

**BEFORE THE INDEPENDENT HEARINGS PANELS APPOINTED TO HEAR AND MAKE  
RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS ON PROPOSED CHANGE 1  
TO THE REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION**

**UNDER** Schedule 1 of the Resource Management  
Act 1991 (the Act)

**IN THE MATTER OF** Hearing Submissions and Further  
Submissions on Proposed Change 1 to the  
Regional Policy Statement for the  
Wellington Region (Change 1)

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**REPORTING OFFICER RIGHT OF REPLY OF LOUIS DANIEL SCHWER  
ON BEHALF OF WELLINGTON REGIONAL COUNCIL**

**HEARING STREAM 7: SMALL TOPICS, WRAP UP AND VARIATION 1  
– CONSEQUENTIAL AMENDMENTS**

**30 MAY 2023**

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## **RIGHT OF REPLY AUTHOR**

- 1 My full name is Louis Daniel Schwer. I am a Policy Advisor at Greater Wellington Regional Council.
- 2 I have prepared this Reply in respect of the matters raised during the hearing of matters in Hearing Stream 7: Small topics, wrap up and Variation 1.
- 3 My Section 42A Report, at paragraph 14 and 15, sets out my qualifications and experience as an expert.
- 4 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

## **SCOPE OF REPLY**

- 5 This Reply follows Hearing Stream 7 held from 15 April 2024 to 16 April 2024.
- 6 Minute 27<sup>1</sup> also requested that the Section 42A report author submit a written Right of Reply as a formal response to matters raised during the hearing.
- 7 The Reply covers:
- Feedback on matters raised directly by the Panels in Minute 27 as relevant to matters assigned to this Consequential Amendments topic;
  - Feedback on matters raised during the hearing.
- 8 Appendix 1 sets out all my recommended amendments to the Change 1 provisions relating to this topic.

## **RESPONSE TO MATTERS RAISED IN MINUTE 27**

- 9 Minute 27 raised the following questions from the Panels relating to the consequential amendments topic:
- b) Can the s 42A Officer please review whether the amendments he has proposed to Methods 1 and 2 accurately capture the intent. Please consider whether this formulation (or an alternative) is clearer:

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<sup>1</sup> [Minute-27-HS7-Response-to-Submitter-Correspondence-Councils-reply-for-HS7-and-updated-Timetabling-Directions-V2.pdf \(gw.govt.nz\)](#)

~~“Method 1 / 2: ... The process to amend district/regional plans to implement policies [X] – [Y] will commence as soon as reasonably practicable, and be notified in the next relevant plan change or full plan review unless an alternative timeframe for notification is specifically directed within the policy unless otherwise specifically directed within the policy, and must be given effect to through the next relevant plan change or full plan review.~~

- c) In response to questions from Ms Rushmere for UHCC at the hearing, can Officers please advise whether the timeframe of 30 June 2025 in CC.2 and CC.2A (the transport subtopic in HS3) is the timeframe for notification of the plan change document, or the timeframe for the provisions to be implemented and operative? The meaning of the phrase “*including objectives, policies and rules*” in Policies CC.2 and CC.2A is not clear. The same issue arises in Policies 24B, 24C and 24D in HS6 (although we appreciate these are the subject of caucusing in early May) so the Officer may wish to confine his comments to CC.2 and CC.2A.
- d) Can Council please review the provisions cross referenced within Methods 1, 2 and 4 and advise on the following.
- Do Methods 1, 2 and 4 contain all the relevant regulatory policies, including those that are supported by Council Officers in their final ‘reply’ set of provisions within each hearing stream? We query, for instance, if Policies 24B and 24C from HS6 are inadvertently missing, (although we appreciate these are the subject of caucusing in May and so may not have been included for that reason).
  - Can Council please check the policies cross-referenced in Methods 1, 2 and 4 against the list of regulatory policies that they provided to us on 8 April 2024. Are both lists of regulatory policies consistent? For instance, the ‘8 April’ version lists Policy FW.4, but this is struck out in Method 1 (Appendix 1, HS7, Consequential amendments).

10 The following sections address each of these questions.

- b) Do the implementation timeframe amendments proposed to Methods 1 and 2 accurately capture the intent?**

11 I agree with the formulation of the Method 1 and 2 implementation timeframe amendments as proposed by the Panels in Minute 27. I agree that this formulation would provide more clarity to plan users, and would better capture the intent of the amendments as set out in my section 42A report. The amendments to Methods 1 and 2 that I recommend are shown in full in Appendix 1.

**c) Does the timeframe of 30 June 2025 in Policies CC.2 and CC.2A apply to the timeframe for notification of the plan change document, or the timeframe for the provisions to be implemented and operative?**

12 In discussion with Ms Guest, reporting officer for the HS3 'Climate Resilience and Nature-Based Solutions' topic, Ms Guest confirmed that the timeframe of 30 June 2025 in Policies CC.2 and CC.2A applies to the timeframe for notification of the plan change document.

**d) Can Council please review the provisions cross referenced within Methods 1, 2 and 4?**

13 I have reviewed the provisions cross referenced within Methods 1, 2 and 4. The drafting of Methods 1, 2 and 4 as proposed in my section 42A report contains all the relevant regulatory policies within hearing streams 1 – 5, and additionally, the relevant regulatory policies within Ms Guest's hearing stream 6 section 42A report<sup>2</sup>. Due to overlapping timing of deadlines for hearing streams 6 and 7 reporting officer evidence, my section 42A report did not consider Ms Guest's rebuttal evidence<sup>3</sup> or right of reply<sup>4</sup>. Amendments to Methods 1, 2 and 4 for alignment with all the relevant regulatory policies within hearing streams 1 – 7 are now shown in Appendix 1.

14 I have reviewed the policies cross-referenced in Methods 1, 2 and 4 as proposed in my section 42A report against the list of regulatory policies provided to the Panels on 8 April 2024<sup>5</sup>. The instance raised by the Panels, where the '8 April' version lists Policy FW.4 without 'strikethrough' formatting, was the only inconsistency I found. I confirmed in discussion with Ms Pascall that the inclusion of Policy FW.4 without 'strikethrough' formatting in the '8 April' version was an error. Justification for removing reference to Policy FW.4 from Method 1 is outlined in paragraph 60 of my section 42A report.

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<sup>2</sup> Section 42A Report of Pam Guest for Hearing Stream 6 – Indigenous Ecosystems, dated 11 December 2023

<sup>3</sup> Statement of Rebuttal Evidence of Pam Guest for Hearing Stream 6 – Indigenous Ecosystems, dated 13 February 2024

<sup>4</sup> Right of Reply of Pam Guest for Hearing Stream 6 – Indigenous Ecosystems, dated 30 May 2024

<sup>5</sup> [GWRC-Response-to-Minute-23-Appendix-1-Consolidated-table-of-policies-080424.pdf](#)

## **RESPONSES TO MATTERS RAISED DURING HEARING STREAM 7**

- 15 Some of the policies listed within Method 4 require the Regional Council to give effect to them. Subsequently, in my hearing presentation I raised the need for “Wellington Regional Council” to be included in the list of councils required to implement Method 4. This matter was originally raised by Ms Rushmere on behalf of Upper Hutt City Council in her submitter evidence<sup>6</sup>, and Ms Rushmere confirmed during the hearing that this was her view.
- 16 Additionally, in my hearing presentation I raised the need for the list of “district and city councils” in Methods 4 and 5 to instead refer to “local authorities”. This reflects the presence of “Wellington Regional Council” in these lists.
- 17 The amendments I recommend above to Methods 4 and 5 are shown in Appendix 1.

**DATE:**

**30 MAY 2024**

**LOUIS DANIEL SCHWER**

**POLICY ADVISOR**

**GREATER WELLINGTON REGIONAL COUNCIL**

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<sup>6</sup> [HS7-S34-Upper-Hutt-Council-Statement-of-Evidence-Suzanne-Rushmere-280324.pdf \(qw.govt.nz\)](#)