

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

**Section 42A Hearing Report
Hearing Stream 7**

**Topic: Small topics, wrap up and Variation 1 - Consequential
Amendments**

Process: Freshwater Planning Process/Schedule 1, Part 1 Process

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Contents

Executive Summary.....	2
Interpretation	3
1. Introduction	5
1.1. Purpose	5
1.2. Scope of this report.....	5
1.3. Author	6
1.4. Supporting Evidence	6
1.5. Key Issues	7
1.6. Pre-hearing Meetings.....	7
2. Statutory Considerations	7
2.1. Resource Management Act 1991.....	7
2.2. Section 32AA	8
2.3. Trade Competition	8
3. Consideration of Submissions and Further Submissions.....	9
3.1. Overview	9
3.2. Report Structure.....	9
3.3. Format for Consideration of Submissions.....	10
3.4. Categorisation of provisions into the Freshwater Planning Instrument.....	10
3.5. General Drafting and other Matters	12
3.6. Method 1: District Plan Implementation	13
3.7. Method 2: Regional Plan Implementation.....	15
3.8. Method 3: Wellington Regional Land Transport Plan Implementation.....	16
3.9. Method 4: Consideration – Resource Consents, Notices of Requirement and When Changing, Varying or Reviewing Plans	17
3.10. Method 5: Allocation of Responsibilities	19
3.11. Consequential Amendments.....	20
4. Conclusions	20

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 to the Regional Policy Statement for the Wellington Region ('Change 1') as they apply to the consequential amendments topic.
2. This topic is following the Freshwater Planning Process and the Schedule 1, Part 1 Process of the Resource Management Act 1991 ('RMA').
3. A total of 38 submission points, 23 further submission points, and a further 4 general submissions are addressed in this topic. The submissions were relatively wide ranging. The following key issues were raised in submissions and are covered by this report:
 - Adding an implementation deadline to Method 1 and Method 2;
 - Whether Method 3 should contain explicit direction for treaty partner involvement;
 - Whether Method 5 should be deleted.
4. Other issues raised by submitters in relation to this topic are also covered in the report. Additionally, a range of consequential amendments are covered in the report where they are:
 - Required in responding to submissions; and/or
 - Subsequent to amendments throughout the hearing streams where there are consequences for the provisions in this topic.
5. As a result of analysing the submissions and key issues, I have recommended a number of amendments to the Change 1 provisions to address these concerns. These amendments can be summarised as follows:
 - Consequential amendments to Method 1, Method 2, and Method 4 to delete or add polices listed in these methods subsequent to amendments throughout other hearing streams;
 - Amendments to Method 1 and Method 2 to include an implementation deadline.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that Change 1 be amended as set out in **Appendix 1** of this report.
7. I have also undertaken a Section 32AA evaluation for the amendments I have recommended, which is included in the relevant sections of this report. For the reasons outlined in the Section 32AA evaluation and outlined in this report, I consider that the proposed provisions, with the recommended amendments, will be the most appropriate.

Interpretation

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

Table 1: Abbreviations of terms

Abbreviation	Means
the Act/RMA	Resource Management Act 1991
Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
the Council	Greater Wellington Regional Council
FPP	Freshwater Planning Process
NPS	National Policy Statement
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development 2020
P1S1	Part 1, Schedule 1 of the RMA
RPS	Operative Regional Policy Statement for the Wellington Region 2013

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
Ātiawa	Ātiawa ki Whakarongotai Charitable Trust
BLNZ	Beef + Lamb New Zealand Ltd
Fish and Game	Wellington Fish and Game Council
Forest and Bird	Royal Forest and Bird Protection Society of New Zealand Inc.
HCC	Hutt City Council
Kāinga Ora	Kāinga Ora Homes and Communities
KCDC	Kāpiti Coast District Council
Ngā Hapū	Ngā Hapū o Ōtaki
Outdoor Bliss	Outdoor Bliss Heather Blissett

**Proposed Change 1 to the Regional Policy Statement for the Wellington Region
Hearing Steam: 7
Officer's Report: Consequential Amendments**

Peka Peka Farm	Peka Peka Farm Limited
Rangitāne	Rangitāne o Wairarapa Inc
Te Tumu Paeroa	Te Tumu Paeroa Office of the Māori Trustee
UHCC	Upper Hutt City Council
Waka Kotahi	Waka Kotahi New Zealand Transport Agency
WCC	Wellington City Council
Wellington Water	Wellington Water Limited
WFF	Wairarapa Federated Farmers

1. Introduction

1.1. Purpose

9. The purpose of this report is to provide the Hearing Panels with a summary and evaluation of the submissions received that are relevant to this topic and to recommend possible amendments to Change 1 in response to those submissions.
10. The recommendations are informed by the analysis and evaluation undertaken by the author. I have also had regard to other Section 42A reports including the 'General Submissions' Section 42A report from Hearing Stream 1 by Sarah Jenkin, the 'Agricultural Emissions' Section 42A report from Hearing Stream 3 by Jerome Wyeth, the 'Climate Resilience and Nature-Based Solutions' Section 42A report from Hearing Stream 3 by Pam Guest, and the 'Freshwater and Te Mana o te Wai' Section 42A report from Hearing Stream 5 by Kate Pascall.
11. This report should be read in conjunction with the Officer's report 'S42A Overview Report' from Hearing Stream 1 which provides the background to Change 1, the statutory context, and administrative matters relating to Change 1.

1.2. 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 (FPP) 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;
 - The standard plan-making process in Part 1, Schedule 1 (P1S1).
13. This report addresses provisions which are considered under both the FPP and P1S1 processes. Table 3 below sets out the provisions relating to this topic and the process to which they relate:

Table 3: Allocation of provisions in the Consequential Amendments topic between planning processes

Consequential Amendments provisions being heard under FPP	Consequential Amendments provisions being heard under P1S1
Method 1	Method 3
Method 2	
Method 4	
Method 5	

1.3. Author

14. My full name is Louis Daniel Schwer. I am a policy advisor at Greater Wellington Regional Council. I hold a Bachelor of Resource and Environmental Planning (with Honours) from Massey University.
15. I have 2 years of experience in resource management and planning in local government. During this time, I have specialised in policy planning. I have worked on a variety of projects with a range of district and regional planning issues, including urban development and freshwater.
16. 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 Section 32 evaluation report.
17. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court in January 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
18. The scope of my evidence relates to Consequential Amendments, and I confirm that the issues addressed in this statement of evidence are within my area of expertise.
19. Any data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
20. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.4. Supporting Evidence

21. The expert evidence, literature, or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:
 - The notified Change 1;
 - The Change 1 Section 32 report;
 - Relevant submissions and further submissions;
 - The Operative RPS;
 - Section 42A Report – General Submissions – Hearing Stream 1¹;
 - Section 42A Report – Agricultural Emissions – Hearing Stream 3²;

¹ Section 42A report of Sarah Jenkin for Hearing Stream 1 – General Submissions, dated 26 May 2023, paragraphs 129-137

² Section 42A Report of Jerome Wyeth for Hearing Stream 3 – Agricultural Emissions, dated 31 July 2023, paragraph 106

- Section 42A Report - Climate Resilience and Nature-Based Solutions – Hearing Stream 3³;
- Section 42A Report - Freshwater and Te Mana o te Wai - Hearing Stream 5⁴;
- Statement of Rebuttal Evidence – Integrated Management – Hearing Stream 2⁵;
- Right of Reply – Transport – Hearing Stream 3⁶.

1.5. Key Issues

22. A number of submitters raised issues with the range of provisions which relate to matters assigned to this Consequential Amendments topic. A total of 42 submission points and 23 further submission points were received on the provisions relating to this topic.

23. The following are considered to be the key issues in contention:

- Consequential amendments to Method 1, Method 2, and Method 4;
- Adding an implementation deadline to Method 1 and Method 2;
- Whether Method 3 should contain explicit direction for treaty partner involvement;
- Whether Method 5 should be deleted.

24. This report addresses each of these key issues, as well as any other issues raised by submissions.

1.6. Pre-hearing Meetings

25. At the time of writing this report there has not been any pre-hearing meetings, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

2. Statutory Considerations

2.1. Resource Management Act 1991

26. Change 1 has been prepared in accordance with the RMA and in particular, the requirements of:

- Section 30 – Functions of regional councils under this Act;

³ Section 42A Report of Pam Guest for Hearing Stream 3 – Climate Resilience and Nature-Based Solutions, dated 31 July 2023, paragraph 219

⁴ Section 42A report of Kate Pascall for Hearing Stream 5 – Freshwater and Te Mana o te Wai, dated 20 October 2023, paragraphs 770-771

⁵ Statement of Rebuttal Evidence of Jerome Wyeth for Hearing Stream 2 – Integrated Management, dated 07 July 2023, paragraphs 66-67

⁶ Right of Reply of Louise Ruth Allwood for Hearing Stream 3 – Transport, dated 19 October 2023, paragraphs 23-25

- Section 59 – Purpose of regional policy statements;
- Section 61 Matters to be considered by regional council (policy statements);
- Section 62 Contents of regional policy statements;
- Section 80A Freshwater Planning Process; and
- Schedule 1 Part 1 and Part 4.

2.2. Section 32AA

27. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

28. The Section 32AA evaluation as required by the RMA for changes proposed as a result of submissions on this topic are included following the provision assessments below.

2.3. Trade Competition

29. 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

3.1. Overview

30. This topic consists of five methods – Method 1, Method 2, Method 3, Method 4, and Method 5.
31. There were a total of total of 38 submission points and 23 further submission points received on these methods, and a further 4 general submissions. The total number of submissions and further submissions on this topic are broadly allocated as follows:
 - 4 general submissions;
 - 8 original submission points and 4 further submission points received on Method 1;
 - 6 original submission points and 4 further submission points received on Method 2;
 - 6 original submission points and 2 further submission points received on Method 3;
 - 13 original submission points and 9 further submission points received on Method 4;
 - 5 original submission points and 4 further submission points received on Method 5.

3.2. Report Structure

32. The issues raised in submissions are addressed by sub-topics within this report. Some submissions cross several sub-topics and are therefore addressed under more than one sub-topic heading.
33. Clause 49(4)(c) of Schedule 1, Part 4 of the RMA allows the Freshwater Hearings Panel to address 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 address each submission individually. On this basis, I have undertaken my analysis and evaluation on an issues and provisions-based approach, rather than a submission-by-submission approach.
34. This report should be read in conjunction with the submissions and the summary of those submissions. **Appendix 2** sets out my recommendations on whether to accept or reject individual submission points based on the analysis contained within the body of the report.
35. Where I have recommended amendments to provisions as a result of relief sought by submitters, I have set this out in this report, with an evaluation of the amendment in accordance with Section 32AA of the Act. I have also provided a marked-up version of the provisions with recommended amendments in response to submissions in **Appendix 1**.


3.3. Format for Consideration of Submissions

36. For each sub-topic, my analysis of submissions is set out in this report as follows:
- Matters raised by submitters;
 - Assessment and analysis; and
 - Recommendations.
37. All recommended amendments to the Change 1 provisions relating to this topic are set out in **Appendix 1** of this report.
38. I have undertaken the s32AA evaluation following the assessment and recommendations on submissions in this report.

3.4. Categorisation of provisions into the Freshwater Planning Instrument

3.4.1. Background

39. Section 80A of the RMA provides the relevant tests for determining which parts of Change 1 should form part of the FPI:
- (1) *The purpose of this subpart is to require all freshwater planning instruments prepared by a regional council to undergo the freshwater planning process.*
 - (2) *A freshwater planning instrument means—*
 - (a) *a proposed regional plan or regional policy statement for the purpose of giving effect to any national policy statement for freshwater management;*
 - (b) *a proposed regional plan or regional policy statement that relates to freshwater (other than for the purpose described in paragraph (a));*
 - (c) *a change or variation to a proposed regional plan or regional policy statement if the change or variation—*
 - (i) *is for the purpose described in paragraph (a); or*
 - (ii) *otherwise relates to freshwater.*
 - (3) *A regional council must prepare a freshwater planning instrument in accordance with this subpart and Part 4 of Schedule 1. However, if the council is satisfied that only part of the instrument relates to freshwater, the council must—*
 - (a) *prepare that part in accordance with this subpart and Part 4 of Schedule 1; and*
 - (b) *prepare the parts that do not relate to freshwater in accordance with Part 1 of Schedule 1 or, if applicable, subpart 5 of this Part.*
40. GWRC undertook a process to categorise Change 1 provisions between the FPP and standard Schedule 1 process when Change 1 was notified in August 2022. This process applied the decision on the Proposed Regional Policy Statement for the Otago Region - Otago Regional Council v Royal Forest & Bird Protection Society of NZ Inc [2022] NZHC 1777 (the Decision) which represented relevant precedent.

41. The scope of the FPI as notified is shown in the notified Change 1 document through the use of the  symbol. Justification for each provision is provided in Appendix E of the S32 report. The Section 80A(2)(c) tests were specified in paragraphs 202 and 192 of the Decision as:
- give effect to parts of the NPS-FM that regulate activities because of their effect on the quality or quantity of freshwater; or
 - relate directly to matters that will impact on the quality or quantity of freshwater.
42. These tests were applied to determine whether a provision was in the FPI or not. The categorisation process was undertaken at a provision level without splitting provisions. Therefore, if part of a provision met either test in paragraph 41, the whole provision was included in the FPI even if it also related to other matters. Each provision was assessed independently and its relationships to other provisions did not form the basis for including or not including it in the FPI.
43. Change 1 was drafted in an integrated way, and many provisions therefore contribute to the purpose for which Section 80A was enacted; to address the decline of freshwater quality. The fundamental concepts of Te Mana o Te Wai and ki uta ki tai informed how the objectives, policies and methods of Change 1 have been drafted. However, these concepts alone were not used to justify the categorisation of each provision to the FPI.
44. Submitters have raised concerns regarding the categorisation of provisions to the FPI. Winstones, Forest and Bird, WIAL and WFF attended Hearing Stream 1 to speak to their concerns regarding categorisation. The primary concerns raised were that too many provisions were notified as part of the FPI and that the justification for inclusion in the FPI was not clear enough in light of the Decision.
45. This report section has been included in response to these concerns, and to assist the Hearing Panels in considering the categorisation of provisions.

3.4.2. Analysis

46. I have assessed each provision addressed by this report according to the two tests that were applied to categorise each provision in Change 1 to either the FPP or to standard Schedule 1 process at the time of notification. The result of my assessment is shown in Table 4.

Table 4: FPP assessment

Provision	Process	S32 justification	Analysis
Method 1	FPP	Implementing policies directly relating to protecting and enhancing freshwater quality and quantity	I consider that Method 1 directly relates to the protection and enhancement of freshwater quality and quantity because it implements policies directly relating to protecting and enhancing freshwater quality and quantity.

Method 2	FPP	Implementing policies directly relating to protecting and enhancing freshwater quality and quantity	I consider that Method 2 directly relates to the protection and enhancement of freshwater quality and quantity because it implements policies directly relating to protecting and enhancing freshwater quality and quantity.
Method 3	P1S1	Not directly related to freshwater quality or quantity.	I consider that Method 3 does not directly relate to freshwater quality or quantity.
Method 4	FPP	Implementing policies directly relating to protecting and enhancing freshwater quality and quantity	I consider that Method 4 directly relates to the protection and enhancement of freshwater quality and quantity because it implements policies directly relating to protecting and enhancing freshwater quality and quantity.
Method 5	FPP	Implementing policies directly relating to protecting and enhancing freshwater quality and quantity	I consider that Method 5 directly relates to the protection and enhancement of freshwater quality and quantity because it implements policies directly relating to protecting and enhancing freshwater quality and quantity.

3.4.3. Recommendations

47. As a result of the assessment undertaken in Table 4, I recommend that Method 1, Method 2, Method 4, and Method 5 stay in the FPP and that Method 3 stays in the P1S1 process.

3.5. General Drafting and other Matters

3.5.1. Matters raised by submitters

48. There are several submissions received on the general approach to the drafting of provisions in Change 1, including the language used in the provisions. These submission points are broad in nature and relate to all provisions in Change 1. They are therefore considered through each hearing stream as relevant and have been considered through this specific hearing stream so far as they relate to the provisions addressed in this topic.
49. Outdoor Bliss [S11.023] submits in support with amendment on the basis that stronger language should be used throughout Change 1.
50. KCDC [S16.0102] submits in support with amendment, seeking that use of 'and' or 'or' are used where appropriate.

51. UHCC [S34.0118; S34.0120] submits in opposition on the basis that the Section 32 assessment is not sufficiently evidenced, and seeks a full planning and legal review of Change 1 provisions.

3.5.2. Analysis

52. I have considered the submissions received on the drafting of provisions to the extent that they apply to the provisions relating to this topic. In my view, the provisions use appropriate terminology and are worded to be consistent with the RMA. On this basis, the general submission points on drafting have been accepted in part.
53. In relation to the submission received regarding the adequacy of the evidence base for amendments proposed in the section 32 report, in my opinion the justification and reasoning for the provisions included in this topic are appropriately addressed in the section 32 report. In general, I consider that there is sufficient evidence for the amendments. Subsequently, I recommend this submission point to be rejected.
54. In relation to the submission requesting that a full planning and legal review of Change 1 provisions is completed, this is recommended to be accepted in part. This Section 42A report provides a planning review of provisions in response to submissions received and amendments proposed in this report are subject to legal review.

3.5.3. Recommendations

55. I recommend that the general submission points are accepted/rejected, as detailed in **Appendix 2**.

3.6. Method 1: District Plan Implementation

3.6.1. Matters raised by submitters

56. HCC [S115.091] and WCC [S140.092] submit in support with amendment on the basis that consequential amendments may be required to Method 1 where the deletion of policies has been sought elsewhere.
57. Fish and Game [S147.084] submit in support of Method 1, and note amendments sought elsewhere to Policy 12, Policy 18, Policy 23, Policy 24, and Policy IE.1. BLNZ [FS30.253] and Wellington Water [FS19.148] oppose the submission.
58. Forest and Bird [S165.092], opposed by BLNZ [FS30.319], and Rangitāne [S168.0182], supported by Sustainable Wairarapa [FS31.112], submit in support with amendment on the basis that Method 1 should include an implementation deadline.
59. Taranaki Whānui [S167.0136] and Te Tumu Paeroa [S102.069, S102.082] submit in support and seek that Method 1 is retained as notified.

3.6.2. Analysis

60. The submissions received on consequential amendments to Method 1 have been considered where appropriate to ensure Method 1 is consistent with amendments proposed to provisions throughout the Change 1 Hearing Streams. HCC and WCC both submitted requesting the deletion of Policy FW.4 in the 'Freshwater and Te Mana o te Wai' topic. These submissions were accepted by the reporting officer for Hearing Stream 5⁷. Subsequently, I recommend the consequential deletion of references to Policy FW.4 in Method 1. On this basis, the submission points on consequential amendments have been accepted in part.
61. I agree with the relief sought by Forest and Bird and Rangitāne to add an implementation deadline to Method 1. While I observe that the notified version of Method 1 already requires implementation 'as soon as reasonably practicable, unless otherwise specifically directed within the policy', in my view the implementation deadline would benefit from being more measurable. This would ensure the timely implementation of Method 1. However, I disagree with Rangitāne that the implementation deadline should take the form of a specified end date by which Method 1 must be implemented. Setting the implementation deadline to the next relevant plan change or full plan review will ensure the district and city councils listed in Method 1 can implement Method 1 effectively by maintaining the flexibility to incorporate it into their existing work programmes.

3.6.3. Recommendations

62. I recommend Method 1 is amended as follows:

Method 1: District plan implementation

The process to amend district plans to implement policies 1, CC.1, CC.2, CC.3, CC.4, CC.7, CC.8, 3, 4, 7, 11, 15, FW.2, FW.3, ~~FW.4~~, 21, 22, 23, 24, IE.1, 25, 26, 27, 28, 29, 30, 31, 32, UD.1, 34, will commence as soon as reasonably practicable, unless otherwise specifically directed within the policy, and must be given effect to through the next relevant plan change or full plan review. ~~or before, the date on which the relevant council commences the ten year review of its district plan, or a provision in a district plan, pursuant to section 79 of the Resource Management Act 1994.~~

District and city councils that will implement method 1 are:

- *Wellington City Council*
- *Porirua City Council*
- *Kāpiti Coast District Council*
- *Hutt City Council*
- *Upper Hutt City Council*
- *South Wairarapa District Council*
- *Carterton District Council*
- *Masterton District Council*

⁷ Section 42A report of Kate Pascall for Hearing Stream 5 – Freshwater and Te Mana o te Wai, dated 20 October 2023, paragraphs 770-771

- *Tararua District Council for land within the Wellington region.*

Policies 3 and 4 with respect to the coastal environment do not apply to Upper Hutt City Council.

Only a small portion of rural land in the Tararua District is within the Wellington region. The rest of the district is within the Manawatu-Wanganui region. The following Policies do not apply to Tararua District Council: 1, CC.1, CC.2, CC.3, CC.4, 3, 4, 7, 8, 11, 15, 21, FW.2, FW.3, FW.4, 22, 25, 26, 29, 30, 31, 32, do not apply to Tararua District Council so as not to create conflict with the policy direction in the One Plan for the Manawatu-Wanganui region.

63. I recommend that the general submission points are accepted, as detailed in **Appendix 2.**

3.6.4. Section 32AA Evaluation

64. In accordance with s32AA of the RMA, I consider my recommended amendments to Method 1 are the most appropriate for the following reasons:

- They ensure Method 1 is consistent with amendments proposed to provisions throughout the Change 1 Hearing Streams, and therefore, improves clarity for plan users;
- They ensure that Method 1 will be implemented. The cost of implementing Method 1 will not increase, as the recommended amendments simply impose a fixed timeframe within which Method 1 must be implemented.

3.7. Method 2: Regional Plan Implementation

3.7.1. Matters raised by submitters

65. Forest and Bird [S165.093], opposed by BLNZ [FS30.319], submit in support of Method 2 with amendment on the basis that it should include an implementation deadline.
66. Fish and Game [S147.085] submit in support of Method 2, and note amendments sought elsewhere to Policy 12, Policy 18, Policy 23, Policy 24, and Policy IE.1. Wellington Water [FS19.149] and BLNZ [FS30.254] oppose the submission.
67. Rangitāne [S168.0137], supported by Sustainable Wairarapa [FS31.065], submits in support of Method 2. Te Tumu Paeroa [S102.083], Waka Kotahi [S129.030], and Taranaki Whānui [S167.0137] submit in support and seek that Method 2 is retained as notified.

3.7.2. Analysis

68. I agree with the relief sought by Forest and Bird to add an implementation deadline to Method 2. While I observe that the notified version of Method 2 already requires implementation 'as soon as reasonably practicable, unless otherwise specifically directed within the policy', in my view the implementation deadline would benefit from being more measurable. This will ensure the implementation of Method 2 in

a timely fashion. Setting the implementation deadline to the next relevant plan change or full plan review will ensure the implementation of Method 2, while ensuring those amending regional plans can implement Method 2 effectively by maintaining the flexibility to incorporate it into their existing work programmes.

3.7.3. Recommendations

69. I recommend Method 2 is amended as follows:

Method 2: Regional plan implementation

The process to amend regional plans to implement policies 2, CC.1, CC.4, CC.5, CC.6, CC.7, CC.8, 3, 5, 6, 7, 8, 12, ~~13~~, 14, 15, 16, 17, 18, 19, 20, FW.1, 21, 22, 23, 24, IE.1, 25, 26, 27, 28 and 29 will commence as soon as reasonably practicable unless otherwise specifically directed within the policy, and must be given effect to through the next relevant plan change or full plan review. ~~or before, the date on which the relevant council commences the ten year review of its district plan, or a provision in a district plan, pursuant to section 79 of the Resource Management Act 1991.~~

70. I recommend that the general submission points are accepted, as detailed in **Appendix 2.**

3.7.4. Section 32AA Evaluation

71. In accordance with s32AA of the RMA, I consider my recommended amendments to Method 2 are the most appropriate for the following reasons:

- They ensure that Method 2 will be implemented. The cost of implementing Method 2 will not increase, as the recommended amendments simply impose a fixed timeframe within which Method 2 must be implemented.

3.8. Method 3: Wellington Regional Land Transport Plan Implementation

3.8.1. Matters raised by submitters

72. Taranaki Whānui [S167.0138] submits in opposition to Method 3 on the basis it should contain explicit direction for treaty partner involvement, and seeks that Method 3 is re-drafted to this effect.

73. HCC [S115.092], Waka Kotahi [S129.031], WCC [S140.093], Forest and Bird [S165.094], and Rangitāne [S168.0185] submit in support and seek that Method 3 is retained as notified. BLNZ [FS30.319] opposes the submission of Forest and Bird. Sustainable Wairarapa [FS31.115] supports the submission of Rangitāne.

3.8.2. Analysis

74. In relation to the relief sought by Taranaki Whānui, the reporting officer for Hearing Stream 3 discusses mana whenua/tangata whenua representation on the

Regional Transport Committee⁸. My understanding of Method 3 is that it intends to call attention to the RPS policies that are specifically relevant to Wellington Regional Land Transport Plan implementation, and to set out the timing for said implementation in relation to those RPS policies. I consider that providing direction on mana whenua/tangata whenua representation on the Regional Transport Committee within Method 3 would be inconsistent with the intention of the method, and inconsistent with the evidence provided by the reporting officer for Hearing Stream 3². I do not consider that it is necessary, therefore, to amend Method 3 as requested by the submitter.

3.8.3. Recommendations

75. I recommend that the general submission points are accepted/rejected, as detailed in **Appendix 2**.

3.9. Method 4: Consideration – Resource Consents, Notices of Requirement and When Changing, Varying or Reviewing Plans

3.9.1. Matters raised by submitters

76. PCC [S30.089], supported by Peka Peka Farm [FS25.122], submits in opposition to Method 4, HCC [S115.093] submits in support with amendment, and WCC [S140.094] submits in support. PCC, HCC, and WCC seek consequential amendments to Method 4 where the deletion of policies has been sought elsewhere.
77. Fish and Game [S147.086] submits in support of Method 4, and note amendments sought elsewhere to Policy 40, Policy 47, Policy 52, and Policy IE.1. Wellington Water [FS19.150] and BLNZ [FS30.255] oppose the submission.
78. Kāinga Ora [S158.032] submits in support with amendment on the basis that reference to resource consents and notices of requirement is moot within Method 4, and should be removed.
79. WFF [S163.088] submits in opposition to Method 4 on the basis the issue should be deferred to the 2024 review of the RPS, and seeks that the proposed amendments to Method 4 are deleted. Forest and Bird [FS7.131], Ātiawa [FS20.253], and Ngā Hapū [FS29.104] oppose the submission. BLNZ [FS30.160] supports the submission.
80. Outdoor Bliss [S11.010] submits in support with amendment on the basis that community should implement Method 4 in addition to Wellington Regional Council and the City and District Councils named in Method 4.
81. Te Tumu Paeroa [S102.070; S102.084], Waka Kotahi [S129.032], Forest and Bird [S165.095], Taranaki Whānui [S167.0139], and Rangitāne [S168.0186] submit in support and seek that Method 4 is retained as notified. BLNZ [FS30.319] opposes the submission of Forest and Bird. Sustainable Wairarapa [FS31.116] supports the submission of Rangitāne.

⁸ Right of Reply of Louise Ruth Allwood for Hearing Stream 3 – Transport, dated 19 October 2023, paragraphs 23-25

3.9.2. Analysis

82. The submissions received on consequential amendments to Method 4 have been considered where appropriate to ensure Method 4 is consistent with amendments proposed to provisions throughout the Change 1 Hearing Streams.
- HCC and PCC both submitted requesting the deletion of Policy IM.2 in the 'Integrated Management' topic. The reporting officer for Hearing Stream 2 recommended that Policy IM.2 be deleted⁹. Subsequently, I recommend the consequential deletion of the reference to Policy IM.2 in Method 4;
 - HCC and PCC both submitted requesting the deletion of Policy CC.12 in the 'Climate Resilience and Nature-Based Solutions' topic. The reporting officer for this topic in Hearing Stream 3 recommended that Policy CC.12 be deleted¹⁰. Subsequently, I recommend the consequential deletion of the reference to Policy CC.12 in Method 4;
 - PCC submitted requesting the deletion of Policy CC.13 in the 'Agricultural Emissions' topic. The reporting officer for this topic in Hearing Stream 3 recommended that Policy CC.13 be deleted¹¹. Subsequently, I recommend the consequential deletion of the reference to Policy CC.13 in Method 4.
83. On this basis, these submission points on consequential amendments have been accepted in part.
84. I disagree with the relief sought by Kāinga Ora that reference to resource consents and notices of requirement is moot within Method 4, and should be removed. My understanding of the 'consideration policies' in Chapter 4.2 is that they provide additional direction in situations where there is a policy gap, or the relevant regional and/or district plan has not yet been amended to give effect to the policies in Chapter 4.1. I do not consider that it is necessary, therefore, to amend Method 4 as requested by the submitter.
85. I disagree with relief sought by WFF to delete the notified amendments to Method 4 and to remove the 'FW' icon. Consistent with the analysis and recommendations provided by the reporting officer for Hearing Stream 1¹² where WFF have sought similar relief, I do not agree that these changes should be deleted and deferred to the 2024 RPS review. The proposed amendments are part of the Council's responsibilities to give effect to the NPS-FM, and form part of the integrated approach the Council has taken in implementing the NPS-UD.

⁹ Statement of Rebuttal Evidence of Jerome Wyeth for Hearing Stream 2 – Integrated Management, dated 07 July 2023, paragraphs 66-67

¹⁰ Section 42A Report of Pam Guest for Hearing Stream 3 – Climate Resilience and Nature-Based Solutions, dated 31 July 2023, paragraph 219

¹¹ Section 42A Report of Jerome Wyeth for Hearing Stream 3 – Agricultural Emissions, dated 31 July 2023, paragraph 106

¹² Section 42A report of Sarah Jenkin for Hearing Stream 1 – General Submissions, dated 26 May 2023, paragraphs 129-137

86. In relation to the relief sought by Outdoor Bliss, when considering a resource consent, notice of requirement, or when changing, varying or reviewing a district or regional plan, community engagement occurs in a manner prescribed by the RMA. As such, I recommend rejecting the relief sought by Outdoor Bliss.

3.9.3. Recommendations

87. I recommend Method 4 is amended as follows:

Method 4: Consideration – resource consents, notices of requirement and when changing, varying or reviewing plans

Policies 35 to 60, IM.1, ~~IM.2~~, CC.9, CC.10, CC.11, ~~CC.12, CC.13~~, CC.14, FW.5, IE.2, UD.2 and UD.3 will be implemented, where relevant, when considering a resource consent, notice of requirement, or when changing, varying or reviewing a district or regional plan.

District and City councils that will implement method 4 are:

- *Wellington City Council*
- *Porirua City Council*
- *Kāpiti Coast District Council*
- *Hutt City Council*
- *Upper Hutt City Council*
- *South Wairarapa District Council*
- *Carterton District Council*
- *Masterton District Council*

Tararua District Council where a proposal relates to land within the Wellington region

88. I recommend that the general submission points are accepted/rejected, as detailed in **Appendix 2**.

3.9.4. Section 32AA Evaluation

89. In accordance with s32AA of the RMA, I consider my recommended amendments to Method 4 are the most appropriate for the following reasons:

- They ensure Method 4 is consistent with amendments proposed to provisions throughout the Change 1 Hearing Streams, and therefore, improves clarity for plan users.

3.10. Method 5: Allocation of Responsibilities

3.10.1. Matters raised by submitters

90. PCC [S30.090], supported by Peka Peka Farm [FS25.123], submits in opposition on the basis that Method 5 does not make sense, does not allocate responsibilities, and is unnecessary, and seeks the deletion of Method 5.

91. Te Tumu Paeroa [S102.073], Fish and Game [S147.087], Forest and Bird [S165.096], and Taranaki Whānui [S167.0140] submit in support and seek that

Method 5 is retained as notified. Wellington Water [FS19.151] and BLNZ [FS30.256] oppose the submission of Fish and Game. BLNZ [FS30.319] opposes the submission of Forest and Bird.

3.10.2. Analysis

92. I disagree with the relief sought by PCC to delete Method 5. Section 62(1)(i) of the RMA requires the RPS to state the local authorities in the region responsible for specifying the objectives, policies, and methods for the control of the use of land to avoid or mitigate natural hazards/any group of hazards, and to maintain indigenous biological diversity. I consider that Method 5 is necessary to comply with this requirement, and that the notified version of Method 5 is sufficient to fulfil this purpose.

3.10.3. Recommendations

93. I recommend that the general submission points are accepted/rejected, as detailed in **Appendix 2**.

3.11. Consequential Amendments

94. Consequential amendments to Methods 1-5 are necessary as a result of amendments to policies throughout the hearing streams where policies listed in these methods have been deleted, and/or, where new policies have been added that should be listed in these methods.

95. The consequential amendments detailed below are separate and additional to the consequential amendments described in the 'Method 1: District plan implementation' and 'Method 4: Consideration – Resource Consents, Notices of Requirement and When Changing, Varying or Reviewing Plans' parts in this report. The methods requiring amendments are:

- Method 1 – Remove Policy CC.7. Add Policies CC.2A, FWXXA, 24A, and UD.4;
- Method 2 – Remove Policies CC.4 and CC.7. Add Policies CC.4A, 18A, 18B, FWXXA, FW.X, 24A, and UD.4;
- Method 4 – Add Policies CC.14A, FWXXB, IE.2A, and UD.5.

4. Conclusions

96. A range of submissions have been received in support of, and in opposition to the provisions assigned to Consequential Amendments of Change 1.

97. After considering all the submissions and reviewing all relevant statutory and non-statutory documents, I recommend that Change 1 should be amended as set out in **Appendix 1** of this report.

98. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of Change 1 and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.

Recommendations:

I recommend that:

1. Change 1 is amended in accordance with the changes recommended in **Appendix 1** of this report; and
2. The Independent Hearings Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix 2** of this report.