

Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Section 42A Hearing Report Hearing Stream 1

Topic: General Submissions

**Process: Freshwater Planning Process and Schedule 1, Part 1
Process**

Prepared by: Sarah Jenkin

Report Date: 26 May 2023

Hearing Date: 26 June 2023

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Executive Summary

1. This report considers submissions received by Greater Wellington Regional Council ('the Council') in relation to the relevant provisions of Proposed Change 1 (notified on 19 August 2022) to the Regional Policy Statement for the Wellington Region ('Change 1') as they apply to General Submissions, which are submissions which relate to the issues set out in paragraph 3 below.
2. This s42A reports relates to General Submissions on both the Part 4, Schedule 1 Freshwater Planning Process (FPP) and Part 1, Schedule 1 (P1S1) Process of the Resource Management Act 1991 ('RMA'). This report should be read in conjunction with the Officer's report 'S42A Overview Report' which provides the background to Change 1, the statutory context, and administrative matters relating to Change 1.
3. A total of 131 submission points and 110 further submission points were received on this topic. The submissions on this topic were wide ranging. The following key issues were raised in submissions and are covered by this report:
 - Issue 1: Allocation of provisions between the FPP and P1S1 process
 - Issue 2: Providing for mana whenua in the Regional Policy Statement (RPS)
 - Issue 3: Change 1 scope
 - Issue 4: Change 1 drafting
 - Issue 5: Appropriateness of general plan provisions
 - Issue 6: Implementation
 - Issue 7: Whether engagement was sufficient.
4. I recommend one amendment to Change 1 in response to submissions on the above matters. My analysis of the submission point forms the s32AA evaluation in accordance with s32AA(1)(d)(ii) of the RMA.
5. The summary of submissions identified a significant number of 'summary statements', where a submitter provided a summary of their detailed submission points. To avoid repetition, the detailed submission points will be considered by the relevant topic leads in their s42A reports. For the relevant summary submissions, therefore, I have noted these submission points as 'no decision required', to avoid presupposing the outcome of topic-specific assessments.
6. I make no recommendation in relation to submissions by Muaūpoko seeking recognition of their "connection to Te Whanganui a Tara", and further submissions supporting and opposing this relief.

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7. I have provided as **Appendix 1**, a table setting out the submission points relevant to this topic. In that table I have identified whether I accept, accept in part or reject the submission point sought by the submitters, make no recommendation, or identify that no decision is required. I have explained my reasons in the body of my evidence.
8. I have provided as **Appendix 2**, the proposed amendment to Change 1.

Interpretation

9. This report utilises a number of abbreviations as set out in the table below.

Table 1: Abbreviations of terms

Abbreviation	Means
Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
FPI	Freshwater Planning Instrument
FPP	Freshwater Planning Process
NPS	National Policy Statement
NPS-FM	National Policy Statement for Freshwater Management
NPS-HPL	National Policy Statement for Highly Productive Land
NPS-IB (draft)	National Policy Statement on Indigenous Biodiversity – exposure draft
NPS-REG	National Policy Statement for Renewable Electricity Generation
NPS-UD	National Policy Statement on Urban Development
PNRP	Proposed Natural Resources Plan
P1S1	Part 1, Schedule 1 process
RPS	Regional Policy Statement for the Wellington Region
the Act/RMA	Resource Management Act 1991
the Council	Greater Wellington Regional Council

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
AQA	Aggregate and Quarry Association
Ātiawa	Ātiawa ki Whakarongotai Charitable Trust
BLNZ	Beef + Lamb New Zealand Ltd
CDC	Carterton District Council
DCG	Director General of Conservation

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Abbreviation	Means
Forest and Bird	Royal Forest and Bird Protection Society
Fuel Companies	BP Oil NZ Ltd Mobil Oil NZ Ltd and Z Energy Ltd
GBI	Guardians of the Bays Incorporated
HCC	Hutt City Council
HortNZ	Horticulture New Zealand
Kāinga Ora	Kāinga Ora Homes and Communities
KCDC	Kāpiti Coast District Council
Muaūpoko	Muaūpoko Tribal Authority
Ngāti Toa	Te Rūnanga o Toa Rangatira
PCC	Porirua City Council
Rangitāne	Rangitāne o Wairarapa Inc
UHCC	Te Kaunihera o Te Awa Kairangi ki Uta Upper Hutt City Council
VUWSA	Te Aka Tauira - Victoria University of Wellington Students Association
Waka Kotahi	Waka Kotahi NZ Transport Agency
WCC	Wellington City Council
Wellington Water	Wellington Water Limited
WIAL	Wellington International Airport Limited
WFF	Wairarapa Federated Farmers

1. Introduction

Purpose

10. This report is prepared under s42A of the RMA. The purpose of this report is to provide the hearing panels with a summary and evaluation of general submissions received across Change 1 and to recommend possible amendments to Change 1 in response to those submissions (although in this case there are none). The recommendations are informed by the analysis and evaluation undertaken by the author. The hearing panel may choose to accept or reject the recommendations in this report and form alternative recommendations and conclusions based on the information and evidence provided to them by submitters.
11. This report should be read in conjunction with the Officer's report 'S42A Overview Report' which provides the background to Change 1, the statutory context, and administrative matters relating to Change 1.

Scope of this report

12. Change 1 has been notified via two plan-making processes under Schedule 1 of the RMA:
 - The Freshwater Planning Process under Part 4, Schedule 1 for the provisions that form the Freshwater Planning Instrument. These provisions are marked in the Change 1 document with the freshwater icon. There are limited appeal rights on decisions on FPP provisions¹.
 - The standard plan-making process in Part 1, Schedule 1. Full merit appeals to the Environment Court apply to decisions on provisions notified under Part 1, Schedule 1.
13. This report addresses submission points and provisions under both the FPP and P1S1 processes. The accept/reject table in **Appendix 1** identifies which submissions are being considered under the FPP process, the P1S1 process or under both.
14. The summary of submissions identified a significant number of 'summary statements', where a submitter provided a summary of their detailed submission points. To avoid repetition, the detailed submission points will be considered by the relevant topic leads

¹ Merit appeals to the Environment Court may only be made where the Council rejects a recommendation of the Freshwater Hearing Panel (RMA Part 4, Schd. 1, cl 55). Where the Council accepts a recommendation of the Freshwater Hearing Panel, only appeals on points of law to the High Court are provided for (RMA Part 4, Schd. 1 cl.56).

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in their s42A reports. For the relevant summary submissions, therefore, I have noted these submission points as 'no decision required', to avoid presupposing the outcome of topic-specific assessments.

15. I make no recommendation in relation to submissions by Muaūpoko seeking recognition of their "connection to Te Whanganui a Tara", and further submissions supporting and opposing this relief.

Author

16. My name is Sarah Lea Jenkin. I am a Technical Director at GHD Limited. I have held this position since 2018 and been employed by GHD since 2014.
17. I hold a Bachelor of Resource and Environmental Planning (with Honours) from Massey University. I am a Full member of the New Zealand Planning Institute and was a member of the NZPI Board from 2015 to 2021.
18. I have nearly 28 years' experience in resource management and planning. My experience includes working across central and local government and in consultancy. During this time, I have undertaken a mixture of policy planning and resource consent planning work.
19. I have been engaged by the Council to respond to general submissions on Change 1, and to prepare and present this s42A report. I was not involved in the development of the provisions for Change 1, however, I have familiarised myself with the process that was followed and with the s32 evaluation report.
20. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. I confirm that the issues addressed in this statement of evidence are within my area of expertise.

Supporting Evidence

21. The key documents I have used, or referred to, in forming my view while preparing this report are:
 - the notified Change 1
 - the Change 1 s32 report
 - Relevant submissions

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- National Policy Statement for Renewable Electricity Generation 2011
- National Policy Statement for Urban Development 2020 (updated May 2022)
- National Policy Statement for Freshwater 2020 (updated January 2023)
- National Policy Statement for Indigenous Biodiversity – exposure draft 2022
- National Policy Statement for Highly Productive Land 2022
- National Planning Standards – November 2019
- The Resource Management Act 1991
- Operative Wellington Regional Policy Statement
- MfE Factsheet – A new Freshwater Planning Process factsheet (2020)
- MfE – A new Freshwater Planning Process – technical guidance for councils (2020)
- MfE – National Policy Statement for Highly Productive Land – Guide to Implementation (March 2023)
- Resource Management (National Environmental Standards for Freshwater) Regulations 2020
- Greater Wellington Order Paper – Public Notification of Change 1 to the RPS – 18 August 2022
- Confirmed public minutes of the Greater Wellington Council meeting on 18 August 2022
- *Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Incorporated* [2022] NZHC 1777

Scope

22. The scope of my evidence relates to general submissions to Change 1. General submissions are those which apply to the entire plan change, rather than being directed to a specific topic. Submissions (and further submissions) on specific topics/chapters will be addressed by the respective topic leads in their s42A reports.
23. I have provided as **Appendix 1**, a table setting out the submission points relevant to this hearing topic. In that table I have identified whether I accept, accept in part or reject the submission point sought by the submitters, make no recommendation or identify that no decision is required. I have explained my reasons in the body of my evidence.
24. I have provided as **Appendix 2**, the proposed amendment to Change 1.

Key Issues

25. A number of submitters raised issues generally with the scope and content of Change 1. A total of 131 submission points and 110 further submission points were received on the provisions relating to this topic.
26. The following are considered to be the key issues in contention:
 - Issue 1: Allocation of provisions between the FPP and P1S1 process
 - Issue 2: Providing for mana whenua in the RPS
 - Issue 3: Change 1 scope
 - Issue 4: Change 1 drafting
 - Issue 5: Appropriateness of general plan provisions
 - Issue 6: Implementation
 - Issue 7: Whether engagement was sufficient.
27. This report addresses each of these key issues, as well as general out of scope submissions, definitions (insofar as they relate to general matters) and miscellaneous submissions.
28. Any submissions and further submissions on the wording of specific issues, objectives, policies and methods will be addressed in subsequent s42A reports.

Pre-hearing Meetings

29. At the time of writing this report there have not been any pre-hearing meetings, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic. I have held discussions with submitters where necessary to better understand their submission points.

2. Statutory Considerations

Resource Management Act 1991

30. Change 1 has been prepared in accordance with the RMA and in particular, the requirements of:
 - Section 61 Matters to be considered by regional council (policy statements)
 - Section 62 Contents of regional policy statements
 - Section 80A Freshwater Planning Process
 - Schedule 1 Part 1 and Part 4.

National Direction

31. The following paragraphs summarise the relevant national direction in relation to the general submissions topic. A more detailed description of relevant national direction is provided in Section 5 and Appendices B and C of the s32 report.

NPS-UD

32. The NPS-UD came into effect on 20 August 2020. The NPS-UD is designed to improve the responsiveness and competitiveness of land and development markets. In particular, it requires local authorities to open up more development capacity, so more homes can be built in response to demand. Appendix B of the s32 report describes how Change 1 gives effect to the NPS-UD, including the inclusion of new objectives and policies in relation to well-functioning urban environments, intensification, housing bottom lines and responsive planning.
33. The NPS-UD is relevant to general submissions insofar as submitters are seeking that the scope of Change 1 is restricted to provisions giving effect to the NPS-UD only.

NPS-FM

34. The NPS-FM 2020 came into effect on 3 September 2020 and from that date replaced the NPS-FM 2017. The NPS-FM sets the direction for freshwater management in New Zealand through the framework of Te Mana o te Wai, which is described as the fundamental concept for the NPS-FM, recognising that protecting the health of fresh water protects the health and wellbeing of the wider environment. Appendix C of the s32 report describes how Change 1 gives effect to parts of the NPS-FW, including the inclusions of a new objective and new and amended policies in relation to how Te Mana o te Wai will be given effect to in the region and how district plans are to give effect to the NPS-FW.
35. The NPS-FW is relevant to general submissions insofar as submitters are seeking that the scope of Change 1 is amended to exclude provisions which give effect to the NPS-FW.

NPS-REG

36. The NPS-REG came into effect in 2011. The NPS-REG seeks to enable the development, operation, maintenance and upgrading of renewable electricity generation activities to meet New Zealand's national target for renewable electricity generation (now 100% by 2030). The provisions in Change 1 seek to further encourage and enable small-scale renewable electricity generation where appropriate to give better effect to Policy F of the NPS-REG, and also to better recognise the benefits of

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regionally significant infrastructure that contributes to reducing emissions. The proposed Change 1 provisions are intended to support increased energy resilience security by supporting local generation.

37. The NPS-REG is relevant to general submissions insofar as submitters are seeking that the scope of Change 1 is amended to exclude provisions which give effect to the NPS-REG.
38. MfE is currently consulting on amendments to the NPS-REG, including proposed National Environmental Standards for Renewable Electricity Generation. The consultation period runs from 20 April to 1 June 2023.

NPS-IB (draft)

39. An exposure draft of the NPS-IB was released for consultation in June 2022. The purpose of the NPS-IB is to set out an objective and policies in relation to maintaining indigenous biodiversity, and to specify what local authorities must do to achieve that objective. The exposure draft of the NPS-IB is relevant to general submissions insofar as submitters are seeking that the Change 1 provisions are aligned with all draft NPS-IB requirements, including in relation to aggregate and mineral extraction in Significant Natural Areas. There is currently no timeframe for gazetting of the NPS-IB.

NPS-HPL

40. The NPS-HPL came into effect on 17 October 2022. It requires that highly productive land is protected for use in land-based primary production, including by mapping and incorporating this information into the RPS. There are exemptions for various activities, provided the relevant criteria are met. The NPS-HPL is relevant to the general submissions topic insofar as there are submitters seeking that the Change 1 scope is expanded to include NPS-HPL requirements, including those which relate to regional and district plans.

National Planning Standards

41. The National Planning Standards came into effect in November 2019. They direct local authorities to adopt a consistent structure and format for regional policy statements, regional and district plans, and to use consistent definitions. The Planning Standards are relevant to general submissions insofar as submitters are seeking amendments/deletion of definitions which are prescribed in the Standards, and that the structure of the RPS is altered to accord with the Standards.

42. Standard 17 (2) requires the Council to implement the Foundation, Structure, Introduction, Format, Spatial Layers, Mapping and Definitions standards for a plan change within 5 years of the planning standards coming into effect.

Section 32AA

43. I recommend one amendment to the Change 1 provisions, to move Appendix 3 – Definitions within the RPS to accord with National Planning Standard 2 – Regional policy statement structure. My analysis of the submission point forms the s32AA assessment in accordance with s32AA(1)(d)(ii).

Trade Competition

44. Trade competition is not considered relevant to this topic within Change 1. There are no known trade competition issues raised within the submissions.

3. Consideration of Submissions and Further Submissions

Overview

45. This topic consists of general submissions across Change 1, but not submissions on specific objectives, policies, methods or anticipated environmental results. These will be addressed in topic-specific s42A reports.

Report Structure

46. The issues raised in submissions are addressed by sub-topics within this report.
47. Clause 49(4) of Schedule 1, Part 4 of the RMA allows the Freshwater Hearings Panel to address submissions (for the purpose of providing reasons for accepting or rejecting submissions) by grouping them either by the provisions to which they relate, or the matters to which they relate. Clause 10(3) of Schedule 1, Part 1 of the RMA specifies that the Council is not required to give a decision on each submission individually and that it may also (for the purpose of providing reasons for accepting or rejecting submissions) group them either by the provisions to which they relate, or the matters to which they relate. This report assesses submissions which apply to one or other of these processes. On this basis, I have undertaken my analysis and evaluation on an issues and provisions-based approach, rather than a submission-by-submission approach.

48. This report should be read in conjunction with the submissions and the summary of those submissions. **Appendix 1** sets out my recommendations on whether to accept or reject individual submission points based on the analysis contained within the body of the report.

Format for Consideration of Submissions

49. For each sub-topic, my analysis of submissions is set out in this report as follows:
- Assessment of matters raised by submitters; and
 - Recommendations.

Out of scope submissions

3.1.1. Matters raised by submitters

Regional council role and responsibilities

50. Zara Willis opposes Change 1 in part, and seeks that greenfield development is allowed where already identified [S2.001] and that Wainuiomata North is further developed [S2.002]. Waka Kotahi made a further submission in response to [S2.002] seeking that further site-specific assessments of development in Wainuiomata North is considered.
51. Mary Beth Taylor [S63.011, S63.015 & S63.016] and Tony Chad [S95.010, S95.012 & S95.015] sought the inclusion of Environmental Studies at all schooling levels, changes to the Building Code for rainwater collection and other water management techniques and that local councils create Water Strategy committees for easier local policy drafting.
52. The above relief is not within the ambit of Council's functions under Section 30 of the RMA. Zoning land for development, and establishing rules to direct development, is a district/city council function under Section 31 of the RMA. The school curriculum is set by the Ministry for Education and the Ministry of Business, Innovation and Employment is responsible for changes to the Building Code. With regard to Water Strategy committees, the purpose of GW's Whaitua programme is to take a new approach to water management, which includes mana whenua/tangata whenua representatives, local community members, local authorities and GW². The outcomes of the Whaitua processes for the five whaitua will be reflected in the PNRP. Accordingly, I recommend these submissions and further submissions are rejected.

² [Greater Wellington Regional Council — Whaitua \(gw.govt.nz\)](http://www.gw.govt.nz)

53. Insofar as it relates to Change 1 to the RPS, I would note that proposed Policy CC.14 would require consideration of providing for capturing, storing and recycling water at a community scale when considering applications for resource consents, notices of requirement or changes to a district or regional plan. Proposed amendments to Policy 44 would require consideration of alternative water supplies such as storage or capture of rainwater when considering an application for a resource consent, notice of requirement, or a change to a regional plan to take and use water.

Provisions which aren't part of Change 1

54. Ngāti Toa and Taranaki Whānui submitted on a number of provisions which aren't part of the Change 1.

- Ngāti Toa [S170.014], supported by further submissions from Rangitāne [FS2.91] and Ngā Hapu o Otaki [FS29.128], support Objective 11 and is seeking rewording to express a strong behavioural direction regarding waste disposal to landfills.
- Ngāti Toa [S170.018], supported by a further submission from Ngā Hapu o Otaki [FS29.132], supports in part Objective 29A and questions how the RPS is addressing policy implementation of the objective.
- Ngāti Toa [S170.019], supported by a further submission from Ngā Hapu o Otaki [FS29.133], opposes the wording of Objective 31 and seeks that it doesn't encourage mining activities further.
- Ngāti Toa [S170.077], supported by a further submission from Ngā Hapu o Otaki [FS29.191], seeks that Policy 6 is redrafted to discuss the significance of Porirua Harbour in more detail.
- Ngāti Toa [S170.046], supported by a further submission from Ngā Hapu o Otaki [FS29.160], seeks that Heritage Policies 21 and 22 distinguish between historic heritage and Sites and Areas of Significance to Māori (SASM).
- Ngāti Toa [S170.057 & 078], supported by a further submission from Ngā Hapu o Otaki [FS29.171 & 192], seeks that Policy 48 is redrafted to refer to the Deed of Settlement Acts and that the policy explanation is reinstated.
- Ngāti Toa [S170.056, 0.78 & 081], supported by further submissions from Ngā Hapu o Otaki [FS29.170, 191 & 195], seeks that Policy 49 is redrafted to create a stronger policy direction regarding consideration of mana whenua roles and values in consent applications. The submitter also considers there should be a framework for giving effect to mana whenua roles for all topics, and not just indigenous biodiversity, and that the policy explanation should be reinstated.

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- Taranaki Whānui [S167.0193] seeks the inclusion of a new definition of mahinga kai, using wording adopted from Te Mahere Wai o Te Kāhui Taiao (a Mana Whenua whaitua implementation plan).
55. The Taranaki Whānui and Ngāti Toa submissions are outside the scope of Change 1 because the relief sought by the submitters relates to provisions which are not part of the plan change. Accordingly, I recommend the submissions and further submissions are not accepted. Whilst the above submissions are out of scope for Change 1, they have been noted and could be considered as part of subsequent RPS changes.
56. With regard to submission S167.0193 from Taranaki Whānui there is already a definition of mahinga kai in Appendix 3 of the operative RPS – “*the customary gathering of food and natural materials and the places where those resources are gathered*”. As the mahinga kai definition is not altered by Change 1, the existing operative RPS definitions will apply to any new and amended text arising from Change 1.
57. Wellington Water [S113.032] is seeking that Table 15 in Appendix 1 of the RPS is updated to align with Schedule H of the PNRP. Whilst I agree that related provisions in the RPS and the PNRP should be consistent, this is out of scope because amendments to the referenced table are not part of the Change 1 provisions. Accordingly, I recommend this submission point is rejected.

3.1.2. Recommendation

58. That submission and further submission points relating to ‘Out of scope’ submissions are rejected as detailed in Appendix 1.

Definitions

59. The Council is running two parallel hearing processes – the FPP under Part 4 of Schedule 1 of the RMA for the freshwater planning provisions, and a standard process under Part 1 of Schedule 1 of the RMA for the remaining provisions. As required by Section 80A of the RMA the Council has considered and identified which new and amended definitions fall within the FPP and which do not, which is reflected in the following paragraphs.

3.1.3. Matters raised by submitters – FPP definitions

Definitions of Metropolitan Centre Zone, Relevant Residential Zone, Rural areas and Tier 1 Urban Environments

60. WFF [S163.0106] opposes Appendix 3 (Definitions) in its entirety and is seeking that all amendments are deleted and deferred to a full RPS review, currently anticipated to be in 2024. BLNZ supports this submission [FS30.075], whilst Forest and Bird [FS7.046], Ātiawa [FS20.168] and Ngā Hapu o Otaki [FS29.19] oppose it and seek that it's rejected.
61. There are submissions on every FPP definition in Appendix 3 of Change 1 other than definitions for:
- Metropolitan Centre Zone
 - Relevant Residential Zone
 - Rural areas
 - Tier 1 Urban Environment, and
 - Urban Environment.
62. As a result, I have limited my assessment and recommendations to these five definitions only as WFF is the only submitter. The WFF submission S163.0106 will also be considered by the relevant topic leads in the context of submissions on the other definitions. Additional submissions by WFF on individual definitions (in addition to their general 'delete all new definitions or definition amendments') will also be considered by the relevant topic leads. This relates to definitions for Highly Erodible Land, Maintain/maintained/maintenance, Nature-based solutions, Permanent Forest, Plantation forestry, Protect (in relation to indigenous biodiversity), Regionally Significant Infrastructure and Te Rito o Harakeke.
63. I would note that changes to objectives, policies and methods as a result of recommendations from topic-specific s42A authors, which include the following terms, may require a subsequent change to the definitions for Metropolitan Centre Zone, Relevant Residential Zone, Rural Areas, Tier 1 Urban Environment and Urban Environment. In that event, the Hearing Panel may wish to reconsider their recommendation on these definitions.
64. **Metropolitan Centre Zone** – this is the same definition as that provided in the National Planning Standards, which have already been through a submission and consideration process. The Council is required to give effect to the Planning Standards under s67(3)(ba) of the RMA and Standard 14 – Definitions requires that “*where terms*

defined in the Definitions List are used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the Definitions List."

65. Metropolitan Centre Zones are also referred to in the NPS-UD, where Policy 3 requires the RPS to enable "in metropolitan centre zones, building heights and density of urban form ...". The NPS-UD in clause 1.4(4) refers back to the Standards for the definition of 'zone' in the NPS-UD ("*any reference to a zone ... is a reference to that zone as described in Standard 8 (Zone Framework Standard) of the National Planning Standard*"). On this basis, I consider it is appropriate for the RPS to use the same definitions from the National Planning Standards where needed in Change 1. I recommend the definition is retained and hence the relief sought by WFF is rejected.
66. **Relevant Residential Zone** – this is the same definition as in the Resource Management 1991 and hence it is appropriate to use that definition in Change 1. I recommend the definition is retained and hence the relief sought by WFF is rejected.
67. **Rural Areas** – this amendment is a factual description based on information from district plans in the Wellington region (i.e., the areas zoned rural in the district plans). The definition supports a number of objectives and policies, it is required to support interpretation and understanding of the policy direction and it is certain. I recommend the wording is retained and hence the relief sought by WFF is rejected.
68. **Tier 1 Urban Environment** – this is the same definition as is in the NPS-UD, which has already been through a submission and consideration process. The NPS-UD directs the Council to amend its RPS to give effect to the policy statement as soon as practicable and that would include adopting appropriate definitions to support that. I recommend the definition is retained and hence the relief sought by WFF is rejected.
69. **Urban Environment** - this is the same definition as is in the NPS-UD, which has already been through a submission and consideration process. The NPS-UD directs the Council to amend its RPS to give effect to the policy statement as soon as practicable and that would include adopting appropriate definitions to support that. I recommend the definition is retained and hence the relief sought by WFF is rejected.

3.1.4. Recommendation – FPP definitions

70. That submission points relating to 'Definitions' being considered via the FPP are rejected as detailed in Appendix 1.

3.1.5. Matters raised by submitters – P1S1 definitions

Definition of 'partnership'

71. Taranaki Whānui [S167.0196] is seeking the inclusion of a definition for 'partnership' as this term is used throughout the RPS. The submitter doesn't provide a suggested definition but does suggest any definition should speak to equality of voice, goals for equity and power-sharing.
72. Whilst this is the only submission seeking a definition of partnership, there are multiple submissions (and further submissions in some cases) on the policies and methods which use this term.
73. Consideration of submissions and further submissions on these policies and methods is outside the scope of this s42A report – they will be considered as part of the topic-specific reports. However, I have reviewed the submissions made on each of these policies and methods, to determine whether any submitters sought amendments to the policy or method wording to remove any references to partnership and to determine whether having a definition of partnership would be material to the assessment of submissions.
74. With the exception of submissions from WFF seeking deletion of Method FW.1 [S163.089] and Method IE.3 [S163.0100], all submissions to the relevant policies and methods are seeking amendments which would not result in the loss of the word 'partnership'. Even though WFF is seeking deletion of a policy and method which include 'partnership' I consider a decision can be made on the relief sought by Taranaki Whānui without impacting on a future decision on the WFF submission.
75. I have also considered the relief sought by Taranaki Whānui for a definition of 'partnership' in the context of a separate submission point they made [S167.003], also sought by Ātiawa [S131.001], about a partnership approach with the Council. I respond to these submission points in paragraph 112.
76. I understand that the Council is very supportive of a partnership approach. In my opinion developing a definition of 'partnership', to inform interpretation of the relevant policies and methods, should include mana whenua/tangata whenua for the Wellington region, as a definition may vary between each iwi. As there has been insufficient time to discuss potential wording prior to completion of this s42A report my recommendation is to accept in part the relief sought by Taranaki Whānui. I agree a definition would be helpful, but I do not wish to suggest wording without input from mana whenua/tangata whenua.

Definition of Ancestral land

77. Te Tumu Paeroa | Office of the Māori Trustee [S102.096] supports the definitions in part. The Trustee is seeking inclusion of a definition of Ancestral Land to avoid ambiguity regarding individual interpretation of ancestral lands and their extent. The Trustee did not include a recommended definition with its submission. There are no further submissions on this submission point.
78. I have clarified with the submitter that they were trying to understand, from the Council's perspective, what land was intended to be included as ancestral lands – would it be all Māori land, Māori land included in treaty settlements, land owned by iwi or all of these? The Māori Trustee considers that a definition should be provided by local iwi and hapū.
79. The term 'ancestral land' appears in one policy in Change 1 – "Policy UD.1 - Providing for the occupation, use, development and ongoing relationship of mana whenua / tangata whenua with their ancestral land". This policy directs district councils to include objectives, policies, rules and/or methods in their district plans to give effect to this policy. In the operative RPS, the phrase appears in Objective 28 only – "The cultural relationship of Māori with their ancestral lands, water, sites, wāhi tapu and other taonga is maintained". The term also appears only once in the RMA, in Section 6.
80. The Te Aka definition of 'ancestral land' is Māori land held under customary title and not having a European title.³ Proposed Plan Change 2 to the KCDC Operative District Plan includes a proposed definition of 'ancestral land' as "*land that belonged to tipuna/tupuna*". In submissions to that plan change, Ngāti Toa and Te Ātiawa sought a different definition – "*ancestral land means land where tangata whenua have an undisturbed collective whakapapa relationship*". The Ngāti Toa and Te Ātiawa definition was supported by this Council. However, in KCDC's recommendation tables, the s42A report writer did not accept the amended definition, in part on the basis that the original definition was deliberately broad and based on interpretation of case law.⁴
81. Despite this Council's support for the definition proposed by Ngāti Toa and Te Ātiawa for the KCDC Plan Change 2 (which is yet to have decisions released), I am concerned that using that definition could have unintended consequences, in that it could limit applicability depending on how 'undisturbed' is interpreted. It also represents the view of only two of the region's iwi.

³ [ancestral land - Te Aka Māori Dictionary \(maoridictionary.co.nz\)](https://www.maoridictionary.co.nz/) – accessed 12 April 2023

⁴ Appendix B to Council Officer's Planning Evidence, pages 27 and 33 of the PDF - [Microsoft Word - BM210206A_AppendixBCoverSheet - Copy.docx \(kapiticoast.govt.nz\)](#)

82. Two of the six iwi in the region (Nga Hapū o Otaki and Ātiawa) are yet to settle their Treaty of Waitangi claims and hence it is unclear which land in their rohe would be considered as ancestral land. Given this, and that there was insufficient time prior to completion of this s42A report to engage with the iwi identified as mana whenua/tangata whenua in the Wellington region, my recommendation is that the Māori Trustee's relief is rejected. I make this recommendation solely on the basis that the Council would then work with mana whenua/tangata whenua to determine firstly whether they consider a definition is required, and if so, what would be appropriate. If mana whenua/tangata whenua consider a definition is required, and the wording is agreed, this recommendation could be revisited within the Change 1 process.

Definitions of Domestic Fires, Regional Form and Small Scale (in relation to electricity)

83. As noted in paragraph 58, WFF is seeking that all amendments to Appendix 3 (Definitions) are deleted [S163.0106] and that these are deferred to the 2024 RPS review. BLNZ supports the submission [FS30.075], whilst Forest and Bird [FS7.046], Ātiawa [FS20.168] and Ngā Hapu o Otaki [FS29.19] oppose the submission and seek that it is rejected.

84. In addition to the partnership and ancestral land definitions, there are submissions on every other P1S1 definition in Appendix 3 of Change 1 other than for definitions for:

- Domestic fires
- Regional Form, and
- Small Scale (in relation to electricity generation).

85. As a result, I have limited my assessment and recommendations to these three definitions only as WFF is the only submitter. WFF submission S163.0106 will also be considered by the relevant topic leads in the context of submissions on the other definitions.

86. My analysis, therefore, is limited to the submitter's request to delete definitions for Domestic Fires, Regional Form and Small Scale (in relation to electricity generation). I have considered each relevant definition below. I would note that changes to objectives, policies and methods as a result of recommendations from topic-specific s42A authors, which include the following terms, may require a subsequent change to the definitions for Domestic fires, Regional Form and Small scale (in relation to electricity generation). In that event, the Hearing Panel may wish to reconsider their decision on these definitions.

87. **Domestic Fires** – as documented in the s32 assessment⁵ this is a factual description of a domestic fire to support an amendment to Policy 2, which seeks to phase out coal as a fuel source by 2030. This definition assists with policy interpretation and it provides certainty for plan users Accordingly, I recommend the relief sought by WFF is rejected and the definition is retained.
88. **Regional Form** – this definition is being deleted by Change 1. As this definition is being deleted, I recommend the relief sought by WFF is accepted.
89. **Small Scale (in relation to electricity generation)** – this is the same definition as is in the NPS-REG, which has already been through a submission and consideration process. Policy 11, to which this definition relates, includes a reference to small scale renewable electricity generation but the operative RPS doesn't include a definition. The addition of a definition in Change 1 assists in the implementation of Policy 11 and complies with the requirement in s67(3)(a) of the RMA for the Council to give effect to any NPS. On that basis I recommend the relief sought by WFF is rejected and the definition is retained.

General submissions on definitions

90. GBI [S94.022] seeks that the definitions are retained as notified. The DGC [S32.038] seeks that definitions are retained as notified, except where they have requested specific changes to individual definitions (this is opposed by BLNZ [FS30.316]). The BLNZ further submission has been coded as a blanket opposition to all DGC submission points.
91. The GBI and DGC submissions are noted; no changes are required to the RPS as a consequence. I recommend accepting the submission points in part however, as subsequent changes may be made to some of the definitions in response to relief sought by other submitters and these will be addressed by topic leads in the relevant s42A report.
92. BLNZ [S78.040] is seeking that the definitions of 'city centre zone', 'complex development opportunities', 'future development strategy', 'high density development', 'hydrological controls', 'key centres', 'marae', 'medium density residential development', 'metropolitan centre zone', 'national grid', 'papakainga', 'regional form', 'regionally significant centres', 'relevant residential zone', 'small scale', 'tier 1 territorial authority', 'tier 1 urban environment', 'urban areas' and 'urban environment' are

⁵ Section 32 report – Evaluation of provisions for Proposed Change 1 to the Regional Policy statement for the Wellington Region – page 164

retained as they are intended to give effect to the NPS-UD. Ātiawa opposes this submission [FS20.348].

93. BLNZ's submission is noted – no change is required as a consequence. I recommend this submission is accepted in part as changes may be made to some of the definitions in response to relief sought by other submitters and these will be addressed by topic leads in the relevant s42A report. Ātiawa's further submission is in general opposition to BLNZ's overall position where they consider the scope of Change 1 should be restricted to giving effect to the NPS-UD only, and all other proposed amendments should be deleted. As I have recommended this particular BLNZ submission point is accepted in part, I recommend that Ātiawa's further submission point is rejected.
94. HCC [S115.0118] is seeking consequential amendments to definitions, deleted definitions and new definitions as appropriate. The submission point is a summary statement for HCC's detailed submissions, which will be analysed and recommendations made by the relevant topic leads in their respective s42A reports. Accordingly, a decision is not required on this submission point.

3.1.6. Recommendations – P1S1 definitions

95. That submission points relating to 'Definitions' being considered via the P1S1 process are accepted/rejected or noted as 'no decision required' as detailed in Appendix 1.

Miscellaneous submissions

3.1.7. Matters raised by submitters

96. There are two miscellaneous submissions from Anders Crofoot [S80.006] and Tony Randle [S84.001]. Mr Crofoot's submission is more correctly a further submission as he supports the WFF submission. His support is noted. I consider a decision is not required on this submission point as the WFF submission is extensive and is being addressed across a number of different s42A reports, including this one.
97. Mr Randle sought an extension of time for the submission period. I have confirmed with Council officers that Mr Randle didn't make this request other than through his submission. Prior to notification the Council pre-emptively doubled the timeframe for making submissions on Change 1 (from 20 to 40 working days, as outlined in the public notice).⁶ This recognised the tight timeframe for preparation of Change 1 and the need

⁶ [Letter \(gw.govt.nz\)](http://www.gw.govt.nz)

for time for the public to participate in the process. Mr Randle has made a submission so I am unclear why an extension would be required.

3.1.8. Recommendations – Miscellaneous submissions

98. That submission points relating to 'miscellaneous submissions' are noted as 'no decision required' as detailed in Appendix 1.

Issue 1: Allocation of provisions between the FPP and P1S1 process

3.1.9. Matters raised by submitters

99. The following submitters consider the scope of Change 1 is too broad and too many provisions have been identified as FPIs. Only those provisions relating to maintenance or enhancement of freshwater quality or quantity should be subject to the FPP:
- Neo Leaf Global [S127.004] also considers Change 1 should be reviewed by experts to justify the freshwater linkages.
 - WIAL [S148.010, 011 & 059]
 - Winstone Aggregates [S162.004], opposed by Ātiawa [FS20.272]
 - Forest and Bird [S165.150], opposed by BLNZ [FS30.319]
 - WFF [S163.003], supported in part by HortNZ [FS28.005], supported by BLNZ [S30.061] and opposed by Forest and Bird [FS7.032], Ātiawa [FS20.154] and Ngā Hapu o Otaki [FS29.005]
 - DairyNZ [S136.001], supported by Winstone Aggregates [FS27.003], the Wairarapa Water Users Society [FS9.003] and Irrigation NZ [FS21.003], supported in part by HortNZ [FS28.003] and opposed by Rangitāne [FS2.5]
100. Generally speaking, the submitters (and further submitters) opposing Change 1 consider that the Council has erred in the number of provisions they have identified as being subject to the FPP, that direction from the 2022 High Court decision *Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Incorporated* [2022] NZHC 1777 ('High Court decision') has not been applied and there is concern about the reduced appeal rights as a result.
101. Forest and Bird identified potential groups of provisions they consider should be reallocated to the P1S1 process, and suggested example objectives and policies. WFF appears to be seeking the removal of all provisions from the Freshwater Planning Process. This is within the context of their overall submission point that Change 1 should be limited to the provisions required to give effect to the NPS-UD.

102. Section 80A of the RMA requires the Council to follow the FPP when preparing, changing or varying a plan or policy statement for those parts which are an FPI. A FPI is a proposed regional plan, RPS, or change or variation to a plan or RPS, that gives effect to any NPS for freshwater, or which relates to freshwater. The Council is required to identify which parts of a plan change relate to freshwater and which do not. I also understand that the decision about which provisions are allocated to which process is a Council decision.
103. I was not involved in the allocation of Change 1 provisions to the FPP or P1S1 process. However, I have reviewed the process undertaken by Council officers to identify which provisions should be allocated to which process and I have a good understanding of how officers approached this. With respect to Neo Leaf Global there has already been an assessment of the allocation of provisions by experts within Council. Officers reviewed the content of Change 1 against the tests identified in the High Court decision, which are that to meet the criteria for the FPP process, the Change 1 provisions must:
- Be directly related to the maintenance or enhancement of freshwater quality or quantity,
 - Be directly related to matters that will impact on the quality and quantity of freshwater, including groundwater, lakes, rivers and wetlands; and
 - Be giving effect to the freshwater quality or quantity parts of the NPS-FM.
104. The outcome of this assessment is described in Table E-3 of the s32 report, which identifies which provisions are considered to be an FPI and which are not. I acknowledge the submitter concerns that too many provisions in Change 1 have been allocated to the FPP – approximately 66% of Change 1 forms part of the FPI. I consider that Council officers made a thorough evaluation of each provision, taking into account the direction in the High Court decision. They recommended an allocation of provisions between the FPP and P1S1 process to Council and Council approved public notification of the allocation of provisions on 18 August 2022.⁷
105. As noted in paragraphs 11 and 12 of the s32 report appendix, the assessment looked at each provision 'in the round', without splitting provisions. The Council's objectives and policies do not differentiate between different types of ecosystems – objectives and policies apply equally to freshwater and the coastal marine areas. As a result, a

⁷ Officer's report to 18 August 2022 Council meeting - [Council-18-August-2022-order-paper.pdf \(gw.govt.nz\)](#). Minutes of 18 August 2022 Council meeting - [Confirmed-Public-minutes-of-Council-meeting-on-18-August-2022.pdf \(gw.govt.nz\)](#)

policy such as Policy FW.3 has been identified as an FPI because it refers to considering the effects on freshwater of subdivision, use and development; however, it also includes the coastal marine area.

106. On the basis of the above analysis I recommend rejecting all submissions seeking amendments to the allocation of provisions to the FPP. I recommend accepting all further submissions supporting the current allocation of provisions. I have not addressed legal issues associated with the allocation of provisions between the FPP and the S1P1 processes as this is a legal matter and a matter for the Hearing Panel to determine.
107. With respect to Neo Leaf Global, I acknowledge that appeal rights are constrained under the FPP. As shown in Figure 1, Environment Court appeals can only be made where the Council rejects the Freshwater Hearing Panel's recommendation. Otherwise, appeals are to the High Court only. The restriction on appeals is mitigated by freshwater hearing panels having "*enhanced powers ... [which] is necessary to robustly test the freshwater planning instrument and submitter information ...*"⁸.

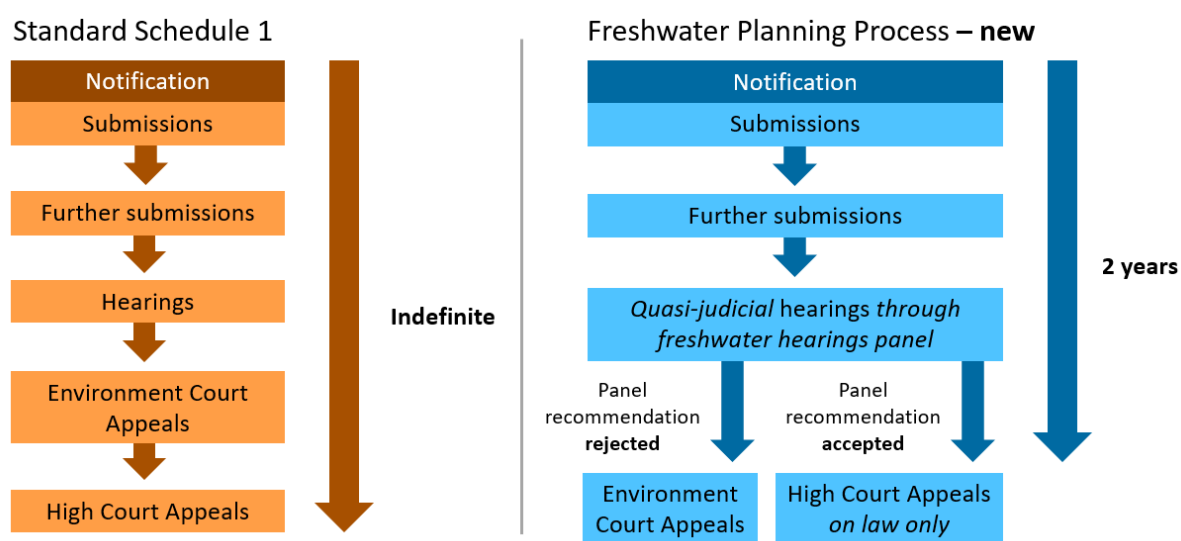


Figure 1: The standard Schedule 1 process vs. the Freshwater Planning Process⁹.

3.1.10. Recommendations – allocation of provisions

108. That no changes are made to the allocation of provisions between planning processes.
109. That submissions and further submissions on the allocation of provisions to the FPP versus P1S1 are accepted or rejected as detailed in Appendix 1.

⁸ Page 16, [A new freshwater planning process technical guidance for councils \(environment.govt.nz\)](http://environment.govt.nz)

⁹ Sourced from the Council

Issue 2: Providing for mana whenua in the RPS

3.1.11. Matters raised by submitters

110. There are a number of submissions from iwi, including submissions from Muaūpoko seeking recognition as mana whenua. I will address the more general submission points first before discussing the request for mana whenua recognition.
111. Ātiawa [S131.001, 002] generally supports the principal of Change 1 but considers further amendments are required to provide for its values and role as mana whenua. This is supported by Ngā Hapu o Otaki [FS29.002 & 206] and Rangitāne [FS2.44]. Ātiawa's submission point is a summary statement in relation to its more detailed submissions on specific parts of Change 1, which will be addressed by the relevant s42A authors. Accordingly, a decision is not required on this submission point, and the associated further submissions.
112. Ātiawa [S131.007] (supported by Ngā Hapu o Otaki [FS29.211] and Rangitāne [FS2.120]) and Taranaki Whānui [S167.003] are seeking a partnership with the Council for all resource management matters and future plan changes. I understand that Council is supportive of this approach, and it will undertake one on one conversations with each iwi about what this would mean and how to progress. On this basis I recommend accepting these submissions and further submissions. This is consistent with my recommendation on the request for a definition of 'partnership', as noted in paragraph 76.
113. Ian Gunn [S139.002] supports Change 1 on the basis progress has been made to create a co-governance structure. This is supported by Rangitāne [FS2.124]. I recommend accepting these submissions in part, as changes may be made to the Change 1 provisions as a result of recommendations on specific provisions.

Mana whenua status for Muaūpoko

114. Muaūpoko [S133.001 & 076] is seeking acknowledgement throughout the RPS of their "connection to Te Whanganui-a-Tara". Muaūpoko considers they should have been consulted by the Council, under Clause 3(1)(d) of Schedule 1 of the RMA, as part of the Change 1 preparation. They are also seeking that the RPS includes formal recognition of Muaūpoko as mana whenua with connections in the Wellington region, including via a future plan change to the Tangata Whenua chapter. Muaūpoko's relief is supported by Rangitāne [FS2.75, 138 & 139] and opposed by Ngāti Toa [FS6.046 & 071] and Ātiawa [FS20.054 & 423].

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115. There are other submissions from Muaūpoko to specific provisions in Change 1, which will be addressed in the relevant topic-specific s42A reports. These relate primarily to freshwater and indigenous biodiversity.
116. I do not make a recommendation on the submissions or further submissions in relation to Muaūpoko seeking acknowledgement through the RPS, as this would require detailed evidence from the submitters. I am also concerned that making such a recommendation is outside my area of expertise. To assist the Hearing Panels I will, however, consider the following specific points raised by Muaūpoko:
- Lack of consultation during plan change preparation
 - Formal recognition of Muaūpoko as mana whenua
 - A future plan change to the Tangata Whenua chapter.
117. With regard to consultation, Muaūpoko is correct that the Council didn't consult them during preparation of Change 1. Muaūpoko is not identified, in paragraph 112 of the s32 report, as one of the Council's mana whenua/tangata whenua partners. The identified partners are:
- Ngāti Kahungunu ki Wairarapa
 - Rangitāne o Wairarapa
 - Ngāti Toa Rangatira
 - Te Ātiawa ki Whakarongotai
 - Ngā Hapū o Ōtaki
 - Taranaki Whānui (through PNBST).
118. The duty of consultation is a matter for the Council. However, there may be implications for the Council depending on the Hearing Panels' recommendations in relation to Muaūpoko's submissions, i.e. whether Muaūpoko has mana whenua status in matters where the Hearing Panels need to engage on this issue.
119. Turning to Muaūpoko's request for explicit recognition as mana whenua in the RPS in terms of the Change 1 provisions, with the exception of proposed amendments to Chapter 3.4, the provisions refer to mana whenua/tangata whenua rather than naming specific iwi. Determining which iwi fall within this definition is not necessary for Change 1, but it may be relevant for determining subsequent resource consent applications.
120. With regard to agreeing to a future change to the Tangata Whenua chapter, in my opinion this is out of scope as this chapter is not part of Change 1.

121. This is a complex matter with diametrically opposed further submissions from Rangitāne (supporting) and Ngāti Toa and Ātiawa (opposing). While the Hearing Panels are not required to make a recommendation on these submissions, the panels may need to consider relevant evidence and reach a conclusion on other submissions from Muaūpoko on specific provisions in Change 1. The Hearing Panels may wish to seek their own legal advice to support their decision-making on this matter.

3.1.12. Recommendation – providing for mana whenua

122. I make no recommendation on the submissions on providing for mana whenua through the RPS. I have noted these submission points as 'no recommendation' in Appendix 1.

Issue 3: Change 1 scope

3.1.13. Matters raised by submitters

123. Submitters Pareraho Forest Trust [S67.001], Alicia Hall [S73.001], Finn Hall [S74.001], VUWSA [S75.004], Lachlan Patterson [S85.004 and S84.005], VicLabour [S89.009], Bronwyn Bell [S90.006], Tony Chad [S95.001], Renters United [S130.001 and S130.002], Generation Zero Wellington [S141.008], Combined Cycle Submitters [S142.006], NZ Centre for Sustainable Cities [S151.001 & S151.014], Mary Beth Taylor [S63.001], Gene Clendon [S76.004] and the DGC [S32.021] (opposed by BLNZ [FS30.299]) support Change 1 and seek that it is retained as notified. I recommend accepting in part these submissions as changes may be made to specific provisions via topic-specific s42A reports.

124. Peka Peka Farm Limited [S118.019 & 020] (supported in part by Rangitāne [FS2.19]), Dr Laing [S106.001] and WIAL [S148.001] support or support in part the overall intent of Change 1 or take a neutral position and they do not identify any relief. As these submitters either support, support in part or are neutral, or they don't identify any relief, I recommend accepting their submissions.

125. Dr Laing's submission [S106.002] is a summary statement in relation to more detailed submissions, which will be addressed by the relevant s42A authors. Accordingly, a decision is not required on this submission point.

126. Kāinga Ora [S158.043 & 046] supports the general intent of Change 1 but is seeking better clarity within the objectives and policies so they are measurable and provide direction as to how they can be achieved, and that Change 1 is aligned with and does not go beyond what is required under the NPS-FM and the NPS-IB (draft) once

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gazetted. The relief in S158.43 is supported by further submissions from Wellington City Council [FS13.002] and Waka Kotahi [FS3.002] The relief in S158.46 is supported by further submissions from the Fuel Companies [FS10.026], Powerco Limited [FS24.022] and Waka Kotahi [FS3.003]. Kāinga Ora's submission points are summary statements in relation to more detailed submissions, which will be addressed by the relevant s42A authors. Accordingly, a decision is not required on the submission points and further submissions.

127. Taranaki Whānui [S167.002] supports in part Change 1 but they have concerns about how it will be implemented. This is a summary statement for Taranaki Whānui's detailed submissions, which will be analysed and recommendations made by the relevant topic leads in their respective s42A reports. Accordingly, a decision is not required on this submission point.
128. PCC [S30.0120] (supported Peka Peka Farm Limited [FS25.038]) is seeking that, in addition to detailed relief sought in their substantive submission, the Council withdraws much of Change 1 or works with councils to significantly amend most of its contents. The relief sought by PCC in this submission point is part of a broader submission which expresses concern about the content and implementation of Change 1. In my opinion, withdrawing Change 1 is not feasible – the Council is directed by the NPS-UD to amend the RPS within a specific timeframe. As outlined in the s32 report, Council undertook engagement with the Wellington region territorial authorities, including PCC, as part of preparing the plan change. The topic leads will consider relief sought on the wording of specific provisions in their s42A reports. In relation to PCC's relief to withdraw Change1 or work with councils to amend the consent, I recommend it is rejected.

Restrict the Change 1 scope to NPS-UD only

129. BLNZ [S78.001] and WFF [S163.001] oppose Change 1 on the basis that all proposed amendments, other than those related to the NPS-UD, should be withdrawn. The submitters consider that Change 1 should be limited to giving effect to the NPS-UD only and including freshwater, indigenous biodiversity and climate change responses is premature. They are seeking that all proposed amendments, other than those they've specifically identified, are deleted. Further submissions from Wairarapa Water Users Society [FS9.001] and Irrigation NZ [FS21.001] support BLNZ's relief. HortNZ [FS28.002] supports in part, whilst Rangitāne [FS2.40], Wellington Water [FS19.064] and Ātiawa [FS20.003] oppose BLNZ's relief. Further submissions from BLNZ [FS30.057], the Wairarapa Water Users Society [FS9.007] and Irrigation NZ [FS21.007] support WFF's relief. HortNZ [FS28.004] supports in part, whilst Rangitāne

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[FS2.27], Forest and Bird [FS7.030], Ngā Hapu o Otaki [FS29.003] and Ātiawa [FS20.100] oppose WFF's relief.

130. Section 5.0 of the s32 report sets out the reasons why the scope of Change 1 is as proposed, including the implementation timeframes in the NPS-UD and the NPS-FM. In summary, there is a variety of national direction requiring changes to the RPS, including existing requirements in the RMA, the NPS-UD, NPS-REG, the Zero Carbon Act and the NPS-FW which Council is giving partial effect to via Change 1. Whilst timeframes for implementation vary, the Council has taken an integrated approach by considering in a holistic way the relevant provisions and their relationships to one another.
131. The RPS is a higher order document which must be given effect to by the relevant regional and district plans. Accordingly, it is also necessary for changes to be made to the RPS to support relevant subsequent changes to the PNRP and Wellington region district plans.
132. The scope of what was notified in a plan change cannot be retrospectively altered by withdrawing amendments. It can be amended only through a submission and hearing process. It is my view that deleting all Change 1 provisions other than those required to give effect to the NPS-UD is the planning equivalent of 'kicking the can down the road'. This will just push out necessary amendments which have been directed by national direction to be implemented as soon as reasonably practicable (for example Clause 4.1(1) of the NPS-FM), and delay consideration of key issues for the Wellington region, such as climate change response. In my opinion the Council is in a somewhat difficult position given the sheer number of different national directions to be given effect to and the need to integrate the responses, alongside other legislative changes and the different timing for each. Choosing to give effect in tranches is a practical option. I acknowledge that it is not without challenge as is evidenced by submissions, but I suspect this would be the case no matter the scope or timing of the RPS changes.
133. As it relates to indigenous biodiversity, Change 1 includes provisions to give effect to s30(1)(ga) of the RMA "*the establishment, implementation, and review of objectives, policies and methods for maintaining indigenous biological diversity*". This section was introduced by Section 9(2) of the Resource Management Amendment Act 2003, so the obligation is some 20 years old and as a result the introduction of the relevant provisions is not 'premature'.
134. In identifying this particular gap, the Council looked to align the relevant provisions with the exposure draft of the NPS-IB. I acknowledge that it is possible that the final NPS-

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IB may have different provisions once it has been through the Cabinet process. If this was to occur during the Change 1 hearing process, I have been advised by Council officers that, depending on timing, either a variation could be promulgated to Change 1 if the provisions differ from the exposure draft, or it could be addressed in the indigenous biodiversity s42A report. Any variation or future change would be notified with the opportunity for submissions.

135. On this basis I agree with the further submissions from Rangitāne, Ātiawa, Ngā Hapū o Ōtaki, Forest and Bird and Wellington Water – with the exception of the most recent NPS-FW amendments, the 2020 version of the NPS-FM is now 2+ years old and there is insufficient justification for further delay.
136. I do not agree with the Wairarapa Water Users Society, Irrigation NZ, BLNZ and HortNZ further submissions that further in-depth consultation is required in relation to the provisions. Section 4 of the s32 report describes the consultation undertaken by the Council and it is unclear what additional engagement is sought by these further submitters. Further, I understand that members of the Wairarapa Water Users Society are part of the Council's Farming Reference Group, which was engaged with as part of the development of Change 1. There will be further changes to the RPS with associated opportunities for consultation.
137. On the basis of the above analysis therefore, I recommend rejecting BLNZ and WFF's relief and consequently the further submissions from HortNZ, the Wairarapa Water Users Society and Irrigation New Zealand. I recommend accepting the further submissions from Rangitāne, Ātiawa, Ngā Hapū o Otaki, Forest and Bird and Wellington Water.

Expand the Change 1 scope to give effect to mineral and aggregate quarrying provisions in the NPS-FW, NPS-HPL and NPS-IB (draft)

138. Winstone Aggregates [S162.001, 002 & 003], the AQA [S29.005 & 006] and Fulton Hogan [S114.008] all consider that Change 1 should be amended to give effect to the relevant provisions in the NPS-FM, the NPS-HPL and the exposure draft of the NPS-IB which variously provide a consenting pathway for aggregate and mineral extraction provided the identified criteria are met. This would include adding in new definitions. Rangitāne [FS2.24, 25 & 26], Ātiawa [FS20.002, 268, 269 & 270, 271], and Forest and Bird [FS7.0.19 & 020] variously oppose or oppose in part the aggregate companies' relief. Winstone Aggregates [FS27.001 & 002] supports the relief sought by the AQA and Fulton Hogan respectively. HortNZ [FS28.001] also supports the AQA's relief. Waka Kotahi [FS3.004] supports in part Winstone Aggregates.

139. The relief sought by the submitters includes requests to amend the RPS, the PNRP and to implement requirements which apply to territorial authorities. Whilst the RPS plays a role in providing a consenting pathway for mineral and aggregate production in the Wellington region insofar as it *“provides an overview of the resource management issues and the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region”*¹⁰, it does not include rules directing which activities require consent. This is the role of the regional plan and the relevant district plans. It is also not within the scope of this plan change process to consider changes to the PNRP or district plans – the scope is limited to the RPS only.
140. Change 1 is not a full review of the RPS. The primary purpose is to implement the NPS-UD and parts of the NPS-FM, alongside other legislative direction as mentioned in paragraph 130 of this report. When preparing Change 1, the Council did not identify access to mineral and aggregate resources as an issue to be addressed in Change 1. The operative RPS already includes explicit recognition of minerals, including Objective 31 – *“Demand for mineral resources is met from resources located in close proximity to the areas of demand”*, and policies seeking to minimise reverse sensitivity effects on existing quarries and consider how the region’s mineral resources are utilised. As Change 1 proposed no changes to these provisions amending the existing Soils and Minerals chapter in the RPS is out of scope in my view.
141. I have identified the relevant direction (as it relates to mineral and aggregate extraction) in each NPS in the following table, including whether it applies to the RPS or another planning document and the timeframe for implementation.

NPS	Direction	Timeframe	Council response
M	Clause 3.22 – requires amendment to a regional plan	As soon as practicable	Will be part of an upcoming plan change to the PNRP
NPS-HPL	Clause 3.5 – requirement to map highly productive land and include maps in the RPS	As soon as practicable and by September 2025	Will be part of a future review of the RPS
NPS-HPL	Clause 3.9 – applies to territorial authorities		N/A
NPS-IB (Exposure draft)	Clause 3.10 – managing adverse effects on SNAs	As soon as reasonably practicable following gazettal	Will be part of a future review of the RPS or a variation to Change 1

¹⁰ Section 59 of the RMA

142. I agree with submitters that amendments will be required to the RPS to give effect to the NPS-HPL. Assuming the NPS-IB remains as proposed in the exposure draft, amendments will also be required to give effect to Clause 3.10 (current numbering) of the NPS, which I understand will be given effect to in subsequent changes to the RPS.
143. The implementation guide for the NPS-HPL acknowledges there will be a period of time “*where local authorities and applicants will need to consider the policy direction and implementation requirements of the NPS-HPL without highly productive land being mapped ...*”.¹¹ Clause 3.5(7) of the NPS-NPL includes a transitional definition for highly productive land, until the required mapping is complete. I understand that the Council, in its submission to Change 1, proposed amendments to Policies 55 and 56, and a new definition of ‘highly productive land’, to align with the NPS-HPL. Submissions, and further submissions, on Policies 55 and 56 and the proposed new definition, will be considered in the s42A report(s) for the Urban Development and Freshwater hearing streams.
144. With regard to the NPS-IB (draft), I have been advised by Council officers that they have endeavoured to be consistent with the relevant provisions of the exposure draft of the NPS-IB insofar as they relate to indigenous biodiversity, as described in paragraph 134 of this report. Once the NPS-IB commences, the Council will need to review the RPS in response. If this occurs during the hearing process, there may be the opportunity to amend Change 1 or provide an update via the Indigenous Biodiversity s42a report, otherwise this will be part of a future change to the RPS.
145. In my opinion, the relief sought by Fulton Hogan, the AQA and Winstone Aggregates (and supporting further submitters) should be rejected because it will be part of a subsequent plan change to the RPS or it applies to the PNRP or district plans.
146. I would note that in accordance with Section 104(1)(b)(iii) a resource consent decision-maker is required to have regard to any relevant provisions of an NPS, which would include the relevant objectives and policies in the NPS-FM and the NPS-HPL. Further, the NES-FW now includes a regional consenting pathway for mineral extraction in natural wetlands (Clause 45D).

¹¹ MfE National Policy Statement Highly Productive Land – Guide to Implementation (March 2023), page 9

3.1.14. Recommendation – plan change scope

147. That the submissions and further submissions on 'plan change scope' be accept/rejected, or noted as 'no decision required', as detailed in Appendix 1.

Issue 4: Change 1 drafting

3.1.15. Matters raised by submitters

148. Rozalie Brown [S72.001] generally supports in part Change 1 and is seeking the inclusion of a flowchart showing how the Spatial Planning Act, Climate Adaptation Act, Natural and Built Environment Act, National Adaptation Plan and Energy Descent Action Plan¹² weave together. Ms Brown is also seeking the removal of the word 'resource' to future proof Change 1 when the RMA is replaced by the Natural and Built Environment Act [S72.003].
149. The Spatial Planning Act, Climate Adaptation Act and the Natural and Built Environment Acts are yet to become law. Including a flow chart as requested by the submitter is inconsistent with the anticipated future direction of the resource management system, which would render RPSs and other RMA planning documents progressing obsolete. On this basis I recommend that the relief sought by Ms Brown is rejected.
150. With regard to removing the word 'resource', based on the draft provisions in the Spatial Planning and Natural and Built Environment Bills (as at May 2023), the RMA, and regional policy statements, regional plans and district plans, will remain in effect (and relevant for decision-making) until they are progressively replaced by regional spatial strategies and natural and built environment plans (over a transition period which is understood to be between 7-10 years). I understand that the intention is not to amend RPSs to be consistent with new legislation but for these documents to be replaced. Removing the word "resource" to future-proof the RPS is therefore unnecessary and I recommend that the relief sought by Ms Brown is rejected.
151. Phillip Clegg [S62.003] and Dr Sarah Kerkin [S96.001] seek that Appendix 3 of the RPS (Definitions) is shifted to the start of the RPS, rather than being at the back. The National Planning Standards structure for RPSs requires that definitions are moved to the front of the document. The s32 report states that "*As Change 1 only updates parts of the RPS, it does not seek to fully implement the new structure. The National Planning Standards have been applied as appropriate but are a matter to be addressed in the*

¹² An Energy Descent Action Plan is not a New Zealand legislative requirement – it appears to refer to an international outcome where local communities prepare for a phased reduction in energy dependence

*future*¹³. However, the mandatory direction in Standard 17.2 of the Planning Standards requires the Council to comply with Standard 2 - Regional policy statement structure for any “*amendments to the regional policy statement made by five years from when the planning standards come into effect.*”. The Planning Standards came into effect in November 2019 and hence the Change 1 process is within this five-year timeframe. Accordingly, I accept the relief sought by Phillip Clegg and Dr Kerkin and recommend that the definitions chapter is moved to the front of the RPS.

152. VUWSA [S75.005] is seeking the use of plain language across Change 1 and a summary and overview information sheet. Renters United [S130.004] generally supports Change 1 and is seeking a similar outcome. I agree with the submitters that using plain language is desirable in the RPS and for implementation, noting that language in the RPS is directed to an extent by the language in the RMA and relevant national direction, which is not always written in a plain language style. The RPS should remain accessible to plan users and to that point proposed methods CC1, CC2, CC3, IE1 and UD.1 are non-regulatory methods focused on information and guidance to assist with implementing the RPS. This guidance would need to comply with the Council's style guide for publications and I understand that the Council adheres to the relevant government requirements in terms of accessibility. On this basis I accept in part the submissions from VUWSA [S75.005] and Renters United [S130.004] to the extent that plain language can be used in the RPS and there are proposed methods focused on implementation and guidance.
153. I am aware that there are several submitters seeking redrafting of Change 1 provisions to improve readability and interpretation. These will be addressed in the relevant topic-specific s42A reports.
154. Muaūpoko generally opposes Change 1 because the provisions do not recognise and provide for their "connection to Te-Whanganui-a-Tara" (as discussed in Issue 2 – paragraphs 114 - 121. Muaūpoko also made a general submission point, seeking a general grammar and sense check to reflect the intent and produce the desired outcomes from the change [S133.003]. Ngāti Toa [FS6.059] opposes the Muaūpoko submission, as does Ātiawa [FS20.350]. Rangitāne [S168.001] is also seeking correction of inconsistencies in grammatical tense and structure. Sustainable Wairarapa Inc [FS31.002] made a further submission supporting all Rangitāne submission points.

¹³ Paragraph 171

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155. The request by Muaūpoko and Rangitāne for the Council to undertake a grammar and sense check is sensible and good practice for any policy drafting process. I have been advised that the Council will undertake this as part of finalising the plan change following the Hearing Panels' decisions. If required, amendments may be made in accordance with Clause 16(2) of Schedule 1 of the RMA. Individual topic leads will also be reviewing their topic-specific drafting as they respond to individual submission points during subsequent phases of the change process.
156. Accordingly, as this final review will be completed regardless, I recommend accepting the relief sought by Muaūpoko and Rangitāne, to the extent it relates to a grammar check and sense check. The further submissions from Ngāti Toa and Ātiawa are in general opposition to Muaūpoko's overall submission that they are recognised as mana whenua in the RPS. This matter is addressed in Issue 2 in this 42A report. The further submissions are rejected only to the extent they relate to the grammar and sense check.
157. Sustainable Wairarapa's further submission is not directly related to S168.001; it generally supports Rangitāne's original submission in its entirety. The content of the further submission is not related to drafting and so a decision is not required on this submission point.
158. PCC [S30.0114 & 0.121] generally opposes in part Change 1 and considers that poor drafting of provisions and a lack of supporting evaluation made it difficult for them to assess implications of the provisions and they are seeking redrafting across Change 1. This submission point is supported by Peka Peka Farm Limited [FS25.031 & 039] and Waka Kotahi [FS3.005]. PCC also considers that they are generally unable to understand the policy intent of most of the proposed new or amended objectives and policies, and as a result they have been unable to request any changes [S30.115]. They are seeking commencement of an immediate variation and that the Council engages with the territorial authorities on redrafting. This submission point is supported by Peka Peka Farm Limited [FS25.032].
159. PCC's submission points S30.0114 & S30.121 are summary statements in relation to PCC's detailed submission points. I cannot comment on the specifics of objective, policy and method drafting – the individual topic leads will consider these in their respective s42A reports. As a result, a decision is not required on the relief sought in relation to these submission points.
160. With regard to PCC submission point S30.0115, and further submission FS25.032 from Peka Peka Farm Limited, Section 5 of the s32 report describes the engagement

process undertaken by the Council in preparing Change 1. This included statutory consultation as required by Schedule 1 of the RMA with territorial authorities within the Wellington Region in accordance with the Wellington Regional Triennial Agreement (2019 – 2022). This agreement requires that the Council makes a draft copy of the RPS available to the territorial authorities, including PCC, and each authority had 30 working days to respond.

161. Paragraph 120 of the s32 report summarises the territorial authority engagement, whilst paragraph 124 confirms that PCC provided high-level and detailed comments, primarily focused on drafting. I cannot comment on whether the timeframe provided for PCC to comment on the draft RPS was sufficient, as I was not involved in this process.
162. My observation, however, is that PCC had the opportunity to review and comment on a draft of Change 1, and Council made amendments to provisions in response, (as documented in Appendix D of the s32 report) alongside participating in the formal submission process (where the submission period timeframe was doubled) and being involved in the plan change development over a longer time period. This provided them with the opportunity to understand the plan change content and the implications for PCC.
163. Immediately promulgating a variation to Change 1 as requested by PCC would further complicate an already complex change process, involving as it does the FPP and a P1S1 process. On this basis I recommend that PCC submission S30.0115, and the further submission from Peka Peka Farm Limited [FS25.032], is also rejected.
164. The relief sought by KCDC in relation to their submission points S16.099 and S16.0101 is noted. These submission points are summary statements for KCDC's detailed submission points, which will be analysed and recommendations made by the relevant topic leads in their respective s42A reports. a decision is not required in relation to KCDC's submissions [S16.099 and S16.0101]. If I were to make a recommendation as part of this General Submissions S42A report it could pre-suppose the outcome of subsequent relevant topic-specific analysis and recommendations.

3.1.16. Recommendations – Plan change drafting

165. That Appendix 3 – Definitions, is relocated within the RPS to comply with National Planning Standard 2 – Regional policy statement structure.
166. That submission points relating to 'plan change drafting' are accepted/rejected or noted as 'no decision required' as detailed in Appendix 1.

Issue 5: Appropriateness of general plan provisions

3.1.17. Matters raised by submitters

Timing

167. PCC [S130.0119] is concerned that the requirement in Policy CC.2 and Method 21 for district plans include objectives, policies and rules by 30 June 2025 at the latest requiring that use of public transport and active modes are maximised and a schedule of indigenous ecosystems and habitats doesn't consider other overlapping plan change requirements and how these align. Peka Peka Farm Limited [FS25.036] supports this submission point. UHCC [S34.0119] is also concerned with the June 2025 deadline and considers it is arbitrary. PCC and UHCC's submission points are summary statements in relation to their more detailed submissions on the relevant policies and method, which will be addressed by the relevant s42A authors. Accordingly, a decision is not required on these submission points or the further submission.

Chapter 4.1 – Regulatory policies

168. There are five general submission points relating to the regulatory policies. Meta Beyers [S153.001] is focused on enabling changes to car dependency, supports Change 1 and seeks that it's retained as notified. BLNZ [S78.005] accepts the proposed amendments to Chapter 4.1 chapter heading and introduction as they are required to give effect to the NPS-UD. Forest and Bird [S165.032] supports the chapter introduction and table of contents for Chapter 4.1 and seeks that these are retained as notified. Ātiawa [FS20.313] opposes the relief sought by BLNZ. WFF [S163.042] seeks that all chapter amendments are deleted. CDC [S25.014] considers it is confusing to have non-consecutive policy numbering and the policies in this chapter should be renumbered or grouped together. This is supported by WCC [FS13.001] and Waka Kotahi [FS3.015].
169. No amendments are required to the Chapter 4.1 title, introduction or the table of contents in response to the submissions from Meta Beyers, BLNZ or Forest and Bird. I recommend accepting in part the relief sought because there may be changes to the titles of objectives, policies and methods as a result of other submissions, which may mean that the chapter title, introduction and/or table of contents may not be retained as notified. The Ātiawa further submission is a general further submission opposing BLNZ's entire submission. It isn't relevant to the submission point S78.005 and as a result I reject the relief sought.

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170. WFF [S163.042] opposes this chapter and seeks that it's deleted and deferred to a full review of the RPS in 2024. This relief is supported by BLNZ [FS30.115] and opposed by Wellington Water [FS19.057], Ātiawa [FS20.208], Ngā Hapū o Ōtaki [FS29.059] and Forest and Bird [FS7.086].
171. This analysis relates only to the WFF submission that chapter 4.1 of the RPS is deleted in its entirety. However, for context, WFF also submitted that the scope of Change 1 should be restricted to changes necessary to give effect to the NPS-UD. They consider that provisions related to climate change, biodiversity and water should be withdrawn and included in a *“full review of the RPS in 2024 and scheduled reviews of the NRP in 2023 and 2024”*. I have considered WFF's 'scope' submission as part of Issue 3 in this report. Other detailed submissions relate to specific provisions and they will be assessed by the relevant topic leads in their s42A reports.
172. Generally speaking, I disagree with WFF that the scope of Change 1 should be amended by withdrawing provisions and I have outlined the reasons for this in paragraphs 130 - 137 of this report. I consider the same reasons are then valid when considering submissions to withdraw individual chapters, such as WFF's relief sought for Chapter 4.1. As a result, I agree with the further submission from Ātiawa that delaying responding to national direction is not an appropriate course of action. On that basis I recommend rejecting the relief sought by WFF in submission S163.042. I then recommend accepting the further submissions of Ātiawa, Ngā Hapū o Ōtaki and Forest and Bird and rejecting the further submission of BLNZ.
173. With regard to CCC's submission point, I acknowledge that introducing differently numbered policies via a change can make it more difficult to interpret. However, the structure of the operative RPS (which Change 1 will be 'slotting' into) already includes policies grouped into topics such as coastal environment, fresh water etc. Change 1 introduces a new Climate Change grouping of policies along with new policies in existing topics. It will be quite clear to readers which policies are relevant for which topic.

Chapter 4.2 – Consideration policies

174. The DGC [S32.021] and GBI [S94.015] consider the provisions should be retained as notified. BLNZ has a general further submission opposing all relief sought by the DGC [FS030.299].
175. As they are seeking the provisions are retained as notified, I recommend accepting in part the relief sought by the DGC and GBI. I would note that recommendations in relation to the submissions on the proposed amendments to relevant policies may

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- result in changes to this chapter. Those submissions will be assessed by the relevant topic lead in the relevant s42A report.
176. On the basis that I have recommended that the DGC's submission is accepted, I then recommend that the BLNZ further submission is rejected, nothing that this is a general further submission.
177. PCC [S30.0123] opposes all 'consideration' policies¹⁴, supported by a further submission from Peka Peka Farm Limited [FS25.041]. The PCC submission point is a summary statement for its detailed submissions, which will be analysed and recommendations made by the relevant topic leads in their respective s42A reports. Accordingly, a decision is not required on this summary statement.
178. WFF [S163.062] opposes this chapter and seeks that it's deleted and deferred to a full review of the RPS in 2024. This relief is supported by BLNZ[FS30.134] and opposed by Wellington Water [FS19.052], Ātiawa [FS20.227], Ngā Hapū o Ōtaki [FS29.078] and Forest and Bird [FS7.105].
179. This analysis relates only to the WFF submission that chapter 4.2 of the RPS is deleted in its entirety. However, for context, WFF also submitted that the scope of Change 1 should be restricted to changes necessary to give effect to the NPS-UD. They consider that provisions related to climate change, biodiversity and water should be withdrawn and included in a "*full review of the RPS in 2024 and scheduled reviews of the NRP in 2023 and 2024*". I have considered WFF's 'scope' submission as part of Issue 3 in this report. Other detailed submissions relate to specific provisions, and they will be assessed by the relevant topic leads in their s42A reports.
180. Generally speaking, I disagree with WFF that the scope of Change 1 should be amended by withdrawing provisions and I have outlined the reasons for this in paragraphs 130 - 137 of this report. I consider the same reasons are then valid when considering submissions to withdraw individual chapters, such as WFF's relief sought for Chapter 4.2. As a result, I agree with the further submission from Ātiawa that delaying responding to national direction is not an appropriate course of action. On that basis I recommend rejecting the relief sought by WFF in submission S163.042. I then recommend accepting the further submissions of Ātiawa, Ngā Hapū o Ōtaki, Wellington Water and Forest and Bird and rejecting the further submission of BLNZ.

¹⁴ 'Consideration' policies are located in Chapter 4.2 of the RPS – they identify matters the Council requires are given particular regard to when the Council or a district or city council is considering an application for a resource consent, notice of requirement or a change, variation of review of a regional or district plan.

Chapter 4.3 – Allocation of responsibilities

181. The DGC [S32.034] (further submissions from BLNZ [FS30.312] opposing their relief), BLNZ [S78.018] (further submission from Ātiawa [FS20.326] opposing their relief) and GBI [S94.016] consider the provisions should be retained as notified. Teresa Homan [S98.005] is seeking amendments to the wording of Chapter 4.3.
182. Despite their submission seeking that Chapter 4.3 wording is retained, BLNZ also has a general further submission opposing all relief sought by the DGC [FS030.312] for the same chapter. As they are seeking the provisions are retained as notified, I recommend accepting in part the relief sought by the DGC, BLNZ and GBI. I would note that recommendations in relation to the submissions to the proposed amendments to Policy 61 and proposed Policy FW.6 may result in changes to this chapter. The submissions will be assessed by the topic lead in the relevant s42A report.
183. On the basis that I have recommended that the DGC's submission is accepted, I then recommend that the BLNZ further submission is rejected, nothing that this is a general further submission.
184. Ms Homan's submission is focused on amendments to the Upper Hutt District Plan. As changes to a district plan are out of the Council's jurisdiction, I recommend rejecting Ms Homan's submission.

Chapter 4.4 – Non-regulatory policies

185. The DGC [S32.035] and GBI [S94.017] support the provisions and consider they should be retained as notified. BLNZ has a general further submission opposing all relief sought by the DGC [FS030.315].
186. WFF [S163.079] opposes this chapter and seeks that it's deleted and deferred to a full review of the RPS in 2024. This relief is supported by BLNZ Limited [FS30.151] and opposed by Wellington Water [FS19.063], Ātiawa [FS20.244], Ngā Hapū o Ōtaki [FS29.095] and Forest and Bird [FS7.122].
187. This analysis relates only to the WFF submission that chapter 4.4 of the RPS is deleted in its entirety. However, for context, WFF also submitted that the scope of Change 1 should be restricted to changes necessary to give effect to the NPS-UD. They consider that provisions related to climate change, biodiversity and freshwater should be withdrawn and included in a "*full review of the RPS in 2024 and scheduled reviews of the NRP in 2023 and 2024*". I have considered WFF's 'scope' submission as part of Issue 3 in this report. Other detailed submissions relate to specific provisions, and they will be assessed by the relevant topic leads in their s42A reports.

188. Generally speaking, I disagree with WFF that the scope of Change 1 should be amended by withdrawing provisions and I have outlined the reasons for this in paragraphs 130 - 137 of this report. I consider the same reasons are then valid when considering submissions to withdraw individual chapters, such as WFF's relief sought for Chapter 4.4. As a result, I agree with the further submission from Ātiawa that delaying responding to national direction is not an appropriate course of action. On that basis I recommend rejecting the relief sought by WFF in submission S163.079. I then recommend accepting the further submissions of Ātiawa, Ngā Hapū o Ōtaki and Forest and Bird and rejecting the further submission of BLNZ.
189. Taking the above into account, I recommend accepting in part the relief sought by the DGC and GBI. I would note that recommendations in relation to submissions on proposed amendments to relevant policies may result in changes to this chapter. Those submissions will be assessed by the relevant topic lead in the relevant s42A report.
190. On the basis that I have recommended that the DGC's submission is accepted in part, I then recommend that the BLNZ further submission is rejected, noting that this is a general further submission.

Chapter 4.5 – Methods

191. KCDC [S16.096] generally opposes in part all methods where city and district councils are responsible for delivery of policies. They are seeking that methods are amended in accordance with their substantive submission points. UHCC [S34.0114] opposes in part non-regulatory methods that require regulatory actions. They are seeking redrafting in accordance with their substantive submission points. These submissions are summary statements in relation to the submitters' substantive submissions, which will be addressed by the relevant topic leads in their s42A reports. As a result, a decision is not required on these summary statements.
192. The DGC [S32.036] supports the regulatory methods and seeks that these are retained as notified. BLNZ opposes this submission point [FS30.314]. Similarly, the GBI support the regulatory and non-regulatory methods and seek that they are retaining as notified [S94.018 and S94.019].
193. The support of the DGC and GBI for the methods as notified is noted. I recommend accepting in part their submissions because there may be changes to the methods as a result of other submissions, which may mean that the provisions may not be retained as notified. As a result, I recommend rejecting BLNZ's further submission, which

opposed the DGC's submission in its entirety – there are no specific points raised by the further submission in relation to methods.

Chapter 5 - Anticipated Environmental Results

194. HCC [S115.0116] and GBI [S94.020] generally support this change. Guardians of the Bays seek that the chapter is retained as notified, whilst HCC is seeking consequential amendments to reflect the relief sought on related provisions. The HCC submission point is a summary statement for its detailed submissions, which will be analysed and recommendations made by the relevant topic leads in their respective s42A reports. Accordingly, a decision is not required. I recommend accepting in part the GBI relief – amendments may be made to this chapter in response to other submissions.

3.1.18. Recommendation – general plan provisions

195. I recommend that the submissions on 'general plan provisions' be accepted/rejected or noted as 'no decision required as detailed in Appendix 1.

Issue 6: Implementation

3.1.19. Matters raised by submitters

196. Submitters Oliver Bruce [S35.004], Jennifer Van Bevnem [S37.004], Ellen Legg [S53.004], Grant Buchan [S60.005], Patrick Morgan [S61.005], Bronwyn Bell [S90.005], Michelle Ducat [S152.006], Peter Ramage [27.005], Chelsea Kershaw [S17.007] and Megan Lane [S164.004] all seek that Council's planning, regulatory and consenting teams are upskilled to become more comfortable and confident at doing 'density done well' by intensification.

197. The above submitters are neither supporting nor opposing Change 1 and they do not seek any amendments to Change 1. I have been advised by the Council's RPS policy team that, as part of plan implementation, further training and guidance will be required to support implementation. As the submission points are focused on implementation rather than Change 1 provisions, i.e. they are not asking for a method or other amendment, a decision is not required.

198. PCC [S30.0118] considers that Change 1 introduces new requirements where there is no capacity or capability to respond and a lack of policy direction. PCC considers that significant guidance and implementation support will be needed before some of these provisions can be implemented. Peka Peka Farms Limited [FS25.035] supports this submission point.

199. The relief sought by PCC (and supported by Peka Peka Farms Limited) is noted. Respective governments provide national direction often and regional and district/city councils have to respond, whether they have the capacity and capability or not. Most recently the NPS-UD and the NPS-FM have directed local authorities to amend their respective plans and policy statements to include and manage new aspects of their functions under Sections 30 and 31 of the RMA. Upskilling and/or new staff may be required for areas where a council may not necessarily have all the required capability and capacity.
200. I have been advised by the Council's RPS policy team that there will be discussions between the Council and the Region's territorial authorities about the best way to implement new requirements. A range of solutions to support implementation exist, which could include shared services, training staff, recruitment for new skills. As the submission relates to future implementation however, rather than amendments to Change 1, a decision is not required.
201. CDC [S25.044] supports the proposed non-regulatory methods and seeks that these are retained as notified. The submitter is also seeking practical and financial support from the Council to implement the methods. I recommend accepting in part CDC's submission insofar as it relates to support for the proposed non-regulatory methods and noting that changes may be made to the non-regulatory methods in response to other submissions. Whilst the Council will work with the territorial authorities on implementation, my understanding is that this doesn't extend to financial support.

3.1.20. Recommendation – plan change implementation

202. That submission points relating to 'plan change implementation' are noted as accept in part or 'no decision required' as detailed in Appendix 1.

Issue 7: Whether engagement was sufficient

3.1.21. Matters raised by submitters

203. Dr Patricia Laing [S106.004] generally opposes Change 1. She considers there was inadequate consultation and input from stakeholders in the apiculture industry and seeks that this is rectified. Dr Laing states that there are no apicultural representatives in the Farming Reference Group, which could undermine an integrated management approach. Dr Laing does not identify what adequate consultation should look like.
204. The Council considered notification of Change 1 at its 18 August 2022 meeting. At paragraph 26 of the meeting paper, Council acknowledged that Change 1 was

prepared under a tight timeframe, as dictated by the NPS-UD¹⁵. As a result, a draft of Change 1 was not released for public engagement prior to public notification. Doing so may have provided the opportunity for additional consultation with the apiculture industry.

205. Whilst additional consultation could have been beneficial, in my opinion, the Council met its statutory obligations for consultation for the plan change, as required by Schedule 1 of the RMA and documented in Section 5 of the s32 report. The Council undertook a focused engagement programme with targeted consultation. There was no wider public engagement because of previous consultation on the Wellington Regional Growth Framework and the focused scope of the plan change.
206. The targeted consultation included direct engagement with the Greater Wellington Farming Reference Group during development of the proposal, on topics most relevant to rural and farming communities, and draft policy wording. I acknowledge Dr Laing's concern that membership of this group excludes apiculture representatives. This group is a standing committee of the Council and management of membership is outside the scope of the RPS process and hence Change 1. I understand that membership has changed in the past to address concerns about geographical representation. Dr Laing may wish to engage with Council outside the Change 1 process about representation of the reference group. The extent of consultation and membership of the Farming Reference Group is a matter for Council rather than Change 1. On that basis a decision is not required.

3.1.22. Recommendation - engagement

207. I recommend that the submission on 'engagement' be noted as 'no decision required' as detailed in Appendix 1.

4. Conclusions

208. A range of submissions have been received in support of and in opposition to the provisions relating to general submissions to Change 1.
209. After considering all the submissions and reviewing all relevant statutory and non-statutory documents, I recommend one amendment to Change 1, that Appendix 3 – Definition is relocated within the RPS to comply with National Planning Standard 2 – Regional policy statement structure.

¹⁵ [Council-18-August-2022-order-paper.pdf \(gw.govt.nz\)](https://www.gw.govt.nz/council/18-august-2022-order-paper.pdf)

Recommendations:

210. I recommend that:

1. The Independent Hearings Panels accept, accept in part, or reject submissions (and associated further submissions), or note those with 'no recommendation' or 'no decision required' as outlined in Appendix 1 of this report.

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Appendix 1 – Accept/Reject table

Appendix 2 – proposed amendment to Change 1

Amendment to Operative RPS

Appendix 3: Definitions

1 in 100-year flood:	This return period ratio refers to the probability of a hazard event occurring in any given year. A 1 in 100-year probability means that a hazard event has a 1 per cent chance of occurring in a 12-month period (i.e. a 1 per cent annual exceedance probability – see below). Note that this means that more than one 100-year event may occur over the course of a century.
Abstraction:	Taking water from a water body.
Aeolian:	A term that relates to the wind, usually in reference to fine materials transported and deposited by the wind (e.g. wind-blown sand, silt or loess). Can also be used to refer to the process of erosion by the wind, i.e. aeolian erosion. Aeolian processes commonly occur in dry conditions, in river beds and in coastal environments.
...	

Proposed Amendment to Change 1

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...

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Hearing Stream: 1
Officer's Report: General Submissions

<u>1 in 100 year flood:</u>	<u>This return period ratio refers to the probability of a hazard event occurring in any given year. A 1 in 100 year probability means that a hazard event has a 1 per cent chance of occurring in a 12 month period (i.e. a 1 per cent annual exceedance probability – see below). Note that this means that more than one 100 year event may occur over the course of a century.</u>
<u>Abstraction:</u>	<u>Taking water from a water body.</u>
<u>Aeolian:</u>	<u>A term that relates to the wind, usually in reference to fine materials transported and deposited by the wind (e.g. wind blown sand, silt or loess). Can also be used to refer to the process of erosion by the wind, i.e. aeolian erosion. Aeolian processes commonly occur in dry conditions, in river beds and in coastal environments.</u>
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