Department of Conservation
Te Papa Atawhai

docCM-7171027

12th October 2022

Environmental Policy,
Greater Wellington Regional Council
PO Box 11646,
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Attention: Hearings Advisor

Proposed Change 1 to the Regional Policy Statement for the Wellington Region
Submission of Director-General of Conservation

Please find enclosed the submission by the Director-General of Conservation in respect of the proposed Change 1 to the Regional Policy Statement for the Wellington Region. The submission identifies the Director-General's concerns.

Please contact Murray Brass in the first instance if you wish to discuss any of the matters raised in this submission via [redacted] or on [redacted]

Yours sincerely

[redacted]

Melody McLaughlin
Operations Manager (Acting)
Kapiti Wellington

RESOURCE MANAGEMENT ACT 1991

SUBMISSION ON PROPOSED CHANGE 1 TO THE REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION

TO:	Great Wellington Regional Council
SUBMISSION ON:	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
NAME:	Penny Nelson Director-General of Conservation / *Tumuaki Ahurei*
ADDRESS:	Department of Conservation Private Bag 5244 Dunedin 9054 Attn: Murray Brass

STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION / *TUMUAKI AHUREI*

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991 (RMA), I, Angus Hulme-Moir, Operations Manager, Kapiti Wellington, acting upon delegation from the Director-General of Conservation, make the following submission in respect of proposed Change 1 to the Regional Policy Statement for the Wellington Region.

1. This is a submission on the proposed Change 1 to the Regional Policy Statement for the Wellington Region.

2. The specific provisions of the proposed Change 1 that my submission relates to are set out in Attachment 1 to this submission. The decisions sought in this submission are required to ensure that the Regional Policy Statement:
    a. Recognises and provides for the matters of national importance listed in section 6 of the Act and has particular regard to the other matters in section 7 of the Act.
    b. Gives effect to the New Zealand Coastal Policy Statement and the National Policy Statement for Freshwater Management.
    c. Promotes the sustainable management of natural and physical resources.
    d. The changes sought are necessary, appropriate and promote sound resource management practice.

4. I **seek** the following decision from the Council:

    4.1 That the particular provisions of the proposed Change 1 that I support, as identified in Attachment 1, are retained.

    4.2 That the amendments, additions and deletions to the proposed Change 1 sought in Attachment 1 are made.

4.3 Further, alternative or consequential relief to like effect to that sought in 4.1 and 4.2 above.

5. I wish to be heard in support of my submission and if others make a similar submission, I will consider presenting a joint case with them at the hearing.



Melody McLaughlin,
Operations Manager (Acting),
Kapiti Wellington

Pursuant to delegated authority
On behalf of
Penny Nelson
Director-General of Conservation / *Tumuaki Ahurei*

Date: 12th October 2022

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

ATTACHMENT 1:

PROPOSED CHANGE 1 TO THE REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION
SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION

The specific provisions that my submission relates to are set out in Attachment 1. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed Change to the regional policy statement. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from the proposed Change is shown in *Italics*. The wording of decisions sought shows new text as *underlined* and original text to be deleted as ~~*strikethrough.*~~

Unless specified in each submission point my reasons for supporting are that the provisions are consistent with the purposes and principles of the Resource Management Act 1991 (RMA).

RPS SECTION	PROVISION	POSITION AND REASON	RELIEF SOUGHT
Chapter 3	Chapter Introduction	The proposed additions usefully outline the issues to be addressed.	Retain as notified, except where specific changes are requested below.
	Objective A	It is unclear in clause (c) whether the life-supporting capacity of ecosystems is to be protected and enhanced in its own right, or only as part of mana whenua / tangata whenua values. S5(b) of the Act requires that it be safeguarded in its own right, so this should be made clear.	Amend as follows, or words to like effect: "(c) protects and enhances mana whenua / tangata whenua values, in particular mahinga kai; and (d) protects and enhances the life-supporting capacity of the environment; and…"
Chapter 3.1A – Climate Change	Entire chapter	It is appropriate to recognise and address climate change in the RPS, and as part of this to specifically recognise the impacts of climate change on ecosystem health and biodiversity, and the role of nature-based solutions.	Retain as notified.

RPS SECTION	PROVISION	POSITION AND REASON	RELIEF SOUGHT
Chapter 3.4 - NPSFM 2020 and Te Mana o te Wai	Entire chapter	The proposed changes recognise Te Mana o te Wai, which is appropriate under the NPSFM, as is the inclusion of iwi statements. However, the structure of the proposed Objective 12 includes the iwi statements under the six principles which Te Mana o te Wai encompasses, which is not an accurate reflection of the NPSFM. This means it is unclear to plan users how those iwi statements are to be applied when implementing the RPS.	Retain as notified, except to amend Policy 12 to clarify how iwi statements are to be applied.
Chapter 3.6 - Indigenous ecosystems	Entire chapter	The proposed changes give effect to s30 and 31 of the Act, and are consistent with Te Mana o te Taiao Aotearoa New Zealand Biodiversity Strategy 2020 and the associated Implementation Plan 2022. They are also consistent with the exposure draft NPS for Indigenous Biodiversity. The references to Public Conservation Land not adequately representing all types of indigenous ecosystem, and having few options for expansion, are an accurate reflection of the situation, and provide support for the approach taken to other changes in this chapter.	Retain as notified, except where specific changes are requested below.
Chapter 3.8 – Natural hazards	Entire chapter	The proposed changes are an appropriate response to current information on climate change, and recognise that natural hazards and mitigation measures can impact on natural values.	Retain as notified.
Chapter 3.9 - Regional form, design and function	Objective 22 and related Policies and Methods	This objective provides useful regional context for what constitutes well-functioning urban environments. In particular, recognition of the need to protect freshwater and meet other	Retain as notified.

RPS SECTION	PROVISION	POSITION AND REASON	RELIEF SOUGHT
		objectives relating to land, freshwater, coast and indigenous biodiversity is appropriate in terms of higher order documents and integrated management.	
	Objective 22B and related Policies and Methods	This objective supports a strategic approach to development. In particular, recognition of the need to manage impacts on significant values and features is appropriate in terms of higher order documents and integrated management.	Retain as notified.
Chapter 4.1 – Regulatory policies – direction to district and regional plans and Regional Land Transport Plan	Entire chapter	The proposed changes appropriately respond to climate change and national direction. In particular, the promotion of indigenous over exotic species for permanent forests (Policy CC.6), and support for nature-based solutions (Policy CC.7), provide additional biodiversity benefits.	Retain as notified, except where specific changes are requested below.
	Policy 3 – protecting high natural character in the coastal environment	The proposed changes give better effect to Policy 13 of the NZCPS. Some elements proposed to be removed from the explanation could potentially be retained or reworded, but doing so would not alter the effect of the Policy.	Retain as notified
	Policy 12 – management of water bodies	The proposed changes to this policy are appropriate as part of giving effect to the NPSFM 2020. However, they do not in themselves give complete effect, and the section references in the explanation are incomplete.	Retain the Policy as notified and make the following changes to the associated new explanation, or words to like effect: "Policy 12 ~~gives~~ sets out key elements of giving effect to the national direction set by the National Policy Statement for Freshwater Management 2020, including sections 2.2, 3.2 and 3.8-3.17."
	Policy 13 – allocating water	The reason given for proposing deletion of this Policy is that it is covered by the proposed	Decline the proposed change and retain the operative version of Policy 13.

RPS SECTION	PROVISION	POSITION AND REASON	RELIEF SOUGHT
		Policy 12. However, Policy 12 focusses on process rather than outcomes, whereas the existing Policy 13 provides specific guidance to take account of aquatic ecosystem health and saltwater intrusion.	
	Policy 14 – urban development effects on freshwater and the CMA	The proposed new provisions are appropriate in giving effect to the NPSFM 2020. However, they do not consistently include the coastal marine area. They also do not address the impacts of development which constrains the ability of streams and rivers to move and meander naturally, which adversely affects their health and well-being and their extent and values.	Retain as notified, except for the following changes or words to like effect: (h) Require that urban development is located and designed to protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins ~~and~~ estuaries <u>and the coastal marine area</u>; and add a new subclause: "Require that urban development is located and designed to allow water bodies to meander and move naturally".
	Policy 15 – managing the effects of earthworks and vegetation disturbance	The proposed changes to this policy would leave a timing gap in its effect until target attribute states have been set. They would also mean that as long as the target attribute state is met there would be no requirement to minimise erosion and siltation (ie it would allow deterioration of water quality down to the target attribute state).	Decline the proposed change and retain the operative version of Policy 15, or retain the proposed plan change and existing the requirements of the operative version of Policy 15.
	Policy 17 – take and use of water for the health needs of people	The proposed change would have the effect of treating any and all community or public water supply, including for industrial and farming use, as being for health needs of people. This is inconsistent with Te Mana o te Wai, which	Amend the proposed Policy as follows or words to like effect: "…The health needs of people include <u>the drinking water component of</u>: (a) The taking of water by any…"

RPS SECTION	PROVISION	POSITION AND REASON	RELIEF SOUGHT
		provides for industrial and farming use of water in the third priority.	
	Policy 18 – protecting and restoring ecological health of water bodies.	This policy generally gives effect to higher order documents, but requires some wording changes to ensure it operates as intended. Subclauses which require "restricting" specified activities do not address how or to what extent those activities should be restricted. In all cases these are activities which are inconsistent with national direction, especially the NPSFM, so it would be appropriate that they be minimised, not just restricted. Fish passage is not appropriate in all cases, eg where it would allow predator species into habitat containing rare or threatened indigenous species.	Retain as notified except for the following changes: "(b) actively involve mana whenua / tangata whenua in freshwater management (including decision-making processes), and identify and provide for Māori freshwater ~~values are identified and provided for~~;"… "(g) protecting the habitats of indigenous freshwater species ~~are protected~~;"… "(h) ensuring that f~~F~~reshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided;… "(r) restoring and maintaining fish passage where appropriate" And replacing the word "restricting" in subclauses (n) – (q) with the word "minimising".
	Policy FW.3 – urban development effects on freshwater and the CMA	The proposed new provisions are appropriate in giving effect to the NPSFM 2020. However, they do not address the impacts of development which constrains the ability of streams and rivers to move and meander naturally, which adversely affects their health and well-being and their extent and values. The requirement for "considering" daylighting of streams where practicable provides no clarity of the intended outcome and should be strengthened.	Retain as notified, except for the following change: "~~(p) Consider~~ Encourage and support daylighting of streams~~, where practicable~~; and" and add a new subclause as follow or words to like effect: "Require that urban development is located and designed to allow water bodies to meander and move naturally".

RPS SECTION	PROVISION	POSITION AND REASON	RELIEF SOUGHT
	Policy 23 – identifying indigenous ecosystems and habitats	The inclusion of a deadline to identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values is an appropriate measure to ensure that S6(c) of the RMA is given effect to. Although this is a shorter timeframe than is currently indicated in the exposure draft of the NPS for Indigenous Biodiversity, it is not unreasonable given that the RPS has required this work to be undertaken since 2013.	Retain as notified.
	Policy 24 – protecting indigenous ecosystems and habitats	These proposed provisions are generally appropriate. However, if an NPS for Indigenous Biodiversity is gazetted prior to decisions being made on the provisions, then they should be reviewed for compliance with that document.	Retain as notified, subject to any changes which may be required to give effect to an NPS for Indigenous Biodiversity.
	Policy 29 – managing subdivision, use and development in areas at risk from natural hazards	While the proposed changes are generally appropriate in most locations, they fail to give effect to NZCPS 2010 Policy 25, especially clauses a and b of that Policy which require avoiding increasing risk.	Amend the policy to give effect to the NZCPS, including by adding a new subclause as follows or words to like effect: "include objectives, polices and rules to avoid subdivision, use or development within the coastal environment that would increase the risk of adverse effects from coastal hazards"
Chapter 4.2 – Regulatory policies – matters to be considered	Entire chapter	The proposed changes appropriately respond to climate change and national direction.	Retain as notified, except where specific changes are requested below.
	Policy 40 – protecting and enhancing the health and well-being of waterbodies and freshwater ecosystems	The proposed changes are appropriate in giving effect to the NPSFM 2020 and the NZCPS 2010. However, the first two subclauses require amendment so that they provide direction and not just a statement.	Retain as notified, except for the following changes: "(a) ensuring that…" "(b) ensuring that…"

RPS SECTION	PROVISION	POSITION AND REASON	RELIEF SOUGHT
	Policy 41 – controlling the effects of earthworks and vegetation disturbance	The proposed changes to this policy would leave a timing gap in its effect until environmental outcomes, target attribute states, and limits have been set. They would also mean that as long as those requirements were met there would be no requirement to minimise erosion and siltation. It is unclear why Notices of Requirement have been deleted	Amend the proposed policy to ensure that: - The operative version of Policy 41 applies until such time as environmental outcomes and target attribute states are identified; - All matters in the operative version of Policy 41 remain covered (including considerations for designations, planning processes and minimising erosion)
	Policy 42 – effects on freshwater and the CMA from urban development	The proposed new provisions are appropriate in giving effect to the NPSFM 2020. However, they do not consistently include the coastal marine area. They also do not address the impacts of development which constrains the ability of streams and rivers to move and meander naturally, which adversely affects their health and well-being and their extent and values.	Retain as notified, except for the following changes or words to like effect: (j) Require that urban development is located and designed to protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins ~~and~~ estuaries and the coastal marine area; and add a new clause: "Require that urban development is located and designed to allow water bodies to meander and move naturally".
	Policy 51– minimising the risks and consequences of natural hazards	Climate change and sea level rise can increase the frequency or magnitude of a hazard event, so this is a relevant matter to consider.	Retain as notified, except to retain the operative version of subclause (b): "the potential for climate change and sea level rise to increase in the frequency or magnitude of a hazard event"
	Policy 52 – minimising adverse effects of hazard mitigation measures	While the proposed changes are generally appropriate for most locations, they fail to give effect to NZCPS Policy 25, especially clauses a	Add a new subclause as follows or words to like effect: "avoiding hazard mitigation measures within the coastal environment that would increase the risk of

RPS SECTION	PROVISION	POSITION AND REASON	RELIEF SOUGHT
		and b of that Policy which require avoiding increasing risk.	social, environmental and economic harm or other adverse effects from coastal hazards"
Chapter 4.3 – Allocation of responsibilities	Entire chapter	The proposed changes appropriately and usefully allocate responsibilities for biodiversity and freshwater.	Retain as notified.
Chapter 4.4 – Non-regulatory policies	Entire chapter	The proposed changes appropriately respond to climate change and national direction.	Retain as notified.
Chapter 4.5 – Methods to implement policies	Entire chapter	The proposed changes appropriately revise the methods to support proposed changes to objectives and policies, including changes supported in this submission.	Retain as notified.
Appendix 1A – Limits to biodiversity offsetting and biodiversity compensation	Table 17 - ecosystems and species that meet or exceed the limits	The inclusion of this table is an appropriate reflection of the status of the listed ecosystems and species, and is useful for implementation of the relevant policies. However, there are ongoing changes to our knowledge of the status of ecosystems and species (eg threat classifications for plants are currently under review), so the RPS will need to be able to reflect the most up-to-date information.	Retain Table 17, but prior to finalising decisions on the RPS change either update the table to ensure it is as up-to-date as possible, or add generic reference to threat classifications.
Appendix 3 - Definitions	Entire appendix	The proposed definitions generally appropriately reflect national direction and/or support changes to objectives, policies and methods.	Retain as notified, except where specific changes are requested below.
	Definitions relating to indigenous biodiversity	Proposed definitions relating to indigenous biodiversity are generally appropriate. However, if an NPS for Indigenous Biodiversity is gazetted prior to decisions being made on the	Retain as notified, subject to any changes which may be required to give effect to an NPS for Indigenous Biodiversity.

RPS SECTION	PROVISION	POSITION AND REASON	RELIEF SOUGHT
		definitions, then they should be reviewed for compliance with that document.	
	Definition of Threatened ecosystems or species	The definition applies to ecosystems and species, but the content only addresses ecosystems. In order to be effective the definition needs to include species as well, and the New Zealand Threat Classification System is the appropriate standard for this.	Amend the definition as follows, or words to like effect (or provide separate definitions for threatened ecosystems and threatened species): "~~These~~ ecosystems which are described by the IUCN Red List categories as Critically Endangered, Endangered ~~and~~ or Vulnerable; or species which are classified by the New Zealand Threat Classification System as Nationally Critical, Nationally Endangered, Nationally Vulnerable or Nationally Increasing.