



Department of  
Conservation  
*Te Papa Atawhai*

Ref: DOCCM-7526519

15 December 2023

Chief Executive  
Greater Wellington Regional Council  
PO Box 11646  
WELLINGTON 6011  
Attn: Nigel Corry

Tēnā koe Nigel

**GW NATURAL RESOURCES PLAN: PLAN CHANGE 1  
MINISTER OF CONSERVATION (MOC) SUBMISSION**

I enclose the Minister of Conservation's submission on Plan Change 1 to the Natural Resources Regional Plan.

I thank Council firstly, for their prompt attention in preparing this plan change to address two issues raised in the finalisation of the Natural Resources Plan (NRP). They are amendments to Schedule F4 relating to significant indigenous biodiversity values in the coastal marine area (CMA) and ensuring that the air discharge rules apply appropriately to the CMA.

Secondly, I am very supportive of the full range of Plan Change 1 provisions. Your Whaitua processes appear to have been successful at capturing local Iwi and the community views. This positive engagement process is important to obtain "buy in" to achieve a plan framework the community needs to safeguard the natural capital and ecosystem services of our region. I commend Council and staff for the work they have done so far on this plan change.

The Minister's submission seeks amendments to give better effect to the New Zealand Coastal Policy Statement (NZCPS) Policies 23 (Discharges) and ensuring that the CMA air discharge provisions are appropriate.

I look forward to the ongoing engagement in this plan process. Please contact Herb FAMILTON (RMA Planner) in the first instance if you wish to discuss any of the matters raised in this letter (email [hfamilyton@doc.govt.nz](mailto:hfamilyton@doc.govt.nz) or phone 027 5367 037).

Mauriora



Alice Heather  
Operations Director / Kaihatū Matarautaki  
Lower North Island

Enc: PC1 MOC Submission

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## Submission on notified proposal for a plan change

*Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991*

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**To:** Greater Wellington Regional Council / *Te Pane Matua Taiao* (**the Council**)

**Name of submitter:** **Tama Potaka**, Minister of Conservation

1. This is a submission on a change proposed to the following:

**Natural Resources Plan for the Wellington Region**

2. I could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that my submission relates, and the detailed decisions sought to are set out in **Attachment 1** to this submission.
4. I **seek** the following decision from the Council:
  - a. That the particular provisions of Proposed Plan Change 1 that I support, as identified in Attachment 1, are retained;
  - b. That the amendments, additions, and deletions to Proposed Plan Change 1 sought in Attachments 1 are made; and
  - c. Further or alternative relief to like effect to that sought in 4. and 4. b above.
5. The decisions sought in this submission are required to ensure that the Natural Resources Plan Change:
  - a. Gives effect to the New Zealand Coastal Policy Statement (2010) and the National Policy Statement for Freshwater Management (2020);
  - b. Recognises and provides for the matters of national importance listed in section 6 of the Act and to has particular regard to the other matters in section 7 of the Act;
  - c. Promotes the sustainable management of natural and physical resources; and

- d. The changes sought are necessary, appropriate, and sound resource management practice.
  
6. I wish to be heard in support of my submission, and if others make a similar submission, I will consider presenting a joint case with them at the hearing.



Alice Heather

Director, Operations

Lower North Island

Department of Conservation / *Te Papa Atawhai*

Acting pursuant to delegated authority on behalf of Tama Potaka, Minister of Conservation

Date: 15 December

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House / *Whare Kaupapa Atawhai*, 18/32 Manners Street, Wellington 6011

**Address for service:**

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Department of Conservation

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ATTACHMENT 1:

**GREATER WELLINGTON  
NATURAL RESOURCES PLAN CHANGE 1  
SUBMISSION BY THE MINISTER OF CONSERVATION**

The Chapters that my submission relates to are set out in the table below. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from Proposed Plan Change 1 is shown in *Italics*. The wording of relief sought shows new text as underlined and original text to be deleted as ~~strikethrough~~.

Unless specified in each-submission point, my reasons for supporting are that the provisions are consistent with the purposes of the Act.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
<b>General</b>			
Objective WH.01	Support in part	These give effect to Part II of the RMA and to the NPS Freshwater Objectives and Policies, including Te Mana o te Wai. However, it may not be possible to achieve planted margins in all waterbodies	Amend bullet point two from: <del>“All freshwater bodies have planted margins”</del> to <u>“All freshwater bodies have vegetated margins where practicable.”</u>
Te Whanganui -a-Tara Coastal Policies WH. P1, P2, P5, P6, P8-P17, P19, P20	Support in part	The general intent of the policies is supported, but they need to be consistent with NZCPS Policy 23.	<u>General</u>  Amend Policies to be consistent with NZCPS Policy 23  <u>Specifically</u>  <i>Policy WH. P1</i>  Add new para € as follows, or like effect€(e) reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities.  <i>Policy WH. P2</i>  I) Add <u>“Promoting design options that reduce flows to stormwater reticulation systems at source.”</u>  <i>Policy WH. P5</i>  II) Add new part to include relevant criteria from NZCPS Policy 23 (1) as follows:

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			<p><u>“and by:</u>  <u>(f) using the smallest mixing zone necessary to achieve the required water quality in the receiving environment;</u>  <u>and</u>  <u>(g) minimising adverse effect on the life-supporting capacity of water within a mixing zone”</u></p> <p>Policy WH. P19</p> <p>Amend (b) so it also requires prioritisation of removal of wet weather overflows in wastewater network sub-catchments in schedule F4 - sites with significant indigenous biodiversity values in the coastal marine area.</p> <p>Amend (f) as follows:</p> <p>“Avoiding wastewater network catchment discharges entering <u>non target public</u> or private property and educational facilities.”</p> <p>Add (i)  <u>“Avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems. “</u></p> <p>Policy WH. P20</p> <p>g) Add <u>“sites and routes”</u> after methods</p>
Te Awarua-o-Porirua Coastal Policies P1, P2, P4-P16, P19, P20	Support in part	The general intent of the policies is supported, but they need to be consistent with NZCPS Policy 23	<p><u>General</u></p> <p>Amend Policies to be consistent with NZCPS Policy23</p> <p><u>Specific</u></p> <p>Policy P.P1</p> <p>Add new para (e) as follows, or to like effect:  <u>(e) “reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities.””</u></p> <p>Policy P.P2</p> <p>Add new para:</p>

PLAN PROVISION	SUPPORT/OPOSE	REASON	RELIEF SOUGHT
			<p><u>“Promoting design options that reduce flows to storm reticulation systems at source.”</u></p> <p>Policy P.P5</p> <p>Add new part to include relevant criteria from NZCPS Policy 23 (1) as follows:  and by:  (f) using the smallest mixing zone necessary to achieve the required water quality in the receiving environment;  and  (g) minimising adverse effect on the life-supporting capacity of water within a mixing zone.</p> <p>Policy P. P18</p> <p>Amend (b) so it also requires prioritisation of removal of wet weather overflows in wastewater network sub-catchments in schedule F4 - sites with significant indigenous biodiversity values in the coastal marine area.</p> <p>Amend (f) as follows:</p> <p>“Avoiding wastewater network catchment discharges entering <u>non target public</u> or private property and educational facilities.”</p> <p>Add (i)  <u>“Avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems.”</u></p> <p>Policy P.P19</p> <p>g) Add <u>“sites and routes”</u> after methods</p>
Water take and Use rules (Te Whanganui -a-Tara R 33 and Te Awarua-o-Porirua 31 R33, R 30)	Support in part	More detail on fish screening would assist in processing water take consents. Updated technical guidance from NIWA is now available that can be applied in a regional plan. (See appendix 1)	<p>Add reference to an appropriate appendix or schedule incorporating best practise national guidance in the following rules:</p> <p>Te Wangainui-a-Tara Whaitua take and use Rule 33 Criteria 9 and Te Awarua -0-Porirua Whaitua Take and Use Rules R 30 Condition d) and 31 Criteria 5</p>

PLAN PROVISION	SUPPORT/OPOSE	REASON	RELIEF SOUGHT
<p>Te Whanganui-a-Tara Whaitua Discharge Rules R1-R16</p> <p>Discharges of Contaminants</p> <p>Stormwater</p> <p>Discharge Rules</p>	Support in part	<p>To better give effect to NZCPS Policy 23</p> <p>Rules for discharges of stormwater into the coastal and marine area (CMA) need to give effect to NZCPS Policy 23 (4) matters a) – d)</p> <p>Rules for discharges of wastewater into the coastal marine area need to give effect to NZCPS Policy 23 (1-3) matters</p>	<p><u>Discharges of Contaminants</u></p> <p>Retain rule 1 as notified.</p> <p><u>Stormwater Rules</u></p> <p>Amend rules R2-R13 as appropriate to better give effect to NZCPS Policy 23(4) matters a) – d).</p> <p><u>Wastewater Rules</u></p> <p>Amend rules R14-R16 as appropriate to better give effect to NZCPS Policy 23(1-3) matters.</p>
<p>Te Awarua -o-Porirua Whaitua Discharge Rules R1-R15</p> <p>Discharges of Contaminants</p> <p>Stormwater</p> <p>Discharge Rules</p>	Support in Part	<p>To better give effect to NZCPS Policy 23</p> <p>Rules for discharges of stormwater into the coastal and marine area (CMA) need to give effect to NZCPS Policy 23 (4) matters a) – d)</p> <p>Rules for discharges of wastewater into the coastal marine area need to give effect to NZCPS Policy 23 (1-3) matters</p>	<p><u>Discharges of Contaminants</u></p> <p>Retain rule 1 as notified.</p> <p><u>Stormwater Rules</u></p> <p>Amend rules R2-R12 as appropriate to better give effect to NZCPS Policy 23(4) matters a) – d).</p> <p><u>Wastewater Rules</u></p> <p>Amend rules R13-R15 as appropriate to better give effect to NZCPS Policy 23(1-3) matters.</p>
Method M36	Support in part	Other statutory bodies have a role in freshwater, for example Fish and Game for sports fish and the Department of Conservation for native fish	<p>Add <u>Statutory bodies</u> to (a)</p> <p>(or to like effect)</p>
Method M40	Support in part	<p>Monitoring of effectiveness of fish passage work is required and the use of the Fish Passage Assessment tool and recent national guidance should be encouraged.</p> <p>An explanation of the Freshwater Fisheries regulations (1983) would assist an</p>	<p>Add</p> <p>d) <u>“Monitoring of fish passage efforts for effectiveness”</u> and</p> <p><u>“e) use national best practise fish passage assessment tools and guidance,”</u> and</p>

PLAN PROVISION	SUPPORT/OPOSE	REASON	RELIEF SOUGHT
		<p>understanding of how those regulations work viz-a-viz the regional plan provisions:</p> <p>The Department of Conservation and Fish Passage Advisory Group encourages the use of <a href="#">the Fish Passage Assessment Tool</a> (guidance: <a href="#">Resources: Fish passage management in New Zealand</a>). If assessments identify a medium or higher risk to fish passage, then applicants will need to consider:</p> <ul style="list-style-type: none"> <li>• what will be done to remediate the structure and/or if this is unsuccessful discuss the process for seeking approval under the Freshwater Fisheries Regulations 1983 (<a href="#">Fish passage authorisations: Apply for permits</a>).</li> <li>• if this structure has been designed or maintained to impede passage, discuss the process for seeking approval under the Freshwater Fisheries Regulations 1983 (<a href="#">Fish passage authorisations: Apply for permits</a>)</li> </ul>	A footnote explaining the Freshwater Fish Regulations (1983) would also be useful. (or to like effect)
Schedules Schedule 27 Freshwater Action Plans	Support in part	Fish passage as a component of Freshwater Action Plans could be reinforced.	Add more details on fish passage in the Attributes, Principles, and General Content sections.
Schedules Schedule 29 (Impact Assessment) Schedule 31 (stormwater management strategy- Whaitua) Schedule 32 (wastewater network catchment improvement strategy)	Support in part	To give effect to Policy 23 (1) and (4) NZCPS	Add a requirement to consider relevant matters from NZCPS 23 (1) and (4) in each of these schedules impact assessment / stormwater management strategies.
<b>Air Quality Rules</b>			
Rules R1, R3, R28, and the general conditions for the discharge of agrichemicals.	Support	This amendment protects the public from noxious, dangerous, offensive, and objectionable effects in the coastal marine area	Retain as notified.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		by applying the same level of protection that already exists on land. It is not effective to rely on a property boundary as the point beyond which effects of permitted activities are controlled because property boundaries generally do not exist in the coastal marine area. It is predominantly public space, defined as the <b>common marine and coastal area</b> under the Marine and Coastal Area (Takutai Moana) Act 2011.	
Rules R7 R8, R9, R10, R11, R14, R15, R16, R17, R18, R19, R20, R21, R25, R26, R27, R29, R30, R31, R34, R35, R36, R37, R38	Support	This activity does not have a functional need to be located in the coastal marine area and should not be enabled there as a permitted activity. This amendment gives effect to the NZCPS Policy 6(2) by requiring a resource consent to be obtained, allowing a proper consideration of the activity's location and effects on public access.	Retain as notified.
Rule R27	Neutral	The Commercial Port Area extends into the coastal marine area and includes several wharves that extend over the coastal marine area.  This permitted activity rule should not have general application to the coastal marine area; however, it may be appropriate to allow it to apply to the coastal marine area within the Commercial Port Area, consistent with NZCPS Policy 9 (Ports).	Consider whether it is necessary for this rule to apply to the coastal marine area within the Commercial Port Area only.
Rule R33	Support in Part	The proposed amendments to condition (a) are supported for the reasons given for Rule R1, but a similar amendment is required for condition (b) for the same reasons.  Condition (b) prevents the emission of hazardous air pollutants beyond a property boundary. There are no property boundaries in the common marine and coastal area and the effects on human health and ecosystems of these pollutants is uncontrolled if the emission occurs there.	Amend condition (b) as follows:  (b) there is no emission of hazardous air pollutants as identified in Schedule L2 (air pollutants) beyond the boundary of the property <i>or in the coastal marine area</i> that does, or is likely to, cause adverse effects on human health, ecosystems, or property.

## Appendix 1 Fish Screening

[Fish Screens: IrrigationNZ](#)

**New updated technical guidance for water intakes:** Hickford, M., Jellyman, P., Bowie, S., McCormick, T., McNally, S., Meredith, A., Morgan, P., Webb, M., Pringle, B. 2023: Toward national guidance for fish screen facilities to ensure safe passage for freshwater fishes. Prepared for SFF Project 4405972: Adoption of good practice fish screening, Milestone 14 - Final Report ([NIWA Client report \(irrigationnz.co.nz\)](#))

**Fish Screen facility guidance tool** – provides a process for landowners to identify and select preferred site and fish screen type to install (linked on [Fish Screens : IrrigationNZ](#))

**Policy and Practice guidance:** Purdon, R. 2023: SFF Project:405972 Adoption of Good Practice Fish Screening Project Policy and Practice. [Attachment \(irrigationnz.co.nz\)](#)

**Summary Report:** [IrrigationNZ: Adoption of Good Practic Fish Screening SFF405972](#)