

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of **PROPOSED CHANGE 1** to the **GREATER WELLINGTON REGIONAL POLICY STATEMENT**

**LEGAL SUBMISSIONS OF COUNSEL FOR WELLINGTON
FISH AND GAME COUNCIL**

HEARING STREAM 2 – INTEGRATED MANAGEMENT

1. INTRODUCTION

1.1 The Wellington Fish and Game Council (“Fish and Game”) supports the amendments proposed to the integrated management provisions in the section 42A report, subject to further amendments to address issues arising from Fish and Game’s submission on those provisions.

1.2 The further amendments relate to the wording of:

(a) Objective A and the anticipated environmental result of Objective A.

(b) Policy IM.1.

1.3 The further amendments are addressed below by reference to the following headings:

(a) Wording of Objective A and the anticipated environmental result of Objective A (Section 2).

(b) Wording of Policy IM.1 (Section 3).

2. **WORDING OF OBJECTIVE A AND THE ANTICIPATED ENVIRONMENTAL RESULT OF OBJECTIVE A**

2.1 The Fish and Game submission supported the notified wording of Objective A, except to the extent that it:

- (a) lacked "a clear statement of the environmental outcomes to be delivered by the proposed approach to integrated management;"¹ and
- (b) did not "reflect the role of the community and other stakeholders."²

2.2 Fish and Game is not pursuing 2.1(a) above on the basis that:

- (a) the section 42A report recommends deletion of the words preceding Objective A in the notified version of Proposed Change 1 ("PC1") that would have made Objective A the "overarching resource management objective for the Wellington Region;"³
- (b) as a result of the deletion, and as noted in the section 42A report, Objective A has to be read alongside all other relevant objectives and policies in the Regional Policy Statement ("RPS");⁴ and
- (c) those other objectives and policies address environmental outcomes.

Further amendment to Objective A

2.3 Fish and Game is pursuing 2.1(b) above, and the further amendment sought in relation to it is as follows (further amendment shown in grey washed and underlined red text – other amendments are as set out in Appendix 1 to the section 42A report):

"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 input from stakeholders and the community; 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

¹ Fish and Game submission, page 37.

² Ibid.

³ Section 42A report, page 24, paragraph 117.

⁴ Ibid.

- (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 responds effectively to the current and future ~~effects pressures of climate change, and population growth and development pressures and opportunities.~~"

2.4 Integrated management is part of sustainable management and, as the Panel will be well aware, sustainable management under the Resource Management Act 1991 ("RMA") means:

"managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*"⁵

[Emphasis added]

2.5 Enabling people and communities to provide for their social, economic, and cultural well-being and their health and safety necessarily requires input from those people and communities as to what they consider will enable them to provide for those matters. Fish and Game is concerned that Objective A, as proposed in the notified version and the section 42A report, does not recognise that people and communities beyond Māori have a very important role in integrated management, which, as noted above, is part of sustainable management.

2.6 Fish and Game supports integrated management being guided by Te Ao Māori, as long as it is also guided by the views of people and communities, including stakeholders such as Fish and Game, that may not necessarily always agree with a Te Ao Māori view. There can be an inherent tension in those views; with a well-known difference of views being in relation to discharges of treated human wastewater from municipal wastewater treatment plants directly to water. In that respect, many Māori consider such discharges, even if highly treated, to be culturally unacceptable because they do not pass through land first;⁶ whereas some other members of the community, and stakeholders such as Fish and Game, will primarily be concerned with potential water quality

⁵ Resource Management Act 1991, section 5.

⁶ For example, see paragraphs 21 to 28 in *Paokahu Trust v Gisborne District Council* A162/2003 and paragraphs 87 and 88 and 164 to 173 in *Tainui Hapu v Waikato Regional Council* A063/2004.

effects on the receiving water body and the species inhabiting those water bodies.

- 2.7 Fish and Game is a very significant stakeholder in relation to water quality and the habitat of our rivers, lakes, streams, and wetlands for supporting species. In that regard, the submission of Fish and Game states the following:

"3. *WFGC's statutory management functions include the maintenance and enhancement of the habitat of sports fish and game – the rivers, lakes, streams and wetlands within which sports fish, gamebirds, and many indigenous taonga species thrive. WFGC is tasked by statute to advocate for protection and restoration of these habitats and works with Greater Wellington Regional Council (GWRC), mana whenua and community groups on habitat protection and restoration throughout the GWR.*"

- 2.8 The proposed further amendment to refer to being guided by "input from stakeholders and the community," in addition to Te Ao Māori, is consistent with the wording of Method 32 in the RPS which, at present, states the following:

"Method 32: Engagement with tangata whenua, stakeholders, landowners and the community in the identification and protection of significant values"

- 2.9 Method 32 applies to a number of specific objectives and policies in the RPS. An amendment to it has been proposed in the notified version of PC1 and Fish and Game has made a submission in relation to that proposed amendment. Method 32 will be the subject of a future hearing stream, but it is mentioned here to highlight the consistency of the amendment sought by Fish and Game to Objective A with the wording of Method 32. The amendment proposed by Fish and Game regarding Method 32 does not change use of the words "stakeholders" or "community."

The NPS-FM

- 2.10 In addition to the above matters, it is noted that the section 42A report states the following:

"... 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..."

- 2.11 The NPS-FM contains one objective:

"2.1 Objective

- (1) *The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*

- (a) *first, the health and well-being of water bodies and freshwater ecosystems*
- (b) *second, the health needs of people (such as drinking water)*
- (c) *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

[Emphasis added]

2.12 The key point arising from the one objective of the NPS-FM for present purposes is that, consistent with the purpose of the RMA, it refers to people and communities providing for their social, economic, and cultural wellbeing, which must include all people and communities in New Zealand. That does not mean that there will not be tensions or differences of view amongst different people or parts of the community, but those are matters that will have to be addressed as part of regional and district plan processes.

2.13 While Fish and Game recognises that the fundamental concept of Te Mana o Te Wai is the subject of a future hearing stream, Fish and Game wishes to highlight some of the provisions of the NPS-FM regarding that fundamental concept at this time in support of the matters addressed above. They are the following provisions of the NPS-FM:

"3.2 Te Mana o te Wai

- (1) *Every regional council must engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.*
- (2) *Every regional council must give effect to Te Mana o te Wai, and in doing so must:*
 - (a) *actively involve tangata whenua in freshwater management (including decision-making processes), as required by clause 3.4; and*
 - (b) *engage with communities and tangata whenua to identify long-term visions, environmental outcomes, and other elements of the NOF; and*
 - ...
 - (d) *enable the application of a diversity of systems of values and knowledge, such as mātauranga Māori, to the management of freshwater; and*

...

3.3 Long-term visions for freshwater

(1) *Every regional council must develop long-term visions for freshwater in its region and include those long-term visions as objectives in its regional policy statement.*

...

(3) *Every long-term vision must:*

(a) *be developed through engagement with communities and tangata whenua about their long-term wishes for the water bodies and freshwater ecosystems in the region; and*

...

(c) *express what communities and tangata whenua want the FMU, part of the FMU, or catchment to be like in the future.*

[Emphasis added]

2.14 It is submitted that it is clear from the above provisions that what is required in relation to freshwater management to give effect to Te Mana o te Wai requires input from the community, including tangata whenua. Freshwater management and Te Mana o te Wai are part of integrated management and, ultimately, sustainable management under the RMA. Input from tangata whenua, stakeholders, and the whole community is critical to achieving integrated management and sustainable management.

2.15 The views of different parts of the community may well differ on key issues related to integrated management, but, as noted above, to the extent that they do, that will be a matter to be addressed in regional and district plan processes.

2.16 In light of the matters addressed above, it is submitted that the amendment sought by Fish and Game is necessary to give effect to the NPS-FW and to achieve the purpose of the RMA.

Further amendment to anticipated results of Objective A

2.17 The further amendment sought by Fish and Game to the anticipated environmental result of Objective A is as follows (further amendment shown in grey washed and underlined red text – other amendments are as set out in Appendix 1 to the section 42A report):

“Objective A - Anticipated Environmental Results

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 and input from stakeholders and the community in natural resources management and decision making."

2.18 The further amendment to the anticipated environmental result of Objective A mirrors the amendment sought to Objective A.

3. WORDING OF POLICY IM.1

3.1 Fish and Game's submission supported the wording of Policy IM.1. Amendments to the policy are recommended in the section 42A report. Fish and Game is seeking a further amendment to the amendments recommended in the section 42 report. The further amendment is as follows (further amendment shown in grey washed and underlined red text – other amendments are as set out in Appendix 1 to the section 42A report):

"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, including by:

(a) partnering or engaging 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

..."

3.2 Fish and Game understands the reasons why the reporting officer recommends deleting the words "*particular regard shall be given to*" in light of the submissions made on those words and the analysis in the section 42A report. Fish and Game is concerned that the proposed amendments make the list of matters that follow as being the exclusive list of matters to be considered, rather than being matters of particular significance amongst other matters. Inserting the word "*including*" as sought by Fish and Game will address that issue.

DATED at AUCKLAND on 30 June 2023



C D H Malone

Counsel for Wellington Fish and Game Council