

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

**Section 42A Hearing Report  
Hearing Stream 7 - Small topics, wrap up and Variation 1**

**Topic: Variation 1 to Proposed Change 1 to the Regional Policy Statement**

**Process: Freshwater Planning Process**

**Prepared by: Richard Sheild**

**Report Date: 8 March 2024**

**Hearing Date: 15-19 April 2024**

# Contents

Executive Summary.....	1
Interpretation.....	2
1.0 Introduction.....	1
2.0 Statutory Considerations.....	3
2.2 Resource Management Act 1991 .....	3
2.3 Section 32AA.....	4
2.4 Trade Competition .....	5
3.0 Consideration of Submissions and Further Submissions .....	5
2.5 Overview .....	5
2.6 Report Structure .....	5
2.7 Format for Consideration of Submissions .....	6
2.8 Issue 1: Generally supportive or neutral submissions.....	7
2.9 Issue 2: Engagement.....	7
2.10 Issue 3: Amendments requested to proposed Objectives TAP & TWT .....	8
2.11 Issue 4: Proposed Figure 3.4.....	14
2.12 Issue 5: Inserting Shorter-Term Visions .....	15
4.0 Conclusions.....	16

## Executive Summary

1. This report considers submissions received by Greater Wellington Regional Council (the Council) in relation to the relevant provisions of Proposed Change 1 to the Regional Policy Statement for the Wellington Region (Change 1) as they apply to Variation 1 to Change 1 (Variation 1).
2. Variation 1 inserts two long-term freshwater visions as objectives into Change 1 in order to give effect to clause 3.3 of the National Policy Statement for Freshwater Management 2020 (NPS-FM). Those two long-term freshwater visions relate to the Te Awarua-o-Porirua Whaitua and Te Whanganui-a-Tara Whaitua ['Objective TAP' and 'Objective TWT'].
3. This topic is following the Freshwater Planning Process of the Resource Management Act 1991 (RMA).
4. A total of 7 submissions and 3 further submissions were received on Variation 1. The submissions on Variation 1 were narrow in focus. The following key issues were raised in submissions and are covered by this report:
  - General support for the new Objectives TAP and TWT
  - Engagement process for Variation 1
  - Minor amendments to new Objectives TAP and TWT
  - New Figure 3.4
  - Inserting additional shorter-term Visions
5. This report does not address any of the submissions or further submissions on Change 1 that relate to long-term freshwater visions. The relevant s42A report (Freshwater & Te Mana o te Wai) did not contain recommendations on long-term freshwater visions, deferring to this s42A report on Variation 1. Variation 1 was notified to all submitters.
6. Other issues raised by submitters in relation to this topic are also covered in the report, and I am not making any consequential amendments resulting from these.
7. As a result of analysing the submissions and key issues, I have recommended a number of amendments to the Variation 1 provisions to address these concerns. These amendments can be summarised as follows:
  - Amendments to proposed Objective TAP and Objective TWT to improve clarity as to the outcomes sought and to reduce ambiguity.
8. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that Change 1 be amended as set out in **Appendix 1** of this report.

For the reasons outlined in the Section 32AA evaluation and outlined in this report, I consider that the proposed Objectives and Figure 3.4, with the recommended amendments, are the most appropriate.

## Interpretation

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

**Table 1: Abbreviations of terms**

<b>Abbreviation</b>	<b>Means</b>
the Act/RMA	Resource Management Act 1991
the Council	Greater Wellington Regional Council
FPP	Freshwater Planning Process
NPS-FM	National Policy Statement for Freshwater Management 2020
Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
Variation 1	Variation 1 to Change 1
RPS	Operative Regional Policy Statement for the Wellington Region 2013

**Table 2: Abbreviations of Submitters' Names**

<b>Abbreviation</b>	<b>Means</b>
Forest and Bird	Royal Forest and Bird Protection Society
Federated Farmers	Wairarapa Province of Federated Farmers
WCC	Wellington City Council
Fish and Game	Wellington Fish and Game Council
NZTA	The New Zealand Transport Agency
Ngāti Toa	Te Rūnanga O Toa Rangatira
DOC	Director-General of Conservation

## 1.0 Introduction

### 1.1 Purpose

10. The purpose of this report is to provide the Hearing Panels with a summary and evaluation of the submissions received on Variation 1 and to recommend possible amendments in response to those submissions.
11. The recommendations are informed by the analysis and evaluation I have undertaken. I have also had regard to other Section 42A reports including Freshwater and Te Mana o te Wai (for Hearing Stream 5).
12. Variation 1 was notified on 13 October 2023, with a submissions period from 13 October to 13 November 2023, followed by the further submissions period from 24 November to 8 December 2023.
13. This report should be read in conjunction with the Officer's report 'Whole of Plan/Overarching issues' for Hearing Stream 1 which provides the background to Change 1, the statutory context, and administrative matters relating to Change 1.

### 1.2 Scope of this report

14. Variation 1 was notified entirely under the FPP. This report covers submissions on provisions that have been notified entirely within the Freshwater Planning Process.

### 1.3 Author

15. My name is Richard Cameron Sheild and I am employed by the Council as a Senior Policy Advisor in the Environmental Policy team. I hold a Bachelor of Arts from Massey University and a Master of Planning from Lincoln University. I am a Full member of the New Zealand Planning Institute.
16. I have 6 years of experience in resource management and planning. My work experience is entirely within regional government. During this time, I have specialised in policy planning. I have particularly focused on freshwater planning and the implementation of the NPS-FM.
17. I have been involved in the development of the provisions for Variation 1 and contributed to the Section 32 Evaluation report.
18. I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court in January 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.

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

**Hearing Stream: 7**

### **Officer's Report: Variation 1 to Proposed Change 1 to the Regional Policy Statement**

19. The scope of my report relates to Variation 1 to Change 1. I confirm that the issues addressed in this report are within my area of expertise.
20. Any data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the report in which I express my opinions. Where I have set out opinions in my report, I have given reasons for those opinions.
21. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

#### **1.4 Supporting Evidence**

22. The expert evidence, literature, or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:
  - The notified Variation 1
  - The notified Change 1
  - Relevant submissions and further submissions
  - Proposed Plan Change 1 to the Natural Resources Plan for the Wellington region
  - National Policy Statement for Freshwater Management (NPS-FM) 2020 (updated 2023)
  - Ministry for the Environment's 'Guidance on the National Objectives Framework of the National Policy Statement for Freshwater Management 2020', published 2022
  - Te Awarua-o-Porirua Whaitua Implementation Programme (2019)
  - Te Awarua-o-Porirua Whaitua Implementation Programme: Ngāti Toa Rangatira Statement (2019)
  - Te Whanganui-a-Tara Whaitua Implementation Programme (2021)
  - Te Mahere Wai o te Kāhui Taiao (2021)

#### **1.5 Key Issues**

23. A number of submitters raised issues with the provisions in Variation 1. A total of 7 submissions (30 submission points) and 3 further submissions (31 further submission points) were received on the provisions relating to this topic.
24. The following are considered to be the key issues:
  - General support for the new Objectives TAP and TWT
  - Engagement process for Variation 1

- Minor amendments to new Objectives TAP and TWT
- New Figure 3.4
- Inserting additional shorter-term Visions

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

## **1.6 Pre-hearing Meetings**

26. At the time of writing this report there have not been any pre-hearing meetings, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic. Discussions have been held with submitters & further submitters where necessary to better understand their submission points.

## **2.0 Statutory Considerations**

### **2.1 Resource Management Act 1991**

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

- Section 30 Functions of regional councils
- Section 60 Preparation and change of regional policy statements
- Section 61 Matters to be considered by regional council (policy statements)
- Section 62 Contents of regional policy statements
- Section 80A Freshwater planning process; and
- Schedule 1 Part 4 Freshwater planning process.

#### ***2.1.1 National Policy Statement for Freshwater Management 2020 (updated 2024)***

28. The National Policy Statement for Freshwater Management 2020 (NPS-FM) is the primary national direction that relates to this topic. The NPS-FM came into effect on 3 September 2020 and replaced the earlier NPS-FM 2014 (as amended 2017). The NPS-FM was subsequently updated in February 2023. The NPS-FM sets the direction for freshwater management in New Zealand and is underpinned by the fundamental concept of Te Mana o te Wai. At the core of Te Mana o te Wai is the prioritisation of the health and wellbeing of New Zealand's freshwater resources. Te Mana o te Wai includes a hierarchy of obligations that prioritises:

- first, the health and wellbeing of waterbodies and freshwater ecosystems,
- second, the health needs of people, and
- third, the ability of people and communities to provide for their social, economic and cultural wellbeing, now and in the future.

29. All local authorities must give effect to the NPS-FM, although a large proportion of the requirements sit at the regional level. The NPS-FM requires freshwater quality to be maintained (where it meets stated environmental outcomes) or improved over time (where it does not meet stated environmental outcomes) through the National Objectives Framework (NOF). Regional councils must notify regional plans or policy statements to implement the NPS-FM by 31 December 2027<sup>1</sup> (noting that when Variation 1 was notified the deadline was still 31 December 2024).
30. Variation 1 proposes two long-term visions for freshwater for Te Awarua-o-Porirua Whaitua and Whaitua Te Whanganui-a-Tara to give effect to clause 3.3 of the NPS-FM, which requires that Council must develop long-term visions for freshwater in its region and include those long-term visions as objectives in its regional policy statement.

## **2.2 Section 32AA**

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

***32AA Requirements for undertaking and publishing further evaluations***

*(1) A further evaluation required under this Act—*

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

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

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

*(d) must—*

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

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

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

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<sup>1</sup> Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Bill, Schedule 2, Part 4



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

### 2.3 Trade Competition

33. Trade competition is not considered relevant to this topic within Change 1. There are no known trade competition issues raised within the submissions.

## 3.0 Consideration of Submissions and Further Submissions

### 3.1 Overview

34. Variation 1 as notified consisted of two objectives and a new Figure 3.4.

35. The total number of submissions and further submissions on this topic are broadly allocated across these issues as follows:

- 8 original submission points and 8 further submission points that are generally supportive or neutral of some provisions;
- 2 original submission points and 2 further submission points received on issues relating to engagement when drafting the objectives;
- 17 original submission points and 23 further submission points received on issues relating to proposed Objectives TAP and TW;
- 3 original submission points and 2 further submission points received on issues relating to proposed Figure 3.4.

### 3.2 Report Structure

36. The issues raised in submissions are addressed by sub-topics within this report. Some submissions cross several sub-topics and are therefore addressed under more than one sub-topic heading.

37. Clause 49(4)(c) of Schedule 1, Part 4 of the RMA allows the Freshwater Hearings Panel to address submissions by grouping them either by the provisions to which they relate, or the matters to which they relate. On this basis, I have undertaken my analysis and evaluation on an issues and provisions-based approach, rather than a submission-by-submission approach.

38. This report should be read in conjunction with the submissions and the summary of those submissions. **Appendix 2** sets out my recommendations on whether to accept or reject individual submission points based on the analysis contained within the body of the report.

39. Where I have recommended amendments to provisions as a result of relief sought by submitters, I have set this out in this report, with a further evaluation provided within the section of the report that addresses that issue. I have also provided a marked-up version

of the provisions with recommended amendments in response to submissions in **Appendix 1**.

### 3.3 Categorisation of provisions into the Freshwater Planning Instrument

40. At the time of notification of Variation 1, Section 80A of the RMA provided the relevant tests for determining which parts of Change 1 should form part of the FPI:

*(1) The purpose of this subpart is to require all freshwater planning instruments prepared by a regional council to undergo the freshwater planning process.*

*(2) A freshwater planning instrument means—*

*(a) any part of a proposed regional plan or regional policy statement that relates to objectives that give effect to the national policy statement for freshwater management:*

*(b) any provisions of a proposed regional plan or regional policy statement in relation to which the regional council has decided to use the freshwater planning process under subsection (6B)(b):*

*(c) any regional policy statement (including any change or variation to the statement) in relation to which the council has decided to use the freshwater planning process under subsection (6B)(c):*

*(d) any change or variation to a proposed regional plan or regional policy statement if the change or variation—*

*(i) relates to objectives that give effect to the national policy statement for freshwater management; or*

*(ii) relates to a provision described in paragraph (b).*

41. All provisions in Variation 1 have been categorised as a freshwater planning instrument for the reasons outlined in the section 32 report<sup>2</sup>, and this has not been challenged by any submissions.

### 3.4 Format for Consideration of Submissions

42. For each sub-topic, my analysis of submissions is set out in this report as follows:

- Matters raised by submitters;
- Analysis;
- Section 32AA evaluation; and
- Recommendations

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<sup>2</sup> Section 32 Evaluation report for Proposed Variation 1 to Proposed Change 1 to the Regional Policy Statement for the Wellington Region, paragraphs 7-13.

### **3.5 Issue 1: Generally supportive or neutral submissions**

#### **3.5.1 Matters raised by submitters**

43. DairyNZ [S2.001], Federated Farmers [S3.001] (opposed by Forest and Bird [FS1.010]), WCC [S4.001] (opposed by Forest and Bird [FS1.007]), Fish and Game [S5.001] (supported by Forest and Bird [FS1.005]), NZTA [S6.001] (opposed by Forest and Bird [FS1.016]), and Winstone Aggregates [S7.001] (opposed by Forest and Bird [FS1.019]) have all submitted in general support or general neutrality towards Variation 1 as a whole, with many of these submitters seeking more specific relief (addressed in the sections below).
44. DOC [S1.001] (supported by Forest and Bird [FS1.001 and FS1.009]) and Federated Farmers [S3.002] (opposed by Forest and Bird [FS1.011]) support the insertion of the new section heading for long-term freshwater visions.
45. These submission points either seek no relief, request that provisions are retained as notified, or request that provisions are retained with amendments sought, and their content is noted. Where specific amendments are sought, I will address these in the sections below.

### **3.6 Issue 2: Engagement**

#### **3.6.1 Matters raised by submitters**

46. Fish and Game [S5.002] (supported by Forest and Bird [FS1.006]) and Winstone Aggregates [S7.003] (opposed by Forest and Bird [FS1.021]) have submitted raising concerns with the engagement process followed when developing Variation 1 and whether it meets the requirements of Section 3.2(b) of the NPS-FM.

#### **3.6.2 Analysis**

47. As noted in paragraphs 49 and 50 of the Section 32 Evaluation report Variation 1, these long-term freshwater visions were developed based on information provided during the whitua processes for Te Awarua-o-Porirua and Te Whanganui-a-Tara, which took many years.
48. The long-term freshwater visions are based on statements from the relevant Whitua Implementation Programmes, which were produced as part of the extensive whitua process, which engaged with tangata whenua and the wider community and which was informed by an understanding of the history of, and environmental pressures on the whitua area as required by clause 3.3 of the NPS-FM. The whitua processes both included extensive community engagement through public meetings, presence at major community events, and making use of the community networks of the committee members. Tangata whenua engagement was provided for through including tangata whenua representatives on the committees to speak to tangata whenua aspirations and

values. There was also informal engagement with mana whenua prior to notification of Variation 1.

49. As stated in the Guidance on the National Objectives Framework of the NPS-FM, “*the NPS-FM requires the active involvement of tangata whenua (to the extent they wish) and engagement with the community when developing long-term visions, but it does not prescribe how and when to do this*”<sup>3</sup> (emphasis my own).
50. In my view, this indicates that the approach taken by Council of frontloading engagement through the whitua process and developing long-term freshwater visions from the content of the Whitua Implementation Programmes is a valid means of developing these provisions.
51. Council did not consult Fish and Game during the development of Variation 1 and there is no statutory requirement to do so. The RMA requires consultation with the Minister for the Environment and other Ministers who may be affected, local authorities who may be affected, tangata whenua of the area who may be affected, and any customary marine title group in the area<sup>4</sup>.
52. A draft version of Variation 1 was provided to mana whenua/tangata whenua, territorial authorities, Wellington Water Limited (as the three waters network operator) and relevant Ministers on 15 May 2023, with a request for feedback by 27 July 2023. Amendments were sought by Wellington Water, Porirua City Council, and Ngāti Toa, and several changes were made to the draft wording to reflect the relief sought.

### **3.6.3 Recommendations**

53. I recommend that the submissions from Fish and Game [S5.002] and Winstone Aggregates [S7.003] be rejected.

### **3.6.4 Section 32AA Evaluation**

54. As I am not recommending any changes as a result of this submission point, a section 32AA evaluation is not required.

## **3.7 Issue 3: Amendments requested to proposed Objectives TAP & TWT**

### **3.7.1 Matters raised by submitters**

55. As a number of submitters have sought the same relief for the two new objectives, this section will respond to submissions for both.
56. DOC [S1.002, S1.003] (supported by Forest and Bird [FS1.002 & FS1.003]), DairyNZ [S2.002, S2.005, S2.006, S2.009] (opposed by Ngāti Toa [FS3.001 and FS3.002]), NZTA [S6.002, S6.003] (opposed by Forest and Bird [FS1.017 and FS1.018]), and Winstone

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<sup>3</sup> Guidance on the National Objectives Framework of the NPS-FM, page 39.

<sup>4</sup> Resource Management Act, Schedule 1, clause (3)(1).

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

Hearing Stream: 7

### Officer's Report: Variation 1 to Proposed Change 1 to the Regional Policy Statement

Aggregates [S7.002] (opposed by Forest and Bird [FS1.020]) generally support the new objectives.

57. DairyNZ [S2.003, S2.007] (supported by NZTA [FS2.001 and FS2.003]) submit that the current listing of waterbodies in the chapeau should be replaced with more concise language (“freshwater & coastal waterbodies”), and that reference needs to be made to connected waterbodies.
58. DairyNZ [S2.004, S2.008] (supported by NZTA [FS2.002 and FS2.004]) and Federated Farmers [S3.003, S3.004] (opposed by Forest and Bird [FS1.012 and FS1.013]) submit that the objectives need to clarify that access to waterbodies is not always appropriate.
59. Federated Farmers [S3.003, S3.004] (supported by Forest and Bird [FS1.012] and opposed by Forest and Bird [FS1.013 and FS1.014], with NZTA taking a neutral position [FS2.005 and FS2.006]) also submits that the references to “natural waterflow” ought to be changed to “natural form and character”, and that a new clause referencing the use of water in food production should be inserted.
60. WCC [S4.002, S4.003] (opposed by Forest and Bird [FS1.008] and supported by NZTA [FS2.007 and FS2.008]) submits that the phrasing in clause 7 of “does not compromise” should be replaced with “sustainably manages”.
61. Ngāti Toa [FS3.001 and FS3.002] in opposition to the support for the timeframe expressed by DairyNZ have sought a number of changes to the two objectives in their further submission:
  - Changing the timeframe in the chapeau from 2100 to 2083;
  - Rephrasing clause 1 of Objective TAP to focus on Ngāti Toa Rangatira values;
  - Adding reference to waka ama and swimming in clause 4;
  - Expanding clause 6 to refer to mana whenua and communities being resilient to and not negatively affected by climate change; and
  - Reframing clause 7 to enable socio-economic benefits from the take and use of water, provided the health and wellbeing of waterbodies and freshwater ecosystems are appropriately protected.

### **3.7.2 Analysis**

62. Those submission points from DOC, DairyNZ, NZTA, and Winstone Aggregates that generally support the new objectives are noted.
63. I do not agree with the amendments to the chapeau suggested by DairyNZ. While these amendments do make the chapeau more concise, they narrow the scope of the objectives. A water body is defined in the RMA as “fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within

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

**Hearing Stream: 7**

**Officer's Report: Variation 1 to Proposed Change 1 to the Regional Policy Statement**

the coastal marine area". This interpretation does not account for the ecosystems within waterbodies, and amending the chapeau in this way would not align with clause 2.1(1)(a) of the NPS-FM, which directs that "the health and well-being of water bodies and freshwater ecosystems" are the first priority.

64. I also do not agree that the objectives need to refer to connected waterbodies, because not all waterbodies in these two whaitua are connected to the harbours. For example, the Ōrongorongo River and the Wainuiomata Stream are not connected to Te Whanganui-a-Tara (the harbour). Referring to connected waterbodies would exclude some waterbodies from the objective, which is neither intended nor appropriate in my view.
65. On the topic of public access, I agree with DairyNZ and Federated Farmers that it would be inappropriate for the objectives to direct that public access should always be provided for. As noted in the submissions, there are health and safety risks to both members of the public and to livestock in providing for this.
66. I also agree with Federated Farmers that there is merit to replacing the references to "natural waterflow" with "natural form and character", as the latter phrasing covers natural waterflow but is more commonly used and understood planning language.
67. However, I do not agree that a new clause about the use of water for food production that supports the health needs of people is appropriate. In my view, food production is included in the third priority of the hierarchy of Te Mana o te Wai (the ability of people and communities to provide for their social, economic, and cultural wellbeing), and is thus covered by the existing wording of clause 7 ("provide for social and economic use benefits"). This aligns with the opinion of Ms Pascall in her s42A report on Freshwater & Te Mana o te Wai<sup>5</sup>.
68. I agree with WCC that the phrasing in clause 7 of "does not compromise" would result in the clause being misinterpreted to mean that no adverse effects on freshwater can ever be allowed. This was not the intent and requires amendment. However, I do not agree that "sustainably manages" is the most appropriate amendment to this clause. The vision is about achieving significant improvements in ecological health and water quality, and sustainable management as articulated in Part 5 of the RMA is a lower threshold than this. I recommend reframing this clause around visions not being compromised, as this provides more clarity of intent.
69. Regarding the points raised by Ngāti Toa in their further submission, my views are as follows:
  - I do not agree with shifting the timeframe from 2100 to 2083. The proposed timeframe adjustment is relatively short-term in the context of environmental rehabilitation and the complexity of addressing ongoing environmental degradation. A longer timeframe provides a more realistic outlook for

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<sup>5</sup> Section 42A Report, Freshwater and Te Mana o te Wai, para 176.

achieving substantial and enduring improvements in freshwater health. Additionally, environmental recovery processes often require extended periods to manifest noticeable changes due to the inherent resilience of natural ecosystems. Shortening the timeframe may create unrealistic expectations and undermine the long-term nature of sustainable freshwater management efforts. Considering the scale of environmental challenges and the need for comprehensive restoration measures, maintaining the original timeframe until 2100 allows for a more thorough and effective implementation of strategies aimed at achieving freshwater sustainability and resilience.

- I agree that clause 1 of Objective TAP should be reframed to refer to the values of Ngāti Toa Rangatira. Acknowledging and prioritizing the values of Ngāti Toa Rangatira is crucial for fostering meaningful long-term partnership in freshwater management. By aligning the objective with Ngāti Toa Rangatira values, the vision becomes more inclusive, reflects the principles of the Treaty of Waitangi, and promotes collaborative decision-making processes. This reframing ensures that Objective TAP is rooted in Ngāti Toa perspectives and aspirations.
- I agree with inserting specific reference to waka ama and swimming into clause 4 as key recreational uses to be provided for. Both activities hold significance for local communities and contribute to the cultural and social fabric of the whitua. Incorporating waka ama and swimming into the clause acknowledges their importance as activities that foster connections to waterbodies. Also, both are specifically mentioned as aspirations in the Te Awarua-o-Porirua Whitua Implementation Programme<sup>6</sup> and the Ngāti Toa Rangatira Statement<sup>7</sup>.
- I do not agree that clause 6 should be amended to insert references to mana whenua and communities being resilient to and not being negatively impacted by the impacts of climate change. While I acknowledge the importance of building resilience to climate impacts, it's essential to recognize the broader systemic challenges associated with climate change mitigation and adaptation. Climate change is a complex, multifaceted issue with global cause, and addressing its adverse effects requires coordinated action at various levels of governance and society. Instead of expanding clause 6, efforts should focus on integrating climate change considerations across all relevant provisions of the RPS, including strategic planning, infrastructure development, and natural hazard management. This holistic approach ensures a comprehensive response to climate challenges while leveraging existing frameworks and resources to maximize effectiveness. The RPS contains a suite of provisions that focus on building resilience outside of this long-term vision.

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<sup>6</sup> Te Awarua-o-Porirua Whitua Implementation Programme, pages 7, 17, and 23.

<sup>7</sup> Ngāti Toa Rangatira Statement, pages 5 and 15.

- The amendments proposed by WCC to clause 7 provide clarity and certainty by emphasizing the sustainable management of water resources while enabling socio-economic benefits. By aligning with Section 5 of the Resource Management Act, which prioritizes the sustainable management of natural and physical resources. "Sustainably managed" provides clear and explicit guidance to plan makers regarding the desired outcome for water use activities. It emphasizes the need for proactive management approaches that balance socio-economic benefits with long-term environmental sustainability. In contrast, "appropriately protected" may be interpreted subjectively and could lead to ambiguity in decision-making processes. The term lacks specificity and may result in inconsistent interpretations by stakeholders and decision-makers.

### 3.7.3 Recommendations

1. I recommend that the submission(s) from DOC [S1.002, S1.003], DairyNZ [S2.002, S2.005, S2.006, S2.009], NZTA [S6.002, S6.003], and Winstone Aggregates [S7.002] relating to the 2100 timeframe be accepted in part.
2. I recommend that the submission(s) from WCC [S4.002, S4.003] requesting the insertion of "sustainably managed" into clause 7 be accepted.
3. I recommend that the submissions from Federated Farmers [S3.003, S3.004] relating to the rephrasing of clause 3 be accepted in part.
4. I recommend that the submissions from DairyNZ [S2.004, S2.008] and Federated Farmers [S3.003, S3.004] relating to appropriate public access be accepted in part.
5. I recommend that the further submissions from Ngāti Toa [FS3.001, FS3.002] seeking various amendments to Objective TAP and Objective TWT be accepted in part.
6. I recommend that the submissions from DairyNZ [S2.003, S2.007] seeking that the current listing of waterbodies in the chapeau be replaced with "freshwater & coastal waterbodies" be rejected.
7. As a result of all of these, I recommend that Variation 1 is amended as follows:
  - Amend Objective TAP as follows:
    1. The values of Ngāti Toa Rangatira are upheld by way of revitalising and protecting Ngāti Toa Rangatira practices and tikanga associated with Te Awarua o Porirua ~~are revitalized and protected~~; and
    2. Mahinga kai are abundant, healthy, diverse and can be safely gathered by Ngāti Toa Rangatira and served to Ngāti Toa Rangatira uri and manuhiri to uphold manaakitanga; and
    3. Have restored and healthy ecosystems that support an abundance and diversity of indigenous species, ~~and have a natural water flow~~ have natural form and character and energy that demonstrate kei te ora te mauri (the mauri of the place is intact); and



4. Where appropriate and with the agreement of private landowners, provide for safe and healthy access for people and communities to enjoy a range of recreational activities including waka ama, swimming, and fishing, fostering a strong connection to these waterbodies; and
5. Are taken care of in partnership with Ngāti Toa Rangatira giving effect to the rights, values, aspirations and obligations of Ngāti Toa as kaitiaki for the mana of Te Awarua-o-Porirua as a taonga; and
6. Are resilient to the impacts of climate change; and
7. The use of water and waterways provide for social and economic use benefits, provided that the vision for the ecological health such use does not compromise the health and well-being of waterbodies, and freshwater ecosystems and coastal waters is not compromised. or the take and use of water for human health needs.
  - Amend Objective TWT as follows:
    1. The Mana Whenua practices and tikanga associated with Te Whanganui-a-Tara are revitalized and protected; and
    2. Mahinga kai are abundant, healthy, diverse and can be safely gathered by Taranaki Whānui and Ngāti Toa Rangatira and served to Taranaki Whānui and Ngāti Toa Rangatira uri and manuhiri to uphold manaakitanga; and
    3. Have mauri/mouri that is nurtured, strengthened and able to flourish and restored natural form and character, have a natural water flow, and ecosystems that support an abundance and diversity of indigenous species; and
    4. Where appropriate and with the agreement of private landowners, provide for the safe and healthy access and use of all rivers, lakes, wetlands, estuaries, harbours, and the coast for a range of recreational activities including waka ama, swimming, and fishing, fostering an appreciation of and connection to these waterbodies; and
    5. Are taken care of in partnership with Taranaki Whānui and Ngāti Toa Rangatira giving effect to the rights, values, aspirations and obligations of Ngāti Toa and Taranaki Whānui that respects the mana of Te Whanganui-a-Tara and the whakapapa connection with Taranaki Whānui and Ngāti Toa Rangatira; and
    6. Are resilient to the impacts of climate change; and
    7. The use of water and waterways provide for social and economic use benefits, provided that the vision for the ecological health such use does not compromise the health and well-being of waterbodies, and freshwater ecosystems and coastal waters is not compromised. or the take and use of water for human health needs.

### 3.7.4 Section 32AA Evaluation

70. In accordance with section 32AA, I consider the replacement text I am recommending for Objective TAP and Objective TWT is the most appropriate for the following reasons:
  - The change from stating the goals as achievable by the year 2100 to a statement of progressive improvement acknowledges the need for ongoing efforts towards achieving the desired outcomes. By framing the goals as

progressive improvements, it emphasizes the need for continuous action and adaptation to changing circumstances, including emerging environmental challenges and evolving societal values.

- The amendment to emphasize the Mana Whenua values aligns with the principles of the Treaty of Waitangi and acknowledges the importance of incorporating Māori values and perspectives into freshwater management. By explicitly recognizing and safeguarding cultural practices, the vision promotes holistic and inclusive management approaches that respect indigenous rights and heritage.
- By acknowledging the need for agreement with private landowners, the vision recognizes and respects property rights, which is a fundamental aspect of the Resource Management Act. This addition demonstrates a commitment to collaborative and cooperative approaches to freshwater management, fostering positive relationships between stakeholders and promoting voluntary engagement in achieving shared goals.
- The inclusion of specific recreational activities such as waka ama and swimming, and the emphasis on safe and healthy access, reflects a more detailed and inclusive approach to recreational use of waterbodies. By acknowledging and facilitating diverse recreational activities, the vision promotes community engagement with freshwater environments while ensuring the protection of ecological values and public health.
- The inclusion of "natural form and character and energy" emphasizes the importance of restoring ecosystems to their natural state, including their physical, chemical, and biological attributes. By prioritizing ecological integrity, the vision promotes resilience and sustainability, enhancing the capacity of freshwater ecosystems to support indigenous species and provide ecosystem services.
- The revised wording emphasizes the need to provide for social and economic benefits derived from water use within the overarching goal of ecological health and well-being. By prioritizing ecological health, the vision promotes sustainable development that maintains the integrity of freshwater ecosystems and ensures the long-term viability of water resources for current and future generations.

### **3.8 Issue 4: Proposed Figure 3.4**

#### **3.8.1 Matters raised by submitters**

71. DOC [S1.004] (supported by Forest and Bird [FS1.004]) supports the insertion of Figure 3.4. DairyNZ [S2.010] opposes the insertion of Figure 3.4, requesting that it is replaced with a region-scale map. Federated Farmers [S3.005] (opposed by Forest and Bird [FS1.015]) is neutral towards Figure 3.4, but state that further refinement into part FMUs is required.

### **3.8.2 Analysis**

72. Replacing the proposed Figure 3.4 with a region-scale map would risk making the figure unhelpful. Te Awarua o Porirua and Te Whanganui a Tara are both geographically small whitua compared to the two whitua in Wairarapa, and a region-scale map would show these two whitua at too small a scale to be easily legible. My view is that the remaining whitua would be better shown with additional figures in later plan changes.
73. It is not necessary to further refine Figure 3.4 into part FMUs. The long-term freshwater visions are set at the whole FMU scale, and not at the part FMU scale. Figure 3.4 reflects this. Proposed Change 1 to the Natural Resources Plan does include maps that show the part FMUs, as this is the level at which part FMUs are managed.

### **3.8.3 Section 32AA Evaluation**

74. As I am not recommending any changes to this part of Variation 1, a section 32AA evaluation is not required.

### **3.8.4 Recommendations**

75. I recommend that the submission from DOC [S1.004] be accepted.
76. I recommend that the submission(s) from DairyNZ [S2.010] and Federated Farmers [S3.005] be rejected.

## **3.9 Issue 5: Inserting Shorter-Term Visions**

### **3.9.1 Matters raised by submitters**

77. The further submission by Ngāti Toa [FS3.001 on S2.002] sought the insertion of new short-term objectives for fresh and coastal water for Te Awarua-o-Porirua. Drafting was not provided by the submitter.

### **3.9.2 Analysis**

78. The NPS-FM 2020 does not preclude the use of more than one vision for different timeframes in clause 3.3; if visions meet the requirements set in clauses 3.3(2) and 3.3(3). However, my understanding of the submission point is that Ngāti Toa are concerned about potential for delayed action to move towards achieving the objective, and the shorter-term vision is intended to help prevent this becoming an issue.
79. In my view an alternative means of achieving the same goal would be to amend the chapeau of Objective TAP to make reference to progressive improvement towards achieving the objective. This would make it clear that action and improvements are expected promptly. I have accordingly recommended amendments to Objective TAP to that effect.

### 3.9.3 Recommendations

80. I recommend that the further submission from Ngāti Toa [FS3.001] be accepted in part and that Change 1 is amended as follows:

- Amend the chapeau of Objective TAP as follows:

~~By the year 2100~~ Te Awarua-o-Porirua harbour, awa, wetlands, groundwater estuaries and coast are progressively improved to become healthy, wai ora, accessible, sustainable for future generations by the year 2100, and

### 3.9.4 Section 32AA Evaluation

81. In accordance with section 32AA, I consider the amendments I am recommending to Objective TAP are the most appropriate for the following reasons:

- The recommended amendments implement the Ngāti Toa Rangatira Statement and the Te Awarua-o-Porirua WIP and give effect to the NPS-FM.
- The recommended amendments address concern expressed by tangata whenua that further environmental degradation will be allowed before improvement begins.

## 4.0 Conclusions

82. A range of submissions have been received in support of, and in opposition to the provisions relating to Variation 1 to Change 1.

83. 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.

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

### Recommendations:

I recommend that:

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