

By Email

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100 Cuba Street
Te Aro, Wellington 6011
PO Box 11646
Manners Street
Wellington 6142
T 04 384 5708
F 04 385 6960

Judge Brian Dwyer
Chief Freshwater Commissioner
freshwaterplanning@mcert.govt.nz

Tēnā koe Judge,

**Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region –
Request for timeframe extension***Our Request*

Greater Wellington Regional Council (GWRC) is writing to the Chief Freshwater Commissioner to seek a 12-month timeframe extension for the Freshwater Hearing Panel's recommendation to GWRC on the Freshwater Planning Instrument (FPI) component of Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region (PC1).¹

A summary of the background of PC1, the reasons for the timeframe extension, the proposed timeframe, and how GWRC intends to meet the proposed timeframe is outlined in the following sections.

GWRC is happy to discuss the decision sought and the content of this request with the Chief Freshwater Commissioner. Contact is best directed to Nicola Arnesen and Will Syben.

Overview of Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region

PC1 was notified on 30 October 2023.² From the date of notification, all rules within PC1 had immediate legal effect under section 86B of the RMA.

PC1 was developed to give effect to the National Policy Statement for Freshwater Management 2020 (NPS-FM). It implements the NPS-FM's National Objectives Framework (NOF) by setting numeric, measurable, and timebound targets to improve freshwater health in

¹ Cl 47, 51, and 52 Schedule 1 Resource Management Act 1991 (RMA).

² Prior to the Resource Management (Freshwater and Other Matters) Amendment Act 2024 being introduced on 13 June 2024 and coming into force on 24 October 2024. This amendment Act signalled the Government's intention to replace the National Policy Statement for Freshwater Management (NPS-FM) 2020, and restricted notification of freshwater planning instruments until a new NPS-FM takes effect (which was expected by 31 December 2025 at that stage).

Te Awarua-o-Porirua Whaitua and Whaitua Te Whanganui-a-Tara (two of the five Wellington whaitua³).

The Whaitua programme in the Wellington Region sought to develop “community-led visions for our wai (water) and how we can get there”. The programme sought to produce a Whaitua Implementation Programme (WIP) for each of the Wellington whaitua, with specific recommendations to GWRC to improve freshwater health to give effect to the NPS-FM 2020, based on scientific freshwater evidence and shaped by community values.

PC1 implemented the freshwater health targets through a suite of provisions that introduced land-use controls, input controls, and output controls to improve freshwater health. These targets were informed by the WIPs created by the two whaitua committees, and the mana whenua statements recommended from Te Rūnanga o Toa Rangatira and Taranaki Whānui ki Te Upoko o Te Ika.⁴

Following notification and submissions, PC1 hearings commenced on 4 November 2024. The hearings were split into five topics. The Freshwater Hearings Panel (FHP) and Independent Hearing Panel (IHP)⁵ would make recommendations to GWRC after concluding the hearing process for all five topics.

Three of the scheduled topics have been heard to date. Hearing 4 was scheduled to commence in August 2025. Hearing 4 would have covered the stormwater, wastewater, freshwater quality and quantity, and freshwater action plan topics. Hearing 5 was intended to be a wrap-up hearing to address any integration issues that arose through the hearings process.

The Government announced a national direction package on 29 May 2025.⁶ This included Package 3: Freshwater, which sought feedback on options to amend freshwater national direction via the NPS-FM, and whether these changes should be implemented under the existing RMA or under new resource management legislation. Following this announcement, Hearing Stream 4 was vacated by the Panels on 13 June 2025 at GWRC's request, while GWRC considered the implications of the government consultation document on PC1.

At the Council meeting on 26 June 2025, GWRC decided to pause PC1 until there was sufficient confidence in government direction to proceed. At that time, it was anticipated that PC1 could recommence either when the new version of the NPS-FM was gazetted, or when

³ GWRC Whaitua: <https://www.gw.govt.nz/environment/freshwater/protecting-the-waters-of-your-area/>

⁴ Whaitua Te Whanganui-a-Tara WIP, and Ngāti Toa Rangatira and Taranaki Whānui ki te Upoko o te Ika WIP:

<https://www.gw.govt.nz/environment/freshwater/protecting-the-waters-of-your-area/whaitua-te-whanganui-a-tara/>

Te Awarua-o-Porirua Whaitua WIP and Ngāti Toa Rangatira statement: <https://www.gw.govt.nz/environment/freshwater/protecting-the-waters-of-your-area/te-awarua-o-porirua-whaitua/>

⁵ Two Panels with common membership.

⁶ Ministry for the Environment, *Consultation on updating RMA national direction*, 29 May 2025: <https://environment.govt.nz/news/consultation-on-updating-rma-national-direction/>

GWRC was sufficiently certain from other related Government announcements or documents to proceed with PC1 if the NPS-FM was delayed.

The Chief Freshwater Commissioner granted a 12-month extension for the FPI component of PC1 on 10 September 2025. This allowed the FHP to make recommendations to GWRC on the FPI by 2 September 2026. The Minister for the Environment granted a 2-year extension for the Part 1 Schedule 1 component of PC1 at the same time, meaning the IHP must make recommendations to GWRC on the non-freshwater components of PC1 by 2 September 2027.

The extension for the FPI component of PC1 has expired, and GWRC is therefore seeking a further extension of 1 year, which is the maximum extension that can be granted at this time.

Process for Seeking an Extension

Under Clause 47 of Schedule 1 to the RMA, GWRC may request an extension from the Chief Freshwater Commissioner for the recommendation report on PC1's FPI component. In applying for the extension, GWRC must state why the extension is sought, the proposed timeframe, and how GWRC intends to meet the proposed timeframe.

The Chief Freshwater Commissioner may decline, fully accept, or partially accept the request and determine a different timeframe.⁷ While an extension may be granted more than once (including in respect of the same provision),⁸ the total period of any extension must not exceed 12 months.

Reasons for the Extension

GWRC is seeking this extension because it is not possible for the FHP to meet the 2 September 2026 recommendation report requirement.

For the previous extension to PC1, the Government signalled potentially significant changes to the NPS-FM occurring within the previous decision-making timeframes for PC1. While it was not expected that the new NPS-FM would be gazetted before a decision was made on PC1, it was expected to be relevant during the appeals process and the NPS-FM exposure draft was expected to be available before decisions on PC1 were made. Given the statutory framework that required PC1 to give effect and implement the NPS-FM, it was anticipated that changes to PC1 would be required to give effect to new or amended national direction. There was uncertainty about the changes proposed to the NPS-FM, with clarification expected upon gazettal of a new NPS-FM anticipated in March 2026 at that time.

⁷ Cl 47(3) Schedule 1 RMA.

⁸ Cl 47(4) Schedule 1 RMA.

Since PC1 was put on hold in 2025, no new or amended version of the NPS-FM has been released. The Government has signalled it will form part of a suite of new national policy direction under the new Planning and Natural Environment Acts, currently expected early- to mid-2027.

GWRC considers a further extension is reasonable and required given new national direction on freshwater is not yet available. An extension is not considered unreasonable given potentially significant changes in national freshwater direction signalled by the Government, which is likely to affect the substance of PC1 and result in flow-on effects to plan users, resource users, and the wider community. Additionally, an extension for the FPI component of PC1 will align timeframes between the FPI and Part 1 Schedule 1 components of PC1.

GWRC acknowledges that PC1's future is currently uncertain considering the present state of flux in national policy direction. However, GWRC intends to provide certainty and make decisions on PC1's future as soon as possible following the release of national policy direction on freshwater, which is anticipated in early- to mid-2027.

Proposed Timeframe Extension

GWRC is seeking a 12-month extension from the Chief Freshwater Commissioner to the date on which the Freshwater Hearings Panel is required to provide its recommendations to GWRC from 2 September 2026 until 2 September 2027. This aligns with the current timeframe for the Part 1 Schedule 1 components of PC1.

Our Approach to Meet the Proposed Timeframe

GWRC acknowledges that its ability to consider PC1's future is dependent on the release of new national policy direction on freshwater. A 12-month extension may therefore be insufficient if there are further delays in the release of this new national direction. However, the Chief Freshwater Commissioner is only able to grant extensions of up to 12 months and that is an appropriate time period within which to reconsider next steps for PC1 to ensure that certainty is provided as soon as possible.

Decision Sought on Extension

Accordingly, GWRC respectfully requests that the Chief Freshwater Commissioner grant a 12-month extension under clause 47 of Schedule 1 to the RMA, enabling the FHP to give its recommendations on the FPI component of PC1 to GWRC no later than 2 September 2027.

GWRC is happy to discuss the decisions sought and the content of this request with the Chief Freshwater Commissioner. Contact is best directed to Nicola Arnesen and Will Syben.

Nāku noa, nā



Nicola Arnesen

Kaiwhakahaere Matua / Manager, Policy

Kaiwhakahaere Rautaki me te Whakamahere / Manager, Strategy and Planning

Strategy, Policy, and Regulation

Rōpū Taiao / Environment Group

Email: Nicola.arnesen@gw.govt.nz

Mobile: 021 583 341