

Section 42A Overall policy framework of the proposed Plan – Part B Report Overview

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1. Background to the s42A Report

1. My s42A officer’s report, Overall policy framework of the proposed Plan – Part B, assesses the submission points that are most specific to the overall policy framework of the proposed Plan.

2. Overall policy framework

2. In this report, I assess submission points that address the entire plan, the plan structure, introductory text and the specific provisions shown in Figure 1 below.
3. The specific provisions are generally overarching rather than topic specific, but as discussed in my Part A s42A report, there is no hierarchy within the objectives or within the policies in the proposed Plan.

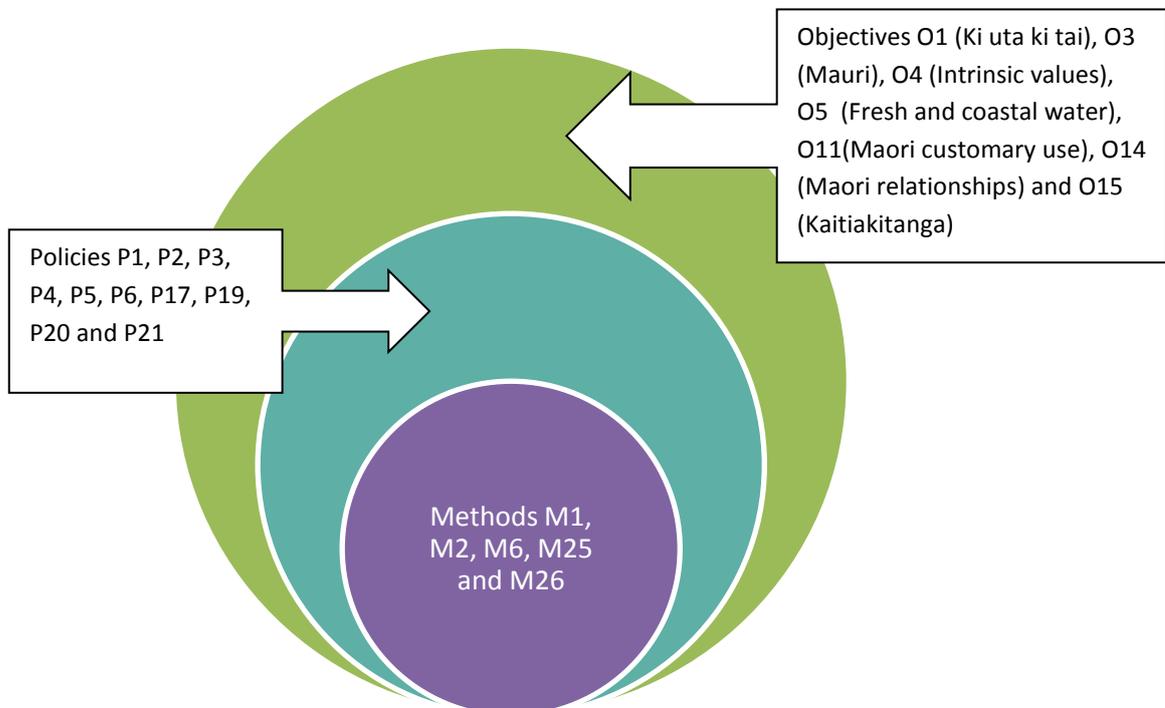


Figure 1. Illustration of the provisions addressed in this s42A officer’s report.

4. No submission points on rules are assessed in this report.

3. Key issues addressed in the section 42A Part B report

5. In my s42A Part B report, I group the matters raised in submissions into seven (7) main issues.
6. The first three issues (Issues 1, 2 and 3) are on the structure of the proposed Plan, introductory text and statutory requirements. Issue 3 is specific to submissions on the statutory requirements of the National Policy Statement on Freshwater Management (NPS-FM).
7. Issue 4 assesses submissions on two objectives (O1 and O4) and five policies (P1, P2, P3, P5 and P6) that are specific to ki uta ki tai and integrated catchment management.
8. Issue 5 assesses submissions on objectives, policies and methods specific to mauri.
9. Issue 6 is specific to submissions on Objective O5, which establishes the minimum management goals for the Region's freshwater bodies and coastal marine areas.
10. Issue 7 is specific to submissions on Policy P4, which defines minimisation of adverse effects.

4. Key recommendations in my section 42A Part B report

11. In response to the submissions, I make the following key recommendations:
 - a. Amend the introductory text in Chapter 2 (Interpretation) and Chapter 5 (Rules) to clarify the meaning of the coastal icon
 - b. Amend the introductory text in Chapter 5 (Rules) and Chapters 7-11 (whaitua chapters) to clarify the use of rules
 - c. Amend the following provisions:
 - i. Objective O1 (Ki uta ki tai) and Policy P1(Integrated catchment management)

- ii. Objective O4 (Intrinsic values)
- iii. Objective O15 (Kaitiakitanga) and Policy P20 (Kaitiakitanga)
- iv. Policy P3 (Precautionary principle)
- v. Policy P6 (Common expiry date)
- vi. Policy P17 (Mauri)
- vii. Methods M1 and M6

5. Outstanding issues identified in submitter's evidence

12. I consider that the following are the key matters in contention, following my reading of the expert planning evidence:
- a. The framework for implementing the NPS-FM, including recognising the values of water, and setting limits and targets in accordance with the RMA, NZCPS and the RPS
 - b. Policy P3 (Precautionary principle)
 - c. Policy P4 (Minimising adverse effects)

6. Recommendations I would reconsider

13. The pre-circulated planning evidence has identified two errors in my s42A Part B report.
- a. My recommended amendment A2(b) (as shown on page 144 in the table in Appendix C) on the introductory text in Chapter 5 should not refer to Section 2.1.3. This error was identified by Ms Allen in her statement of evidence on behalf of GBC Winstone Aggregates (at her paragraph 3.4).
 - b. My recommended amendment A10 (as shown on page 150 in the table in Appendix C) for Objective O4 is missing the word 'aquatic' in front of ecosystems are safeguarded. This error was picked up by Mr Philip Percy in his statement of evidence on behalf of Rangitāne Tū Mai Rā Trust and Rangitāne o

Wairarapa (at his paragraph 93 which reflects my correct recommendation at my paragraph 315).

14. Having reviewed the pre-circulated planning evidence, I consider that there are grounds to reconsider my recommendation on the wording of Policy P4 (Minimising adverse effects). My original assessment of submissions on this matter is at paragraphs 585 – 590, where I recommend retaining the policy as notified.
15. Several submitters provided evidence that disagreed with my recommendation to not amend this policy. While I do not agree with the relief sought, it is obvious to me that the wording of Policy P4 is unclear and has resulted in a common misunderstanding of the relationship of Policy P4 with the other provisions.
16. My understanding from conversations with Council officers who have worked on the development of the proposed Plan is that Policy P4 does not apply to activities in identified scheduled sites (Schedules A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage) and Schedule F (indigenous biodiversity)). This is the intent of sub-clause (b). However it is not obvious or clear that activities in those scheduled sites are provided for by other policies (Policies P39, P41, P45 and P46).
17. Therefore based on the pre-circulated expert planning evidence I agree that an amendment is needed to Policy P4 to make it clear how it is, or is not, relevant to activities in those scheduled sites.
18. I have not identified any other recommendations that I would change.