissions seeking amendment, including from UHCC; and

32.2 It is inappropriate for Greater Wellington to seek that the IPI gives effect to RPS Change 1; and

32.3 It is the role of the RPS to specify how UHCC is required to give effect to the NPS-FM.

- 33 I want to take this opportunity to correct an error in the s42A report, which states that Greater Wellington sought that RPS Change 1 be given effect to through the IPI. This is not what was intended. The Greater Wellington submission has sought that UHCC gives effect to the operative RPS and the NPS-FM and has regard to RPS Change 1. This is simply what the RMA requires.

- 34 Greater Wellington is not seeking full implementation of the NPS-FM 2020 through the IPI. Instead, Greater Wellington is seeking amendments to the IPI that ensure that the adverse effects on freshwater resulting from the intensification it provides for will be appropriately managed. The Te Whaitua Te Whanganui a Tara Whaitua Implementation Programme includes specific recommendations for changes to the district plan aimed at Upper Hutt City Council, so there have already been preferred approaches developed.

Conclusion

- 35 Integrated management of urban intensification and freshwater will be essential to producing better environmental outcomes and achieving a well-functioning urban environment. It is also required by the NPS-FM 2020. The urban catchments within Upper Hutt City are generally in a poor and degrading state, and without appropriate provision for freshwater in the IPI there will be further degradation.

Appendix 1: Section 32AA assessment of relief sought

Key:

Black text: Existing District Plan wording

Black underlined text: Text added in IPI

Red underlined text: Amendments made by officers in the s42A report

Green underlined text: Amendments sought by Greater Wellington

IPI – currently proposed	GW relief sought
<p><i>As noted in my evidence, the IPI does introduce new provisions related to stormwater quantity and hydraulic neutrality but appears to lack provisions focused on freshwater quality and freshwater ecosystem health (other than the existing provisions relating to earthworks).</i></p>	<p>Insert new policies into the Urban Form and Development, General Residential Zone, and High Density Residential Zone chapters as follows:</p> <p><u>Policy A</u> <u>The use, development and subdivision of land must consider effects on:</u></p> <ul style="list-style-type: none"> <u>i. gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries</u> <u>ii. drinking water sources</u> <u>iii. ecosystem values</u> <u>iv. any relevant water quality attribute targets in a regional plan</u> <p><u>Policy B</u> <u>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.</u></p> <p><u>Policy C</u> <u>Manage the effects of earthworks and vegetation removal on water and cultural values by controlling earthworks and vegetation removal to the extent necessary to:</u></p>

	<p><u>(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</u> <u>(b) to provide for tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga.</u></p> <p>Insert new conditions or matters of discretion into Rules GRZ-R12, GRZ-12A, GRZ-12B, SUB-RES-R1, SUB-RES-R2, SUB-RES-R6, SUB-RES-R9, SUB-RES-R10, SUB-HRZ-R1 and Standard HRZ-S2:</p> <p><u>(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.</u></p> <p><u>(b) extent and volume of earthworks and the degree to which earthworks follow existing land contours.</u></p> <p><u>(c) adverse effects on the relationship between tangata whenua and their culture, land, water, sites, wāhi tapu and other taonga.</u></p>
<p>Benefits</p> <p>Environmental: Low environmental benefits associated with better management of stormwater run-off (and contaminants contained therein) into freshwater bodies.</p> <p>Economic: Moderate to high economic benefits associated with more development and intensification in Hutt City, bringing new residents and businesses.</p> <p>Social: Moderate social benefits associated with the greater provision of housing to meet population growth needs.</p> <p>Cultural: No cultural benefits.</p>	<p>Benefits</p> <p>Environmental: High environmental benefits associated with reduced degradation of water quality and health.</p> <p>Economic: Minor economic benefits associated with potentially lower long-term costs to councils and communities to restore degraded freshwater bodies. Additionally, this may reduce longer-term costs related to “retrofitting” urban areas to reduce adverse effects on freshwater.</p> <p>Social: Moderate to high social benefits associated with increased recreational opportunities that will result from improved water quality and health, as well as the more intangible awareness in the community that water bodies are not being further degraded.</p>

	<p>Cultural: Moderate to high cultural benefits associated with greater protection and first steps towards eventual restoration of significant sites for Taranaki Whānui. These significant sites include Waiwhetu Stream, the Hutt River mouth, and some reaches of the Hutt River main stem.</p>
<p>Costs</p> <p>Environmental: High environmental costs associated with further degradation of freshwater bodies in Hutt City.</p> <p>Economic: Moderate to high economic costs associated with increased long-term spending needed to improve freshwater quality and health that is likely to degrade further as a result of unintegrated urban intensification.</p> <p>Social: Moderate social costs associated with further reduced recreational opportunities due to degrading water quality, as well as an intangible social cost associated with failing to implement community visions and aspirations for freshwater management.</p> <p>Cultural: High cultural costs associated with ongoing and worsening degradation to significant sites to Taranaki Whānui. These significant sites include Waiwhetu Stream, the Hutt River mouth, and some reaches of the Hutt River main stem.</p>	<p>Costs</p> <p>Environmental: No environmental costs.</p> <p>Economic: Moderate economic costs associated with more constrained development and intensification in Hutt City and a potential greater financial cost to developers to meet these provisions.</p> <p>Social: Minor to moderate social costs associated with more constrained housing development in Hutt City, resulting in less housing capacity available for a growing population.</p> <p>Cultural: No cultural costs.</p>