

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

Section 42A Hearing Report Hearing Stream 2 – Overarching Issues and Objective, Integrated Management

Topic: Overarching Issues and Objective / Integrated Management

Process: Freshwater Planning Process

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1 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 2016 ('Change 1') as they apply to the overarching issues, Objective A and integrated management topic.
2. This topic is following the Freshwater Planning Process (FPP) of the Resource Management Act 1991 (RMA).
3. A total of approximately 153 submission points and 183 further submission points were received on this topic. The submissions on this topic were wide ranging and generally specific to the provisions proposed. However, this report also addresses more general submission points on Change 1 as they relate to this topic. The following key issues were raised in submissions and are covered by this report:
 - The overarching resource management issues are negatively worded and not supported by sufficient evidence base.
 - Objective A establishes Te Ao Māori as the preeminent concept for delivering integrated management (rather than being part of it) and the objective does not articulate the full range of importance resource management issues.
 - Policy IM.2 addresses matters that are outside the scope of the RMA, is not related to achieving the purpose of the RMA, uses unclear and debatable terms, and the Section 32 Report does not demonstrate the appropriateness of the policy in achieving the RPS objectives.
 - There is a lack of clarity regarding the direction and terms used in some of the proposed provisions.
 - There is a lack of guidance regarding how proposed provisions are intended to be implemented, particularly how Policies IM.1 and IM.2 are to be implemented through resource consent and notice of requirement processes.
 - Procedural issues regarding the RMA planning process for the proposed provisions (i.e. FPP v the standard Schedule 1 RMA process).
4. Other issues raised by submitters in relation to this topic are also covered in the report along with a range of consequential amendments that I recommend in response to submissions.
5. As a result of analysing the submissions and key issues, I have recommended amendments to the Change 1 overarching issues, Objective A, and integrated management provisions. For the most part, these amendments are relatively minor and do not alter the underlying policy intent of the proposed provisions. However, I recommend substantial amendments to proposed Policy IM.2 due to a number of interpretation and implementation issues that have been identified with the policy.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the overarching issues, Objective A, and integrated management provisions in Change 1 (Policy IM.1, Policy IM.2, Method IM.1, Method IM.2, anticipated environmental results) be amended as set out in **Appendix 1** of this report.

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7. I have also undertaken a Section 32AA evaluation for the amendments I have recommended to the proposed provisions, and this is contained within the analysis of submissions in this report.
8. For the reasons outlined in this report, I consider that the proposed overarching issues, Objective A, and integrated management provisions, with the recommended amendments, are the most appropriate way to:
 - Achieve the purpose of the RMA (in respect of the proposed objective) and give effect to higher order planning documents, and
 - Achieve the relevant objectives of the RPS, in respect to the proposed provisions.

2 Interpretation

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

Table 1: Abbreviation of terms

Abbreviation	Means
the Act/RMA	Resource Management Act 1991
AER	Anticipated Environmental Result
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-HPL	National Policy Statement for Highly Productive Land 2022
NPS-UD	National Policy Statement on Urban Development 2020
P1S1	Part 1, Schedule 1 process
RMI	Resource Management Issue
RPS	Operative Regional Policy Statement for the Wellington Region 2013
Section 32 Report	Section 32 Evaluation Report for Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
Ātiawa	Ātiawa ki Whakarongotai Charitable Trust
DOC	Director General of Conservation
CDC	Carterton District Council
Forest and Bird	Royal Forest and Bird Protection Society of New Zealand Inc.
Fuel Companies	BP Oil NZ Ltd Mobil Oil NZ Ltd and Z Energy Ltd

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HCC	Hutt City Council
HortNZ	Horticulture New Zealand Limited
KCDC	Kāpiti Coast District Council
MDC	Masterton District Council
PCC	Porirua City Council
Ngāti Toa	Te Rūnanga o Toa Rangatira
Muaūpoko	Muaūpoko Tribal Authority
Rangitāne	Rangitāne o Wairarapa Inc
SWDC	South Wairarapa District Council
Te Tumu Paeroa	Te Tumu Paeroa Office of the Māori Trustee
UHCC	Te Kaunihera o Te Awa Kairangi ki Uta Upper Hutt City Council
WCC	Wellington City Council
WIAL	Wellington International Airport Ltd
WFF	Wairarapa Federated Farmers

3 Introduction

Purpose

10. The purpose of this report is to provide the Hearing Panel with a summary and evaluation of the original and further submissions received on the overarching resource management issues, Objective A, and integrated management provisions makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the Change 1 provisions. This report is prepared under section 42A of the RMA.
11. The recommendations are informed by the analysis and evaluation that I have undertaken. I have also considered the section 42A reports for Hearing Stream One 'Overview Report' and 'General Submissions' which provide the background to Change 1 and administrative matters relating to Change 1. This report should be read in conjunction with those reports.

Scope of this report

12. This report provides a summary and evaluation of submissions relating to the overarching issues, Objective A, and integrated management policies, methods and anticipated environmental results. This report addressed nine sub-topics as follows:
 - Overarching Resource Management Issue 1 (RMI 1)
 - Overarching Resource Management Issue 2 (RMI 2)
 - Overarching Resource Management Issue 3 (RMI 3)
 - Objective A
 - Policy IM.1
 - Policy IM.2
 - Method IM.1
 - Method IM.2
 - Integrated Management Anticipated Environmental Results.
13. There are also a number of general submission points on Change 1 that broadly relate to the drafting, resource management purpose, and supporting analysis for Change 1. These general submission points are considered in this report as relevant to this topic, consistent which is the approach being adopted for all section 42A report topics.
14. While there are other RPS provisions proposed as part of Change 1 that include other references to ki uta ki tai, or an integrated approach¹, these provisions more directly relate to other topics, and are being evaluated as part of the workstreams for those topics.
15. Change 1 has been notified via two plan-making processes under Schedule 1 of the RMA:

¹ This includes proposed amendments to Operative Policy 14, Proposed Policy FW, and amendments to Policy 42 which all relate to urban development effects on freshwater and the coastal marine area.

- The FPP under section 80A and 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).
16. As noted above, this report covers submissions on provisions that have been notified entirely through the FPP.

Author

17. My name is Jerome Geoffrey Wyeth and I am employed by 4Sight Consulting – Part of SLR (4Sight), a planning and environmental consultancy. I hold the qualifications of Bachelor of Science (Geography) and Masters of Science (Geography), with First Class Honours. I am a Full member of the New Zealand Planning Institute.
18. I have over 18 years of experience in resource management and planning with roles in central government, local government and the private sector. My primary area of work at 4Sight is policy planning for local and central government and I am 4Sight's National Policy Sector Lead. I have worked on a number of district and regional plans at various stages of the RMA Schedule 1 process and have prepared planning evidence for local authority and Environment Court hearings on a range of resource management issues.
19. I have been closely involved in the development and implementation of numerous national direction instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance. This includes close involvement in national direction instruments relating to highly productive land, climate change, renewable electricity generation and transmission, indigenous biodiversity and plantation forestry.
20. I was not directly involved in the development of the provisions for Change 1, although I did have some involvement in the Section 32 Report prior to notification focused on the climate change provisions that are being considered in Hearing Stream 3. I have now familiarised myself with the process that was followed to develop Change 1, the provisions addressed in this topic, and the relevant sections of the Section 32 Report.
21. I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court in December 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.
22. The scope of my evidence relates to the three proposed overarching resource management issues, overarching objective A, and integrated management provisions (Policies IM.1 and IM.2, Methods IM. 1 and IM. 2 and the Integrated Management AER). I confirm that the issues addressed in this statement of evidence are within my area of expertise.

23. 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.
24. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Supporting Evidence

25. The evidence which I have used or relied upon in support of the analysis and opinions expressed in this report includes the Section 32 Report for Change 1 and relevant statutory requirements and higher order documents (e.g. NPS-FM, NPS-UD) as detailed further in this report.

Key Issues

26. A total of approximately 153 submission points and 183 further submission points were received on the provisions addressed in this topic seeking a range of amendments. Key issues and common themes raised by the submitters include the following:
 - The overarching resource management issues are negatively worded and not supported by sufficient evidence base.
 - Objective A establishes Te Ao Māori as the preeminent concept for delivering integrated management (rather than being part of it) and the objective does not articulate the full range of importance resource management issues.
 - Policy IM.2 addresses matters that are outside the scope of the RMA, is not related to achieving the purpose of the RMA, uses unclear and debatable terms, and the Section 32 Report does not demonstrate the appropriateness of the policy in achieving the RPS objectives.
 - There is a lack of clarity regarding the direction and terms used in some of the proposed provisions.
 - There is a lack of guidance regarding how proposed provisions are intended to be implemented, particularly how Policies IM.1 and IM.2 are to be implemented through resource consent and notice of requirement processes.
 - Procedural issues regarding the RMA planning process for the proposed provisions (i.e. FPP v the standard Schedule 1 RMA process).
27. This report addresses each of these key issues, as well as other relevant issues raised in submissions.

Pre-hearing Meetings

28. 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.

4 Statutory Considerations

Resource Management Act 1991

29. Change 1 has been prepared in accordance with the RMA and in particular, the requirements of:
- Section 30 - The functions of regional councils to establish, implement, and review objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region.
 - Section 61 - Matters to be considered by regional council when preparing regional policy statements.
 - Section 62 - Contents of regional policy statements.
30. The RPS implements national direction for the Wellington Region and directs subsidiary RMA documents – regional and district plans – which must “give effect to” the RPS.
31. This Section 32 Report emphasises that Change 1 aims to take an integrated management approach to the issues being addressed in Change 1. The Section 32 Report states “*A key focus in developing Change 1 and considering the resource management issues and responses to be included in Change 1, has been to take an integrated management approach. For Change 1, taking an integrated management approach means considering the connections between issues related to urban development and freshwater management, and a connected set of responses for the RPS direction for urban development, freshwater management, indigenous biodiversity and climate change*”². This integrated approach is consistent with the statutory requirements in the RMA for regional councils and the RPS to achieve integrated management of natural and physical resources in the region.

National Direction

32. Sections 2 (Background) and 5 (Regulatory and Policy Context) of the Section 32 Report provide an overview of the national direction relevant to Change 1³. The Section 32 Report notes that recent national policy direction, in particular the NPS-UD and NPS-FM, has been a primary influence on the scope, timing, processes and approach to Change 1. While the NPS-UD is the primary driver for the Change 1 timeframes, the Section 32 Report states that it is important that all interrelated issues are addressed at the same time – hence why Change 1 has a broader scope and integrated management focus.

The NPS-FM

33. Integrated management is central to the NPS-FM. The NPS-FM includes the fundamental concept of Te Mana o te Wai which sets out a hierarchy of obligations

² Section 32 Report, paragraph 51, pg.51.

³ Appendix B and C of the Section 32 Report also provide a more detailed assessment of how NPS-UD and NPS-FM requirements are met in Change 1.

prioritising the health and well-being of water bodies and freshwater ecosystems. Clause 3.2(2)(e) states that, when giving effect to Te Mana o te Wai, regional councils must adopt an integrated approach, ki uta ki tai, to the management of freshwater. Policy 3 of the NPS-FM also directs that:

Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

34. Policy 3 is given effect to through clause 3.5 (integrated management) of the NPS-FM which sets out more specific direction on what an integrated approach, ki uta ki tai, requires. Clause 3.5 of the NPS-FM requires local authorities to recognise the interconnectedness of the whole environment, from the mountains and lakes to the sea, recognise the interactions between freshwater, land, water bodies, ecosystems and receiving environments, manage freshwater, land use and development in an integrated and sustainable way, and encourage the coordination and sequencing or regional or urban growth. The NPS-FM is therefore highly relevant to the integrated management provisions in Change 1.

The NPS-UD

35. The NPS-UD is designed to improve the responsiveness and competitiveness of land and development markets. In particular, it requires local authorities to provide 'sufficient development capacity' to meet the short, medium and long-term demand for housing and business land. The NPS-UD sets specific requirements for local authorities in relation urban development and planning, including requirements to:
- Achieve well-functioning urban environments that support reductions in greenhouse gas emissions and are resilient to the current and future effects of climate change;
 - Enable urban intensification in appropriate locations; and
 - Ensure decisions on urban development are integrated with infrastructure and planning decisions.
36. The NPS-UD requirements will be addressed in detail in Hearing Stream 4 – Urban Development.

Integrated frame through Change 1

37. As noted above, Change 1 seeks to give effect to NPS-FM and NPS-UD in an integrated manner with other relevant issues, with the Section 32 Report stating "*Greater Wellington Regional Council has sought to integrate the issues and responses for fresh water, climate change, and indigenous biodiversity as a frame, to identify these three constraints in responding to national policy and in directing urban development capacity and intensification*"⁴.

⁴ Section 32 Report, paragraph 53, page 16.

38. This approach is described in the Section 32 Report as 'integrating frame' for the key resource management issues in the region. The Section 32 Report states this integrating frame will ensure there is clear direction to territorial authorities to enable urban development that prioritises the health of water bodies and ecosystems, supports the transition to a low emissions and climate resilient region, and protects areas of significant indigenous biodiversity. This approach is also intended to enable Change 1 to bring together and integrate relevant national direction, other relevant national legislation and policy, the Wellington Regional Growth Framework, and aspects of the Whitua Implementation Programme. As such, there are clear directives for Change 1 to include provisions for integrated management of natural and physical resources in the region.

Section 32AA of the RMA

39. I have undertaken an evaluation of the recommended amendments to the provisions since the Section 32 Report was prepared 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)."

40. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is contained within the analysis of submissions in this report, as required by s32AA(1)(d)(ii) of the RMA.

Trade Competition

41. Trade competition is not considered relevant to this topic within Change 1.

5 Consideration of Submissions and Further Submissions

Overview

42. This topic consists of three overarching resource management issues, Objective A, two integrated management policies, two integrated management methods, and an integrated management AER. The total number of submission points and further submission points on this topic are broadly allocated across these provisions:
- 8 original submission points and 12 further submission points relating to RMI 1.
 - 10 original submission points and 9 further submission points received RMI 2.
 - 8 original submission points and 10 further submission points received RMI 3.
 - 34 original submission points and 47 further submission points received on Objective A.
 - 17 original submission points and 22 further submission points received on Policy IM.1.
 - 19 original submission points and 30 further submission points received on Policy IM.2.
 - 23 original submission points and 15 further submission points received on Method IM.1.
 - 7 original submission points and 5 further submission points received on Method IM.1.
 - 4 original submission points and 5 further submission points received on the integrated management AER.
 - 31 general original submission points and 28 further submission points that are not specific to any particular provision in this topic but are more general submissions on the Change 1 provisions (e.g. the drafting of objectives and policies, supporting section 32 evaluation).

Report Structure

43. Clause 49(4)(c) 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. On this basis, I have undertaken my analysis and evaluation using primarily a provisions-based approach, rather than a submission-by-submission approach.
44. 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 this report.
45. Many of the submissions received did not require specific analysis. These submissions have therefore not been discussed in the main body of this report, but a

recommendation on whether to accept or reject all submissions on this topic is contained in **Appendix 2**.

46. Where I have recommended amendments to provisions as a result of relief sought by submitters, I provided a further evaluation within this report in accordance with Section 32AA of the Act. I have also provided a marked-up version of the provisions with my recommended amendments in response to submissions in **Appendix 1**.

Format for Consideration of Submissions

47. For each provision addressed in this topic, my analysis of submissions is set out in this report as follows:
- Matters raised by submitters
 - Analysis
 - Section 32AA evaluation (where applicable) and
 - Recommendations.

Issue 1: Overarching Resource Management Issue 1

48. Overarching RMI 1 in Change 1 is as follows:

Adverse impacts on natural environments and communities

Inappropriate and poorly managed use and development of the environment, including both urban and rural activities, have damaged and continue to impact the natural environment, increase greenhouse gas emissions, destroying ecosystems, degrading water, adversely impacting the relationship between mana whenua and the taiao, and leaving communities and nature increasingly exposed to the impacts of climate change.

Matters raised by submitters

49. UHCC [S34.001] and PCC [S30.001] oppose RMI 1, stating that the issue is negatively framed and does not acknowledge the forecasted population growth and subsequent development that is necessary for the Wellington Region, or the benefits of well-functioning urban environments which is central to the NPS-UD.
50. For example, the submission of UHCC makes the following points:
- *“Whilst Council recognises that adverse environmental effects need to be managed, this [issue statement] appears to insinuate that the listed effects are attributable solely to poorly managed land use and development activities when other external factors have also played an important part, for example, funding availability to comprehensively address mode shift and transport related emissions or to deliver networked biodiversity projects.”*
 - *“Issue one appears to state that growth within the region is an inherently negative outcome which is contrary to the intention and direction of the NPS- UD. Council notes that well managed and integrated growth and infrastructure can be and is good for the region - socially and economically and environmentally.”*

51. PCC requests the following amendments to RMI 1:

Adverse impacts on natural environments and communities

*Inappropriate and poorly managed use and development of natural and physical resources ~~the environment, including both urban and rural activities~~, have damaged and continue to impact the natural environment, and to contribute to an increase in greenhouse gas emissions. ~~It has also resulted in destroying degraded ecosystems, degrading and water quality~~, adversely impacting the relationship between *mana whenua* and the *taiao*, ~~and leaving communities and nature increasingly exposed to the impacts of climate change.~~"*

52. UHCC [S34.001] also raises concerns that the evidence relied on in the development of RMI 1 includes studies and reports that are now over ten years old. UHCC seeks that more relevant and up to date evidence be sourced to support RMI 1.
53. Other submitters raised more discrete issues in relation to RMI 1. For example, HortNZ [S128.001] was concerned that, while other parts of the RPS recognise highly productive land as a finite resource, this should be specifically referenced in RMI 1 and requests amendment to RMI 1 to provide for this relief. Taranaki Whānui [S167.004] requests minor amendments to the wording of RMI 1 to expand the reference to "*mana whenua*" to "*mana whenua/tangata whenua*".
54. HCC [S115.003] opposes the proposed three overarching resource management issues proposed to be included in the start of Chapter 3 at a more general level. HCC considers that if the of purpose of including overarching resource management issues is to provide a more integrated approach across the range of regional resource management issues, all relevant issues should be visible in this overarching section. Further, HCC submits that the RPS is already lengthy and including both issues and objectives does not improve the useability of the RPS. HCC requests that if the issues statements are retained, they are reframed as general environmental issues, rather than critiques of current practice.
55. WFF [S163.004] opposes RMI 1 and requests that it is deleted and any changes to Chapter 3 are delayed until the full review of RPS, scheduled for 2024. If this relief is not accepted, WFF considers that alternative content for the overarching resource management issues is required with a focus on the importance of people and strengthening the connections between people and place, integrated catchment management and climate change. WFF request that this includes the creation of an issue that addresses the challenge of "*giving back to the wai, while we utilise her waters to sustain our people*" and an issue that addresses the implications for farmers - and the wider regional economy - of unreliable and uncertain access to water to sustain their enterprises and livelihoods. Alternative issue statements are requested by WFF to this effect to replace the three proposed overarching resource management issues in Change 1.

Analysis

56. A common theme in submissions was that the language used in RMI 1 is overly negative with strong and definitive wording used (e.g. destroying ecosystems), and the

issue statement suggests that the listed effects are solely attributable to poor use, development and or management of natural and physical resources.

57. At a broad level, I agree with the sentiment expressed in some submissions that the wording of RMI 1 is overly negative and definite in some areas. I have also undertaken a high-level review of documents referred to in Chapter 3 of the Section 32 Report to determine whether there is that an evidence base to support some of the stronger expressions used, such as “destroying ecosystems”. I have not been able to find any compelling evidence in the Section 32 Report in support of the stronger, more definitive language used as it is not a requirement of section 32 of the RMA to evaluate resource management issues in a proposal like there is objectives and provisions. However, from the information available, I accept that significant ecosystem loss has occurred in the region and that this loss is ongoing⁵.
58. On this basis, I support some refinement of the language used in the RMI 1 issue statement, similar to that requested by PCC. This includes my recommendation to replace references to “destroying ecosystems” with “ongoing ecosystem loss”. I have not recommended the deletion of the final sentence of RMI 1, as requested by PCC, as no explanation has been provided as to why this aspect of the issue statement is inaccurate. Further, in my opinion, there is sufficient evidence to state that the impacts of climate change will increase in the region.
59. I do not agree that RMI 1 implies that all growth and development in the region is an inherently negative outcome. Rather, RMI 1 describes the adverse impacts that **(emphasis added) “inappropriate and poorly managed use and development of the environment”** have had (past tense).
60. While some of the technical reports used to support the development of RMI 1⁶ are at least a decade old, these reports have not been considered in isolation. Sections 2 and 6 of the Section 32 Report provide a comprehensive overview of the various processes and documents that have informed Change 1. On this basis, I am satisfied that RMI 1 has been developed based on the best available information at the time it was drafted. It is also important to recognise that incomplete and dated evidence on environmental states and trends is a common issue across New Zealand but that the inclusion of significant resource management issues is an important and mandatory function of the RPS. Developing RPS issue statements based on the best available information is therefore a necessary response to RMA statutory requirements in my opinion. I also note that the submission point of UHCC raising concerns with out-of-date evidence did not provide or refer to any more up to date evidence to address this concern.
61. I do not consider it necessary for RMI 1 to be updated to recognise highly productive land as a finite resource as requested by HortNZ. This issue is already recognised in

⁵ Ecosystem loss is documented in several of the SEO reports – refer [State of the Environment reports | Greater Wellington Regional Council \(gw.govt.nz\)](#)

⁶ Refer footnotes for Section 3 of the Section 32 Report.

Chapter 3.11 of the RPS, with Policy 59 also being particularly relevant⁷. This chapter of the RPS recognises the irreversible effects of losing Class I and II lands and that some activities will result in permanent loss of these soils from productive use. The Section 32 Report is clear that the intent of Change 1 is to give effect to the national direction contained in the NPS-FM and NPS-UD, and Appendix D of the Section 32 Report indicates (pg. 378) that the RPS will be amended to give effect to the NPS-HPL in the future in accordance with the timeframes and requirements in the NPS-HPL⁸.

62. I accept the submission of Taranaki Whānui that RMI 1 refer to mana whenua/tangata whenua as this is consistent with the wording used in other Change 1 provisions.
63. I agree with HCC to some extent that all key resource management issues for the region should be addressed within this new proposed overarching section. However, in my opinion, this does not mean every single resource management issue for the region needs to be in this section and that would make it overly lengthy and complex. I therefore have not recommended that RMI 1 (or the other overarching issues) are amended to cover all resource management issues addressed by the RPS. However, I do agree with HCC that some refinement of the issue statements is necessary to ensure they are focussed on key resource management issues for the region, rather than being a critique of current practise, and I have recommended amendments to RMI 1 to provide for this relief (and RMI 2 discussed below). I therefore recommend that the submission of HCC is accepted in part.
64. WFF submitted that any changes to Chapter 3, including the introduction of RMI 1, should be deferred until a full review of the RPS is undertaken. If a full review of Chapter 3 is not deferred, WFF seeks alternative content for the resource management issues, which focusses on the importance of people and strengthening the connections between people and place, integrated catchment management and climate change. I do not recommend any changes to the overarching resource management issues in response to this submission from WFF as I don't consider the wording adds significantly to the proposed issues or other resource management issues in the RPS. The issue of deferring any amendments to the RPS until a full review of the RPS is addressed in this report under Issue 10 – Remaining General submissions and the General Submissions Section 42A Report. I therefore recommend this submission from WFF is rejected.

Recommendations

65. I recommend that RMI 1 is amended as follows:

Adverse impacts on natural environments and communities
Inappropriate and poorly managed use and development of the environment, including both urban and rural use and development activities, have damaged and continue to

⁷ Noting however that 'highly productive agricultural land' is defined differently in RPS (LUC class 1 and 2 land) to highly productive land in NPS-HPL (LUC clause 1, 2 and 3 land) and the NPS-HPL includes much more stronger protections for this land.

⁸ The NPS-HPL came into force on 17 October 2022, two months after Change 1 was notified. The NPS-HPL directs that changes to regional policy statements to map highly productive land in the region are notified no later than 17 October 2025.

impact the natural environment, and contribute to an increase in greenhouse gas emissions. It has also contributed to ongoing ecosystem loss and degraded destroying ecosystems and degrading water quality. This has adversely impacted impacting the relationship between mana whenua/tangata whenua and the taiao, and is leaving communities and nature increasingly exposed to the impacts of climate change.

66. I recommend that submissions in relation to RMI 1, are accepted, accepted in part or rejected as set out in **Appendix 2**.

Issue 2: Overarching Resource Management Issue 2

67. Proposed RMI 2 in Change 1 is as follows:

Increasing pressure on housing and infrastructure capacity

Population growth is putting pressure on housing and infrastructure capacity. To meet the needs of current and future populations, development will place additional pressure on the natural and built environments.

Matters raised by submitters

68. Two submitters support RMI 2 and request that it is retained as notified, being Beef and Lamb [S78.003] and Guardians of the Bays Incorporated [S94.003].
69. Territorial authority submitters, including WCC [S140.004], HCC [S115.004] and UHCC [S34.002], expressed general concern regarding the negative framing of RMI 2. For example, UHCC submitted that the issue statement “*does not appear to support or acknowledge the population growth that is forecast and subsequent development that is necessary/enabled for the Wellington Region*” and that it “*focuses on adverse effects on the natural environment, and only references housing and infrastructure capacity as a negative pressure on the environment.*”
70. Amendments were sought by these submitters to create a more balanced issue statement which recognises the objectives and provisions of the NPS-UD, including to have well-functioning urban environments and provide sufficient development capacity to meet demand for housing and business land. WCC [S140.004] recommended that RMI 2 be replaced with a different issue statement as follows:

Increasing need for housing and infrastructure capacity

The supply of housing and infrastructure capacity in the Wellington Region has been insufficient to meet population growth, household needs, and creation of well-functioning urban environments.

71. PCC [S30.001] seeks amendments to RMI 2, to expand the reference to “*pressure on housing*” to “*housing supply and choice*” and to expand the reference to “*development*” to “*poorly managed development*”.

72. In contrast, both Ātiawa [S131.011] and Tarankai Whānui [S167.004/005] request that RMI 2 be expanded and strengthened. Ātiawa has sought a further reference be included that population growth has also exacerbated existing pressures on te taiao and pressure on the relationship of mana whenua / tangata whenua with their ancestral lands.
73. Meridian Energy [S100.001], Wellington Water [S113.001] and WIAL [S115.003] seek amendments to RMI 2 or additional overarching resource management issues be included specific to infrastructure. The submitters consider that the issue statement should recognise that infrastructure assets within the region are vulnerable to the effects of climate change, that such facilities need to be given sufficient flexibility to respond and adapt to climate related issues, and that regionally significant infrastructure may need to be upgraded, adapted or relocated to maintain necessary function and capacity. While these submissions are general in nature, it is considered most appropriate to consider them in the context of RMI 2.

Analysis

74. I have relied on the context provided in Part A (particularly Section 3) of the Section 32 Report to inform my analysis of submissions on the overarching resource management issues.
75. The Section 32 Report makes it clear that Change 1 has been prepared, in part, to give effect to NPS-UD requirements. In particular, to respond to the requirements of the NPS-UD for the region to provide for well-functioning urban environments, to enable urban intensification in appropriate locations, and undertake responsive planning which significantly adds to development capacity.
76. The Section 32 Report⁹ also refers to the Wellington Region Housing and Business Capacity Assessment (HBA)¹⁰, which confirms that the Wellington Region lacks sufficient, affordable and quality housing supply and choice to meet current demand, the needs of projected population growth and the changing needs of diverse communities.
77. As notified, RMI 2 uses future tense to describe that development “will place” additional pressures on the natural and built environment. Some submitters have noted their concern with this aspect of RMI 2, which focusses on the future negative effects of population growth on the natural environment, rather than the need to respond to population growth by enabling increased housing supply and choice and creating well-functioning urban environments as required by the NPS-UD while also managing effects on natural and built environments.
78. I agree with these submitters and have recommended amendments to RMI 2 which still align with the issues described in the Section 32 Report but reframe the issue statement to be less negative and align with, in part, the amendments sought by submitters. This includes recommending the removal of the reference to the additional

⁹ Section 32 Report, paragraph 62, pg. 17.

¹⁰ [Regional Housing & Business Development Capacity Assessment 2022 - WRLC](#)

pressures that development “will place” on the environment, as I consider it more appropriate for the RMI 2 to focus on existing known issues.

79. I do not recommend any amendments in response to the relief sought in the submissions of Ātiawa and Tarankai Whānui. I consider that the scope of RMI 2 should be focused on addressing the development capacity issues that have been identified in the Section 32 Report, and which are required to be addressed in accordance with the NPS-UD. I also note that RMI 3 is specific to mana whenua/tangata whenua values.
80. In terms of making the issue statement more specific, I note that Change 1 incorporates other proposed changes to Chapter 3.9 of the RPS – Regional Form, Design and Function which are relevant to the consideration of submissions on RMI 2. These changes include revised introductory text, which elaborates on the importance of a well-functioning urban environment, along with new or modified chapter specific issue statements relating to ‘Lack of Housing’, ‘Inappropriate Development’ ‘Poor Quality Urban Design’ and ‘Sporadic, Uncontrolled and/or Uncoordinated Development’. Accordingly, I do not consider that these issues need to be further described in RMI 2.
81. With the recommended changes, I consider RMI 2 will provide an acceptable overarching resource management issue specific to housing and infrastructure capacity, which the abovementioned chapter specific issues elaborate on (but not repeat). In particular, the proposed new Objective 22 is a suitable outcomes-based objective that reflects the environmental issues identified in RMI 2, along with the more specific issue statements for urban development proposed in Chapter 3.9.
82. Some infrastructure providers request that the overarching resource management issues should provide recognition that infrastructure assets within the region are vulnerable to the effects of climate change, and facilities need to be given sufficient flexibility to respond and adapt to climate related issues to ensure community resilience. The intent of RMI 2 in particular is to address the need to respond to population growth by enabling increased housing supply and choice and creating well-functioning urban environments as required by the NPS-UD. I consider RMI 2 should be focussed on this core issue.
83. Furthermore, I note that there are objectives in the RPS, such as Objective 10, which specifically relate to regionally significant infrastructure. Objective 10 is supported by policies that specify how regionally significant infrastructure should be recognised and provided for. Therefore I do not recommend any amendments in response to the submissions of Meridian Energy, Wellington Water and WIAL, noting that the infrastructure they manage falls within the definition of regionally significant infrastructure. I note that submissions of a similar nature were received in relation to Objective A which I discuss below.

Recommendations

84. I recommend that RMI 2 is amended as follows:

Increasing pressure on housing and infrastructure capacity

Population growth is putting pressure on housing supply and choice and infrastructure capacity. To meet the needs of current and future populations, there is a need to increase housing supply and choice across the region in a manner which contributes to a well-functioning urban and rural areas, while managing adverse effects on Development will place additional pressure on the natural and built environments.

85. I recommend that submissions in relation to RMI 2, are accepted, accepted in part or rejected as set out in **Appendix 2**.

Issue 3: Overarching Resource Management Issue 3

86. Proposed overarching RMI 3 in Change 1 is as follows:

Lack of Mana Whenua/Tangata Whenua involvement in decision making
Mana whenua / tangata whenua values, Te Ao Māori and mātauranga Māori have not been given sufficient weight in decision-making, including from governance level through to the implementation. As a result, mana whenua / tangata whenua values have not been adequately provided for in resource management, causing disconnection between mana whenua / tangata whenua and the environment.

Matters raised by submitters

87. Ātiawa [S131.012], Ngāti Toa [S170.002] and Rangitāne [S168.0191] support, either fully or in part RMI 3, while seeking some amendments.
88. Both Ātiawa, and Rangitāne request that the second part of RMI 3 is expanded to read "As a result, mana whenua / tangata whenua values, including our relationship with our ancestral lands, water, sites, wāhi tapu and other taonga, have not been adequately provided for in resource management...". This amendment is considered necessary by these submitters to strengthen the wording of the provision, and better align it with section 6(e) of the RMA.
89. Ngāti Toa submit that lack of mana whenua/tangata whenua involvement in decision-making and lack of Te Ao Māori and mātauranga Māori in decision-making are two different matters. In relation to mana whenua/tangata whenua involvement in decision-making, Ngāti Toa seek that the wording of RMI 3 is modified to remove the reference to 'sufficient weight'. It is submitted by Ngāti Toa that this term incorrectly suggests that, to date, tangata whenua/mana whenua has some form of established role in decision-making.
90. Ngāti Toa seek the following amendments to RMI 3:
- "Te Ao Māori and mātauranga Māori have not been involved given sufficient weight in decision-making, ~~including~~ from governance level through to the implementation. As a result, mana whenua / tangata whenua values have not been ~~adequately~~ provided for*

in resource management, causing disconnection between mana whenua / tangata whenua and the environment. This caused major disruption mana whenua / tangata whenua not being able to connect with Taiao, but also put them into a position where they were not able to perform their kaitiakitanga.”

91. UHCC [S34.003] opposes RMI 3 on the basis the issue statement is negatively worded, however, no specific relief was sought by UHCC. Robert Anker [S31.003] did not support or oppose RMI 3 but sought that it is amended to address a lack of consultation across all sectors, not just Māori.

Analysis

92. I do not recommend any amendments in response to the submissions of Ātiawa, and Rangitāne. The suggested amendments seek to expand and strengthen the issue statement, and the inclusion of examples of the specific tangata whenua values which have not been adequately provided for in resource management. I consider that RMI 3, as notified, adequately captures the key issues that the RPS seeks to address and recommend the existing, more succinct drafting, in RMI 3 is retained.
93. Ngāti Toa submitted that lack of mana whenua/tangata whenua involvement in decision-making and lack of Te Ao Māori and mātauranga Māori in decision-making are two different matters. I do not consider that RMI 3, as currently drafted, suggests that these matters are one and the same. Rather, it states that each of these issues have not been given sufficient weight or have been inadequately provided for in decision-making.
94. I also do not recommend that the extensive amendments sought by Ngāti Toa, are accepted on the basis that the definitive language suggested may not be accurate for all resource management decision-making that has occurred across the region. Furthermore, there is a broad level of support for RMI 3 as notified by other iwi submitters. I consider that RMI 3 broadly captures the concerns of Ngāti Toa, and retention of the existing, more concise wording does not diminish the importance of the issue for mana whenua / tangata whenua.

Recommendation

95. I recommend RMI 3 is retained as notified.
96. I recommend that submissions in relation to RMI 3 are accepted, accepted in part or reject as set out in **Appendix 2**.

Issue 4: Proposed Objective A

97. Proposed Objective A in Change 1 is as follows:

Objective A: Integrated management of the region's natural and built environments is guided by Te Ao Māori and:

- (a) incorporates mātauranga Māori; and
- (b) recognises ki uta ki tai – the holistic nature and interconnectedness of all parts of the natural environment; and
- (c) protects and enhances mana whenua / tangata whenua values, in particular mahinga kai, and the life-supporting capacity of ecosystems; and
- (d) recognises the dependence of humans on a healthy natural environment; and
- (e) recognises the role of both natural and physical resources in providing for the characteristics and qualities of well-functioning urban environments; and
- (f) responds effectively to the current and future pressures of climate change, population growth and development.

Matters raised by submitters

98. Numerous submitters, including WCC [S140.005], HCC [S115.005], MDC [S166.001], Fish and Game [S147.002] and HortNZ [S128.002], support Objective A and seek that it is retained as notified. However, both WCC and HCC submit that Objective A should be relocated from the Chapter 3 introduction to a standalone integrated management chapter for ease of RPS navigation. Similarly, Rangitāne [S168.0194] seeks clarification on the status of Objective A in relation to other RPS objectives due to its location in the introduction section of Chapter 3 of the RPS.
99. Powerco [S134.001] and the Fuel Companies [S157.001] raise concerns that Objective A does not fully reflect the diversity of resource management issues and objectives in the operative RPS. As such, those submitters are concerned that this creates a risk that Objective A is interpreted as prioritising some issues and outcomes over others that are not referred to.
100. Several submitters raised concerns with the drafting of Objective A, which requires that integrated management “*is guided by Te Ao Māori*” at the chapeau of the objective. Key concerns from submitters on this issue include:
 - The current drafting establishes Te Ao Māori as the preeminent concept for delivering integrated management of natural and built environments
 - There is a lack of guidance on what “*guided by Te Ao Māori*” means and how it should be achieved in relation to integrated management and
 - It is unclear how this requirement will flow down to into the interpretation of other RPS provisions and lower order plans.
101. To address some of the above concerns, Meridian Energy [S100.002] requests that the reference to “*guided by Te Ao Māori*” is removed from the chapeau of Objective A. Powerco [S134.001], the Fuel Companies [S157.001] and Wellington Water [S113.002] request that the reference to ‘*guided by Te Ao Māori*’ is merged into clause (a) which directs that integrated management incorporates mātauranga Māori.
102. Several iwi submitters including Taranaki Whānui [S167.008], Ngāti Toa [S170.003/004], Ātiawa [S131.013] and Rangitāne [S168.0191/0192/0193] seek amendments to Objective A to give more weight/stronger direction in relation to Te Ao Māori and mātauranga Māori and strengthen references to partnerships with mana whenua / tangata whenua. For example, Taranaki Whānui [S167.008] requests the addition of the following clause to Objective A “*works in partnership with mana*”

- whenua/tangata whenua*". Ngāti Toa [S170.004] seeks the addition of the following clause "*co-designs with Mana Whenua and iwi how Te Ao Māori and mātauranga will be used and responds to Mana Whenua and iwi principles and values and aspirations delivering environmental outcomes*".
103. Ātiawa [S131.013] and Muaūpoko [S133.002] both request that more specific references are included in Objective A relating to the connection of tangata whenua with Te Taiao and Te-Whanganui-a-Tara through a new sub-clause. Ātiawa [S131.013] also request that mātauranga Māori be included in the start of the Objective A and that clause (e) is strengthened to "recognises and provides for".
104. Te Tumu Paeroa [S102.001/002] generally supports Objective A but requests a new clause is inserted to state that integrated management requires Te Mana o te Wai to be given effect to. Te Tumu Paeroa also considers the reference to ki uta ki tai in clause (b) should be strengthened so that Objective A requires this concept be "recognises and provides for".
105. DOC [S32.002] considers that the drafting of clause (c) is unclear as to whether the life-supporting capacity of ecosystems is to be protected and enhanced in its own right, or only when required to provide for mana whenua/tangata whenua values. DOC notes that section 5(b) of the RMA requires that the life-supporting capacity of ecosystems be safeguarded without specific reference to mana whenua/tangata whenua values. To address these concerns, DOC requests amendments to Objective A so that the safeguarding of ecosystems is required as a standalone clause. Powerco [S134.01] and the Fuel Companies [S157.002] request the same relief.
106. Forest and Bird [S165.001] submit that Objective A is not clear or directive enough that the protection of the natural environment is central to the integrated management of natural and built environments. Forest and Bird seek that more directive statements to protect the natural environment be inserted into Objective A to address that relief. The amendments to Objective A requested by Forest and Bird include more specific references to protecting indigenous biodiversity, landscapes, ecosystems, the coastal environment, and freshwater.
107. Several submitters including Wellington Water [S113.002], Powerco [S134.01], and the Fuel Companies [S157.001/003/005] expressed concern that Objective A fails to adequately provide for the characteristics of well-functioning urban environments or regionally significant infrastructure. The relief requested from PowerCo includes amendments to clause (e) to read: "~~recognises the role of both natural and physical resources in providing for the~~ provides for and enhances characteristics and qualities of well-functioning urban environments which are supported by both natural and physical resources, including regionally significant infrastructure". Amendments requested by Wellington Water [S113.002] and Meridian Energy [S100.002] include a new clause as follows "*enables use and development of natural and physical resources to support the infrastructure (including regionally significant infrastructure) necessary to strengthen the resilience of communities to meet the future challenges associated with climate change*". The same submitters also request that clause (d) be deleted, without providing any supporting rationale.

108. Fulton Hogan Ltd [S114.001] also requests amendments to clause (d) as follows: “recognises the role of both natural and physical resources (including the need for building materials such as aggregate) in providing for the characteristics and qualities of well-functioning urban environments.” Fulton Hogan Ltd considers that this amendment will improve public understanding of issues associated with shortages of aggregate resources.
109. While supporting Objective A in part, both Kāinga Ora [S158.003] and UHCC [S34.004] request minor amendments to clause (f). Both submitters request the removal of the term “future pressures”. Kāinga Ora requests that clause (f) is replaced with “*is resilient to the likely current and future effects of climate change*” as alternative wording. UHCC requests that clause (f) is broadened to refer “environmental issues”. UHCC also requests redrafting of clause (f) so that it is not that population growth and development “pressures” that need to be responded to, but rather the direction is to respond to environmental issues while providing for population growth and infrastructure.
110. WFF [S163.007] requests that Objective A is replaced with an objective to emphasise strengthening the connections between people and place, hapū and community, mtauranga and data, putaiiao and innovation. Requested alternative wording provided by WFF is as follows “**Objective A:** *catchment communities are enabled and empowered to collaborate in working together to support the mana of the land and the water and the people who live and work within*” or alternatively “**Objective B:** *catchment communities are enabled and empowered to develop and prototype weaving together nature-based and built solutions for respecting and sharing water*”.
111. Dr Patricia Laing [S106.007] submits that Objective A provides an isolated mention of the importance of ensuring food security in the region, and that this topic could easily be missed. Dr Patricia Laing requests that Objective A is amended to specifically reference opportunities to protect food security.
112. PCC [S30.002] raised general concerns that it is unclear what Objective A is seeking to achieve and it could be better worded. PCC requests that Objective A be amended to ensure the outcomes are achievable within the scope of RPS. PCC [S30.0116] also made a general submission that the real value of regional policy statements is to provide policy direction that either does not exist at a national level or exists at a national level but needs to be articulated at a regional level. PCC is concerned that many of the provisions of Change 1 either duplicate or are inconsistent with matters comprehensively addressed by national direction. UHCC [S34.0116] opposes Change 1 in part due to similar issues regarding duplication of national direction.
113. KCDC [S16.067/0.97/100], PCC [S30.0116] and UHCC [S34.005] have also raised more general concerns with the objectives in Change 1 in terms of how these are drafted, the lack of support in the RMA and higher order documents, and jurisdiction and implementation issues for regional councils and territorial authorities. For example, KCDC requests that all objectives are reviewed to ensure these are specific to the outcome sought, clearly relate to an issue, can be monitored, and are achievable within the scope of the RMA and the RPS. While these submission points are not specific to Objective A, they are relevant for all Change 1 provisions and are being considered through the analysis of submissions within each section 42A report.

Analysis

114. The Section 32 Report outlines that the intent of Objective A is to provide greater clarity and direction to Council and territorial authorities in the region about what is meant by integrated management of natural and built environments, and to recognise the importance of Te Ao Māori in natural resource management and decision-making¹¹.
115. In relation to submissions seeking that Objective A is relocated from the Chapter 3 introduction into a standalone section, this is not necessary in my opinion. From an RPS navigation perspective, it may be tidier for this Objective A to be located in its own integrated management section as the other RPS objectives are. However, I consider that the location of Objective A in the introduction of Chapter 3 of the RPS is appropriate to increase its visibility and reinforce the importance of achieving integrated management of the region's natural and built environments in the manner articulated in this objective. This will help ensure broader objective to achieve integrated management of the region's natural and built environments is considered and implemented alongside the more topic specific RPS objectives.
116. There are a number of submissions raising concerns that Objective A does not reflect the full spectrum of resource management issues in the RPS and therefore can be interpreted as prioritising some issues and outcomes over others. Related submission points include that Objective A should be amended to have more focus on providing for the characteristics of well-functioning urban environments and providing for regionally significant infrastructure. I consider that these submissions may misunderstand the intent of Objective A and I do not recommend any amendments to the objective in response to these submissions.
117. The intent of Objective A is not to assign more importance to certain matters than the other resource management issues addressed in a more targeted and specific manner in other sections of the RPS. The Section 32 Report is clear that the primary intent of Objective A is to provide greater clarity and direction about what is meant by the concept of integrated management, and to set out the matters that should be considered to successfully achieve this outcome within the Wellington region. As noted above, Objective A is intended to be considered alongside the other RPS objectives and provisions as relevant to the particular proposal, which is standard planning practice. However, I accept that the introduction wording to Objective A which describes it as "the overarching resource management objective for the Wellington region" has created some confusion as to the weighting to be given this objective compared other RPS objectives. I therefore recommend that this wording is amended to simply describe Objective A as the integrated management objective for the Wellington region which is more accurate and clearer in my view.
118. In relation to submissions seeking more specific references to well-functioning urban environments and infrastructure, I note that there are other objectives in the RPS, such as Objective 22 (proposed to be replaced through Change 1) which directly relate to the enabling of development where it contributes to a well-functioning urban environment. Objective 10 in the RPS also specifically relates to regionally significant

¹¹ Section 32 Report, pg. 60.

infrastructure¹² and is supported by policies that specify how regionally significant infrastructure should be recognised and provided for. Further, in my opinion, it is clear that the reference to 'physical resource' in clause (e) of Objective A includes infrastructure which is central to well-functioning urban environments. I therefore consider the existing sub-clause (e) requirement to "*recognise the role of both natural and physical resources in providing for the characteristics and qualities of well-functioning urban environments*" is sufficient and does not need to be amended to refer to regionally significant infrastructure.

119. However, I do recommend that clause (e) is amended as follows: *recognise the role of both natural and physical resources in providing for ~~the characteristics and qualities of well-functioning urban~~ and rural areas environments*. My recommended amendments to this clause seek to remove redundant and subjective terms and to recognise that Objective A is broader than 'urban environment' as defined in the NPS-UD and it this extends to wider urban and rural areas in the region (as it relates to the management of natural and built environments in the region more generally). This wording is also consistent with my recommended amendments to RMI 2 above and I also understand that the Urban Development Section 42A Report author intends to make similar recommendations to refer 'well-functioning urban and rural areas' in certain provisions within that topic.
120. I do not recommend any amendments to clause (e) to refer to building materials such as aggregate as requested by Fulton Hogan Ltd. While I acknowledge that shortages of aggregate resources can be an issue in the region, I do not consider that this requires specific recognition in a higher-level objective focused on integrated management. I also note that Chapter 3.11 of the RPS already includes specific provisions relating to mineral resources, including aggregate.
121. In relation to submissions regarding the expression "*is guided by Te Ao Māori*", I note that the Section 32 Report states that the intent of Objective A is to recognise the importance of Te Ao Māori in natural resources management. This aspect of Objective A responds in part to RMI 1, which refers to adverse impacts on the relationship between mana whenua and the taiao, and RMI 3 (lack of mana whenua/tangata whenua involvement in decision-making). I also consider that its inclusion within Objective A is well supported by the broader statutory and national direction framework. I therefore recommend this concept is retained in Objective A and recommend that submissions requesting that it is deleted are rejected.
122. Most submitters on this issue were primarily concerned with "*guided by Te Ao Māori*" being at the start of Objective A on the basis it could be interpreted as implying it is the preeminent concept for delivering integrated management. However, when read in full, my view is the technical drafting of Objective A is such that the requirement for integrated management to be guided by Te Ao Māori does not hold any greater weight than the other matters listed in clauses (a) – (f). This is because "*and*" is used consistently throughout Objective A from the chapeau to each clause. However, it is evident from the drafting and the response from submitters that this may cause some unnecessary confusion and different interpretations.

¹² Change 1 also proposes to amend the definition of regionally significant infrastructure to align with the NRP.

123. To address this potential confusion, I recommend that the words “*guided by Te Ao Māori*” are relocated from the chapeau to a new clause (a). I prefer this approach rather than merging Te Ao Māori with existing clause (a) as requested by some submitters. While Te Ao Māori and mātauranga Māori are related, these are still distinct concepts as is the direction to be ‘guided by’ and ‘incorporate’ each in Objective A. In my opinion, this amendment will not alter the underlying intent of Objective A, or diminish the importance of Te Ao Māori in the objective. Rather, it is a technical drafting change clarifying that matters listed in Objective A are of equal importance when seeking to achieve integrated management of the region’s natural and built environments.
124. In my opinion, it is not necessary for Objective A to detail what it means to be guided by Te Ao Māori, because that is the role of the proposed policies and methods to implement this. In particular, Policy IM.1(a) and Method IM.1(a) relate to partnering with mana whenua/tangata whenua in resource management and decision-making. It is through these partnerships and engagement that tangata whenua/mana whenua can bring a Te Ao Māori perspective to help guide the integrated management of the region’s natural and built environments. For these reasons, I do not recommend any amendments in response to the submissions of Taranaki Whānui, Ngāti Toa, Ātiawa and Rangitāne to strengthen Objective A and include references to partnering with mana whenua/tangata whenua as I consider that this relief is sufficiently addressed in implementing provisions. For similar reasons, I do not recommend that Objective A is amended to refer to Te Mana o te Wai as requested by Te Tumu Paeroa as I consider that this concept is best addressed by the freshwater management provisions in Change 1.
125. I recommend that the submission of DOC is accepted, and Objective A is amended to provide for the protection and enhancement of the life-supporting capacity of ecosystems as a separate clause consistent with the direction in section 5(2)(b) of the RMA. I also note that Clause 3.5 of the NPS-FM establishes the recognition and management of effects on freshwater ecosystems as part of an integrated approach, ki uta ki tai, to the management of freshwater, land-use and development.
126. I recommend that submissions from the Fuel Companies, Wellington Water and Powerco seeking to delete or replace clause (d) are rejected. The Section 32 Report states that that Objective A has been drafted, in part, to give effect to the NPS-FM. The objective of the NPS-FM is to ensure the management of natural and physical resources in way that firstly prioritises the health and well-being of water bodies and freshwater ecosystems then the health needs of people, and there are provisions within the NPS-FM that recognise that the well-being of people and communities is reliant on the health of freshwater. I therefore consider there to be adequate basis in the NPS-FM for clause (d) in Objective A to be retained as notified. There is also a lack of supporting rationale in these submissions on why clause (d) should be deleted.
127. In relation to the requests from Forest and Bird to insert further directive statements into Objective A to ensure the natural environment is protected, this is not necessary in my opinion. The intent of Objective A is not to clarify and provide direction on all parts of the natural environment that warrant protection. In my opinion, the requested

amendments would only lead to the objective being overly lengthy and restating provisions in national direction and other RPS chapters. Part 2 of the RMA, the NZCPS and the NPS-FM already give clear policy direction and priority to protection of coastal and freshwater environments, which also is reflected in the RPS and Proposed Natural Resources Plan, which contains numerous provisions specific to protecting these environments and giving effect to these higher order documents. I therefore recommend that this submission from Forest and Bird is accepted in part (noting my recommendation to the DOC submission above).

128. While I support some of the intent of the alternative objectives requested by WFF in terms of empowering communities to collaborate, these alternative objectives are much narrower in scope than overarching Objective A. Objective A is intended to provide broad direction on what integrated management of natural and built environments in the region should involve and is not limited to catchment communities working together to achieve certain outcomes. I therefore recommend that this submission from WFF is rejected.
129. I have considered the general submissions of PCC and UHCC raising concerns that the Change 1 provisions duplicate national direction in the context of Objective A. As discussed above, there is national direction, such as Clause 3.5 of the NPS-FM, that requires local authorities to adopt an integrated approach to manage freshwater, land use and development. Objective A does not duplicate this national direction in my opinion, but rather, elaborates on how integrated management of the natural and built environments is best achieved in the context of the Wellington region. Accordingly, I recommend these submissions from PCC and UHCC are accepted in part noting that other Section 42A authors will consider these general submissions and may make different recommendations.
130. I have also considered the submission of KCDC to review the objectives in Change 1 to ensure these clearly relate to a resource management issue and are specific to the outcome sought. While there is no specific issue statement relating to integrated management in the RPS or Change 1, Objective A responds to the collective issues expressed in RMI 1, 2 and 3 as discussed above. As set out in Section 3 of this report, Change 1 seeks to provide an 'integrating frame', with the Section 32 Report stating that *"taking an integrated approach means considering the connections between issues related to urban development and freshwater management, and a connected set of responses for the RPS direction for urban development, freshwater management, indigenous biodiversity and climate change."*¹³ With this in mind, I consider that Objective A is clearly related to significant resource management issues for the region and is clear on the outcome sought. Accordingly, I recommend that this submission from KCDC is accepted in part.

Section 32AA evaluation

131. In accordance with section 32AA and section 30(1)(a), I consider that my recommended amendments to Objective A are the most appropriate way to achieve the purpose of the RMA and higher order instruments for the following reason(s):
- The recommended amendments do not change the underlying intent of Objective A which is to provide clear direction on what successful integrated management

¹³ Refer Section 3, Paragraph 51 of the Section 32 Report.

of the region's natural and built environments involves as well as recognising the importance of Te Ao Māori and mātauranga Māori in resource management decision-making. This is directly related to the purpose of the RMA and the functions of regional councils to achieve integrated management of natural and physical resources in the region. It also gives effect to the NPS-FM and other relevant national direction related to integrated management.

- The recommended amendments broadly seek to clarify how Objective A is to be interpreted and applied. This is likely to increase the likelihood that it is successfully implemented to achieve the desired outcomes.

Recommendations

132. I recommend Objective A is amended as follows:

Objective A: Integrated management of the region's natural and built environments: guided by Te Ao Māori and:

- (a) is guided by Te Ao Māori; and
- (b) incorporates mātauranga Māori; and
- (c) recognises ki uta ki tai – the holistic nature and interconnectedness of all parts of the natural environment; and
- (d) protects and enhances mana whenua / tangata whenua values, in particular mahinga kai ~~and the life supporting capacity of ecosystems; and~~
- (e) protects and enhances the life-supporting capacity of ecosystems; and
- (f) recognises the dependence of humans on a healthy natural environment; and
- (g) recognises the role of both natural and physical resources in providing for ~~the characteristics and qualities of~~ well-functioning urban and rural areas environments; and
- (h) responds effectively to the current and future ~~effects pressures~~ of climate change, and population growth and development ~~pressures and opportunities~~.

133. Accordingly, I recommend that submissions in relation to Objective A are accepted, accepted in part or rejected as set out in **Appendix 2**.

Issue 5: Proposed Policy IM.1

134. Proposed Policy IM.1 in Change 1 is as follows:

Policy IM.1: Integrated management – ki uta ki tai - consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan particular regard shall be given to:

- a) partnering with mana whenua / tangata whenua to provide for mana whenua / tangata whenua involvement in resource management and decision making; and
- b) recognising the interconnectedness between air, freshwater, land, coastal marine areas, ecosystems and all living things – ki uta ki tai; and
- c) recognising the interrelationship between natural resources and the built environments; and

- d) making decisions based on the best available information, improvements in technology and science, and mātauranga Māori; and
- e) upholding Māori data sovereignty; and
- f) requiring Māori data and mātauranga Māori to be interpreted within Te Ao Māori; and
- g) recognising that the impacts of activities may extend beyond immediate and directly adjacent area, and beyond organisational or administrative boundaries.

Explanation: This policy requires that a holistic, integrated view is taken when making resource management decisions. It also requires both regional and district councils to provide for mana whenua / tangata whenua are actively involved in resource management and decision making, including the protection of mātauranga Māori and Māori data.

Matters raised by submitters

- 135. Several submitters, including WCC [S140.057], Fish and Game [S147.063], Forest and Bird [S165.01], Muaūpoko [S133.052] and Ātiawa [S131.080] support Policy IM.1 and request that it is retained as notified.
- 136. A number of submitters have raised concerns about the 'consideration policies' in Chapter 4.2 of the RPS both at a general level and specific to Policy IM.1. For example, PCC [S30.0123] opposes all 'consideration' policies in Chapter 4.2 of the RPS on the basis these often duplicate or conflict with 'regulatory policies' in Chapter 4.1 of the RPS and that these represent 'regulatory overreach' without sufficient supporting section 32 analysis. PCC is also concerned that the consideration policies will create unnecessary costs due to the way they are drafted and because the policies assume a level of knowledge not typically available to consent authorities through resource consent processes. Kāinga Ora [S158.001] also opposes the consideration policies and requests that Chapter 4.2 is deleted from RPS in full. Kāinga Ora is concerned that the policies read as assessment criteria for the consideration of resource consents and notices of requirement which is not within the scope of an RPS. Kāinga Ora expressed the view that RPS policies should be directed at regional and district plans.
- 137. WCC [S140.002] did not raise the same level of concern with the consideration policies in Chapter 4.2 in its submission, but considers that title of the policies as 'consideration' policies creates confusion regarding their statutory weight. WCC request that the title of Chapter 4.2 be amended to "give particular regard" to clarify the statutory weight of the policies within the chapter. Forest and Bird [s165.060] also raises issues with how the Chapter 4.2 policies are to be considered noting that the actual statutory weighting of RPS policies under the RMA is different for plan changes, variations and reviews ("give effect to") compared to resource consents ("have regard to"). Forest and Bird request amendments to the introduction of Chapter 4.2 to clarify the statutory weighting of the policies to RMA planning and consenting processes.
- 138. KCDC [S16.0100] made a general submission point that requests that verbs in the Change 1 policies be replaced with verbs used within the RMA and other higher order planning documents. In relation to Policy IM.1 specifically, KCDC [S16.029] seeks that the term "particular regard" in Policy IM.1 is replaced with "consider". KCDC considers that this will align the policy content with the policy title and avoid the direction to carry

out two different actions (i.e. consider v have particular regard to). KCDC also consider that this wording change better aligns with the RPS requirement for territorial authorities to 'consider' the policies in Chapter 4.2 of the RPS.

139. Irrigation NZ [S186.004] has concerns regarding language used in Policy IM.1, stating that verbs such as "recognise" are ambiguous and may not be interpreted consistently. More specifically, Irrigation NZ requests that Policy IM.1 is amended to define the instructional words that relate to partnering with tangata whenua/mana whenua and Te Ao Māori.
140. Several submitters indicate general support for the intent of Policy IM.1 but raise concerns that some of the matters set out in the policy will be difficult to assess or achieve at the resource consent or notice of requirement level. For example:
- HCC [S115.056] supports the general intent of Policy IM.1 but seeks that the words "*an application for resource consent*" are deleted on the basis that the listed matters are high level considerations that are difficult to assess or achieve at the resource consent stage. HCC also consider that district plans are the appropriate approach to set more specific policies and rules to provide for the matters listed in Policy IM.2 to then be considered through resource consent processes.
 - PCC [S30.056] seeks amendments to Policy IM.1 so that it provides clear directive to plan users about what scale of consents the policy relates to. PCC considers that the considerations in Policy IM.1 are too onerous for some consent applications, for example a height to boundary infringement.
 - HortNZ [S128.037] considers that direction for partnership with mana whenua/tangata whenua in Policy IM.1(a) should be focussed on the plan-making rather than consenting level. Alternatively, HortNZ requests that further clarification be provided on how to partner with mana whenua/tangata whenua at the consenting level as required under Policy IM.2(a).
 - UHCC [S34.012] notes the difficulties in implementing the considerations in Policy IM.2 at the resource consent and notice of requirement level. UHCC seeks amendments to delete clause (g) or ensure as a minimum that it does not apply to the resource consent and notice of requirement level.
141. Other submissions on Policy IM.2(a) include PCC [S30.056] and Te Tumu Paeroa [S102.088]. PCC submits that the requirement to partner with mana whenua/tangata whenua in the development of district plans is already a requirement under section 8 of the RMA and that, if this direction is to be repeated in the RPS, it should be a separate overarching policy. Te Tumu Paeroa request that the wording be expanded to refer to "active" involvement of mana whenua/tangata whenua in resource management and decision-making.
142. Taranaki Whānui [S167.096] and Ngāti Toa [S170.047] support Policy IM.1 in part, and both seek amendments to clause (d). Taranaki Whānui consider the policy should refer to making decisions "*based on achieving outcomes set in partnership with mana whenua / tangata whenua and using the best available information...*". Ngāti Toa seek amendments to clarify that decisions based on mātauranga Māori need to be informed by mātauranga Māori knowledge holders, and that Māori data sovereignty is upheld when it comes to sharing data and information across agencies.

143. A number of submitters, including PCC [S30.056] and UHCC [S34.0121], have raised concerns with the term "*Māori data sovereignty*" in Policy IM.1(e). PCC request a definition for the term. HCC [S115.056] requests that clause (e) is deleted and that the matter be pursued as part of a separate change to the RPS at a later date. HCC raised concern that this clause was not included in the draft Change 1 it provided feedback on and there is not sufficient time available to make meaningful input on how a policy relating to Māori data sovereignty could work in practice.
144. Related to the requests above, PCC [S30.099] made a general submission requesting that clear and concise definitions be included in Change 1 where critical to assist in interpretation of the RPS.

Analysis

145. One of the key issues raised in submissions with Policy IM.1 at both a general and specific level is the role, statutory weight, and drafting of Chapter 4.2 policies as 'regulatory policies – matters to be considered'. The introductory text for this chapter states "*This section contains the policies that need to be given particular regard, where relevant, when assessing and deciding on resource consents, notices of requirement, or when changing, or varying district or regional plans.*" The majority of the Chapter 4.2 policies are also drafted with the following standard 'chapeau' (introductory) ¹⁴ text (**emphasis added**) "*When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, **particular regard shall be given to...***". However, there are some exceptions to this such as Operative Policy 49 (matters of significant to tangata whenua) which states that "*When preparing a change, variation or review of a district or regional plan, the following matters **shall be recognised and provided for...***". These are important differences in policy direction/wording particularly because as 'recognised and provided for' is more directive than 'have particular regard to'. There is also established case law on how terms such as 'give effect to', 'have regard to', and 'take into account' are to be applied in RMA decision-making.
146. I understand that the intent the Chapter 4.2 policies is to ensure these apply to all plan review/change and consenting processes, particularly when the Chapter 4.1 policies have not yet been given effect to in the relevant regional and district plan (i.e. so the policies have some immediate legal weight when considering resource consent applications and notices of requirements). This is a logical structure and approach for a RPS in my view to provide direction to lower order planning and consenting processes, particularly given the time lag that can occur before regional and district plans give effect to relevant RPS provisions.
147. However, I do agree with submitters that the standard wording for the chapeau (introductory) text in Chapter 4.2 policies can result in some interpretation issues in terms of the statutory weight that applies to planning and consenting processes. Specifically, the direction to "have particular regard" to a set of matters in the policy implies a different weighting to the statutory requirement for regional and district plans to "give effect to" (i.e. implement) RPS policies and "have regard to" the relevant

¹⁴ 'Chapeau' in this context refers to the introductory text of the policy before listing the specific matters that are to be had particular regard to.

provisions in a RPS when considering an resource consent application under section 104(1)(b)(v) or a notice of requirement under section 171(1)(a)(iii). Referring to the policies as 'consideration policies' can add further confusion to this issue as evident in a number of submissions. I therefore recommend that this issue is clarified by amending the introduction of Chapter 4.2 in line with that requested by Forest and Bird as follows:

This section contains the policies that need to be given effect to, where relevant, when reviewing, changing, or varying district or regional plans and that particular regard must be had to, where relevant, when assessing and deciding on resource consents and notices of requirement, ~~or when changing, or varying district or regional plans.~~ This applies regardless of whether this is stated at the start of each policy in this section. Within this section, policies are presented in numeric order, although the summary table below lists the policy titles by topic headings.

148. The standard chapeau text for Chapter 4.2 policies can also lead to interpretation issues for the matters listed in the relevant policy. For example, the direction in Policy IM.1 to "have particular regard" to "recognising" the matters listed in clauses (b), (c) and (g) is confusing in my view as the required action and statutory weighting is different. This direction can and should be clearer in my opinion to assist with interpretation and effective implementation of IM.1 and other Chapter 4.2 policies.
149. The main submission points from PCC, WCC, and Kāinga Ora relating to the consideration policies are general in nature and are being addressed by each section 42A report author as relevant to their topic. In relation to Policy IM.1, I recommend that the chapeau of the policy is amended as follows "*When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, ~~particular regard shall be given to adopt an integrated approach to the management of the region's natural and built environments ...~~*". This wording is clearer in my view in terms of the intended outcome of the policy and is also better aligned with the wording in Clause 3.5 of the NPS-FM (integrated management) which Policy IM.2 seeks to give effect to. Importantly, from my perspective, this amendment also removes the inconsistent weighting issue ('have particular regard to' v 'give effect to' and 'have regard to') and therefore responds to a number of submissions outlined above in full or in part.
150. Another common theme in submissions in Policy IM.1 is that the policy, or parts of the policy, should not be applicable to resource consents or notice of requirements. For the reasons outlined above, I consider that it is important that Policy IM.1 applies to all planning and consenting processes **to the extent relevant**. For minor activities and resource consent applications there will be no need to assess matters referred to, such as cross-boundary issues or interconnections between land and freshwater, as these matters will simply not be relevant. I therefore do not agree with certain submitters that Policy IM.1 will be too onerous when considering applications for minor activities such as height to boundary infringements.
151. While I do not recommend amending Policy IM.1 so it does not apply to resource consents and notices of requirements, I accept the concerns of other submitters about clause (a) potentially being onerous or unachievable at the resource consent level. I also understand from Council that the direction to partner with mana whenua/tangata

whenua was intended to be directed at local authorities rather than applicants. To clarify clause (a), I recommend the addition of words “partnering or engaging with mana whenua / tangata whenua...”. In my opinion, this minor change recognises that the opportunity for applicants to partner within mana whenua/tangata whenua is not always possible at the resource consent decision-making level¹⁵. However, it is important that the policy still directs that applicants undertake early and meaningful engagement with mana whenua/tangata whenua when partnering is not practicable which this amendment seeks to achieve.

152. I do not recommend that clause (a) be included as a separate overarching policy in the RPS as the purpose of Policy IM.1(a) is more to reinforce this partnership (or engagement) approach in achieving integrated management of natural and built environments. There are also objectives and policies relating to partnering with mana whenua/tangata whenua in section 3.10 of the RPS. Further, I do not recommend the inclusion of the “*active*” in clause (a) as requested by Te Tumu Paeroa [S102.088] as I consider that is unclear and potentially debatable as to what the difference between ‘involvement’ and ‘active involvement’ is in practice.
153. I recommend that the submission of Irrigation NZ is accepted in part as I agree that some of the instructional wording in Policy IM.2 is ambiguous in places, particularly when requiring decision-makers to have “particular regard to” “recognising” certain matters. I consider that this has been addressed through the proposed amendments to the chapeau of Policy IM.1 outlined above to remove the words “have particular regard to” and being more directive in terms of the requirement to adopt an integrated approach in a way that provides for the matters in clause a) to g) of the policy.
154. I do not recommend the deletion of Policy IM.2(g) as sought by UHCC. I consider this clause is a relevant and an achievable consideration at the resource consent level as it only requires decision-makers to ensure their consideration of environmental effects is not limited by geographical jurisdictional boundaries. In my opinion, Policy IM.2(g) simply reflects standard planning practice. However, I recommend that the reference to “impacts” in this clause be replaced with “effects” to be consistent with clause (b). I also consider that Policy IM.1 will flow better if clause (g) follows directly on from clause (b) and recommended this amendment to the policy below.
155. I do not recommend any amendments to Policy IM.1(d) as requested by Taranaki Whānui [S167.096] and Ngāti Toa [S170.047] as I consider the requested changes overly elaborate on this direction in Policy IM.1 and are unnecessary. I also recommend that the requested amendment from Ngāti Toa is rejected as I consider the Method IM.1(a) requirement to “*partner with and provide support to mana whenua / tangata whenua to provide for mātauranga Māori*” is sufficient to address the relief sought.
156. In relation to the general submissions of PCC and UHCC that the Change 1 provisions unnecessarily duplicate national direction, Policy IM.1 does not do this in my view. As

¹⁵ For example, where an activity is subject to a controlled activity status and matters of control do not provide for partnership. It is also generally the role of applicants to partner with mana whenua/tangata whenua although they should be encouraged / required to undertake early and meaningful engagement with mana whenua / tangata whenua where appropriate.

discussed above, there is national direction, such as Clause 3.5 of the NPS-FM, that requires local authorities to adopt an integrated approach in the management of freshwater, land use and development. Policy IM.1 elaborates on this requirement, and Objective A, by setting out the matters that should be considered to adopt an integrated approach to the management of natural and built environments in the region. I therefore do not consider that Policy IM.2 unnecessarily duplicates national direction but rather provides more specific direction on integrated management is to be achieved in the region. I therefore recommend these submissions are accepted in part.

157. I have considered whether there is a need to further clarify or define any of the terms used in Policy IM.1 as sought by PCC. While the term "Māori data sovereignty" is not defined within the RPS nor a common concept under the RMA, I consider that proposed Methods IM.1 and IM.2 sufficiently clarify what is meant by this term. I therefore do not recommend that this, or any other term used in Policy IM.1, needs a specific definition and recommend that this submission of PCC is accepted in part (noting that other Section 42A Reports also respond to this submission point and may recommend additional definitions).

Section 32AA evaluation

158. In accordance with section 32AA and section 30(1)(b), I consider that my recommended amendments to Policy IM.1 are the most appropriate way to achieve the relevant RPS objectives for the following reasons:
- The amendments to Policy IM.1 will improve its efficiency in achieving the objectives by clarifying the appropriate weighting to be given to the policy through planning and consenting through amendments to the chapeau of the policy. The amendments also clarify the direction for local authorities to partner with mana whenua/tangata whenua and for applicants to engage with mana whenua/tangata whenua which will help to ensure more cost-effective implementation.
 - The amendments to Policy IM.1 will improve its effectiveness to achieve the relevant RPS objectives by clarifying the purpose of the policy and being more directive (i.e. adopt an integrated approach) and improving its links with Objective A.

Recommendations

159. I recommend Policy IM.1 be amended as follows:

Policy IM.1: Integrated management – ki uta ki tai - consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to, adopt an integrated approach to the management of the region's natural and physical resources by:

- partnering or engaging with mana whenua / tangata whenua to provide for mana whenua / tangata whenua involvement in resource management and decision making; and
- recognising the interconnectedness between air, freshwater, land, coastal marine areas, ecosystems and all living things – ki uta ki tai; and
- recognising that the effects of activities may extend beyond immediate and directly adjacent area, and beyond organisational or administrative boundaries; and

- (d) recognising the interrelationship between natural resources and the built environments; and
- (e) making decisions based on the best available information, improvements in technology and science, and mātauranga Māori; and
- (f) ~~upholding Māori data sovereignty; and~~
- (g) requiring Māori data and mātauranga Māori to be interpreted within Te Ao Māori while upholding Māori data sovereignty.; and
- (h) ~~recognising that the impacts of activities may extend beyond immediate and directly adjacent area, and beyond organisational or administrative boundaries.~~

Explanation: This policy requires that a holistic, integrated view is taken when making resource management decisions. It also requires both regional and district councils to provide for mana whenua/tangata whenua are to be actively involved-in in resource management and decision making, including the protection of mātauranga Māori and Māori data.

160. Accordingly, I recommend that submissions in relation to Policy IM.1 are accepted, accepted in part or rejected as set out in **Appendix 2**.

Issue 6: Policy IM.2 – Equity and Inclusiveness

161. Proposed Policy IM.2 in Change 1 is as follows:

Policy IM.2: Equity and Inclusiveness – consideration

When considering an application for a notified resource consent, notice of requirement, or a change, variation or review of a regional and district plan particular regard shall be given to achieving the objectives and policy outcomes of this RPS in an equitable and inclusive way, by:

- (a) avoiding compounding historic grievances with iwi/Māori; and
- (b) not exacerbating existing inequities, in particular but not limited to, access to public transport, amenities and housing; and
- (c) not exacerbating environmental issues; and
- (d) not increasing the burden on future generations.

Explanation: This policy requires that equity and inclusiveness are at the forefront of resource management and decision making to prevent any increase in existing inequities, to ensure intergenerational equity, and to improve the overall wellbeing of people and communities.

Matters raised by submitters

162. There was a broad range of submissions on Policy IM.2 with some in support but the majority of submitters opposing the policy. Submitters in support of Policy IM.2 include Ātiawa [S131.081], Muaūpoko [S133.053], Fish and Game [S147.064], Forest and Bird [S165.062] and Taranaki Whānui [S167.097] who seek that the policy is retained as notified. Reasons Policy IM.2 is supported include ensuring that resource management decision-making creates fair and equitable outcomes and avoids exacerbating existing inequalities.

163. Te Tumu Paeroa [S102.027] supports Policy IM.2 in part and requests that it is changed to a regulatory policy to align with the changes sought under Objective A. Te Tumu Paeroa considers this change is necessary to ensure further inequalities are prevented for Māori landowners who have historically been disadvantaged.
164. Conversely, the majority of submitters, including KCDC [S16.030], PCC [S30.057], HCC [S155.057], Powerco [S134.013], WAIL [S148.014], the Fuel Companies [S157.016], WFF [S163.064], Meridian Energy Limited [S100.017] and CDC [S25.035], oppose Policy IM.2 and request that it is deleted. Broadly speaking, these submitters are concerned that the policy wording is too ambiguous, unable to applied on a consistent basis, and that it is not supported by any provision in the RMA or higher order documents.
165. More specifically, these submitters raised the following key issues with Policy IM.2:
- The policy addresses matters that are outside the scope of the RMA, it is not related to achieving the purpose of the RMA, and is not supported by sufficient analysis in the Section 32 Report.
 - Many of the expressions in the policy, including “*equitable and inclusive way*” are ambiguous and undefined, and consistent interpretation and implementation of the policy will therefore be problematic.
 - Policy IM.2(a) wording is very strong and emotive, and it is unclear how it can be interpreted and implemented under the RMA.
 - Policy IM.2(b) requires a common understanding and agreed baseline on what ‘existing inequities’ exist. Without this it cannot be determined when a resource consent, variation or plan change would ‘exacerbate’ an ‘existing inequity’ which the policy seeks to avoid.
 - The requirement to “not exacerbate environmental issues” in clause (c) is uncertain and debatable, particularly given the lack of policy guidance on what constitutes an “environmental issue” and the threshold for determining whether an issue is exacerbated.
 - Section 5 of the RMA requires that the needs of future generations are met when managing natural and physical resources. As such, the direction “f “not increasing the burden on future generations” in Policy IM.2(d) could be seen as a lower bar and inconsistent with that what is already required in the RMA.
166. To address its concerns, HCC requests that Policy IM.2 is deleted as the preferred option. If it is not deleted, HCC request that does not apply to resource consents. UHCC also requests that Policy IM.2 does not apply to resource consents and seeks significant amendments to address their concerns that the policy is unclear and not aligned with the purpose of the RMA, including the deletion of clause(c) and the redrafting of Policy IM.2 into an overarching objective.
167. Other submitters, such as Waka Kotahi [S129.005] and WCC [S140.058], support Policy IM.2 in part, but seek clarification regarding the intent of the policy and some of the terms used to better understand how the policy can be practically interpreted and implemented.

168. Similar to Policy IM.1, some submitters raise more general concerns that Policy IM.2 is confusing and contradictory in terms of the statutory weighting that applies as it requires that matters are to be “considered” or “have particular regard to” when the RMA requirements are “give effect to” and “have regard to” in planning and consenting processes respectively.
169. WFF [S163.064] opposes Policy IM.2 and requests that it is deleted along with the FPP icon. WFF notes that the purpose and principles of the RMA do not require consideration of equity or 'inclusiveness when considering plan changes or resource consent applications and WFF considers that Policy IM.2 may be unworkable, especially through resource consent processes.

Analysis

170. There is significant opposition from submitters to Policy IM.2 with numerous submitters requesting that it is deleted. In my opinion, the submitters have highlighted a range of issues with Policy IM.2 and I agree that the notified wording will be problematic to interpret and implement, particularly through resource consent processes. I also agree with submitters that the notified wording of Policy IM.2 is not clearly aligned with the purpose of the RMA or any higher-level policy direction.
171. A key issue raised in submissions is that there is a lack of support for Policy IM.2 within the Section 32 Report to demonstrate it is appropriate to achieve the purpose of the RMA and the RPS objectives. I note that section 9 of the Section 32 Report¹⁶ provides an assessment of the effectiveness and efficiency of the integrated management policy package (including Policy IM.2) in achieving overarching Objective A. This evaluation does identify some benefits associated with a more *“equitable and inclusive approach to decision-making and considerations in natural resource management”* that may result from the implementation of Policy IM.2. However, in my opinion, it is not clear how Policy IM.2 will achieve such benefits and how such benefits relate to the purpose of the RMA and overarching Objective A (integrated management of natural and built environments).
172. Additionally, I agree with submitters that there will be numerous challenges to interpreting and implementing Policy IM.2 due to the ambiguous and debateable terms in the policy. Perhaps the most challenging will be establishing an agreed baseline on the ‘existing inequities’ in order to determine how not to exacerbate these. There are also numerous other terms and considerations in the policy (‘compounding historical grievances’, ‘burden on future generations etc.) that, in my opinion, will likely be problematic to interpret and implement, particularly through resource consent processes.
173. I have considered the amendments sought by HCC, which include redrafting the policy as an objective which does not apply to resource consent decisions, deleting clse (c), and substantially redrafting other aspects of the policy to clarify certain terms and generally make this less directive. I consider that the requested amendments from HCC may resolve some of the identified issues with proposed Policy IM.2. However, some key interpretation issues remain and redrafting Policy IM.2 as an objective is

¹⁶ Page 115-121, Section 32 Report.

also problematic in my view, as this would require the supporting policies and methods to achieve the outcomes required by the objective.

174. On this basis, I have considered two main options for responding to submissions on Policy IM.2:
- Option 1: Accepting submissions requesting that Policy IM.2 is deleted.
 - Option 2: Recommending substantial amendments to Policy IM.2 to address key concerns raised while retaining the general intent.
175. While finely balanced, I recommend Option 2 above with my recommended amendments to the policy outlined below and in **Appendix 1**. My recommended amendments to Policy IM.2 broadly seek to:
- Remove references to inclusiveness and focus the policy on **seeking to achieve** the RPS objectives in an equitable way
 - Reframe the policy to be less negative and more positively framed (e.g. removing barriers rather than compounding historical grievances)
 - Remove and replace terms that I consider to be highly subjective and/or problematic to assess or achieve in practice and
 - Focus the policy more on three specific areas where equitable outcomes are considered to be particularly important considerations.
176. The key reason I recommend that Policy IM.2 is retained is because equity has been identified as a key issue for Council and mana whenua/tangata whenua in the region and there is a risk of inequitable outcomes from certain Change 1 provisions (e.g. climate change). The principle of equity is also one of the principles of the Treaty of Waitangi so is a relevant matter to take into account under section 8 of the RMA. Further, I consider that the general intent of Policy IM.2 is important to retain to assist in achieving certain climate change objectives which I discuss in the Climate Change – General topic in Hearing Stream 3.
177. I do not consider that Policy IM.2, with recommended amendments, duplicates national direction as raised in the general submissions of PCC and UHCC. There is no national direction which addresses equitable outcomes in resource management as specifically as Policy IM.2. I therefore recommend these submissions from PCC and UHCC are accepted in part.
178. I note that notified Policy IM.2 limits the application of the policy to notified resource consents. This is inconsistent with other Chapter 4.2 consideration policies and is also somewhat inequitable in my view. However, there does not appear to be clear scope in submissions to recommend this is changed to apply to all resource consents consistent with other Chapter 4.2 policies.

Section 32AA evaluation

179. In accordance with section 32AA and section 30(1)(b), I consider that my recommended amendments to Policy IM.2 are the most appropriate way to achieve the relevant RPS objectives for the following reasons:
- The amendments to Policy IM.2 will improve its efficiency in achieving the objectives by clarifying the appropriate weighting to be given to the policy through planning and consenting through amendments to the chapeau of the policy. The amendments to Policy IM.2 also broadly seek to remove and replace terms that I

consider to be highly subjective and/or problematic to assess or achieve in practice and focus the policy on three key areas where equity considerations will be most relevant. In my opinion, these amendments will assist in ensuring that Policy IM.2 can be implemented in a more efficient manner in my opinion.

- The amendments to Policy IM.2 will improve its effectiveness to achieve the relevant RPS objectives by making the policy more focused and achievable, and improving its links with relevant RPS objectives (e.g. Policy CC.2).

180. As noted above, I also considered an alternative option of recommending Policy IM.2 but my recommended option is to retain the policy with substantial amendments outlined below.

Recommendations

181. I recommend that Policy IM.2 is amended as follows:

Policy IM.2: Equity and Inclusiveness in resource management decision-making

When considering an application for a notified resource consent, notice of requirement, or a change, variation or review of a regional or and district plan, Wellington Regional Council, city and district councils shall seek to particular regard shall be given to achieving the RPS objectives and policies y-outcomes of this RPS in an equitable and inclusive way, particularly whenby:

- (a) addressing barriers and providing opportunities for mana whenua/tangata whenua to undertake use and development to support the economic and cultural well-being of their communities avoiding compounding historic grievances with iwi/Māori; and
- (b) providing for the development of urban and rural areas to improve the net exacerbating existing inequities, in particular but not limited to, access of communities to active and public transport, amenities and affordable housing and choice; and
- (c) enabling and supporting the transition of communities to a low-emissions and climate resilient region, including recognising the need to act now to avoid more costly mitigation and adaption responses for future generations. not exacerbating environmental issues; and
- (d) not increasing the burden on future generations.

Explanation: This policy requires that equity and inclusiveness are-is at the forefront of resource management and decision making, particularly when making decisions that affect the economic and cultural well-being of mana whenua/tangata whenua, the development of rural and urban areas, and the transition to a low-emissions and climate resilient region. to prevent any increase in existing inequities, to ensure intergenerational equity, and to improve the overall wellbeing of people and communities.

182. Accordingly, I recommend that submissions in relation to Policy IM.2 are accepted, accepted in part or rejected as set out in **Appendix 2**.

Issue 7: Proposed Method IM.1 - Integrated management - ki uta ki tai

183. Proposed Method IM.1 in Change 1 is as follows:

Method IM.1: Integrated Management – ki uta ki tai

To achieve integrated management of natural resources, the Wellington Regional Council, district and city councils shall:

- (a) partner with and provide support to mana whenua / tangata whenua to provide for their involvement in resource management and decision making; and
- (b) partner with and provide support to mana whenua / tangata whenua to provide for mātauranga Māori in natural resource management and decision making; and
- (c) work together with other agencies to ensure consistent implementation of the objectives, policies and methods of this RPS; and
- (d) enable connected and holistic approach to resource management that looks beyond organisational or administrative boundaries; and
- (e) recognise that the impacts of activities extend beyond immediate and directly adjacent area; and
- (f) require Māori data, including mātauranga Māori, sites of significance, wāhi tapu wāhi tūpuna are only shared in accordance with agreed tikanga and kawa Māori; and
- (g) share data and information (other than in (f) above) across all relevant agencies; and
- (h) incentivise opportunities and programmes that achieve multiple objectives and benefits.

Implementation: Wellington Regional Council* and city and district councils.

Matters raised by submitters

184. In general, Method IM.1 is supported by submitters with a number of submitters requesting that it is retained as notified. This includes Fish and Game [S147.091] WCC [S140.0100], Taranaki Whānui [S167.0150], Rangitāne [S168.0148] and Forest and Bird [S165.0104]. Waka Kotahi [S129.035 – 039] supports clauses (c), (e), (g) and (h) in Method IM. 1 and requests that these clauses are retained as notified. However, Waka Kotahi seeks clarity regarding the intent of clause (d) on the basis it is unclear what this method is intended to achieve.

185. Ātiawa [S131.0123], PCC [S30.092] and Te Tumu Paeroa [S102.089/090] support Method IM.1 but request some specific amendments to the method as follows:

- Ātiawa seek that the word “*natural*” is deleted from clause (b) on the basis that mātauranga Māori should be applied in all resource management and decision-making.
- PCC seeks correction of grammatical errors and that terminology be aligned with the National Planning Standards, and requests that references to city and district councils are replaced with “*territorial authorities*”.
- Te Tumu Paeroa seeks amendments to Method IM.1 so that responsibility for its implementation is extended to mana whenua / tangata whenua. Te Tumu Paeroa

also requests that that Method IM.1 be a regulatory method in the RPS instead of a non-regulatory method in Chapter 4.5.3 of the RPS.

186. HCC [S115.098] opposes Method IM.1 in part on the basis that non-regulatory policies in the RPS should not apply to territorial authorities and requests that it is amended so that it does not apply to territorial authorities. If the method is retained, then HCC seek that clause (f) and (g) are deleted.

Analysis

187. Method IM.1 was broadly supported in submissions, although a number of amendments are requested.
188. In relation to bringing the terminology used in Method IM.1 into alignment with the National Planning Standards 2019, I accept that the standards include a definition of territorial authorities consistent with that in the Local Government Act 2002. However, the RPS generally refers to city and district councils throughout. Therefore, any such amendment should occur across the full RPS in my view to avoid inconsistencies within it. This is a significant change which I consider is not warranted simply to align with definitions in the national planning standards. I therefore do not recommend that this requested amendment from PCC is accepted but I recommend the other requested amendments from PCC to address minor grammatical errors in Method IM.1. I also recommend minor amendments to Policy IM.1(d) in response to the submission of Waka Kotahi to refer to “extends beyond” rather than “looks beyond” to help clarify intent.
189. In relation to the request from Ātiawa to remove “*natural*” from clause (b), I note that the purpose of the RPS is to state significant resource management issues for the region and policies and methods to achieve integrated management of the natural and physical resources in the region (section 60 of the RMA). This is reinforced throughout other Change 1 provisions, including proposed Objective A and Policy IM.1(c) which refer to the natural and built environments and natural resources and built environments respectively. I therefore recommend that this submission from Ātiawa to remove “*natural*” from clause (b) is accepted. This amendment will make clause (b) of Method IM.1 consistent with clause (a) and Policy IM.1, which both refer to resource management and decision-making more generally. I also recommend amendment to the chapeau (introductory text) of Method IM.1 to refer to integrated management of “natural resources and built environments” to be consistent with Objective A and my recommendations to Policy IM.1 and to better reflect the policy intent.
190. I do not recommend that the responsibility for implementing Method IM.2 is extended to mana whenua/tangata whenua as requested by Te Tumu Paeroa. Method IM.1 is intended to support the implementation of overarching Objective A and Policy IM.1 which provide overarching direction on how to achieve integrated management of natural and built environments in the region. While Policy IM.1 and Method IM.1 both refer to partnerships with mana whenua/tangata whenua, in my view it is appropriate that the primary responsibility for implementing Method IM.1 be limited to Council and territorial authorities in the region. I am also mindful of assigning implementation responsibility of RPS non-regulatory methods to mana whenua/tangata whenua as this could exacerbate capacity and capability pressures.

191. I do not recommend that Method IM.1 is a regulatory policy as requested by Te Tumu Paeroa. In my opinion, the actions in Method IM.1 are all non-regulatory actions that Council and territorial authorities should undertake to help achieve Objective A and Policy IM.1 and this method is appropriately located in the non-regulatory section of the RPS.
192. For similar reasons, I recommend that the submission of HCC for Method IM.1 not to apply to city and district councils is rejected. In my view, city and district councils have clear responsibilities to help achieve integrated management of natural and physical resources in the region and therefore should be responsible for the implementation of Method IM.1 along with Council. In particular, territorial authorities have functions under section 30(1)(a) to develop and implement district plan provisions to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district and implementing national direction provisions relating to integrated management (including NPS-FM and NPS-UD) which Method IM.1 will support. Therefore, in my opinion, it is appropriate for Method IM.1 to also be implemented by city and district councils in the region. I do not recommend the deletion of clauses (f) and (g) as requested by HCC as it is unclear why the submitter is requesting these clauses are deleted and I note that data management and sharing can assist with integrated management.

Section 32AA evaluation

193. In accordance with section 32AA and section 30(1)(b), I consider that my recommended amendments to Method IM.1 are an appropriate way to achieve the relevant RPS objective as these are only minor amendments to improve consistency, clarify intent, and address grammatical errors. This may assist with more efficient and effective implementation of Method IM.1.

Recommendations

194. I recommend that Method IM.1 is retained with the following minor amendments:

Method IM.1: Integrated Management – ki uta ki tai

To achieve integrated management of natural resources and built environments, the Wellington Regional Council, district and city councils shall:

- (a) partner with and provide support to mana whenua / tangata whenua to provide for their involvement in resource management and decision making; and
- (b) partner with and provide support to mana whenua / tangata whenua to provide for mātauranga Māori in natural resource management and decision making; and
- (c) work together with other agencies to ensure consistent implementation of the objectives, policies and methods of this RPS; and
- (d) enable connected and holistic approach to resource management that extends looks beyond organisational or administrative boundaries; and
- (e) recognise that the impacts of activities extend beyond the immediate and directly adjacent area; and

- (f) require Māori data, including mātauranga Māori, sites and areas of significance, wāhi tapu and wāhi tūpuna are only shared in accordance with agreed tikanga and kawa Māori; and
- (g) share data and information (other than in (f) above) across all relevant agencies; and
- (h) incentivise opportunities and programmes that achieve multiple objectives and benefits.

Implementation: *Wellington Regional Council* and city and district councils.*

195. Accordingly, I recommend submissions in relation to Method IM.1 are accepted, accepted in part or rejected as set out in **Appendix 2**.

Issue 8: Proposed Method IM.2 – Protection and interpretation of Mātauranga Māori and Māori data

196. Method IM.2 in Change 1 is as follows:

Method IM.2 Protection and interpretation of mātauranga Māori and Māori data

By 2025, the Wellington Regional Council in partnership with each mana whenua / tangata whenua will develop and uphold tikanga and kawa for Māori data sovereignty, including but not limited to:

- (a) how Māori data and information is collected, stored, protected, shared and managed; and
- (b) how mātauranga Māori and other forms of Māori data is analysed and interpreted.

Implementation: *Wellington Regional Council*

Matters raised by submitters

197. Fish and Game [S147.092], WCC [s140.0101] and Taranaki Whānui [S167.0151] support Method IM.2 and request that it is retained as notified.
198. Te Tumu Paeroa [S102.091/92] supports Method IM.2 in part but seeks amendments so that the responsibility for implementing Method IM.2 is extended to mana whenua/tangata whenua. Te Tumu Paeroa also seeks amendments for Method IM.2 to be regulatory method to ensure adequate protection of mātauranga Māori and Māori data sovereignty.
199. Rangitāne [S168.0196] also supports Method IM.1 in part, and requests amendments to be explicit that mana whenua/tangata whenua will define how and when their data will be collected, stored, protected, shared, and managed, and how or when it might be modified or deleted.
200. Ātiawa [S131.0124] supports Method IM.2 but seeks amendments to also refer to “*Mana whenua are enabled to partner with the Regional Council through adequate funding and resourcing*”.

Analysis

201. Broadly speaking Method IM.2 is supported by submitters although a number of iwi submitters have sought amendments to strengthen and clarify the method.
202. In relation to the request that mana whenua/tangata whenua be listed as being responsible for implementing Method IM.2, I note that there are other methods in the RPS, such as Method 38 in Section 4.5.3, which lists iwi authorities as being responsible for implementation with Council. In my view, it is clear that the successful implementation of Method IM.2 will not be possible without partnership and active involvement of mana whenua/tangata whenua, and this is reflected in the wording at the start of the method. I therefore recommend that Method IM.2 is amended to also list mana whenua/tangata whenua as being responsible for implementation of Method IM.2.
203. I do not recommend that Method IM.2 is a regulatory policy as requested by Te Tumu Paeroa. In my opinion, the actions in Method IM.2 are all non-regulatory actions that are to be achieved by Council working in partnership with mana whenua/tangata whenua and it is appropriately located in the non-regulatory section of the RPS.
204. I also do not recommend any changes in response to the submission of Ātiawa. While I appreciate that funding and resourcing is important to assist in the implementation of Method IM.2 and other RPS methods, specific funding arrangements for iwi involvement in resource management and decision-making are subject to processes under the Local Government Act 2002 and other Council processes. As such, I do not consider it appropriate that Method IM.2 includes a specific commitment to funding and resourcing, although this does not preclude Method IM.2 being funded through future funding decisions by Council.
205. As discussed in relation to Policy IM.1, I considered whether there is a need to define "Māori data sovereignty" as requested by submitters which is a term also used in this policy. While "Māori data sovereignty" is not a common concept under the RMA, I consider that proposed Methods IM.1 and IM.2 provide sufficient certainty and clarity as to what this term means. It also appears that the term is broadly understood and supported by iwi submitters. I therefore do not consider that it is necessary to define this term or any other term in Method IM.2.

Section 32AA evaluation

206. In accordance with section 32AA and section 30(1)(b), I consider that my recommended amendments to Method IM.2 are an appropriate way to achieve the relevant RPS objectives as this involves one minor amendment to clarify implementation responsibilities. This may assist with more efficient and effective implementation of Method IM.2.

Recommendations

207. I recommend that Method IM.2 is retained as notified with a minor amendment to clarify that mana whenua/tangata whenua are also responsible for implementation.
208. Accordingly, I recommend submissions in relation to Method IM.1 are accepted, accepted in part or rejected as set out in **Appendix 2**.

Issue 9: Integrated Management Anticipated Environmental Results

209. The AER corresponding to Objective A in Chapter 5, Table 14 of Change 1 is as follows:

Regional Council and Territorial Authorities collaborate to undertake integrated management of natural resources, and recognise importance of Te Ao Māori and mātauranga Māori in natural resources management and decision making.

Matters raised by submitters

210. Ātiawa [S131.0150] supports the proposed AER in part but seeks a more specific, measurable and time-bound AER, which is developed with involvement from mana whenua/tangata whenua, given the relationship of the planning framework to mana whenua values. Taranaki Whānui [S167.0184] raise similar issues about the need for the AER to be developed with mana whenua and seek the same relief for the proposed AER to be amended in partnership with mana whenua.
211. Rangitāne [S168.0195] also supports the AER in part but considers that the wording can be strengthened. Rangitāne recommends that the AER is amended to refer to "recognise and provide for Te Ao Māori and mātauranga Māori in natural resources management and decision making".
212. Fish and Game [S147.0104] notes their general support for Objective A but considers that the objective does not provide a clear statement of the desired environmental outcomes to be delivered by the proposed approach to integrated management. Fish and Game seek to include a new AER for Objective A such as "*recognition of the importance of Te Ao Māori and mātauranga Māori, and collaboration with community and other stakeholders, leads to integrated management of natural resources with a significant stated improvement in community engagement with environmental projects with noted positive environmental improvements.*"
213. There are no original submissions opposed to the AER for Objective A.

Analysis

214. Ātiawa seeks a more specific, measurable and time bound AER for Objective A. In considering this submission point, it is important to recognise the overarching and more general nature of Objective A compared to other RPS objectives which seek a more specific environmental outcome (e.g. improvement in freshwater quality). Achievement of Objective A more relates to how Council and territorial authorities work together to achieve integrated management and how the concepts and considerations referred to

in the objective contribute to integrated management of natural and built environments in the region. I therefore consider that the AER is expressed at a level of specificity that is appropriate for overarching Objective A and do not recommend any amendments in response to the submission of Ātiawa.

215. I recommend that the submission of Rangitāne is accepted and the AER is amended to refer to “recognise and provide for...”. I consider that this more directive language is more aligned with the intent of Objective A and other relevant RPS provisions. I do not recommend that AER is amended in partnership with mana whenua as requested by Ātiawa and Taranaki Whānui as this seems unnecessary at this point in time. It is also clear in my view that providing for Te Ao Māori and mātauranga Māori in resource management and decision-making are clearly central to the AER.
216. In relation to the submission of Fish and Game, I note that the intent of Objective A is primarily to provide greater clarity and direction to Council and territorial authorities about what is meant by integrated management of natural and built environments in the region and to ensure integrated management is guided by and incorporates Te Ao Māori and mātauranga Māori. I therefore consider that the requested amendments to the AER from Fish and Game are less aligned with the scope and intent of Objective A compared to the AER as notified in Change 1.
217. Consistent with my recommendations to Method IM.1 above, I recommend that the AER is amended to refer to integrated management of “natural resources and built environments” to be consistent with Objective A, my recommendations to Policy IM.1 and Method IM.1 and to better reflect the policy intent. I also recommend that the AER is amended to refer to ‘city and district councils’ to be more consistent with other RPS provisions as discussed above.

Recommendations

218. I recommend the AER for Objective A is amended as follows:

Wellington Regional Council, city and district councils and Territorial Authorities collaborate to undertake integrated management of natural resources and built environments, and recognise and provide for the importance of Te Ao Māori and mātauranga Māori in natural resources management and decision making.

219. Accordingly, I recommend that the submissions in relation to the AER for Objective A are accepted, accepted in part or rejected as set out in **Appendix 2**.

Issue 10: Remaining general submissions

220. There are a number of general submissions that relate to Chapter 3 and Change 1 at a broad level and these general submissions are being addressed as appropriate within each section 42A report. Many of these general submissions are broad in nature with wide-ranging relief, including opposing Change 1 in its entirety and requests to review Change 1 provisions from legal and plan drafting perspective. Where appropriate, these have been analysed alongside individual provisions in the earlier sections of this report. This section of the report addresses the key issues raised in these remaining general submissions as relevant to this topic.

Matters raised by submitters

221. WFF [S163.002] opposes all of the proposed Chapter 3 introduction provisions (RMI 1, 2, and 3 and Objective A) and request that these are deleted. WFF considers that a review of Chapter 3 should be deferred to the full review of the RPS in 2024 and disagrees with the content and scope of the issues addressed in Change 1 in relation to the introduction provisions Chapter 3. Anders Crofoot [S80.001] also opposes the proposed amendments to Chapter 3 and requests that these are deleted.
222. KCDC [S16.0104] made a general submission point requesting deletion of all unnecessary explanatory text, stating that these explanations have no legal status and therefore should be used sparingly and only when appropriate. KCDC also consider that some explanations contain content that should be included in the relevant objectives and policies.
223. In addition to the general submission points above relating to the scope of Change 1 provisions in achieving the purpose of the RMA and the role of RPS, territorial authorities made a number of other general submissions raising scope issues with Change 1. For example:
- KCDC [S16.0103] consider that several of the provisions in Change 1 set requirements for district plans to regulate 'free-market activities' (e.g. transportation mode choice, restoration and enhancement activities). KCDC is concerned that certain Change 1 provisions require actions or changes in behaviour that district plans cannot regulate, and therefore these should be pursued by Council through non-regulatory methods.
 - Both PCC [S30.0117] and UHCC [S34.0111/0115] raise concerns that Change 1 includes requirements for territorial authorities that are beyond their section 31 RMA functions and more consideration needs to be given as to how Change 1 provisions are allocated in the context of the respective functions of regional councils and territorial authorities under sections 30 and 31 of the RMA.
224. There are also a number of general submission points relating to the drafting of Change 1 provisions and the language used – some of which has been considered in relation to specific provisions above. Additional general submission points and requests from submitters relating to the drafting of Change 1 provisions include:
- Outdoor Bliss [S110.023] requests that stronger language is used throughout Change 1, including replacing words such as "encourage" and "non-regulatory" with "implement".
 - KCDC [S16.0100] requests that verbs in the objectives and policies should be replaced with verbs used within the RMA and other higher order planning documents.
 - KCDC [S16.0102] requests that the use of "and" or "or" between clauses in Change 1 provision are reviewed to ensure these are used appropriately.
225. UHCC [S34.0116/0117] made general comments that there are fundamental issues with the Change 1 provisions that require significant revision or deletion to ensure the Change 1 is legally robust and practical to implement. To address these concerns, UHCC requests that Council undertake a full legal and planning review of the Change

- 1 provisions to ensure these give effect to higher order documents and are supported by sufficient evidence. UHCC also requests that Council should further consider the practicalities associated with threshold-based provisions, to determine if these are the most appropriate method to achieve an objective or policy.
226. As noted earlier, PCC [S30.099] notes that clear and concise definitions are critical to assist in interpretation and implementation of the RPS. PCC requests that further definitions are provided where terms are unclear and where this would assist in interpretation and implementation. No specific examples were provided by PCC.
227. Another general issue raised in submissions relates to the Section 32 Report supporting the Change 1 provisions. In particular, KCDC [S16.0106] and PCC [S30.0123] have raised concerns regarding the sufficiency of the Section 32 Report. A key issue raised by these submitters is that the Section 32 Report it is not sufficiently evidenced and does not evaluate whether many of the regulatory provisions are practical/achievable and are the best (most appropriate) method of achieving the objectives sought. KCDC seeks that all provisions in Change 1 that are not supported by the RMA, statutory planning documents, or a robust evidence base are deleted. UHCC seeks that the Change 1 provisions should be deleted and considered at a later stage.
228. WFF made a number of submission points that the FPP icon should be deleted from certain provisions in this topic as part of their requested relief. This includes Policy IM.2 and Method IM.1. No reasons are provided by WFF, but it is assumed that the submitter considers that the provisions should be considered under the standard Schedule 1 RMA process, rather than the FPP.

Analysis

229. I disagree that a review of Chapter 3 shall be deferred until a full review of the RPS in 2024 and recommend that submissions requesting this relief are rejected. In my view, the Section 32 Report provides a good overview of why the Change 1 is proposed, and the key drivers behind its (including requirements in national direction), its timing, and integrated approach. Notable is the need to give effect to the NPS-UD requirements with other related issues and topics and national direction requirements, including integrated management, freshwater and climate change.
230. The request to defer Change 1 until a full review of the RPS is undertaken and limit Change 1 to NPS-UD requirements is addressed in the Section 42A Report – General Submissions (paragraphs 129 to 137). The author considers that this request from WFF to limit Change 1 to the NPS-UD requirements is the planning equivalent of 'kicking the can down the road'. The author also notes this will essentially push out amendments to give effect to national direction and delay taking action on key issues for the region, including climate change. I agree with the author on these key points and that there is "insufficient justification for further delay" as requested by WFF and UHCC.
231. I also note there is some uncertainty on whether a full review of the RPS will be undertaken in 2024 in the context of Change 1, national direction requirements, and transition to the new resource management system. I therefore recommend the

submissions of WFF requesting that Change 1 is deferred until a full review of RPS and UHCC to consider Change 1 at later date are rejected.

232. In relation to the request by KCDC to delete unnecessary explanations, I note that section 62(1)(d) of the RMA requires that RPS includes explanations of policies. A RPS may also include an explanation of objectives and methods. In the context of this topic, I do not consider that there are unnecessary or lengthy explanations. The overarching resource management issues, overarching Objective A and Methods IM.1 and Method IM.2 do not include explanations and the mandatory explanations for Policy IM.1 and IM.2 are both succinct. I therefore recommend that this submission point from KCDC is accepted in part (noting that other section 42A report authors may remove or refine explanations in response to this submission point).
233. I have considered the issues of scope of the Change 1 provisions in terms of the purpose of the RMA and the RMA functions of regional councils and territorial authorities raised by several submitters and agree in part with these submissions. Notably, I have recommended substantial amendments to Policy IM.2 which was the notified provision within this topic with the most scope issues in my view. In relation to other scope issues raised by submitters, I consider that the provisions are achievable under the RMA within the functions of regional councils and territorial authorities, particularly as these broadly relate to their core RMA function – integrated management of natural and physical resources. Method IM.2 is also directed at Council to implement, with mana whenua/tangata whenua, rather than territorial authorities. I therefore recommend that these general submissions from KCDC and PCC are accepted in part.
234. In relation to the general submission points relating to the drafting of Change 1 provisions, I consider that the wording of provisions in this topic is generally appropriate. I have also recommended a number of amendments, particularly to Policy IM.1 and Policy IM.2, to help clarify intent and assist with effective interpretation and implementation. I have also recommended amendments to align with wording used in national direction where appropriate (e.g. adopting an integrated approach in Policy IM.1 consistent with Clause 3.5 in the NPSFM). Each of the provisions in this topic also use “and” between clauses where appropriate to make it clear all relevant matters are to be considered. To this extent, I recommend that these general submission points from Outdoor Bliss and KDCD are accepted in part.
235. In relation to the general request from UHCC that Council undertake a full planning and legal review of Change 1 provisions, the submitter will be aware that each section 42A report involves a planning review of the provisions in response to issues raised in submissions. Legal review of recommended amendments to provisions is also undertaken where appropriate and the Panel itself will be reviewing the proposed provisions. I therefore recommend this general submission from UHCC is accepted in part noting this general submission point will also be addressed in other Section 42A Reports.
236. In relation to the sufficiency of the Section 32 Report and evidence for the Change 1 provisions, I have considered these submissions in the context of the overarching resource management issues, Objective A, and integrated management provisions to which this report relates. At a broad level I consider that there is sufficient analysis in

the Section 32 Report and the Section 32AA analysis within this report to justify the provisions and recommended amendments. The provisions broadly relate to integrated management which is a core RMA function of local authorities and the purpose of an RPS. There is also clear policy direction in higher order documents to achieve integrated management of natural and physical resources which provide clear justification for the proposed provisions. I therefore recommend the submissions of KCDC and PCC are accepted in part noting this general submission point will also be addressed in other Section 42A Reports.

237. There are a number of general submission points from Kāinga Ora, PCC and WCC in relation to the 'consideration' policies in Chapter 4.2 of the RPS. I have made recommendations to the introduction of Chapter 4.2 and chapeau wording of Policy IM.1 to address the concerns raised by those submitters and will therefore not repeat that analysis and recommendations here.
238. In relation to submissions from WFF, that the FPP icon should be removed from Policy IM.1 and Method IM.1, it is assumed that this submitter does not agree with the allocation of these provisions to the FPP and considers that these should be allocated to the P1S1 process. The Section 42A Report - General Submissions (paragraph 99 to 109) provides an analysis of general submissions relating to the allocation of provisions between the FPP and P1S1 process. This report considers a range of submissions that broadly concerned that the direction 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 appropriately by Council in the allocation of provisions between the FPP and P1S1 process. This report describes the process to allocate Change 1 provisions between the two processes with reference to Table E-3 in the Section 32 Report. In short, the author recommends rejecting general submissions that challenge how provisions have been allocated to the FPP. I agree with that analysis and recommend this submission from WFF is rejected on the same basis.

Recommendations

239. I recommend that general submissions are accepted, accepted in part or rejected as set out in **Appendix 2**.

6 Conclusion

240. A range of submissions have been received in support of, and in opposition to the three proposed Chapter 3 overarching resource management issues, Objective A, and the proposed integrated management provisions (Policy IM.1, Policy IM.2, Method IM.1, Method IM.2, anticipated environmental results) of Change 1.
241. 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.

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

Hearing Stream: 3

Officer's Report: Overarching issues, Objective A, Integrated Management

242. 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.
243. I recommend that Change 1 is amended in accordance with the changes recommended in **Appendix 1** of this report and the Independent Hearings Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix 2** of this report.