

SUBMISSION POINTS BY PLAN CHAPTER – Chapter 4.3: Allocation of responsibilities

Submitter	Submission Point	Provision	Stance	Reasons	Decision Requested
<b>S32 Director-General of Conservation</b>	S32.034	General comments - allocation of responsibilities	Support	The proposed changes appropriately and usefully allocate responsibilities for biodiversity and freshwater.	Retain as notified.
<b>S78 Beef + Lamb New Zealand Limited</b>	S78.018	General comments - allocation of responsibilities	Not Stated / Neutral	Accepts that replacing the expression 'indigenous biological diversity' with 'indigenous biodiversity' is required to give effect to the NPS-UD but neither supports nor opposes the provisions.	Retain as notified
<b>S94 Guardians of the Bays Incorporated</b>	S94.016	General comments - allocation of responsibilities	Support	Not stated	Retain as notified
<b>S98 Teresa Homan</b>	S98.005	General comments - allocation of responsibilities	Support	All district plans need to identify natural taonga and heritage sights examples peat swamps, native trees, forest, birds, native fish.	Amend provisions to address the relief sought in the submission.
<b>S140 Wellington City Council (WCC)</b>	S140.003	General comments - allocation of responsibilities	Support	The ordering and wording of the regulatory policies as set out in chapter 4.3 ignores case law and best practise for a what is considered a well written plan. If a plan already gives effect to a higher-level document or policy, then it should not be necessary to refer back to the high-level document in the decision-making process (resource consent level). Refining the wording of the RPS will provide better clarity and direction to the Local Authorities trying to implement the RPS	Amend wording to  "When considering a plan change, variation or review of a plan or if the policy has not been given effect to in the plan, an application for a resource consent or notice of requirement..."
<b>S30 Porirua City Council</b>	S30.078	Policy 61: Allocation of responsibilities for land use controls for	Support in part	Wetlands should be added to the exclusions in 61(c) to be consistent with 61(b), the NES-F, the NPS-FM, as well as FW.6(b).	Amend policy so that it provides clear and appropriate direction to plan users in line with national direction: Regional and district plans shall recognise and provide for the responsibilities below, when developing objectives, policies and methods, including rules, to maintain indigenous biodiversity: (a) Wellington Regional Council shall be responsible for developing objectives, policies, and methods in the regional

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		indigenous biodiversity			policy statement for the control of the use of land to maintain indigenous biodiversity; (b) Wellington Regional Council shall be responsible for developing objectives, policies, rules and/or methods in regional plans for the control of the use of land to maintain and enhance ecosystems in water bodies and coastal water. This includes land within the coastal marine area, wetlands and the beds of lakes and rivers; and (c) city and district councils shall be responsible for developing objectives, policies, rules and/or methods in district plans for the control of the use of land for the maintenance of indigenous biodiversity. This excludes land within the coastal marine area, <b>wetlands</b> and the beds of lakes and rivers.
<b>S34 Te Kaunihera o Te Awa Kairangi ki Uta, Upper Hutt City Council</b>	S34.099	Policy 61: Allocation of responsibilities for land use controls for indigenous biodiversity	Support	Support changes to Policy 61 to refer to the correct term of 'biodiversity' not 'biological'	Retain policy as notified.
<b>S115 Hutt City Council</b>	S115.081	Policy 61: Allocation of responsibilities for land use controls for indigenous biodiversity	Oppose	While indigenous biodiversity is a key issue, we expect the government to soon gazette a National Policy Statement on Indigenous Biodiversity ("NPS-IB"). The proposed provisions may well conflict with the NPS-IB especially with regards to the process for identifying indigenous ecosystems.  We request that all provisions relating to indigenous biodiversity be deleted and if regional direction is thought necessary after the NPS-IB is gazetted, that should occur through a variation or a separate policy statement change.	Delete all new provisions and amendments to existing provisions and retain existing Operative RPS provisions.
<b>S137 Greater Wellington Regional Council (GWRC)</b>	S137.021	Policy 61: Allocation of responsibilities for land use controls for	Support in part	Amendments to Policy 61 are required to align with direction in Policy FW.6 on freshwater jurisdiction.	Amend Policy 61 as follows: ... (c) city and district councils shall be responsible for developing objectives, policies, rules and/or methods in district plans for the control of the use of land for the maintenance of indigenous biodiversity, <b>including adverse effects on</b>

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		indigenous biodiversity			<b>indigenous biodiversity in freshwater bodies.</b> This excludes <b>the management of</b> land within the coastal marine area and the beds of lakes and rivers.
<b>S140 Wellington City Council (WCC)</b>	S140.082	Policy 61: Allocation of responsibilities for land use controls for indigenous biodiversity	Support	Support as proposed.	Retain as notified.
<b>S147 Wellington Fish and Game Council</b>	S147.074	Policy 61: Allocation of responsibilities for land use controls for indigenous biodiversity	Support	Necessary to give effect to the NPS-FM.	Retain as notified.
<b>S165 Royal Forest and Bird Protection Society of New Zealand Inc. (Forest &amp; Bird)</b>	S165.080	Policy 61: Allocation of responsibilities for land use controls for indigenous biodiversity	Support		Retain
<b>S131 Ātiawa ki Whakaron gotai Charitable Trust</b>	S131.0105	Policy 61: Allocation of responsibilities for land use controls for	Support	Ātiawa supports the correction made to Policy 61.	Retain as notified.

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		indigenous biodiversity			
<b>S167 Taranaki Whānui</b>	S167.0123	Policy 61: Allocation of responsibilities for land use controls for indigenous biodiversity	Support	Taranaki Whānui supports the amendments to Policy 61	Retain as notified.
<b>S30 Porirua City Council</b>	S30.079	Policy FW.6: Allocation of responsibilities for land use and development controls for freshwater	Oppose	<p>The policy uses terminology inconsistent with national direction, and duplicates other parts of regulations. For example, territorial authorities are required to give effect to NPS-FM 3.5 (4) so it is unclear why this needs to be repeated in an RPS. The RPS needs to provide clear direction on what is exactly required at a regional level in clause (c), rather than just duplicate what is set out in the NPS-FM. At present, it adds no value.</p> <p>The reference to a 10m setback is less stringent than the 100m setback required under the NES-F.</p>	<p>Amend policy so that it provides clear and appropriate direction to plan users in line with national direction: Regional and district plans shall recognise and provide for the responsibilities below, when developing objectives, policies and methods, including rules, to protect and enhance the health and well-being of water bodies and freshwater ecosystems:</p> <p>(a) Wellington Regional Council has primary responsibility for freshwater. Wellington Regional Council shall be responsible for the control of the use and development of land for the purposes of water quality and quantity.</p> <p>(b) In relation to wetlands, Wellington Regional Council is responsible for managing land use within, and within a <del>40m margin</del> <b>100m setback</b> of natural wetlands as directed by the NES-F 2020, as well as areas adjoining and/or upstream <b>of a wetland</b> for the purpose of protecting wetlands;</p> <p>(c) <del>city and district councils territorial</del> <b>authorities</b> are responsible for the control of land use and subdivision. <del>City and district councils</del> <b>Territorial authorities</b> must include objectives, policies, and methods in district plans to promote positive effects, and avoid, remedy or, or mitigate adverse effects (including cumulative effects) of land use and subdivision on the health and wellbeing of water bodies, freshwater ecosystems and receiving environments (as required by NPS-FM 3.5 (4))</p>

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					They must carry out their responsibility in regard to the NPS-FM through their functions under Section 31 of the RMA <b>and must not duplicate or replicate objectives, policies, rules or other methods that fall under the functions of Wellington Regional Council in a regional plan.</b>
<b>S34 Te Kaunihera o Te Awa Kairangi ki Uta, Upper Hutt City Council</b>	S34.058	Policy FW.6: Allocation of responsibilities for land use and development controls for freshwater	Support in part	<p>Some of this is already current practice and district plans must give effect to the NPS-FM.</p> <p>Council supports the amendments that move from district councils 'managing discharges' to 'managing land'.</p> <p>However, it is noted that territorial authorities do not have functions to control activities to achieve target attributable states or discharge to water.</p>	Amend to clarify this is a regional function.
<b>S115 Hutt City Council</b>	S115.082	Policy FW.6: Allocation of responsibilities for land use and development controls for freshwater	Oppose	This policy is redundant as it simply repeats provisions of the RMA and NPS-FM.	Delete Policy FW.6.
<b>S137 Greater Wellington Regional Council (GWRC)</b>	S137.006	Policy FW.6: Allocation of responsibilities for land use and development	Support in part	Amendments to align with wording in section 30 of the Resource Management Act.	Amend Policy FW.6 as follows: (a) Wellington Regional Council has primary responsibility for freshwater. Wellington Regional Council shall be responsible for the control of the use and development of land for the purposes of <b>maintenance and enhancement of water quality and ecosystems in water bodies, and maintenance of water quantity</b> <del>water quality and</del>

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		nt controls for freshwater			quantity.
<b>S140 Wellington City Council (WCC)</b>	S140.083	Policy FW.6: Allocation of responsibilities for land use and development controls for freshwater	Support in part	Clarify that the responsibility of the land use management (earthworks and vegetation clearance) of the riparian margins of water bodies is managed by Regional Councils.	Amend policy to add who is responsible for land use in the riparian margins of a waterbody
<b>S147 Wellington Fish and Game Council</b>	S147.075	Policy FW.6: Allocation of responsibilities for land use and development controls for freshwater	Support	Necessary to give effect to the NPS-FM.	Retain as notified.
<b>S158 Kāinga Ora Homes and Communities</b>	S158.030	Policy FW.6: Allocation of responsibilities for land use and development controls for freshwater	Support in part	Seeks that this policy is amended to be in line with the NPS-FM and NES-F.	Amend policy to be in line with the NPS-FM and NES-F: (b) In relation to wetlands, Wellington Regional Council is responsible for managing land use within, and within a <b>100m setback margin</b> of natural wetlands as directed by the NES-F 2020, as well as areas adjoining and/or upstream for the purpose of protecting wetlands
<b>S165 Royal Forest and</b>	S165.081	Policy FW.6: Allocation	Support in part	The title of the policy suggests that it is aimed only at freshwater. However, (b) applies to 'natural wetlands', which (currently)	Either amend this policy, or include in a different policy, the allocation of responsibility for natural wetlands other than freshwater ones.

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<b>Bird Protection Society of New Zealand Inc. (Forest &amp; Bird)</b>		of responsibilities for land use and development controls for freshwater		includes coastal wetlands. Either in this or a separate policy, it should be clarified that the regional council also has responsibility for coastal wetlands. Further, some of the NES regulations (e.g. r52) apply to an area 100m from the natural wetland. It is not clear whether this is clearly captured in the policy.	Clarify the policy to accurately reflect the NES regulations, which control works up to 100m from natural wetlands.
<b>S166 Masterton District Council</b>	S166.060	Policy FW.6: Allocation of responsibilities for land use and development controls for freshwater	Not Stated / Neutral	In reference to Method 5 - How does this work in practice? How are responsibilities between TA and GWRC distributed? Joint processing - how will this work? Who will manage the process?	Clarifications. Further clarification to address the relief sought
<b>S168 Rangitāne O Wairarapa Inc</b>	S168.013	Policy FW.6: Allocation of responsibilities for land use and development controls for freshwater	Not Stated / Neutral	Rangitāne o Wairarapa considers that Policy FW.6 does not provide sufficient clarity or direction on the division of responsibilities. We also believe that freshwater is not just a regional and/or territorial authority responsibility. The management of freshwater should be led by mana whenua, in collaboration with councils. This is provided for by the NPS FM.	Ultimately, we seek that the regional council transfers the management of freshwater to mana whenua (via a mechanism such as a s33 RMA transfer of functions, powers or duties). This would provide a more holistic and integrated 'whole of catchment' approach to enable us to give effect to te Mana o te Wai.
<b>S168 Rangitāne O Wairarapa Inc</b>	S168.059	Policy FW.6: Allocation of responsibilities for land use and development	Support in part	In relation to clause b, we note that the Regional Council controls activities within 100m of wetlands for some activities under the NES-F. Clause c does not provide any assistance. It is our position that this needs to explicitly state that the district and city councils' control everything else which is not controlled by the regional council. It is also not clear whether this policy contradicts Policy FW3.	Amend the policy: So that it accurately reflects the regional councils' responsibilities under the NES-F in relation to wetlands; To explicitly state that district and city councils' control everything else which is not controlled by the regional council.

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		nt controls for freshwater		Note also our aspirations that ultimately, tangata whenua would have responsibility for managing freshwater, as explained in the general submission points above.	
<b>S131</b> <b>Ātiawa ki Whakaron gotai Charitable Trust</b>	S131.0106	Policy FW.6: Allocation of responsibilities for land use and development controls for freshwater	Support	Ātiawa supports the direction provided to the regional and city and district councils through Policy FW.6	Retain as notified
<b>S167</b> <b>Taranaki Whānui</b>	S167.0124	Policy FW.6: Allocation of responsibilities for land use and development controls for freshwater	Support	Taranaki Whānui supports Policy FW.6	Retain as notified.