

## Part B: Section 5

# Hearing Stream 5 – Freshwater and Te Mana o te Wai (Non-Freshwater Provisions, P1S1 Process)

## 1. Executive Summary

1. Two provisions in Hearing Stream 5 (HS5) are not part of the Freshwater Planning Instrument as they do not implement the NPS-FM or relate directly to freshwater quality or quantity matters.
2. The two provisions are:
  - a. Method 31, and
  - b. AER 6, Objective 12.
3. Both of these provisions were considered by the P1S1 Panel.

## 2. Provision by provision Analysis

### 2.1 Method 31 - Protocol for management of earthworks and air quality between local authorities

4. Proposed Change 1 proposed deleting Method 31:

~~Method 31: Protocol for management of earthworks and air quality between local authorities~~

~~With interested parties prepare protocols and definitions to guide changes to district and regional plans to avoid gaps, uncertainty and unnecessary overlaps in the regulation of:~~

- ~~(a) earthworks, including vegetation disturbance, cultivation and harvesting; and~~  
~~(b) management of odour, smoke and dust.~~

~~Implementation: Wellington Regional Council\* and city and district councils~~

### 2.1.1 Submissions, Evidence and Analysis

5. Most submissions on this Method supported its deletion. However, there was a concern raised by Ātiawa [S131.0128] that deletion of this method would result in these effects not being addressed and properly managed.

6. The s42A Reporting Officer states that: <sup>1</sup>

In relation to earthworks, vegetation disturbance, cultivation and harvesting, I consider that Policy 15 and Policy 41 and my recommended amendments to these policies in section 3.12 will have a greater impact on managing these effects than existing Method 31 provides for. However, in relation to the second clause of Method 31, I consider that deleting this could have unintended consequences. Method 31 links to objectives and policies within both the Freshwater and Air Quality chapters. Change 1 appears to have inadvertently proposed the deletion of this method on the basis of its relationship to freshwater, without consideration of the implications for the Air Quality provisions.

7. Ms Pascall recommends<sup>2</sup> reinstating Method 31 and clause (b) only, as the matters in clause (a) (earthworks, vegetation disturbance and cultivation) are addressed in Policies 15 and 41. The Officer recommends amending the title of the Method to refer only to air quality.

### 2.1.2 Finding

8. We agree with the Reporting Officer's recommendations on Method 31 for the reasons above, and otherwise as set out in the Officer's s 42A Report, Rebuttal and Reply Evidence.

### 2.1.3 Recommendation

#### **Method 31: Protocol for management of ~~earthworks and~~ air quality between local authorities**

With interested parties prepare protocols and definitions to guide changes to district and *regional plans* to avoid gaps, uncertainty and unnecessary overlaps in the regulation of:

~~(a) — earthworks, including vegetation disturbance, cultivation and harvesting; and~~

~~(b) — management of odour, smoke and dust.~~

*Implementation: Wellington Regional Council\* and city and district councils.*

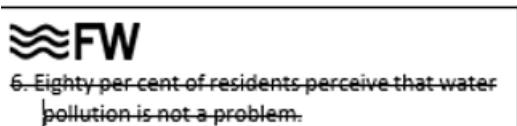
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<sup>1</sup> Section 42A Hearing Report, Hearing Stream 5, 20 October 2023, paras 882-883

<sup>2</sup> Section 42A Hearing Report, Hearing Stream 5, 20 October 2023, para 884

## 2.2 Objective 12 AER 6

9. Objective 12 AER 6 was proposed to be deleted by Change 1 as follows:



10. The Reporting Officer supports replacing all of the AERs with a single, overarching AER (AER 1), which is considered in the Freshwater Planning Report (Part C). The Reporting Officer recommended that the deletion of AER 6 be assessed as part of the P1S1 process.

### 2.2.1 Submissions, Evidence and Analysis

11. AER 6 sets the anticipated result of 80% of residents perceiving that water pollution is not a problem. The Reporting Officer said that this AER does not relate directly to protecting and enhancing freshwater quality and quantity as there are many factors that contribute to people's perceptions of pollution.<sup>3</sup> The AER does not relate to a specific action in the RPS or subordinate documents for the management of water quality or quantity.

### 2.2.2 Finding

12. We agree with the Reporting Officer's recommendation to include AER 6 in the P1S1 Report, and we also agree with the Officer's recommendation to delete the AER for the reasons above, and otherwise as set out in the Officer's s 42A Report.

### 2.2.3 Recommendation

13. Delete Objective 12 AER 6:

~~Eighty per cent of residents perceive that water pollution is not a problem.~~

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<sup>3</sup> Appendix 3 to the s 42A Report for Hearing Stream 5 – Freshwater and Te Mana o Te Wai, Assessment of Categorisation of Provisions to the Freshwater Planning Instrument.