

**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 2)

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**Introduction and legal overview on behalf of Wellington Regional Council:  
Right of reply - Hearing Stream 2**

Date: 4 September 2017

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## **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 Mr Barry Loe, who wrote the 42A report on land use in riparian margins and stock access to water bodies.
      - 1.2.2 Mr Denton, who wrote the 42A report on air quality management and the 42A report on soil conservation.
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## **FORMAT FOR COUNCIL TEAM PRESENTATION**

- 2 The proposed format for the team's presentations is:
  - 2.1 Brief legal overview.
  - 2.2 Mr Loe - to respond matters on land use in riparian margins and stock access to water bodies.
  - 2.3 Mr Denton - to respond to matters on air quality management.  
He will respond to matters on soil conservation on 14 September.

## **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, other than to briefly summarise the status of the NES-PF, but am happy to take questions on any issues arising.
- 4 There are no new matters arising since those submissions were filed to raise with the Panel.

**National Environmental Standard on Plantation Forestry**

- 5 On 31 July 2017, by order in Council, the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (**NES-PF**) were made. The NES-PF comes into force on 1 May 2018.
  
- 6 In accordance with section 43B of the RMA, the NES-PF prevails over relevant proposed Plan rules, unless one of the three situations outlined in regulation 6 applies and the proposed Plan rule is more stringent. There is no ability for the proposed Plan to be more lenient than a provision in the NES-PF.
  
- 7 In reliance on section 44A of the RMA, where there is duplication or conflict between the proposed Plan and the NES-PF, the Panel can amend the proposed Plan to remove that duplication and provide certainty to users of the Plan. The Council considers that the most efficient approach is for the Panel to address the duplication/conflict as necessary through its decision.
  
- 8 Mr Denton will advise the Panel as to any duplication or conflict and his recommendations on how the proposed Plan can be amended on 14 September. Report authors for the following hearing topics will also address the NES-PF if and where relevant.

**Date:** 4 September 2017



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Kerry Anderson / Emma Manohar  
Counsel for Wellington Regional  
Council