

Report 16.173
Date 29 April 2016
File CCAB-11-84

Committee Te Upoko Taiao - Natural Resource Management Committee
Author Miranda Cross

Proposed Natural Resources Plan – update on Schedule 1 process

1. Purpose

The purpose of this report is to give Te Upoko Taiao – Natural Resource Management Committee (the Committee) an update on the Resource Management Act (1991) (RMA) Schedule 1 process associated with the Proposed Natural Resources Plan for the Wellington Region (proposed Plan). In addition the report will outline the next steps in the process and give an overview of the indicative timeline for the process.

2. Progress to date

2.1 Overview

The proposed Plan was publicly notified on 31 July 2015, with submissions closing on 25 September 2015. At the close of the submission period, 430 submissions were received from individuals, groups or organisations. The submissions contained a total of 11,455 submission points.

Submissions were subsequently summarised, and the Summary of Decisions Requested in submissions (SDR) was publicly notified on 26 February 2016 with Further Submissions called for.

As set out in the RMA, any person may make a Further Submission, provided they meet the following criteria:

- any person representing a relevant aspect of the public interest,
- any person that has an interest in the Proposed Natural Resources Plan for the Wellington region greater than the interest that the general public has, and
- Greater Wellington Regional Council itself.

The Further Submissions period closed on 25 March 2016, with 95 Further Submissions received. All submissions were received from persons who met the criteria set out in the RMA.

During the Further Submissions period a number of errors and omissions were identified in the SDR by Greater Wellington Regional Council staff and by submitters. As a result an Errors and Omissions Addendum (the Addendum) to the SDR was publicly notified on 11 April 2016 with submissions closing on 26 April 2016. Five Further Submissions were received on the Addendum. These were from people or organisations who had already submitted on the original SDR, therefore the total number of Further Submitters remains at 95.

Approximately 40% of Further Submissions received were from the surfing community who have concerns about the impending resource consent application for the Wellington Airport runway extension.

2.2 Initial analysis of submissions

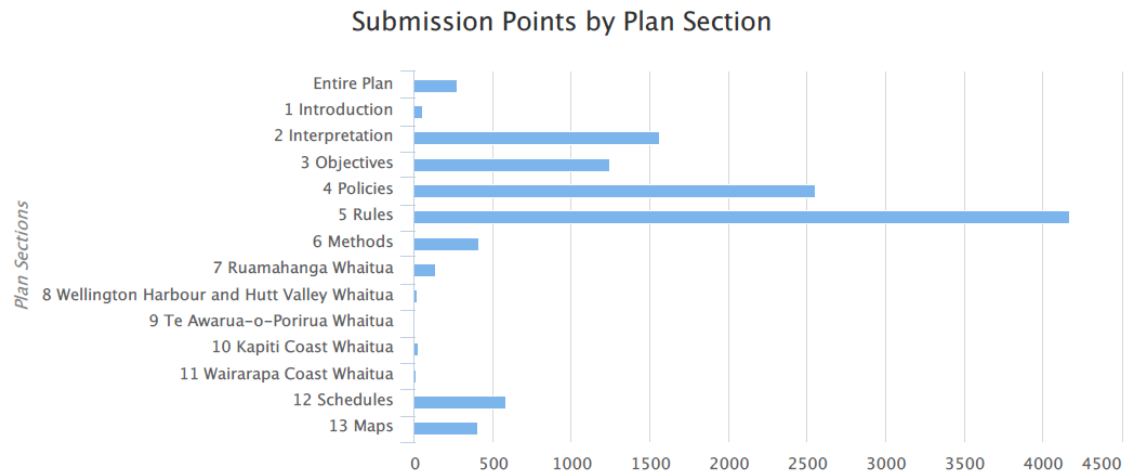
Of the 11,455 submission points, approximately 17% (1936) were in support of specific provisions.

Approximately half of the submitters followed one or more common formats, including the Titahi Bay Resident's Association (90 submissions on motor vehicle access to the beach), Coastal Ratepayers Association (10 submissions primarily on seawalls and coastal hazards), Wairarapa Water User's Incorporated Society (50 submissions primarily on water storage, allocation and rural activities), and Federated Farmers (68 submissions), Land Matters (10 submissions) and Craig Dairy Farm (10 submissions) on rural matters.

The submissions originated from the following locations:

Wairarapa	134
Porirua	131
Wellington City	83
Kāpiti Coast	52
Other North	
Island	13
South Island	9
Hutt Valley	8
Total	430

Most submission points were on the Rules in the proposed Plan. Submissions on Interpretation (definitions), Maps and Schedules were often also in relation to how they affected the Rules.



Initial analysis indicates that the big issues identified by stakeholders during the development of the working document for discussion and draft plan are also the big issues for submitters for the proposed Plan. The initial big issues include:

- Giving effect to the NPS-Freshwater Management
- Stormwater (from private property and from local authority networks)
- Livestock access to surface water bodies
- Drain and river maintenance
- Identification of significant sites and their management
- Coastal hazards
- Regionally significant infrastructure (identification of and exemptions for)
- Groundwater connection to surface water (and therefore allocation)
- Protection of community drinking water supply groundwater areas and restrictions on activities within these areas

3. Looking ahead

Officers are continuing to review all prioritised submission points, identifying areas that would benefit from pre-hearing meetings. During this review officers are also identifying areas where additional technical expertise is required (both internal Greater Wellington Regional Council experts and experts from external organisations). Along with planning officers these experts will convene technical working parties on sub-topics and provide input to the preparation of reports / assessments to assist the pre-hearing meeting process.

Pre-hearing meetings will not be run for all areas of the proposed Plan. Officers are conscious of ensuring all pre-hearing meetings are a worthwhile

use of submitters' time. As such, criteria have been developed for identifying matters for which pre-hearing meetings will be held:

- It will assist in resolving a matter(s) and / or
- It will assist in providing clarity to submitters on the intended need for a provision(s) and how it works.

The first round of pre-hearing meetings have been scheduled and are being run as submitter information days. The format of these will be drop in sessions, where submitters may attend any time between 2-7pm for information on how the pre-hearing and hearing process works, scope / jurisdiction of the proposed Plan and to provide clarification on proposed Plan provisions. These are specifically intended for those submitters who are not familiar with the Schedule 1 process. The location and timing of the submitter information days are as follows:

- 17 May Mana Cruise Club, 5 Pascoe Ave, Porirua
- 20 May Kāpiti Community Centre, Ngahina Road, Paraparaumu
- 23 May Shed 39, 2 Fryatt Quay, Wellington
- 26 May Carterton Event Centre, Holloway Street, Carterton

Invitations to the submitter information days will be sent to submitters in the first week in May.

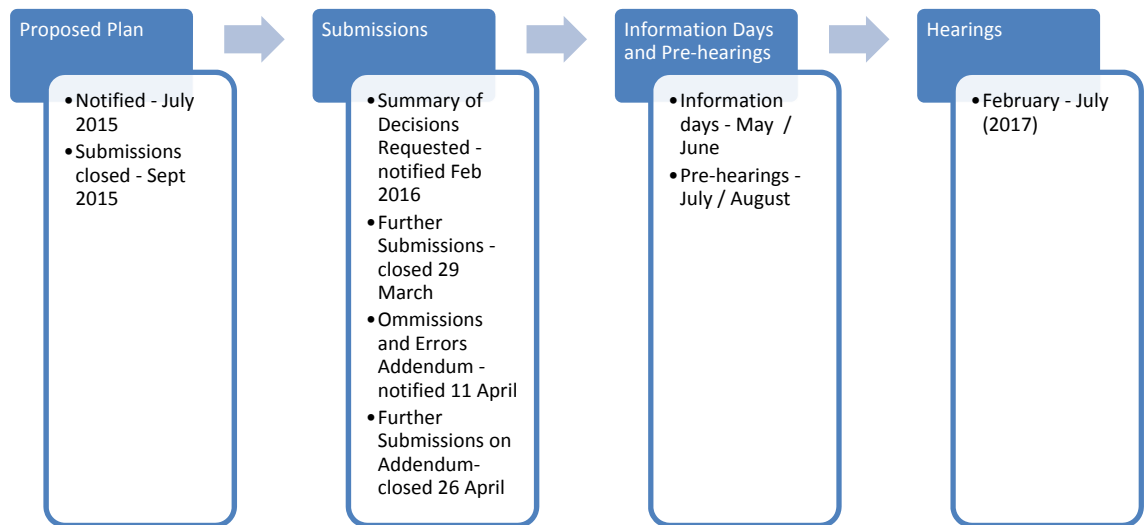
More formal pre-hearing meetings on specific topic or sub-topic areas of the proposed Plan are anticipated to occur through July and August.

Clause 8AA of Schedule 1 of the RMA sets out the process Greater Wellington Regional Council must follow in respect of pre-hearing meetings. In accordance with Cl 8AA and best practice, officers intended to ensure a fair and transparent process for all submitters.

All meetings with submitters regarding the clarification or resolution of matters related to the proposed Plan are pre-hearing meetings. Cl 8AA requires that these meetings be recorded in a report (minutes) and this report circulated to all who attended the meeting and the Hearing Panel. The hearing panel must then have regard to this report when making its decisions. These reports will also be made publicly available as attachments to the s 42(a) Officers Reports.

As with all elements of the Schedule 1 process if Greater Wellington Regional Council does not follow due process, we can expect to face challenge from submitters – this would be in the form of Judicial Review to the High Court.

Associated with process and procedures, the Hearing Panel intends to issue a Minute (directions) to all submitters, setting out how they intend the hearings to run and their expectations of submitters.



The hearing of submissions will be conducted around topic areas. At this stage it is anticipated that six rounds of hearings will occur. Possible hearing topics are:

- Overarching (including the philosophy of the proposed Plan, section 32, consultation and legal submissions)
- Air and Beneficial use
- Māori values, biodiversity including significant sites and wetlands, heritage
- Land use and water quality (including discharges to land and discharges to water)
- Water allocation, Beds of lakes and rivers, Natural Form and Function
- Coast and Natural hazards

Final decisions on the structure of the hearings will be made by the Hearing Panel.

Between pre-hearing meetings concluding and formal hearings commencing, officers anticipate the Hearing Panel will direct expert witness caucusing and pre-circulation of evidence.

4. Communication

The Committee is not making a decision to which the decision making requirements apply as this report is solely for receiving and noting.

5. The decision-making process and significance

No decision is being sought in this report. This report is for the purpose of updating the Committee on the Schedule 1 process for the proposed Natural Resources Plan.

5.1 Engagement

Engagement on the Proposed Natural Resources Plan will continue with submitters as set out in Schedule 1 of the Resource Management Act 1991. In addition, regular updates are provided through newsletters and the Greater Wellington Regional Council website.

6. Recommendations

That the Committee:

- 1. Receives the report.*
- 2. Notes the content of the report.*

Report prepared by:

Miranda Cross
Team Leader
Environmental Policy

Report approved by:

Nigel Corry
General Manager
Environment Group