

**BEFORE THE INDEPENDENT HEARINGS PANELS APPOINTED TO HEAR AND MAKE
RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS ON PROPOSED CHANGE 1
TO THE REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION**

UNDER Schedule 1 of the Resource Management
Act 1991 (the Act)

IN THE MATTER OF Hearing Submissions and Further
Submissions on Proposed Change 1 to the
Regional Policy Statement for the
Wellington Region

**RESPONSE TO REQUEST FOR INFORMATION IN MINUTE 23 –
PARAGRAPHS 6(d) AND 6(f))**

HEARING STREAM 7 - INTEGRATION

8 APRIL 2023

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INTRODUCTION

1 Through Minute 23, the Independent Hearing Panels ('the Panels') for Proposed Change 1 to the Regional Policy Statement ('Change 1') sought information from Greater Wellington Regional Council ('the Council') in relation to matters of consistency and integration across Change 1. In particular, the Panels have sought information from the Council on two specific matters prior to the commencement of Hearing Stream 7, in relation to the regulatory and non-regulatory policies across Change 1 and Table 1A and Table 9.

2 This statement provides responses to these matters on the Council's behalf.

REGULATORY AND NON-REGULATORY POLICIES IN CHANGE 1

3 At paragraph 6(d) of Minute 23, the Panels asked:

We request that Council please provide a list of all the Change 1 provisions that are proposed to sit in Sections 4.1, 4.2 and 4.4 of the RPS to help us review alignment across Change 1. Can Council also please provide an explanation of the difference between regulatory and non-regulatory policies. Are the policies within Change 1 correctly identified as regulatory and non-regulatory policies?¹

4 Regulatory policies in:

4.1 Chapter 4.1, direct the content of district and regional plans and the regulatory policies

4.2 Chapter 4.2, direct the matters that must be considered in the assessment of resource consent applications, notices of requirement, or changes and variations to plans.

5 These policies are regulatory because they require, at a minimum, a regulatory response in a lower order plan under the RMA or a response in the Regional Land Transport Plan² under the Land Transport Management Act 2003. However, the Council or a territorial authority may choose to include non-regulatory methods in addition to the regulatory requirements in their respective plans.

6 The non-regulatory policies in Chapter 4.4 direct actions that do not have a 'regulatory consequence' (as noted by the Panels) or in other words do not direct plans or resource

¹ Minute 23, Paragraph 6(d), page 3

² Policy 9, Policy EIW.1, and Policy 33

consent applications to achieve an outcome as a mandatory requirement. Many of these actions sit outside the RMA framework, but contribute to the achievement of RMA objectives within the RPS, alongside the regulatory policies.

- 7 A full list of all the Change 1 policies contained within Chapters 4.1, 4.2 and 4.4 is provided in Appendix 1 to this statement. As shown in the table, reporting officers across the relevant topics have reviewed these policies based on the approach outlined in paragraphs 6 and 7 above. In summary, all reporting officers consider the policies are correctly identified within the relevant chapters, noting that through Hearing Stream 3 the reporting officer for the Nature-based Solutions topic has recommended Policy CC.7 be relocated to Chapter 4.4 as a non-regulatory policy. This is noted in the table.

TABLE 1A AND TABLE 9

- 8 At paragraph 6(f) of Minute 23, the Panels stated:

Tables 1A and 9 - These tables contain the words "Also see – and consider". We understand this is the format in the Operative RPS (eg in Table 1) but we are uncertain of what text Council proposes to include in Tables 1A and 9 where the words "Also see – and consider" are written. This is important to vertical and horizontal integration. How are these gaps intended to be filled? While this is primarily a question for Council to respond to, we also welcome any submitter comments.³

- 9 The RPS includes tables for each sub-chapter within Chapter 3 to show how the objectives are directly given effect through policies and methods. The tables also generally include a list of other policies that may be relevant to a plan or consent process that involves the objectives and policies set out in the Table. Policies listed under the 'Also see' text are regulatory policies (Chapter 4.1), while those listed under 'and consider' are consideration policies (Chapter 4.2).

- 10 It is accepted that Change 1 has taken a variable approach to this, with some tables including a comprehensive list of policies and methods to achieve the relevant objectives, while others do not include this information. The reporting officers across the relevant topics have reviewed this approach across Change 1 to determine the implications of the current gaps, and more broadly, the purpose of these lists in the context of the RPS.

³ Minute 23, Paragraph 6(f), page 4

- 11 The outcome of this review is that, in the opinion of the reporting officers, the inclusion of the 'Also see' and 'Consider' lists is unnecessary and may in fact create confusion and inefficiencies in the implementation of the RPS. In listing out all potentially relevant policies, there is a risk that those that are not included are seen as less important or a relevant policy(ies) is omitted from the list. In any case, those engaging with the RPS must read the document as a whole to determine the relevant objectives, policies and methods that apply to the particular proposal.
- 12 The reporting officers' recommendation is to remove these references from all the tables that are subject to Change 1 (Tables 1A, 3, 4, 6(a), 8(a), and 9). It is noted that this would mean that the remainder of the RPS that is not subject to Change 1 would retain these references, however there is unlikely to be scope to change those tables.
- 13 If the Panels disagree with this approach, the alternative would be for reporting officers to identify the relevant policies where there are currently gaps (as the Panels have identified in Tables 1A and 9). If this is the Panel's preferred approach, the reporting officers could provide this information through Right of Reply, subject to scope considerations.

DATE:

8 APRIL 2023

KATE PASCALL

**PROGRAMME LEAD – PROPOSED CHANGE
1 (ON BEHALF OF GREATER WELLINGTON
REGIONAL COUNCIL)**