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Committee Council
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Notification of the Proposed Natural Resources Plan for the Wellington Region

1. Purpose

To seek Council's approval to publicly notify the Proposed Natural Resources Plan for the Wellington Region (**Attachment 1 provided separately**).

2. Background

The Proposed Natural Resources Plan for the Wellington Region (the Proposed Plan) has been prepared in accordance with the Resource Management Act 1991 (the Act).

The purpose of the Proposed Plan is to identify outcomes for the management of natural and physical resources and put in place processes and methods (including rules) to achieve the purpose of the Act. The Proposed Natural Resources Plan for the Wellington Region is a combined Regional and Coastal Plan and once operative will replace the existing Regional Plans (Regional Coastal Plan, Regional Air Quality Management Plan, Regional Freshwater Plan, Regional Plan for Discharges to Land and Regional Soil Plan).

3. Consideration by Te Upoko Taiao – Natural Resource Management Committee

At its meeting on 25 June 2015, Te Upoko Taiao – Natural Resource Management Committee is expected to resolve to recommend to Council that the Proposed Natural Resources Plan for the Wellington Region proceed to public notification. This resolution will be made under the responsibilities assigned to Te Upoko Taiao – Natural Resource Management Committee by Council, as set out in section 5.2 of this report.

4. Statutory context

4.1 The purpose of the Resource Management Act (1991)

The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. Section 5(2) of the Act states:

“In this Act, sustainable management 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.”

4.2 Functions of regional councils

The Wellington Regional Council (the Council) has statutory functions under section 30 of the Act which include the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the natural and physical resources of the region. The Wellington Regional Council must also give effect to the Act by controlling the use of land for the purposes of:

- Soil conservation
- The maintenance and enhancement of the quality of water in water bodies and coastal water
- The maintenance of the quantity of water in water bodies and coastal water
- The maintenance and enhancement of ecosystems in water bodies and coastal water
- The avoidance or mitigation of natural hazards, and
- The prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances.

4.3 The purpose and preparation of regional plans

Section 63 of the Act states that the purpose of regional plans is to assist regional councils to carry out their functions in order to achieve the purpose of the Act.

Section 64 specifically requires the mandatory preparation of a regional coastal plan. Further, section 64 enables the coastal plan to form part of a regional plan in order to promote the integrated management of the coastal marine area and any related part of the coastal environment.

Clause 2(2) of Schedule 1 of the Act requires a proposed regional coastal plan to be developed in consultation with the Minister of Conservation, iwi authorities of the region and any customary marine title group in the region (of which we do not have any in the Wellington Region). As the Proposed Plan is an integrated plan, we have consulted with the Minister (through the Department of Conservation) and the region's iwi authorities on the entire plan, including those provisions that are the regional coastal plan.

4.4 Matters to be considered by regional councils

The matters to be considered by regional councils in its plans are set out in section 66 of the Act. This section requires the Council to act in accordance with its functions under section 30, the provisions of Part 2, and its duty under section 32. Section 66(2) also sets out a number of other matters the Council shall have regard to, including:

- a) *any proposed regional policy statement in respect of the region; and*
- b) *the Crown's interests in the coastal marine area; and*
- c) *any:*
 - i) *management plans and strategies prepared under other Acts; and*
 - ii) *relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*
 - iii) *regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing... ”).*

4.5 Immediate legal effect of rules

Pursuant to section 86(B)(3) of the Act, all of the rules of the Proposed Plan will have immediate legal effect.

86B When rules in proposed plans and changes have legal effect...

... (3) A rule in a proposed plan has immediate legal effect if the rule—

- (a) protects or relates to water, air, or soil (for soil conservation); or*
- (b) protects areas of significant indigenous vegetation; or*
- (c) protects areas of significant habitats of indigenous fauna; or*

(d) protects historic heritage; or

(e) provides for or relates to aquaculture activities.

5. Development of the Proposed Natural Resources Plan for the Wellington Region

5.1 Te Upoko Taiao – Natural Resource Management Committee

Te Upoko Taiao – Natural Resource Management Committee (the Committee) was established in 2009. The purpose of the Committee is to “*promote the sustainable management of the region’s natural and physical resources, particularly their use, development and protection, by overseeing the Council’s regulatory responsibilities in relation to resource management, including the review and development of regional plans*”¹.

The Committee membership is seven Councillor and seven non-Councillor members, each appointed by Council for their skills, attributes or knowledge relevant to the work of the committee and including their knowledge of the rohe of the relevant iwi authority to which they belong.

5.2 Delegated powers of Te Upoko Taiao – Natural Resource Management Committee

The specific responsibilities of the Committee include the review of operative regional plans, the preparation of proposed regional plans, and recommending to the Council that proposed plans proceed to public notification.

The Committee does not have the delegated power to decide whether to proceed to publicly notify the Proposed Plan; Council has retained that decision making power. Council will make this decision based upon the recommendation of the Committee.

5.3 Factors shaping the proposed Plan

The proposed Plan is shaped by four principal factors:

- The overall approach to managing the natural resource issues of the region as directed by the Committee and the Council
- A range of national and regional level policies, plans and other statutory instruments, such as national environmental standards, national policy statements and the Regional Policy Statement for the Wellington Region (2012) that are produced or recognised under the Resource Management Act
- Scientific and technical information
- The views of individuals, community groups and industry or sector organisations; gained through four years (from 2010 to 2014) of public meetings, workshops, seminars and stakeholder meetings held with

communities, community groups, iwi, territorial authorities, agencies and regional organisations. Online surveys were held in 2010, 2011 and 2014 to supplement the public events.

5.4 Guiding principles of Te Upoko Taiao

The Committee's intention is that the Natural Resources Plan be achievable, practical and affordable for the region. The Committee established a set of guiding principles (shown in **Figure 1**) to underpin the overall management approach of the Natural Resources Plan. These are:

Ki uta ki tai (connectedness) – managing natural and physical resources in a holistic manner, recognising they are interconnected and reliant upon one another

Wairuatanga (identity) – recognition and respect for mauri and the intrinsic values of natural and physical features, and including the connections between natural processes and human cultures

Kaitiakitanga (guardianship) – recognition that we all have a part to play as guardians to maintain and enhance our natural and physical resources for current and future generations

Tō mātou whakapono (judgement based on knowledge) – recognition that our actions will be considered and justified by using the best available information and good judgement

Mahitahi (partnership) – partnership between Greater Wellington (Wellington Regional Council), iwi (mana whenua) and the community, based on a commitment to active engagement, good faith and a commonality of purpose.

PRINCIPLES TO GUIDE THE REVIEW OF REGIONAL PLANS



Figure 1: Te Upoko Taiao’s principles to guide the review of the regional plans

The make-up of the Committee and these guiding principles reflect an understanding that mana whenua, the Wellington Regional Council and the wider community all share the responsibility of caring for the region’s environment. Collaboration between regulators, resource users, mana whenua, the government and the wider community has been a critical part of the development of the Plan.

5.5 Working Document for Discussion and draft Plan

In 2013 all of the input referred to above culminated in the Council releasing a “working document for discussion” that described the direction of possible regional plan provisions. Following its release, public and stakeholder meetings were held covering specific matters related to significant sites, wetland management, historic heritage and the management of regionally significant infrastructure.

This further input was incorporated into the draft Natural Resources Plan for the Wellington Region which was released by the Council in September 2014. The purpose of the draft was to enable people to review likely plan provisions and provide the Council with feedback about ways to improve these. Over 150 people and organisations provided over 4000 feedback points. Most of the feedback related to water allocation, indigenous biodiversity, coastal management, discharges to land, air, or were of a general administrative nature. This feedback along with further stakeholder meetings, focus groups and meetings has shaped the Proposed Natural Resources Plan for the Wellington Region.

The Proposed Natural Resources Plan for the Wellington Region will, subject to Council approval, be publicly notified on 31 July 2015.

6. Section 32 Reports

Twenty two reports (copy available in the Councillors' lounge) have been prepared to address the requirements in accordance with section 32 of the Act.

Schedule 1 of the Act requires any proposed plan to be accompanied by an evaluation report prepared in accordance with section 32 of the Act. The evaluation report must assess both the extent to which each objective is the most appropriate way to achieve the purpose of the Act, and whether the proposed policies and methods are the most appropriate way in which to achieve the objectives in terms of their efficiency and effectiveness.

In addition, section 32(2) of the RMA states:

(2) An assessment under subsection (1)(b)(ii) must—

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) economic growth that are anticipated to be provided or reduced; and*
 - (ii) employment that are anticipated to be provided or reduced; and*
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions*

Clause 5(1) of Schedule 1 of the Act sets out the process for public notification associated with s32 evaluation reports:

(1) A local authority that has prepared a proposed policy statement or plan must -

(a) prepare an evaluation report for the proposed policy statement or plan in accordance with section 32 and have particular regard to that report when deciding whether to proceed with the statement or plan; and

(b) publicly notify the proposed policy statement or plan if the local authority decides to proceed with the policy statement or plan.

In making its recommendation to Council to proceed to notify the Proposed Plan the Committee has had particular regard to section 32 of the Act.

The section 32 reports will be made publicly available when the Proposed Natural Resources Plan for the Wellington Region is publicly notified.

7. Notification process and timing

7.1 Public notification

Subject to Council approval, the Proposed Plan will be publicly notified on 31 July 2015. A public notice will appear in the following newspapers; Dominion Post, Hutt News, Kapi Mana News, Kapiti Observer, Upper Hutt Leader, The Wellingtonian, Wairarapa News, and Wairarapa Times Age.

7.2 Direct notification

The Council must notify “any person likely to be directly affected by the proposed plan”. The approach for direct notification, following legal advice, is to write a letter inviting submissions on the proposed plan to be posted in every letter box, PO Box and rural delivery box within the region; and write to all existing consent holders, those on our contacts database, and those people who provided feedback on the draft plan. Direct notification must not occur earlier than 60 working days before public notice or later than 10 working days after.

7.3 The Proposed Plan document and section 32 reports

Copies of the public notice and the Proposed Plan must be sent to the Minister for the Environment, Minister of Conservation and Regional Conservator, territorial authorities, Horizons Regional Council, Marlborough District Council, Iwi authorities, the board of any foreshore and seabed reserve, all public libraries in the area and “any other place appropriate”. Copies of the Proposed Plan and section 32 reports will also be available at Greater Wellington offices, online on the website or on USB.

7.4 Submissions and beyond

The proposed timeframe for submissions is 40 working days, until 25 September 2015.

Once submissions have been received, staff will prepare a summary of submissions. The availability of the summary of submissions must be publicly notified and further submissions sought. This is likely to be in early 2016.

Following this it is likely pre-hearing meetings will be held to resolve minor issues ahead of formal hearings. Staff will then prepare hearing reports, which will be circulated ahead of hearings (as will submitters' evidence). Hearings will likely begin mid to late 2016, depending on the number of submitters and how long prehearing meetings take.

Decisions on submissions on the Proposed Plan must be publicly notified within two years after notifying the Proposed Plan. Submitters have the right to appeal any decision to the Environment Court. The Plan does not become fully operative until all appeals are resolved.

7.5 City and district councils

Meetings with city and district councils are being held to provide information about those provisions in the Proposed Plan which will be of most interest, and about the process from here.

Greater Wellington Regional Council staff have also met with planning staff from each of the region's city and district councils and given a briefing of key changes and topic areas of specific interest to each council.

8. Communication

Following the Proposed Plan being notified the process set out in section 7 will be followed.

9. The decision-making process and significance

The matters requiring decision in this report have been considered by officers against the requirements of Part 6 of the LGA.

9.1 Significance of the decision

Officers have considered the significance of the matter, taking into account the Council's significance and engagement policy and decision-making guidelines. Officers recommend that the matter be considered to have high significance.

Officers advise that a decision-making process is explicitly prescribed for this decision under the Resource Management Act 1991.

10. Engagement

The consultation and engagement on the development of the Proposed Natural Resources Plan was designed taking into account the Greater Wellington Regional Council Significance and Engagement Policy and requirements of the Resource Management Act 1991.

11. Recommendations

That the Council:

1. **Receives** the report.
2. **Notes** the content of the report.
3. **Approves** the Proposed Natural Resources Plan for the Wellington Region proceeding to public notification.
4. **Approves** a 40 working day period for submissions, with public notification on 31 July 2015 and the period for submissions closing on 25 September 2015.
5. **Authorises** Councillor Laidlaw, Councillor Co-Chair of Te Upoko Taiao – Natural Resource Management Committee, to approve any minor errors or alterations of minor effect to the Proposed Natural Resources Plan for the Wellington Region before it is publicly notified on 31 July 2015.

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Attachment 1: Proposed Natural Resources Plan for the Wellington Region (provided separately)