

**Before the Hearing Panel
At Wellington**

Under the Resource Management Act 1991 (**RMA**)

In the matter of Proposed Natural Resources Plan for the Wellington Region
(hearing stream 1)

**Introduction and legal overview on behalf of Wellington Regional Council:
Right of reply - Hearing Stream 1**

Date: 4 September 2017



Solicitor on the record

Contact Solicitor

Kerry Anderson

Emma Manohar

kerry.anderson@dlapiper.com

emma.manohar@dlapiper.com

50-64 Customhouse Quay, Wellington 6011
PO Box 2791, Wellington 6140
DX SP20002, Wellington
Tel +64 4 472 6289
Fax +64 4 472 7429

Tel +64 4 474 3255

Tel +64 4 918 3016

INTRODUCTION OF THE TEAM

- 1 First to introduce the Greater Wellington team here today:
 - 1.1 Kerry Anderson and Emma Manohar - legal counsel.
 - 1.2 Section 42A report authors:
 - 1.2.1 Ms Guest, who wrote the 42A report on areas and sites with significant mana whenua values.
 - 1.2.2 Ms Legarth, who is addressing the reply matters arising from the two 42A reports on the overall policy framework (prepared by Emily Greenberg who no longer works at the Council).
 - 1.2.3 Mr Denton, who wrote the 42A report on beneficial use and development.

FORMAT FOR COUNCIL TEAM PRESENTATION

- 2 The proposed format for the team's presentations is:
 - 2.1 Brief legal overview.
 - 2.2 Ms Guest - to respond to the Independent Review of the Objectives of the proposed Plan.
 - 2.3 Ms Legarth - to respond to matters relating to the overall policy framework of the proposed Plan.
 - 2.4 Mr Denton - to respond to matters on beneficial use and development.
 - 2.5 Ms Guest – to respond to matters relating to areas and sites with significant mana whenua values.

LEGAL ISSUES

3 The reply submissions filed set out a response to some of the key legal issues raised by submitters. I am not going to repeat those, but am happy to take questions on any issues arising.

4 The only new matters to touch on are:

4.1 On 7 August 2017 the Government amended the National Policy Statement for Freshwater Management (**NPS-FM**). The amended version will take effect on 7 September 2017. The amended NPS-FM contains no new directions that must be included in the proposed Plan under section 55(2) of the RMA. However, it does amend Policy A4 of the NPS-FM by removing reference to 'secondary' in 2(a) and (b). The RMA directs that the Council must make those changes, without using the Schedule 1 process, and must give public notice of that within 5 working days of making them. This means that once 7 September has passed, the Council will be making that change to Policy 66 (as soon as practicable) in the proposed Plan and giving public notice of it.

4.2 The Council will also need to assess what other amendments are necessary to give effect to the amended NPS-FM provisions and those will be addressed through a Schedule 1 process within the timeframes specified in Policy E1 of the NPS-FM. Policy E1(f) requires the Council to do that and revise (if necessary) its formally adopted implementation plan (Attachment B of Alastair Smaill evidence for Hearing One) by 31 December 2018 and publicly notify it.

4.3 In August 2017 the Ministry for the Environment issued an Implementation Review of the National Policy Statement for Freshwater Management. This is not a legal document or any sort of precedent, but is a current document available which may be of interest to the Panel in providing context on how Council's across New Zealand are progressing towards implementing this

NPS and issues that have arisen along the way. It is provided simply for information purposes.

Date: 4 September 2017

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a horizontal line that tapers to a point on the right.

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Kerry Anderson / Emma Manohar
Counsel for Wellington Regional
Council
