

WELLINGTON REGIONAL COUNCIL

PROPOSED PLAN CHANGE 1 TO THE NATURAL RESOURCES PLAN FOR THE WELLINGTON REGION

MINUTE 3

HEARING STREAM 1 – REQUEST FOR INFORMATION FROM COUNCIL AND ENVIRONMENTAL DEFENCE SOCIETY, AND COUNCIL'S REPLY

1. This Minute requests specific information from Council and Environmental Defence Society (S222) in relation to the recent hearing for Hearing Stream 1 (HS1). The Minute also sets out specific questions we would like the Council's Reporting Officer to address in their Reply for HS1, and the due date for the Reply.

Information requests for Council

2. We ask that the following information is provided by 4pm on 29 November 2024.

Provisions coded to hearing streams

3. Some submitters (such as Mr Anker and Mr van Berkel) said that it was difficult to know which provisions were being considered during HS1 and those relevant to subsequent hearing streams. To assist submitters preparing for next year, we request that the Council please upload to the Hearings webpage:
 - a. a list of the provisions coded to each hearing stream, and
 - b. a sequential list of the PC1 provisions stating the hearing stream they will be considered in.

RPS wiring diagram

4. We also request a wiring diagram showing the provisions in the Decisions version of the Regional Policy Statement (RPS) and how these cascade through to the Natural Resources Plan Proposed Change 1 (PC1) provisions. We request that this wiring diagram include the RPS provisions relevant to the PC1 threatened species and other schedules considered in HS1.
5. Where RPS provisions are beyond legal challenge (because no appeals have been lodged on them), we ask that they be given a specific colour coding, and that 'freshwater RPS provisions' are also separately identified (e.g., by an asterisk or similar).

Questions for reporting officers and Environmental Defence Society on HS1 topics

Air Quality topic

6. We understand that the air quality provisions in HS1 (R1 – R42) are P1S1 provisions, and not freshwater provisions. Can the Reporting Officer please confirm if this is correct.

7. In the s42A Report for Air Quality the Reporting Officer recommends the reinstatement of the coastal icon for R26 (Abrasive blasting outside an enclosed area), which means that this activity would be permitted within the coastal marine area (CMA) where the conditions were complied with. We understand there may be circumstances where there is a functional need for abrasive blasting to occur in the CMA, for example where it is associated with the maintenance of coastal structures. However, we do not consider that this necessarily means the activity should be permitted in the CMA without requiring demonstration of functional need for the activity to occur in the CMA or implementation of best practise methods to minimise adverse effects on the CMA from contamination or on public access and safety. We request the reporting officer provide further analysis and justification for recommending that the coastal icon is reinstated and reconsideration of their recommendation. Further, if the coastal icon is not reinstated, we request consideration of whether this creates a 'gap' in the rule frameworks in relation to the air discharges in the CMA and whether any consequential changes are needed to R42 to address this, such as adding a further clause addressing where such air discharges occur in the CMA?
8. R42 contains a grammatical error: can the Reporting Officer please consider and provide revised wording (i.e., "...from activities which are either.... (b) do not comply with..")

Definitions

9. Can council confirm that definitions will be discussed under each respective hearing topic? Or will this be included as an integrated topic at the end? This is in relation, but not limited to, the s42A report on Overarching Matters and the use of te reo Māori terms in Table 5, and in paragraphs 194 -198.

Beds of Lakes and Rivers topic

10. We understand that all the beds of lakes and rivers provisions in PC1 (5.4.4 – 5.4.8) are FW provisions. Can the reporting officer please confirm if this is correct. If this is correct, we consider that 5.4.4 and 5.4.7 may also require the FW icon be added. Please advise.
11. Can the council confirm how sites of significance that have not been scheduled by mana whenua be considered by permitted activities? Please refer to Rangitane o Wairarapa submission 85.3.

Rules R128 and 132

12. Rules R128 and R132 refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (NES-PF). In paragraph 74 of the s42A Report, the Reporting Officer refers to analysis of the potential implications of changing references from the NES-PF to the NES-Commercial Forestry 2023 (NES-CF). Does the Council intend to carry out this analysis during the course of PC1 hearings and provide further advice to the Panels and submitters in the integration hearing stream?

13. We request that the Council's legal team please provide more information on the relationship between the NES-PF and NES-CF, in light of submissions from NZ Carbon Farming Group (S263) and China Forest Group Company NZ Ltd (S288). In particular, are the transitional provisions in the NES-CF sufficient to read all references in PC1 to the NES-PF as the 'NES-CF'? Does this raise any issues where activities were not regulated under the NES-PF? For example, R128 excludes from the list of permitted activities, those activities regulated by the NES-PF. Are there any issues with reading this now as a reference to the NES-CF if the scope of the activities regulated by the NES-CF is different from those regulated by the NES-PF?
14. Environmental Defence Society requested drafting changes to R128 regarding additional conditions relating to outstanding water bodies and some other matters. We ask that any specific drafting EDS wishes to propose in relation to this relief, is provided to the Council by 4pm on Monday 18 November 2024, for uploading to the Hearings webpage.

Rule R151A

15. Paragraph 50 of the s32 Report refers to 75 existing water permits that could be considered to have permitted activity (PA) status under proposed Rule R151A (ongoing diversion of a river). Some submitters queried the appropriateness of including a PA rule where the effects of the activities that would be permitted are unknown and the diversions have not been identified. We note for instance Rangitane o Wairarapa submission 85.1 seek that Rule 151A is deleted because the effects of permanent long-term diversions are not known, and because consultation with mana whenua and other parties is needed to ensure the proposed PA status for these diversions is appropriate.
16. We ask that the Council:
 - a. provide more analysis of the circumstances in which the proposed permitted activity rule would apply, and the typical circumstances in which the diversions that would be captured by the rule are undertaken.
 - b. provide a summary of the known existing permanent diversions, lawfully established by way of resource consent and not associated with existing structures, that could be subject to this rule;
 - c. an assessment of the nature and scale of environmental effects of the diversions; and
 - d. further consideration of whether the proposed PA status is appropriate.
17. We note that the diversion of water also includes the subsequent discharge of water back into a waterway. We request consideration of how ss105 and 107 of the RMA can be given effect to under R151A.
18. We ask that the information requested under paragraphs 16 and 17 is provided by 4pm on Wednesday 27 November 2024 and uploaded to the Hearings webpage. Submitters seeking

relief on R151A will have until 4pm on Thursday 12 December 2024 to provide comments, including comments on any alternative activity status (e.g., restricted discretionary and appropriate assessment matters, or discretionary status).

19. The Council will have until 12pm on Friday 20 December 2024 to provide its Reply on the Beds of Lakes and Rivers topic, including response to submitter comments.

Region Wide Schedules and Threatened Species topics

20. We ask for clarification on the difference between the NPS-FM definition of 'threatened species' and the PC1 definition of 'Nationally threatened freshwater species' in relation to Schedule F.
21. We note the Schedule F2c relates to the CMA and gives effect to Policy 11 of the NZCPS. We seek clarification on use of the term 'Nationally Threatened and At Risk species (Nationally threatened freshwater species)' in this context.
22. As discussed at the HS1 hearing, Environmental Defence Society is to confirm its relief sought on Schedule F. We ask that comments are provided by 4pm on Monday 18 November 2024.

Due date for Council Reply

23. The Council's Reply on the Overarching Matters topic is due by 4pm on Friday 29 November.
24. The Council's Reply on the Air Quality and Schedules/Threatened Species topics are due by 4pm on Thursday 5 December 2024.
25. The Council's Reply on the Beds of Lakes and Rivers topic is due by 12pm on Friday 20 December 2024.

Service on Council

26. Any evidence or information required by this Minute, and any memorandum or application to the Freshwater Hearings Panel and/or P1S1 Panel should be lodged by email to regionalplan@gw.govt.nz.



Dhilum Nightingale
Chair

For and on behalf of the
Freshwater Hearing Panel and
Part 1, Schedule 1 Hearing Panel