

Proposed Natural Resources Plan:

Submitter:

**NZ Transport Agency**

Submitter Number:

**S146**

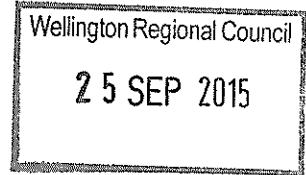


**Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region**  
 This is a submission on the Proposed Natural Resources Plan for the Wellington Region pursuant to  
 Clause 6 of Schedule 1, Resource Management Act 1991



To: Freepost 3156  
 Wellington Regional Council  
 PO Box 11646  
 Wellington 6142

Or email: [regionalplan@gw.govt.nz](mailto:regionalplan@gw.govt.nz)



**Your details**

Full name: \_\_\_\_\_  
 Organisation name: \_\_\_\_\_  
 (If applicable) The New Zealand Transport Agency  
 Address for Service: C/o Beca Ltd, PO Box 3942, Wellington 6140

Telephone no's: Work: \_\_\_\_\_ Home: \_\_\_\_\_ Cell: 027 463 3031

Contact person: Hywel Edwards

Address and telephone no (if different from above): \_\_\_\_\_

**Electronic communication**

Wellington Regional Council has a preference for providing information about the Proposed Natural Resources Plan via email. We will send you updates on the process, information and provide you with details of any meetings and the hearing. Please tick here  if you do not agree to receive communication via email.

Email address: [hywel.edwards@beca.com](mailto:hywel.edwards@beca.com)

**Trade competition**

I/we could not gain an advantage in trade competition through this submission. [Go straight to Your Submission]

I/we could gain an advantage in trade competition through this submission.  
 If you could gain an advantage please complete one of the following:

I/we are directly affected by an effect of the subject matter of my submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.

I/we are not directly affected by an effect of the subject matter of my submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.

**Your submission**

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/section number): Refer attachment	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	
	I seek the following decision from WRC (give precise details): →	

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

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	Reasons for my submission: →	
	I seek the following decision from WRC (give precise details): →	

If you have more submissions you wish to make, please find more boxes at the bottom of this document

Attendance and wish to be heard at hearing(s)

- I/We do wish to be heard in support of my/our submission  
[Note: This means that you wish to speak in support of your submission at the hearing(s).]
- I/We do not wish to be heard in support of my/our submission  
[Note: This means that you cannot speak at the hearing. However, you will still retain your right to appeal any decision made by the Wellington Regional Council to the Environment Court.]
- If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature: Hywel Edwards

Date: 25 September 2015

[Person making submission or person authorised to sign on behalf of person making submission. NB. Not required if making an electronic submission]

Publication of details

Wellington Regional Council is legally required to notify a summary of submissions, including your name and address for service as provided on this submission form. Your name and address are included so that a person making a further submission is able to serve you with a copy of it.

25 September 2015

Wellington Regional Council  
[via email]

**NZ Transport Agency Submission on the Proposed Natural Resources Plan for the Wellington Region**

Please find attached a submission prepared by the New Zealand Transport Agency on the Proposed Natural Resources Plan for the Wellington Region.

Please contact me or Hywel Edwards (C/- Beca Ltd) if you wish to discuss the contents of the submission.

Yours sincerely

THE NEW ZEALAND TRANSPORT AGENCY



**Caroline Horrox**  
*Principal Planning Advisor - Central*





**Submission by the New Zealand Transport Agency**

**Proposed Natural Resources Plan for the Wellington  
Region**

**25 September 2015**

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**Submission on the Proposed Natural Resources Plan for the  
Wellington Region under Clause 6 of Schedule 1, Resource  
Management Act 1991**

**To** Greater Wellington Regional Council (Council)  
**Name of submitter:** NZ Transport Agency (the Transport Agency)

The Transport Agency is making this submission in accordance with Clause 6 of Schedule 1, Resource Management Act 1991.

The Transport Agency:

- could not gain an advantage in trade competition through this submission;
- wishes to be heard in support of its submission; and
- would be prepared to consider presenting a joint case at any hearing if others make a similar submission.

The specific provisions of the Proposed Natural Resources Plan that the Transport Agency's submission relates to are detailed in the attached - Schedule One.

**Address for service of submitter:** c/- Beca Limited  
PO Box 3942  
Wellington 6140

**Telephone:** +64 4 550 5933

**Mobile:** +64 27 463 3031

**Email:** Hywel.Edwards@beca.com

**Contact person:** Hywel Edwards, Associate - Planning



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**Lyndon Hammond - Regional Manager Planning & Investment on behalf of the  
Transport Agency**

**Date:** 25 September 2015



## **1 Role of the Transport Agency**

The Transport Agency is a Crown Entity established by section 193 of the Land Transport Management Act 2003 (LTMA). The Transport Agency's objective is to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest.

The Transport Agency's interest in the Proposed Natural Resources Plan (PNRP) stems from its roles as:

- A transport investor to maximise effective, efficient and strategic returns for New Zealand;
- A planner of the land transport network to integrate one effective and resilient network for customers;
- A provider of access to, and use of, the land transport system to shape smart, efficient, safe and responsible transport choices; and
- The manager of the State Highway to deliver efficient, safe and responsible highway solutions for customers.

The Transport Agency is a significant investor in the infrastructure and transport planning required to achieve the land use change and growth anticipated in the region

The Transport Agency has a mandate under the LTMA, the Government Rooding Powers Act 1989 and the Government Policy Statement on Land Transport Funding to carry out its functions in a way that delivers the transport outcomes set by the Government. These outcomes are:

- Transport that is effective in moving people and freight where they need to go in a timely manner;
- Transport that is efficient, delivering the right infrastructure and services to the right level at the best cost;
- A transport system that is safe and responsible , reducing the harms from transport; and
- A transport system that is resilient, able to meet future needs and endure shocks.

## **2 Strategic Context**

### **2.1 Government Policy Statement on Land Transport**

The Government Policy Statement on Land Transport (GPS) sets out the government's priorities for expenditure from the National Land Transport Fund over the next 10 years. The GPS is the Government's main lever for setting priorities and funding levels for land transport investment.

The three key priorities in the GPS 2015 are:

- Economic growth and productivity;
- Road safety; and
- Value-for-money.

The GPS also contains six national land transport objectives; for a land transport system that:

- addresses current and future demand;
- provides appropriate transport choices;
- is reliable and resilient;
- is a safe system, increasingly free of death and serious injury;

- mitigates the effects of land transport on the environment; and
- delivers the right infrastructure and services to the right level at the best cost.

## 2.2 National Land Transport Programme 2015 – 2018

The National Land Transport Programme for 2015–18 (NLTP) contains all the land transport activities, including public transport, road maintenance and improvement, and walking and cycling activities, that the Transport Agency anticipates funding over the next three years.

The NLTP focuses on four themes, underpinned by the continued emphasis on value for money:

- encouraging economic growth and productivity;
- making journeys safer;
- shaping smart transport choices; and
- effective and resilient networks.

The NLTP's three year programme supports the development of the transportation system across New Zealand's regions and the linkages between major cities. The NLTP forecasts a \$13.9 billion expenditure in the period to 2018, marking a 15% increase compared to the previous NLTP.

## 2.3 Delivery of the NLTP in the Wellington region

The Wellington region is made up of a number of cities, urban areas and supporting rural hinterland. Wellington City is a key transport connection between the North and South Islands. The compact nature of Wellington City and constrained corridors to and from Kapiti and the Hutt Valley has shaped the transport network.

The major road and commuter rail links are concentrated along two transport corridors, State Highway 1 to the west, and State Highway 2 to the east. However, on the road network a number of pinch points, including Ngauranga Gorge interchange, and a lack of alternative routes limit the capacity and resilience of the network, particularly at peak times. Public transport plays an important role in moving people through these corridors.

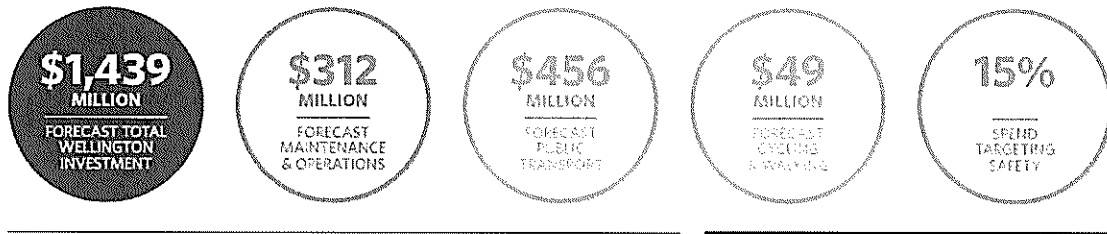
Central Wellington has the highest concentration of employment in New Zealand. Over 73,000 people travel to and from the Wellington CBD to work each day, by public transport, car, cycling or walking. This creates a significant commuter peak. Improving travel time reliability is a key focus of investment for the Wellington region in the 2015-18 National Land Transport Programme (NLTP) period.

Key strategic responses for the Wellington region have been identified as:

- Growing public transport;
- Encouraging cycling and walking;
- Investing in freight efficiency;
- Improving network resilience;
- Maintaining the network;
- Making journeys safer; and
- Making journeys more predictable.

These strategic responses for the Wellington region require financial investment. A total of \$1,439 million has been forecast, as noted in **Figure 1** below.

**Figure 1: Forecast Total Wellington Investment**



**Figure 2** below illustrates where the key routes (and required investments) are located within the Wellington region. **Figure 2** illustrates some of the key specific maintenance and operations, public transport, cycling and walking and safety projects which are to be designed and constructed within the term (10 year period) of the PNRP.

An enabling framework for these projects (and the associated activities) is required to be established in the PNRP.

## 2.4 Wellington Regional Land Transport Plan 2015

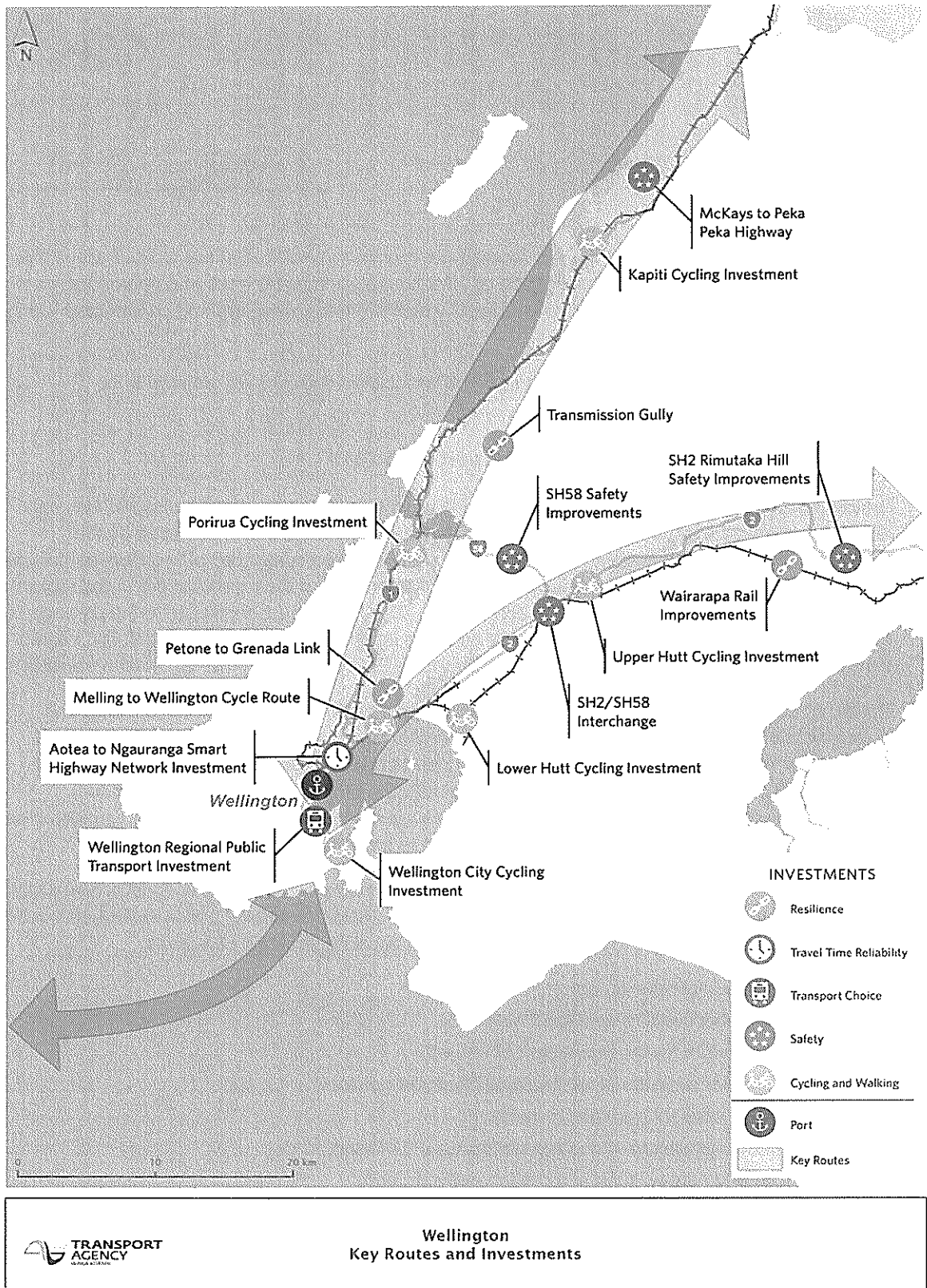
The Regional Land Transport Plan (RLTP) is a statutory document that must be issued every six years and reviewed every three years as required by the LTMA) 2003. It is prepared by the Regional Transport Committee (RTC), which is a joint committee comprised of two representatives from Greater Wellington Regional Council (GWRC), the mayors of the local councils in the region, and the regional director of the NZ Transport Agency. The RLTP must contribute to the purpose of the LTMA which seeks 'an effective, efficient, and safe land transport system in the public interest'. It is also required to be consistent with the Government Policy Statement (GPS) on land transport.

The RLTP comprises two key parts. The **strategic context** provides the policy framework and strategic case for developing and investing in the region's land transport network. The **regional programme** sets out the programme of proposed land transport activities for at least a ten year period. The RLTP also includes an assessment of how the plan meets the various statutory requirements in the LTMA, together with a description of the approach to monitoring, variations, and a policy outlining when a variation will be considered to be significant.

The Wellington RLTP Vision is '*to deliver a safe, effective and efficient land transport network that supports the region's economic prosperity in a way that is environmentally and socially sustainable*'. The vision is sought be achieved through meeting the following strategic objectives:

- A high quality, reliable public transport network;
- A reliable and effective strategic road network;
- An effective network for the movement of freight;
- A safer system for all users of our regional transport network;
- An increasingly resilient transport network;
- A well planned, connected and integrated transport network;
- An attractive and safe walking and cycling network; and,
- An efficient and optimised transport system that minimises the impact on the environment.

Figure 2: Key Routes and Investments for the Wellington Region



### **3 RMA legislation to be 'given effect' to in the PNRP**

Under Section 67(3) of the RMA, the PNRP must 'give effect' to:

- any national policy statement;
- New Zealand coastal policy statement; and
- any regional policy statement.

The content and directions give in these statements have a direct relevance to the content of the PNRP and also the Transport Agency's activities and operations.

#### **3.1 National Policy Statement for Freshwater Management 2014**

The National Policy Statement for Freshwater Management 2014 (**NPS – Freshwater**) provides a national framework that directs how regional councils are to set objectives, policies and rules about freshwater in their regional plans. This is to be done through establishing Freshwater Management Units and identifying values that the communities hold for the water in those areas.

The NPS – Freshwater requires councils to account for all water taken out of rivers, lakes and groundwater and the sources and amounts of contaminants going into them. 'Ecosystem health' and 'human health for recreation' are compulsory national values and must be provided for everywhere. The NPS – Freshwater includes nationally-set minimum acceptable states for these two values which are called national bottom lines. Councils are required to maintain or improve water quality within their regions.

The NPS – Freshwater is of particular relevance to the Transport Agency's construction, operation and maintenance activities and ultimately the discharge of contaminants, including stormwater, to freshwater receiving environments from those activities.

#### **3.2 New Zealand Coastal Policy Statement 2010**

The New Zealand Coastal Policy Statement 2010 (**NZCPS**) includes policies in order to achieve the purpose of the RMA (sustainable management) in relation to the coastal environment. The NZCPS includes both protective and enabling provisions relating to the coastal environment, including:

- **Policy 6** which manages activities in the coastal environment and, amongst other matters:
  - recognises that the provision of infrastructure is an activity important to the social, economic and cultural well-being of people and communities (Policy 6.1.a); and
  - recognises that there activities that have a functional need to be located in the coastal marine area and that those activities should be provided for in appropriate places (Policy 6.2.c);
- **Policy 10** which manages reclamation of land in the coastal marine area and enables such activity where appropriate (Policy 10.1 and Policy 10.3);
- **Policy 19** which recognises public expectations for walking access to and along the coast;
- **Policy 21** which seeks to improve the quality of degraded coastal waters;
- **Policy 22** which seeks to manage sedimentation levels and impacts; and
- **Policy 23** which seeks to manage discharges to the coastal environment, inclusive of reducing contaminant loadings at source and promoting integrated management of catchments and stormwater networks (Policy 23.4).

The NZCPS is of particular relevance to the Transport Agency's construction, operation and maintenance activities where those assets and proposed works are located within the coastal environment. The 'coastal environment' is has a broad meaning as described in the NZCPS. The

influence of the NZCPS has recently been highlighted in the Supreme Court's decision in King Salmon – in the sense that the policies which seek to avoid effects (Policies 13 and 15) have been interpreted to mean just that – avoid any effects. It is acknowledged that the King Salmon case related to a proposed plan change as opposed to a resource consent which would be subject to Part 2 of the RMA under Section 104.

### **3.3 Wellington Regional Policy Statement 2013**

The Wellington Regional Policy Statement (**RPS**) was made operative on 24 April 2013. The RPS identifies the regionally significant issues around the management of the regions' natural and physical resources and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods). Regional (and district) plans and the Regional Land Transport Strategy are required to 'give effect' to Policies 1-34 of the RPS. Policies 35-60 of the RPS are to be considered by councils when considering applications for resource consent or a change, variation or review of regional (and district) plans.

#### **3.3.1 Strategic Transport Network - Regionally Significant Infrastructure**

The RPS recognises the 'Strategic Transport Network' as regionally significant infrastructure<sup>1</sup>. The 'Strategic Transport Network' is made up of the region's key railway lines, state highways and those major local roads serving an arterial purpose. A key function of the Strategic Transport Network is linking the region's centres and important destinations such as the Wellington City CBD, regional centres, CentrePort and Wellington International Airport and Wellington's regional hospital in Newtown, in addition to connecting the Greater Wellington region with the rest of New Zealand.

In a roading context, this includes State Highways 1, 2, 53, 58 and the Transmission Gully Motorway and numerous strategic local roads within the various districts within the Wellington Region.

#### **3.3.2 Infrastructure Objectives and Policies**

**Objective 10** of the RPS is that the social, economic, cultural and environmental benefits of regionally significant infrastructure are recognised and protected. The following policies seek to achieve Objective 10 via regional plan implementation and making decisions on resource consent applications:

- **Policy 7:** recognising the benefits from renewable energy and regionally significant infrastructure in regional (and district) plans;
- **Policy 8:** protecting regionally significant infrastructure in regional (and district) plans; and,
- **Policy 39:** recognising the benefits from regionally significant infrastructure when making decisions on resource consent applications and plan changes, variations and reviews.

#### **3.3.3 Discharge related Objectives and Policies**

Balanced against the enabling infrastructure provisions, the RPS also contains a range of protective objectives and policies relating to landscape, habitat, ecosystem and amenity values. Outcomes seeking to be achieved for those values are to be achieved by a range of methods, including via implementation of the regional plan.

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<sup>1</sup> As defined by the Wellington Regional Land Transport Strategy 2007 – 2016, Appendix 1, page 61.

## 4 Assets, Operations and Activities in the Wellington Region

### 4.1 Roads of National Significance in the Wellington Region

The Roads of National Significance (RoNS) are routes that have been identified by the Government as being critical to improving economic growth and productivity. There are seven RoNS projects serving the five largest population centres and they form a key part of the Government's National Infrastructure Plan and the Government's policy statement on land transport. This policy direction is the basis of the investment priorities outlined in the National Land Transport Programme (NLTP).

The Wellington Northern Corridor RoNS programme is to develop the SH1 route between Wellington Airport and north of Levin to provide safe, efficient and reliable travel for people and freight between and within centres. The Wellington RoNS improvements are being constructed across different sections as noted in Table 1 below.

Notably, in the context of the PNRP, the Transmission Gully project has had a direct influence on the policy content of the currently operative Freshwater Regional Plan.

**Table 1: RoNS Projects in the Wellington Region**

Section	Length (km)	Description	Estimated Completion Date
Airport to Mount Victoria Tunnel	2 km	Duplication of the Mt Victoria Tunnel and the widening of Ruahine Street and Wellington Road.	2022
"Tunnel to Tunnel"	3 km	Transport improvements between Terrace Tunnel and Mount Victoria Tunnel.	2017*
Terrace Tunnel improvements	3 km	Includes tunnel duplication.	2024
Aotea Quay to Ngauranga	4 km	Use of existing motorway shoulders as a "fourth lane", and the implementation of a new traffic management system.	2022
Ngauranga to Linden (Petone to Grenada)		A median divided new 80km/h four-lane road with two lanes in each direction between Tawa/Porirua and the Hutt Valley. The project would include improvements to the Petone and Tawa intersections.	2023
Linden to MacKays (Transmission Gully)	27 km	Four-lane expressway from Linden (north Wellington) to MacKays Crossing.	2020
MacKays to Peka Peka	16 km	Four-lane expressway from MacKays Crossing to Peka Peka.	2017
Peka Peka to Ōtaki	15 km	Four-lane expressway from Peka Peka to Ōtaki.	2020
North of Ōtaki to north of Levin	approx 30 km	Progressive upgrade of the existing State highway to create a combination of 2+1 and four lane sections. Minor safety improvements have already been implemented at Manakau and Ohau.	2024

\* Subject to review

### 4.2 Summary of Key Investment and Routes in the Wellington Region

A summary of the key investment and routes in the Wellington region within the next 3 years, inclusive of RoNS projects, is illustrated in **Figure 2** above. The PNRP is of particular relevance in this context as it regulates discharges into the environment from both construction and ongoing maintenance and operations activities over the next 10 years or so.

Key investment and routes in the Wellington region also include cycleways / shared paths following the Government's announcement of the Urban Cycleways Programme which will help to establish cycling as an integral part of New Zealand's transport network. Making urban cycling a safer and more attractive transport choice is a key priority for the Transport Agency. The Urban Cycleways Programme forms part of roading projects including the Roads of National Significance.

The projects listed in Table 2 below have recently been announced for the Wellington region:

**Table 2: Cycleway Projects Announced under the Urban Cycleways Project**

Cycleway Project
<b>Wellington</b>
■ Melling to CBD
■ Wellington CBD route package
■ Wellington eastern route package
<b>Lower Hutt</b>
■ Beltway
■ Eastern Bays shared path
<b>Upper Hutt</b>
■ Rail Corridor Route
■ Hutt River Trail
<b>Porirua</b>
■ Onepoto-Wi Neera Shared Pathway
<b>Kapiti</b>
■ Stride N' Ride Kāpiti Coast

### 4.3 Ongoing Maintenance and Activities in the Wellington Region

Aside from delivering large infrastructure projects, the Transport Agency is also responsible for significant on-going maintenance and operation of the State highway network. This includes a number of the following activities, but is not intended to be an all-inclusive list:

- Abrasive blasting for bridge cleaning and maintenance;
- Dispersing calcium magnesium acetate for de-icing ;
- Clearing out of culverts;
- Weed spraying;
- Maintenance and replacement of structures (culverts, retaining walls, rock revetment etc.);
- Emergency management; and
- Stream diversions.

The Transport Agency holds a number of consents with Greater Wellington Regional Council to undertake these activities.



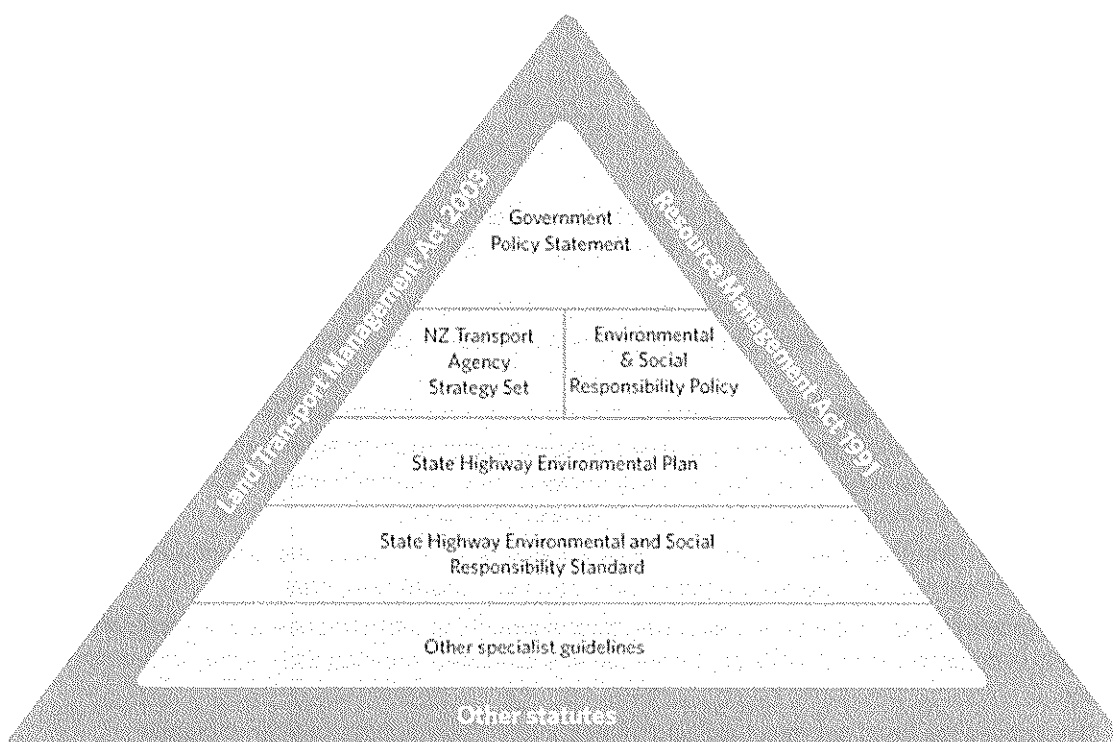
## 5 Transport Agency's Environmental Responsibility

The Transport Agency holds a strong regard towards the natural, built and social environment, as demonstrated through its Environmental and Social Responsibility Policy<sup>2</sup>. The requirement for a land transport system that mitigates the effects of land transport on the environment is also embedded in the GPS.

Through this policy the Transport Agency aims to continuously improve performance in the management of environmental and social impacts, improve the knowledge and understanding of the extent and conditions of New Zealand's environment, and identify and comply with all relevant environmental legislation and regulation.

This policy along with the State Highway Environmental Plan and the State Highway Activity Management Plan are consistent with the requirements of the LTMA, the RMA and other environmental legislation and regulation. This policy context is illustrated below in **Figure 3** below.

**Figure 3: Transport Agency Environmental Policy Consent**



Through its State Highway Environmental Plan 2008, the Transport Agency has committed to:

- being socially and environmentally responsible; and
- improving the contribution of State highways to the environmental and social well-being of New Zealand by:
  - protecting and enhancing the environment where appropriate;

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<sup>2</sup> <https://www.nzta.govt.nz/assets/resources/environmental-and-social-responsibility-manual/docs/environmental-and-social-responsibility-policy.pdf>

- avoiding adverse effects to the extent reasonable in the circumstances;
- Using a managing resources efficiently
- Considering environmental issues early;
- Contributing to sustainable outcomes by working with others; and
- Continually improving environmental performance.

The Environmental Plan is divided into sections by environmental and social impacts such as air quality, water resources, erosion and sediment control and ecological resources. Each impact first states the objectives, then adverse effects are discussed and Transport Agency's role explained, followed by examples of current practices.

The Environmental Plan also includes an Implementation Plan divided into activities such as plan, design, build, maintain and operate as well as national office initiatives. Each Implementation Plan activity has a 'toolkit' with references to sources of policy, guidelines, specifications and standards. Best practices are evolving works in response to understanding of environmental effects, societal expectations and practice informing policy development, a cycle of continuous improvement.

A link to the Transport Agency's Environmental Plan is provided here: [NZ Transport Agency Environmental Plan 2008](#)

## 6 General Submission

The Transport Agency's submission is intended to support Council's function under Section 30 of the RMA. In summary, the Transport Agency seeks that the PNRP provides a framework which:

- Provides certainty and enables investment (e.g. objectives, policies and rules) by the Transport Agency that aligns with agreed national, regional and local outcomes and delivers value for money;
- Recognises the transportation network as having a key role in providing for social, cultural and economic well-being and the need to make efficient use of existing significant infrastructure as well as the critical need to improve existing infrastructure in order to accommodate the demands placed on it by communities including the business community;
- Recognises that the need for significant new infrastructure to support the growth aspirations of the region will require balancing against the effects on natural resources;
- Recognises that the location of necessary improvements to infrastructure are in some instances highly is constrained and there are locational and functional constraints in some circumstances; and
- Recognises the need to protect existing infrastructure (including its maintenance and improvement) and that some activities can cause reverse sensitivity effects on existing and planned infrastructure.

Without limiting the generality of the above general submission, the Transport Agency seeks decisions as sought in the attached **Schedule One**, and any consequential relief required to achieve the relief sought.

**Schedule One** details the specific provisions that the Transport Agency is supportive of and / or is opposed to, and also outlines relief sought to address current concerns with the PNRP.

As currently proposed, the Transport Agency considers that in some instances the PNRP does not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other available means and therefore are not appropriate in terms of

Section 32. On this basis, the Transport Agency does not consider the requirements of Section 32 of the RMA have yet been met.

## 6.1 Key issues

The key issues that the Transport Agency seeks clarity, amendment or other relief on relate to the following matters:

- Clarifying membership of the five Whaitua Committees and whether it is envisaged that industry will be represented or invited on those committees to provide an industry / utility operator perspective in advance of any initiatives proposed to be advanced by those committees;
- Providing a policy framework which recognises and provides long-term durations for consents establishing regionally significant infrastructure related structures;
- Providing a policy framework that recognises and provides for new and upgraded regionally significant infrastructure in all environments where there is a functional need or operational requirement, including the presence of existing infrastructure;
- Providing a clear cascading policy framework which sets out the RMA hierarchy in respect of avoiding, remedying and mitigating effects, and also recognising that off-setting can be appropriate in some circumstances. Requiring a no-net loss is not required by the RMA and in the context of linear infrastructure, could unduly constrain investment and does not allow for proper consideration and balancing of effects under Part 2 of the Act;
- Removing terms 'minimise' and 'avoid' in the objective and policy framework as this approach is inconsistent with effects based planning. When considering applications, regard is to be had to the objectives and policies of the plan as well as to the actual and potential effects on the environment of allowing the activity. Applications are to be considered against a range of provisions and determined on balance. Including the words 'avoid' and 'minimise' effects in policies and objectives runs counter to this process as it disables an overall consideration of the merits of proposed work. For linear infrastructure, this can cause perverse outcomes where to avoid an effect on a discrete environmental asset, a route might be selected that has an overall larger environmental effect. The terms:
  - 'minimise' inappropriately imposes a continual requirement irrespective of acceptable level of effects; and
  - 'avoid' has significant implications resulting from recent case law (King Salmon) especially in the coastal environment where it imposes a 'bottom-line';

Thus, the terms 'avoid' and 'minimise' should in general be removed from policies and objectives so that the RMA decision making framework can function properly and applications (for proposed work) are to be considered on balance under Part 2 of the RMA. This approach is consistent with the recent Basin High Court decision.

- Providing policy direction on the use of the Best Practicable Option which for large infrastructure projects such as those undertaken by the Transport Agency is critical in balancing the benefits, adverse effects and financial costs of regionally significant infrastructure;
- Providing an enabling consenting framework which 'recognises and provides for' regionally significant infrastructure through imposing a discretionary activity status for its activities as opposed to a non-complying or prohibited activity status;
- Providing for lawfully established structures and activities as a permitted activities where appropriate;
- In the context of the length of the Strategic Transport Network, providing for reasonable rules for stormwater discharges; and,

- Providing a framework for the Transport Agency to provide input into stormwater management strategies.

## Schedule One: Detailed Submission by the Transport Agency

Plan Provision	Support/Oppose/Amend	Submission/Reasons	Relief / Decision Sought
<b>Chapter 1: Introduction</b>			
1.1 Introduction	Amend	<p>The Transport Agency is supportive of the approach being taken in respect of working in partnership with iwi and hapu. The Transport Agency considers an illustration as to the general rohe of the respective iwi and hapu would be beneficial, especially to inform pre-application consultation discussions.</p> <p>The Transport Agency supports the adoption of an integrated catchment management approach to manage resources. This approach is consistent with the Transport Agency's approach (e.g. stormwater).</p>	<ul style="list-style-type: none"> <li>Include a diagram illustrating the general rohe of iwi and hapu within the region.</li> </ul>
1.4 Integrated catchment management	Support	<p>The Transport Agency notes that integrated management is to be facilitated by the 5 whaitua committees. The committees will each develop an implementation programme which will include both regulatory provisions and non-regulatory programmes. The regulatory provisions will be included progressively by way of plan changes or variations in the whaitua-specific chapters of the Plan. While generally supportive of this concept, the Transport Agency is concerned over the lack of industry representation on the committees. Without industry representation, overly aspirational plan changes may impose unachievable targets for industry. Such provisions would likely be opposed by industry, causing lengthy delays and costs through plan change / variation processes. This situation is avoidable if industry is represented in the committees. There is also a concern that plan changes driven by the whaitua committees may generate inconsistent provisions and frameworks if they are allowed to set their own agendas in this respect. This makes it difficult for applicants, and in particular large infrastructure providers with linear infrastructure to achieve consistency.</p>	<ul style="list-style-type: none"> <li>Retain the adoption of an integrated management approach to managing resources.</li> <li>Provide a mechanism for industry representation, including infrastructure providers, to be involved in the whaitua committees, especially in the context of regulatory mechanisms.</li> <li>Address concerns that the whaitua committees may generate inconsistent provisions within the PNRP.</li> </ul>
1.4 Whaitua committees	Neutral		

1.5.1 Statutory framework	Support	The Transport Agency supports the inclusion of Figure 1.3 which illustrates the geographical boundaries of the policy statements and plans within the resource management framework.	<ul style="list-style-type: none"> <li>■ Retain the Figure 1.3</li> </ul>
	Amend	The Transport Agency considers the PNRP is a logical place to provide confirmation of what Iwi Management Plans have been prepared. As acknowledged in the text, these do not have any statutory weight in their own right, but they must be (and have been) taken into account in the preparation of this Plan. To a similar extent, this is also true of applicants and therefore clarity on current Iwi Management Plans would be advantageous.	<ul style="list-style-type: none"> <li>■ Confirm within the PNRP what Iwi Management Plans have been prepared to assist applicants in the preparation of applications, especially in the context of Part 2 (Sections 6e and 8).</li> </ul>
<b>Chapter 2: Interpretation</b>			
2.1.3 Rule	Support	The PNRP has, where practicable, combined associated activities into one rule. This means that several permissions which may be required under section 9 and sections 12 to 15B of the RMA are included in one rule for which one application for resource consent can be made. This simplified approach greatly assists plan users to identify both rule triggers and their understanding of the rule framework applying to their proposed activities.	<ul style="list-style-type: none"> <li>■ Retain the approach of including suites of s9, 12 – 15 activities under a single rule.</li> <li>■ To assist plan users, and also council officers when drafting consent conditions, add reference in the rules section as to which section of the RMA is being addressed by the respective rules.</li> </ul>
<b>2.2 Definitions</b>			
New definition: Best Practicable Option		The Transport Agency seeks the inclusion of the term Best Practicable Option which is an important process to determine acceptable use and development in an infrastructure context. The term is sought for inclusion throughout the policy framework.	<ul style="list-style-type: none"> <li>■ Add new definition which aligns with the RMA: Section 2 Interpretation definition of the term: <u>Best practicable option means the best site, route or method for preventing or minimising the adverse effects on the environment having regard, among other things, to—</u> (a) <u>the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and</u> (b) <u>the financial implications, and the effects on the environment, of that option when compared with other options; and</u> (c) <u>the current state of technical knowledge and the likelihood that the option can be successfully applied</u></li> </ul>

Biodiversity offset	Support in part	<p>The Transport Agency generally supports the definition of the term and its inclusion in the Plan. Biodiversity off-setting is important for linear infrastructure providers, such as the Transport Agency, where functional and locational constraints are often present. However, it should also be noted that the RMA is not a "no-effects" piece of legislation and to this extent a requirement to provide benefits beyond 'avoid, remedy or mitigate' are beyond that contemplated under the RMA framework.</p>	<ul style="list-style-type: none"> <li>■ Amend the definition of biodiversity offset.</li> </ul> <p>A measurable positive outcome resulting from an action designed to compensate for the residual adverse effects on biodiversity arising from an activity after avoidance, remediation and mitigation measures have been taken. Biodiversity offsets differ from mitigation in so far as offsets require the demonstration of no net loss of biodiversity and preferably a net gain. The principles to be applied when proposing and considering biodiversity offsets are provided in Schedule G (biodiversity offsetting):</p> <p><i>A measurable positive outcome resulting from an action designed to compensate for the residual adverse effects on biodiversity arising from an activity after avoidance, remediation and mitigation measures have been taken. The use of biodiversity offsets as a mitigation method does not differ in application from other mitigation measures and so offsets do not require a demonstration of no net loss or net need to secure a net gain. The performance of offsets (nil-effect or net gain or other) is a matter for the particular circumstances of proposed projects (applications) and based on the overall performance of a proposal within the RMA decision making framework (section 104 and Part 2). The principles to be applied when proposing and considering biodiversity offsets are provided in Schedule G (biodiversity offsetting).</i></p>
Bore	Support with amendment	<p>The Transport Agency supports the definition of 'bore' but believes for clarity, a note should be included under the definition confirm that 'geotechnical investigation bore' has its own definition.</p>	<ul style="list-style-type: none"> <li>■ Amend the definition:</li> </ul> <p>A structure or hole in the ground constructed for the purpose of:</p> <ul style="list-style-type: none"> <li>(a) investigating or monitoring the conditions below the ground surface, or</li> <li>(b) abstracting liquid substances from the ground, or</li> <li>(c) discharging liquid substances into the ground.</li> </ul> <p><i>Note: a separate definition of 'geotechnical investigation bore' is also contained in the Plan.</i></p>
New definition : coastal marine area		<p>The Transport Agency seeks the inclusion of a definition for the coastal marine area for completeness.</p>	<ul style="list-style-type: none"> <li>■ Add a new definition which aligns with the RMA: Section 2 Interpretation definition of the term:</li> </ul>

			<p><u>Coastal marine area means the foreshore, seabed, and coastal water, and the air space above the water—</u></p> <p>(a) <u>of which the seaward boundary is the outer limits of the territorial sea;</u></p> <p>(b) <u>of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—</u></p> <p>(i) <u>1 kilometre upstream from the mouth of the river, or</u></p> <p>(ii) <u>the point upstream that is calculated by multiplying the width of the river mouth by 5</u></p>
Common marine and coastal area	Support	<p>The Transport Agency notes that the PNRP promotes the integrated management of a coastal marine area and related parts of the coastal environment, as per section 64(2) RMA and that the proposed definition of the common marine and coastal area is taken from the Marine and Coastal Area (Takutai Moana) Act 2011. On this basis it is supported.</p> <p>The Transport Agency notes the definition is the same as the RMA and supports this definition.</p>	<ul style="list-style-type: none"> <li>■ Retain the definition of common marine and coastal area.</li> </ul>
Contaminated land	Support		<ul style="list-style-type: none"> <li>■ Retain the definition of contaminated land</li> </ul> <p>Land that has a hazardous substance in or on it that –</p> <p>(a) has significant adverse effects on the environment; or</p> <p>(b) is reasonably likely to have significant adverse effects on the environment.</p> <p>Note: Contaminated land means the same as <i>Category III – Contamination Confirmed</i> land in the Selected Land Use Register for the Wellington Region.</p>
Dewatering	Support with amendment	<p>The Transport Agency supports the definition subject to a minor amendment to reflect that dewatering can also occur through the diversion of groundwater.</p>	<ul style="list-style-type: none"> <li>■ Amend the definition of dewatering</li> </ul> <p>The abstraction <u>or diversion</u> of groundwater so as to lower the water table for the period of time required to enable maintenance, excavation, construction, or geotechnical work to proceed in the dewatered area, or to sustain a lower localised water table.</p>



Earthworks	Support with amendment	The Transport Agency supports the definition, subject to confirmation that bores do not constitute earthworks. Bores, including geotechnical bores, have their own definition and rule framework and therefore clarity that these activities are not 'earthworks' will avoid confusion as to the applicability of the rules.	<ul style="list-style-type: none"> <li>■ Amend the definition: The disturbance of a land surface from the time soil is first disturbed on a site until the time the site is stabilised. Earthworks includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or by cutting or filling operations, or by root raking. Earthworks do not include: (a) . . . . . (i) <u>The construction, repair or maintenance of a bore or geotechnical investigation bore.</u> (j) <u>The placement or construction of ballast, rip rap, gabions, groynes or other protective materials or structures.</u></li> <li>■ Amend the definition of ephemeral flow path: A river that: (a) does not have an active bed, or (b) has a bed that is predominantly vegetated, and (c) only conveys <u>or retains</u> water during or immediately following heavy rainfall events, and (d) does not convey or retain water at other times. <u>Note: an ephemeral flow path is not a surface waterbody.</u></li> <li>■ Retain the definition: An existing resource consent is: (a) an existing resource consent which has been given effect to, or (b) an existing resource consent which has not been given effect to and has not lapsed, or (c) an expired resource consent continuing to be exercised under section 124 of the Resource Management Act 1991.</li> <li>■ Amend the definition: When an activity is dependent on having its location in the coastal marine area or in the beds of lakes and rivers or <u>where that location</u></li> </ul>
Ephemeral flow path	Support with amendment	The Transport Agency supports the definition, subject to a minor amendments to reflect that ephemeral flow paths may also retain water in some instances, albeit temporarily, and that it is not deemed a surface water body (as per the definition of that term in the PNRP).	
Existing resource consent	Support	The Transport Agency supports the definition, but notes its use in the PNRP is largely limited to wastewater discharges and water allocations / abstractions. While noting s124 of the RMA is embedded in statute, the Transport Agency considers more focus on other activities e.g. could also be introduced into the Plan.	
Functional need	Support with amendment	The Transport Agency supports the definition of functional need as it relates to the coastal marine area, rivers and lakes. Linear infrastructure of regional significance, such as the roading network, is often functionally	

		constrained and avoidance of locations may not be possible in some circumstances.	<i>represents the best practicable option for that activity.</i>
Geotechnical investigation bore	Support	The Transport Agency supports the definition.	<ul style="list-style-type: none"> <li>■ Retain the definition</li> </ul> <p>Any bore constructed to provide information about soil, sediment or rock.</p>
Good management practice	Support	The Transport Agency supports the definition. Technology, knowledge and methods change over time and the statutory documents should acknowledge this.	<ul style="list-style-type: none"> <li>■ Retain the definition:</li> </ul> <p>Practices, procedures or tools (including rules) that are effective at achieving the desired performance while providing for desired environmental outcomes. Good management practice evolves through time and results in continuous improvement as new information, technology and awareness of particular issues are developed and disseminated. Good management practice guidelines can be found on the Wellington Regional Council's website <a href="http://www.gw.govt.nz/good-management-practice/">http://www.gw.govt.nz/good-management-practice/</a></p>
New definition: Groundwater monitoring bore		The Transport Agency seeks the inclusion of a definition for groundwater monitoring bore.	<ul style="list-style-type: none"> <li>■ Add a new definition of the term groundwater monitoring bore:</li> </ul> <p><u>A structure or hole in the ground constructed for the specific purpose of monitoring groundwater depth or quality.</u></p>
Gully	Support	The Transport Agency supports the definition and notes that a gully can include ephemeral flow paths.	<ul style="list-style-type: none"> <li>■ Retain the definition:</li> </ul> <p>A channel or small valley especially one cut by heavy rain.</p>
Hazardous air pollutants / Hazardous substances	Neutral	The Transport Agency notes that the definitions overlap and furthermore it is unclear whether the compound listed in schedule L1 are also hazardous air pollutants	<ul style="list-style-type: none"> <li>■ Provide clarity on the definitions, including what priority air pollutants are in the context of Schedule L1</li> </ul>
High hazard areas	Neutral	The Transport Agency notes that the term is applied by default to the coastal marine area, and the beds of lakes and rivers. It notes the PNRP does not include rules related to this term, but rather the objective and policy framework applies which seek to only enable use and development	<ul style="list-style-type: none"> <li>■ No relief sought</li> </ul>

		where there is a functional or operational need to be located in such areas. Regionally significant infrastructure does have a functional and operational need to be located in such locations. The Transport Agency supports the definition.		<ul style="list-style-type: none"> <li>■ Retain the definition of mobile source: A mobile source that discharges contaminants into air including, but not limited to, motor vehicles (cars), trucks, light utility vehicles, buses, aircraft, trains, vessels (boats), and lawn mowers, port mobile plant, and forklifts.</li> <li>■ Retain the definition as it applies to water treatment ponds for managing stormwater.</li> <li>■ Amend the definition of offset: A measurable positive outcome resulting from an action designed to compensate for the significant residual adverse effects on the environment arising from an activity after avoidance, remediation and <u>at source</u> mitigation measures have been taken.</li> <li>■ Amend the definition of operational requirement: When an activity needs to be carried out in a particular location or way in order to be able to function <u>safely, effectively</u> and efficiently.</li> <li>■ Retain the definition of reclamation: Reclamation in the coastal marine area means the creation of dry land and does not include coastal or river mouth protection structures such as seawalls or revetments, boat ramps, and any structure above water where that structure is supported by piles, or any infilling where the purpose of that infilling is to provide beach nourishment.</li> </ul>
Mobile Sources	Support			
Natural wetland	Support	The Transport Agency supports the definition to the extent that areas of wetland habitat in or around bodies of water specifically designed, installed and maintained for stormwater treatment are excluded from the definition		
Offset	Support in part	The Transport Agency generally supports the definition and its inclusion in the Plan. Off-setting is important for linear infrastructure providers, such as the Transport Agency, where functional and locational constraints are often present. However, it should also be noted that the RMA is not a "no-effects" piece of legislation and to this extent a requirement to provide benefits beyond 'avoid, remedy or mitigate' are beyond that contemplated under the RMA framework.		
Operational requirement	Support with amendment	The Transport Agency supports the definition of operational requirement. Linear infrastructure, such as the roading network, often has operational requirements in order to function efficiently and effectively.		
Reclamation	Support	The Transport Agency supports the definition.		

Regionally significant infrastructure	Support	The Transport Agency notes that the 'Strategic Transportation Network' is used to capture transportation related regionally infrastructure in the PNRP. This approach is acceptable, provided that the term 'Strategic Transportation Network' is better defined in the PNRP (the Transport Agency does not support the current proposed definition of Strategic Transportation Network).	<ul style="list-style-type: none"> <li>■ Subject to amending the term 'Strategic Transport Network', retain the definition of 'regionally significant infrastructure': Regionally significant infrastructure includes: ..... <ul style="list-style-type: none"> <li>• the Strategic Transport Network</li> </ul> </li> </ul>
Residual adverse effects	Support	The Transport Agency supports the definition of the term and its inclusion in the Plan to the extent that it recognises that not all effects can be avoided, remedied or mitigated. For example, there may be functional and operational requirements which result in residual adverse effects remaining. However, it is important to note that the RMA is not a no effects piece of legislation and therefore some residual effects would be acceptable. For example, offsetting would not be appropriate where the residual effects were less than minor.	<ul style="list-style-type: none"> <li>■ Retain the definition of residual adverse effects:  The negative effects on the environment remaining from an activity after avoidance, remediation, and mitigation measures have been taken.</li> </ul>
Reverse Sensitivity	Support with amendment	The Transport Agency generally supports the definition but seeks amendment to better protect established activities.	<ul style="list-style-type: none"> <li>■ Amend the definition of reverse sensitivity:  The vulnerability of an existing lawfully-established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activities, thereby creating the potential for the operation, <u>maintenance, upgrade and development</u> of such existing activity to be constrained.</li> </ul>
New definition : seawall		The Transport Agency seeks the inclusion of a definition for the term	<ul style="list-style-type: none"> <li>■ Add a new definition:  <u>Seawall means a man-made structure in the coastal environment primarily constructed for protective purposes but which may also accommodate other beneficial uses such as walkways or cycleways</u></li> </ul>
Significant natural wetland	Neutral	The Transport Agency notes that Schedule F3 lists significant natural wetlands. It would assist plan users if these wetlands were illustrated on a plan.	<ul style="list-style-type: none"> <li>■ Illustrate significant natural wetlands listed in F3 on a plan for the benefit of plan users.</li> </ul>
Stormwater network	Support with amendment	The Transport Agency supports the definition of stormwater network and the text 'including but not limited to', subject to including reference to culverts which form part of the stormwater network.	<ul style="list-style-type: none"> <li>■ Amend the definition of stormwater network: The network of devices designed to capture, detain, treat, transport and discharge stormwater, including but not limited to kerbs, intake</li> </ul>

Stormwater management strategy	Neutral	The Transport Agency generally supports the term but queries why, when the definition is not exclusive to local authorities, it is only relevant and applicable to local authorities in the body (objectives, policies and rules) of the PNRP.	structures, pipes, soak pits, sumps, swales, culverts and constructed ponds and wetlands, and that serves more than one property.  ■ No relief sought.
Strategic Transport Network	Support with amendment	<p>The Transport Agency does not generally support the inclusion of a definition which relies on another document (in this case the RLTP) to confirm the term's meaning.</p> <p>The Transport Agency seeks an amended definition to address the scenario whereby the Regional Land Transport Plan 2015 is updated (i.e. rendering the listed network as not part of the Strategic Transport Network once an updated RTLP is released and also to be inclusive of ancillary infrastructure such as stormwater management systems .</p>	<p>■ Amend the definition of Strategic Transport Network as it applies to the Transport Agency's infrastructure:</p> <p>The Strategic Transport Network comprises the following parts of the Wellington Region's transport network:</p> <p>(a) All railway corridors and 'core' bus routes as part of the region's public transport network identified in the Regional Land Transport Plan 2015, and</p> <p>(b) All strategic roads that are classified as a National High Volume Road, National Road, or Regional Road as part of the region's strategic road network identified in the Regional Land Transport Plan 2015, and</p> <p>(c) Any other road classified as a high productivity motor vehicle (HPMV) route identified in the Regional Land Transport Plan 2015, and</p> <p>(d) All sections of the regional cycling network classified as having a combined utility and recreational focus identified in the Regional Land Transport Plan 2015, and</p> <p>(e) <u>All other road, cycling and walking transportation corridors and routes, including ancillary infrastructure such as stormwater infrastructure, which are owned and managed by the NZ Transport Agency</u></p> <p>The <u>current</u> Strategic Transport Network is mapped in the Regional Land Transport Plan 2015.</p>
Surface water body	Support	The Transport Agency supports the definition of surface water body to the extent that it excludes water storage and treatment ponds and ephemeral	■ Retain the definition of surface water body.

		flow paths.		
Zone of reasonable mixing	Support	The Transport Agency generally supports the term.		<ul style="list-style-type: none"> <li>Retain the definition of zone of reasonable mixing:</li> </ul>
<b>Chapter 3: Objectives</b>				
Beneficial Use and Development Objective O10	Support	The Transport Agency generally supports the objective but notes that in some instances it may not be appropriate from a health and safety perspective to maintain access. The objective is evidently something to achieve, however the policy framework needs to recognise this issue.		<ul style="list-style-type: none"> <li>Retain Objective O10: Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced.</li> </ul>
Beneficial Use and Development Objective O12	Support with amendment	The PNRP identifies two infrastructure related issues of significance: <ol style="list-style-type: none"> <li>infrastructure enables communities to provide for their social, economic and cultural wellbeing; and,</li> <li>the management, use and operation of infrastructure can be adversely affected when incompatible land uses occur under, over or adjacent.</li> </ol>		<ul style="list-style-type: none"> <li>Amend Objective O12: The social, economic, cultural and environmental benefits of regionally significant infrastructure and renewable energy generation activities are recognised <u>within the region and beyond</u>.</li> </ul>
Beneficial Use and Development New Objective O13	Support with amendment	RPS Policies 7 and 8 seek to address these issues, and ultimately achieve Objective 10 of the RPS. The PNRP needs to 'give effect' to these provisions and simply repeating them is not considered sufficient. Furthermore, the benefits of linear infrastructure (such as the Strategic Transport Network) can extend across regional boundaries, and should where possible be considered as a coherent whole, rather than being assessed on a piecemeal basis.		<ul style="list-style-type: none"> <li>Amend Objective O13: The use and ongoing operation of regionally significant infrastructure and renewable energy generation activities <u>in the coastal marine area</u> are protected from new incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.</li> </ul>
Beneficial Use and Development New Objective		For this reason: <ul style="list-style-type: none"> <li>an enabling objective is sought to provide for the ongoing use, operation, maintenance and development of regionally significant infrastructure; and</li> <li>an objective is sought to recognise that regionally significant infrastructure has functional, operational and locational constraints.</li> </ul>		<ul style="list-style-type: none"> <li>Add new objective: <u>The safe, effective and efficient use, operation, maintenance, upgrade and development of regionally significant infrastructure is provided for</u></li> </ul>
Beneficial Use and Development New Objective		In addition, an amendment is sought to Objective 13 to reflect the fact that reverse sensitivity type effects are not exclusive to infrastructure which is located in the coastal marine area.		<ul style="list-style-type: none"> <li>Add new Objective: <u>To recognise that regionally significant infrastructure represents appropriate use and development in all environments where there are functional needs or operational requirements</u></li> </ul>

Maori Relationships Objective O15	Support	The Transport Agency generally supports the objective to recognise kaitiakitanga.	<ul style="list-style-type: none"> <li>Retain Objective 15</li> </ul> <p>Kaitiakitanga is recognised and mana whenua actively participate in planning and decision-making.</p>
Maori Relationships Objective O16	Support	The Transport Agency generally supports the objective to recognise the relationship of mana whenua with Ngā Taonga Nui a Kiwa.	<ul style="list-style-type: none"> <li>Retain Objective 16</li> </ul> <p>The relationship of mana whenua with Ngā Taonga Nui a Kiwa is recognised and provided for.</p>
Natural Character Form and Function: Objective 17	Support in part	The Transport Agency generally supports Objective 17 as it repeats Section 6a of the RMA and seeks to protect those environments from inappropriate use and development. Elsewhere in this submission, the Transport Agency seeks clarity on what is an appropriate use and development in such locations and it is the Transport Agency's opinion that regionally significant infrastructure may be appropriate where there are functional and operational needs to be located in those environments.	<ul style="list-style-type: none"> <li>Retain Objective O17:</li> </ul> <p>The natural character of the coastal marine area, rivers, lakes and their margins and natural wetlands is preserved and protected from inappropriate use and development.</p>
Natural Character Form and Function: Objective 18	Support with amendment	The Transport Agency notes that the current wording of Objective 18 implies that all such environments are degraded and this is unlikely to be the case.	<ul style="list-style-type: none"> <li>Amend Objective O18:</li> </ul> <p>The ecological, recreational, mana whenua, and amenity values of estuaries including their sensitivity as low energy receiving environments are recognised, and their health and function is restored over time <u>where degraded.</u></p>
Natural Character Form and Function: Objective 19	Oppose	The Transport Agency considers the objective is not consistent with effects based planning. Interference, such as the construction of a bridge or culvert to accommodate a road for example, may interfere with natural processes, but there could be a functional and operational need for that structure and it could be acceptable from an effects perspective.	<ul style="list-style-type: none"> <li>Delete Objective O19:</li> </ul> <p><del>The interference from use and development on natural processes is minimised.</del></p>
Natural Character Form and Function: Objective 20	Support	The Transport Agency supports the objective which recognises that not all risks associated with natural hazards can be avoided, rather the focus is the acceptability of the effects and residual risks. Risk can be mitigated by design.	<ul style="list-style-type: none"> <li>Retain Objective 20:</li> </ul> <p>The risk, residual risk, and adverse effects from natural hazards and climate change on people, the community and infrastructure are acceptable</p>

<p>Natural Character Form and Function: Objective 21</p>	<p>Support with amendment</p>	<p>The Transport Agency notes the intent of the objective and that it would apply in the coastal marine area and the beds of lakes and rivers which are defined as high hazard areas by default. The objective would apply to a large portion of its assets. The Transport Agency therefore seeks assurance that use and development associated with regionally significant infrastructure, and which often has functional and operational requirements and constraints is appropriate.</p>	<ul style="list-style-type: none"> <li>■ Amend Objective O21, to acknowledge that regionally significant infrastructure may be appropriate as sought elsewhere in this submission.</li> </ul> <p><u>Only appropriate use and development, such as regionally significant infrastructure which has been suitably designed, is enabled to establish and operate in inappropriate-use-and-development-in high hazard areas is-avoided.</u></p>
<p>Natural Character Form and Function: Objective 22</p>	<p>Oppose</p>	<p>The Transport Agency often uses hard engineering solutions to protect its assets in the longer term. In such circumstances, using hard engineering solutions result in less environmental effects rather than doing repeat minor works or constructing ineffective solutions. While there is a requirement to assess alternatives in some instances under the RMA, there is no mandatory requirement to do this in all instances.</p>	<ul style="list-style-type: none"> <li>■ Delete Objective 22:</li> </ul> <p><del>Hard engineering mitigation and protection methods are only used as a last practicable option.</del></p>
<p>Biodiversity, aquatic ecosystem health and mahinga kai Objective 28</p>	<p>Support with amendment</p>	<p>The Transport Agency notes that the current wording of Objective 28 implies that all such environments are degraded and this is unlikely to be the case.</p>	<ul style="list-style-type: none"> <li>■ Amend Objective O28:</li> </ul> <p>The extent of natural wetlands is maintained or increased and their condition is restored, <u>where degraded.</u></p>
<p>Biodiversity, aquatic ecosystem health and mahinga kai Objective 29</p>	<p>Support with amendment</p>	<p>The Transport Agency endeavours to minimise to the extent possible the impact State highways have on fish passage. To this end the Agency has developed specific guidance to assist in the best practice design and retrofit of NZTA culverts for effective fish passage.</p> <p>The Transport Agency notes that the current wording of Objective 29 implies that the 'use', for example of existing structures, is required to provide for fish passage. While the Transport Agency will proactively seek opportunities to improve existing infrastructure to better enable fish passage, the requirement for retro-fitting existing structures to provide fish passage is not practicable. Also, there may be instances where providing fish passage is not appropriate, for example where an indigenous fish habitat has been significantly enhanced and the provision of fish passage of exotic fish would destroy that habitat. The objective should provide some element of flexibility to accommodate such</p>	<ul style="list-style-type: none"> <li>■ Amend Objective O29:</li> <li>■ <del>Use and</del> <u>Where appropriate and practicable, new development</u> provides for the passage of fish and koura, and the passage of indigenous fish and koura is restored.</li> </ul>



Sites with significant values Objective 31	Support with amendment	<p>circumstances.</p> <p>While the Transport Agency would seek to avoid such waterbodies through its route selection methods, it also considers it critical to recognise that some infrastructure has functional, locational and operational constraints which sometimes dictate locations for infrastructure and associated works.</p>	<ul style="list-style-type: none"> <li>■ Amend Objective O31: Outstanding water bodies and their significant values are protected <u>from inappropriate use and development.</u></li> </ul>
Sites with significant values Objective 32	Support	<p>The Transport Agency supports the objective in that it recognises that some use and development may be appropriate. The objective provides an enabling platform for infrastructure which is of significance to the region (and beyond) and may have locational and operational constraints.</p>	<ul style="list-style-type: none"> <li>■ Retain Objective O32: Outstanding natural features and landscapes are protected from inappropriate use and development.</li> </ul>
Sites with significant values Objective 33	Support with amendment	<p>While the Transport Agency would seek to avoid such values through its route selection methods, it also considers it critical to recognise that some infrastructure has functional, locational and operational constraints which sometimes dictate locations for infrastructure and associated works. .</p>	<ul style="list-style-type: none"> <li>■ Amend Objective O33: Sites with significant mana whenua values are protected <u>from inappropriate use and development</u> and restored <u>where degraded.</u></li> </ul>
Sites with significant values Objective 34	Support	<p>The Transport Agency supports the objective in that it recognises that some modification, use and development may be appropriate. The objective provides an enabling platform for infrastructure which is of significance to the region (and beyond) and may have locational and operational constraints</p>	<ul style="list-style-type: none"> <li>■ Retain Objective O34: Significant historic heritage values are protected from inappropriate modification, use and development.</li> </ul>
Sites with Significant values: Objective 35	Support with amendment	<p>The Transport Agency considers it appropriate and necessary to embed an enabling focus to the objective and also notes that the current wording of Objective 35 implies that all such environments are degraded and this is unlikely to be the case.</p>	<ul style="list-style-type: none"> <li>■ Amend Objective O35: Ecosystems and habitats with significant indigenous biodiversity values are protected <u>from inappropriate use and development</u> and restored <u>where degraded.</u></li> </ul>
Sites with Significant values: Objective 36	Support with amendment	<p>The Transport Agency considers it critical to recognise that some infrastructure in the coastal environment has functional, locational and operational constraints, and furthermore that significant benefits can be derived from such infrastructure within the region, and beyond. The Transport Agency therefore considers it appropriate and necessary to embed an enabling focus to the objective.</p>	<ul style="list-style-type: none"> <li>■ Amend Objective O36: Significant geological features in the coastal marine area are protected <u>from inappropriate use and development</u></li> </ul>

<p>Sites with Significant values: Objective 38</p>	<p>Oppose</p>	<p>The Transport Agency opposes the inclusion of the objective in the PNRP. Special landscape values are not identified in the regional plan, but rather the district plan (and RPS) framework. The Transport Agency considers that district plans should address this issue and also notes that the PNRP includes only one related policy related to special amenity landscapes (Policy 49 in the title) and that the wording of that policy only addresses outstanding natural landscapes and features.</p>	<ul style="list-style-type: none"> <li>■ Delete Objective 38</li> </ul> <p>Identified special-amenity-landscape-values-are-maintained-or-enhanced</p>
<p>Air: Objective 41</p>	<p>Support with amendment</p>	<p>The Transport Agency supports the intent of the objective but considers the objective should acknowledge that the RMA is an effects-based piece of legislation and the creation of some effects may be acceptable.</p>	<ul style="list-style-type: none"> <li>■ Amend Objective O41:</li> </ul> <p>The adverse effects of odour, smoke and dust on amenity values and people's well-being are reduced <u>to the extent practicable</u>.</p>
<p>Soil: Objective 43</p>	<p>Support with amendment</p>	<p>The Transport Agency considers that the effects of human health should be managed and regulated by the district / city councils under the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health, not the regional council. The regional council holds the Selected Land Use Register and therefore the identification of such land should be recognised, as well as the management of activities on contaminated land, such as discharges from such land, which may cause adverse environmental effects.</p>	<ul style="list-style-type: none"> <li>■ Amend Objective O43</li> </ul> <p>Contaminated land is <u>identified and managed</u> to protect human health and the environment <u>from unacceptable contamination related effects</u>.</p>
<p>Soil: Objective 44</p>	<p>Support with amendment</p>	<p>The Transport Agency supports the intent of the objective but considers the objective should acknowledge that the RMA is an effects-based piece of legislation and the creation of some effects may be acceptable.</p>	<ul style="list-style-type: none"> <li>■ Amend Objective 44</li> </ul> <p>The adverse effects on soil and water from land use activities are <u>minimised-reduced to the extent practicable</u>.</p>
<p>Discharges: new objective</p>	<p>Support with amendment</p>	<p>The Transport Agency considers that consideration of the best practicable option should be embedded in the objectives.</p>	<ul style="list-style-type: none"> <li>■ Add new objective:</li> </ul> <p><u>Discharges associated with regionally significant infrastructure are managed through the adoption of the best practicable option.</u></p>
<p>Discharges: Objective 46</p>	<p>Support with amendment</p>	<p>The Transport Agency supports the intent of the objectives but seeks additional wording.</p>	<ul style="list-style-type: none"> <li>■ Amend Objective 46:</li> </ul> <p>Discharges to land are managed to reduce the runoff or leaching of contaminants to water <u>to the extent practicable</u>.</p>

Discharges: Objective 47	Support with amendment	<ul style="list-style-type: none"> <li>■ Amend Objective 47</li> </ul> <p>The amount of sediment-laden runoff entering water is reduced <u>to the extent practicable</u>.</p>
Discharges: Objective 48	Support	<ul style="list-style-type: none"> <li>■ Retain Objective O48:</li> </ul> <p>Stormwater networks and urban land uses are managed so that the adverse quality and quantity effects of discharges from the networks are improved over time.</p>
Coastal Management: Objective 53	Support	<ul style="list-style-type: none"> <li>■ Retain Objective O53:</li> </ul> <p>Use and development in the coastal marine area has a functional need or operational requirement to be located there.</p>
Coastal Management: Objective 54	Support	<ul style="list-style-type: none"> <li>■ Retain Objective O54:</li> </ul>
Coastal Management: Objective 56	Support	<ul style="list-style-type: none"> <li>■ Retain Objective O56:</li> </ul> <p>New development in the coastal marine area is of a scale, density and design that is compatible with its location in the coastal environment.</p>
Coastal Management: Objective 57	Support	<ul style="list-style-type: none"> <li>■ Retain Objective O57:</li> </ul> <p>Use and development is appropriate in the Lambton Harbour Area when it is compatible with its surroundings and the Central Area of Wellington City.</p>
Coastal Management: Objective 59	Support with amendment	<ul style="list-style-type: none"> <li>■ Amend Objective O59:</li> </ul> <p>The efficient and safe passage <u>of pedestrians, cyclists, motorised vehicles</u>, vessels and aircraft that support the movement of people,</p>

				goods and services is provided for in the coastal marine area.
<b>Chapter 4: Policies</b>				
Ki uta ki tai and integrated catchment management: Policy 1	Support	The Transport Agency generally supports using the principles of integrated catchment management.		<ul style="list-style-type: none"> <li>■ Retain Policy 1</li> </ul>
Precautionary approach: Policy 3	Support with amendment	The Transport Agency seeks a re-focus of the policy to align better with the intent of the NZCPS (Policy 3).		<ul style="list-style-type: none"> <li>■ Amend Policy 3: Use and development shall be managed with a precautionary approach where <u>the effects of proposed activities are uncertain, unknown or little understood, but potentially significantly adverse. there is limited information regarding the receiving environment and the adverse effects the activity may have on this environment.</u></li> </ul>
RMA framework for avoiding, remedying and mitigating effects: new policy		The Transport Agency seeks the inclusion of a generic policy which clearly sets out the cascading approach to managing effects. The cascading approach provided by the RMA are limited to avoiding, remedying and mitigating effects, but reference is also sought to be made to offsetting which may, in certain circumstances, be an appropriate mechanism for addressing effects. This approach also acknowledges the fact that the RMA is not a 'no-effects' statute.		<ul style="list-style-type: none"> <li>■ Add a new policy: <u>Adverse effects shall generally be managed by:</u> <ul style="list-style-type: none"> <li>(a) <u>Avoiding effects;</u></li> <li>(b) <u>Where effects cannot be practically avoided, remedying them; and,</u></li> <li>(c) <u>Where effects cannot be practically remedied, mitigating them; and,</u></li> <li>(d) <u>Where residual adverse effects remain, it may be appropriate to consider the use of off-sets.</u></li> </ul> </li> </ul>
Minimising effects: Policy 4	Oppose	The Transport Agency is concerned with the need to reduce adverse effects of an activity to the smallest amount practicable. The Transport Agency believes that this policy should be re-focused to achieve the best practicable option when considering environmental, social, cultural and economic factors. At present there is no mention of cost implications for projects and this is an important issue for large construction projects – sustainable management includes affordability.		<ul style="list-style-type: none"> <li>■ Replace the policy to focus on achieving the best practicable option, rather than minimising effects to the smallest amount practicable. <u>In sensitive locations, regionally significant infrastructure and other activities, shall consider the best practicable option to determine whether the proposed use and development is appropriate. In this</u></li> </ul>

		<p>The Transport Agency acknowledge a definition may be require for the term 'sensitive locations', however the intent is that it relates to environments with outstanding and high natural values.</p>	<p><u>context, the best practicable option means considering which site, route or method is the most appropriate for preventing or minimising effects on the environment while taking into account:</u></p> <p>(a) <u>the nature and location of the activity, especially for regionally significant infrastructure, and the sensitivity of the receiving environment to adverse effects; and</u></p> <p>(b) <u>the presence of existing development and whether the activity or development can effectively and efficiently utilise existing physical resources; and</u></p> <p>(c) <u>the functional and locational needs and operational requirements associated with the activity; and</u></p> <p>(d) <u>the financial implications of that option when compared to other options; and</u></p> <p>(e) <u>the effects on the environment of that option when compared with other options; and</u></p> <p>(f) <u>the current state of technical knowledge and the likelihood that the option can be successfully applied</u></p>
<p>Review of existing consents: Policy 5</p>	<p>Oppose</p>	<p>The Transport Agency seeks that the review of existing consents policy be deleted. Firstly it is set in statute and secondly it is more appropriate for inclusion at the resource consent application stage.</p>	<p>■ Delete Policy 5</p> <p><del>The conditions of existing resource consents to discharge contaminants to fresh water or coastal water, and to take and use water, may be reviewed pursuant to section 128 of the Resource Management Act 1991 in respect of future changes to the Plan:</del></p>
<p>Duration of consents: new policy</p>		<p>The Transport Agency seeks the inclusion of a new policy directing the duration of consents for regionally significant infrastructure. Generally speaking, and to provide certainty for projects, it is the Transport Agency's expectation that long term consents would be granted for such infrastructure.</p>	<p>■ Add a new policy to provide direction on the duration of operational consents for infrastructure of regional significance.</p> <p><u>Resource consent durations for regionally significant infrastructure applications required under ss13, 14 and 15 of the RMA will generally</u></p>

			<p><i>be granted for the maximum period of time unless reasons are identified during the consent process that make this inappropriate.</i></p>
<p>Synchronised expiry and review dates: Policy 6</p>	<p>Support with amendment</p>	<p>The Transport Agency is concerned that even if a long term consent is obtained, reviews could be initiated to implement a catchment solution irrespective of the currently solution performing adequately. Long term certainty for the Transport Agency is a critical aspect of its funding and operations and therefore uncertainties in this context are not supported, nor necessary from an effects perspective.</p>	<ul style="list-style-type: none"> <li>■ Amend Objective 6</li> </ul> <p>Resource consents may be granted with a common expiry or review date within a whatua or sub-catchment, if:</p> <ul style="list-style-type: none"> <li>(a) the affected resource is fully allocated or over-allocated, or</li> <li>(b) the exercise of the resource consent may impede the ability to implement an integrated solution to manage water quality, quantity or habitat within that whatua or sub-catchment.</li> </ul>
<p>Uses of land and water: Policy 7</p>	<p>Support with amendment</p>	<p>The Transport Agency supports the intent of the Policy but seeks amendments to better reflect its activities, operations and activities. Construction and operational related water supply should be recognised in the context of the benefits it delivers to the region, and beyond.</p>	<ul style="list-style-type: none"> <li>■ Amend Policy 7:</li> </ul> <p>The cultural, social and economic benefits of using land and water for:</p> <ul style="list-style-type: none"> <li>(a) Treatment, dilution, conveyance and disposal of wastewater and stormwater, and</li> <li>(k) Transport <u>over, under, adjacent, along</u>, and access to, water bodies</li> <li>(l) <u>Construction and operational water supply for regionally significant infrastructure.</u></li> </ul> <p>shall be recognised.</p>
<p>Public access to and along the coastal marine area and the beds of lakes and rivers Policy 9</p>	<p>Support</p>	<p>The Transport Agency's activities often enable public access such as through cycleways and walkways. The Transport Agency supports the Policy in the context of it recognising that public access to and along the coast and the beds of lakes and rivers may not always be appropriate. In particular, the Transport Agency supports the exclusions related to health and safety (b) and temporary construction activities(c).</p>	<ul style="list-style-type: none"> <li>■ Retain Policy 9.</li> </ul>
<p>Benefits of regionally significant infrastructure and renewable energy</p>	<p>Support with amendment</p>	<p>The Transport Agency supports the intent of the Policy but seeks amendments to better reflect its activities, operations and activities, and specifically:</p> <ul style="list-style-type: none"> <li>• provide an enabling context in addition to only recognising the benefits of the infrastructure. It remains unclear what only</li> </ul>	<ul style="list-style-type: none"> <li>■ Amend Policy 12:</li> </ul> <p>The benefits of regionally significant infrastructure and renewable energy generation activities are recognised <u>and provided for</u> by having regard to <u>taking into account</u>.</p>

<p>generation facilities: Policy 12</p>		<p>'recognising' would entail.</p> <ul style="list-style-type: none"> <li>• recognise the investment value of infrastructure in light of the requirements of Section 104(2A) of the RMA;</li> <li>• recognise the fact that some transportation related regionally significant infrastructure is located in the coastal marine area and the wider coastal area (e.g. the implications of the NZCPS); and</li> <li>• recognise the fact that some transportation related regionally significant infrastructure is located over, under, within and adjacent to the beds of lakes and rivers.</li> </ul>	<p>(a) ...</p> <p>(b) the <i>investment in, and the location of existing</i> infrastructure and structures, and</p> <p>(c) ...</p> <p>(d) the functional need for port activities <i>and other regionally significant infrastructure</i> to be located within the coastal marine area <i>and the coastal area</i>, and</p> <p>(e) <i>the functional need for regionally significant infrastructure to be located over, under, within and adjacent the beds of rivers and lakes, and</i></p> <p>(f) operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities.</p> <p>(g) <i>The safe, efficient and effective use of the Strategic Transport Network</i></p>
<p>Existing regionally significant infrastructure and renewable electricity generation facilities: Policy 13</p>	<p>Support with amendment</p>	<p>The Transport Agency supports the intent of the Policy but notes that development of such infrastructure is absent. It is unclear how major upgrades to the Transport Agency's network (e.g. the RoNS) would be defined (it is the Transport Agency's view that new works would be an upgrade of the existing network), and clarity on this would be welcomed.</p> <p>In the event major upgrades would be deemed 'development', then there is a need to recognise and provide for this. A new policy to this effect has been sought.</p>	<p>■ Amend Policy 13:</p> <p>The use, operation, maintenance, and upgrade <i>and development of existing</i> regionally significant infrastructure and renewable energy generation activities are beneficial and generally appropriate.</p> <p>Or</p> <p>■ Retain Policy 13 (i.e. excluding 'development') and add a new policy to enable new development:</p> <p><i>The development of new regionally significant infrastructure and renewable energy generation activities to meet the needs of the community are beneficial and are generally appropriate.</i></p>
<p>Incompatible activities: Policy 14</p>	<p>Support with amendment</p>	<p>The Transport Agency supports the intent of the Policy but seeks amendments to better protect its activities, operations and assets. It is noted the policy applies an 'avoid, remedy or mitigate' approach as opposed to only avoid and this approach is acceptable to the Transport</p>	<p>■ Retain Policy 14:</p> <p>Regionally significant infrastructure and renewable energy generation activities shall be protected from new incompatible use and</p>

		Agency and seeks it be applied elsewhere in the PNRP.	development occurring under, over or adjacent to it, by locating and designing any new use and development to avoid, remedy or mitigate any reverse sensitivity effects <i>which may compromise the efficient and effective use, maintenance, upgrading or development of that infrastructure.</i>
Maori Values Policy 19	Support with amendment	The Transport Agency supports the intent of the policy but has concerns that it fails adopt an effects based approach. The policy introduces what is an ongoing requirement to minimise effects, whereas the reality for large infrastructure projects is often reaching an acceptable and balanced level of effects between different values.	<ul style="list-style-type: none"> <li>■ Amend Policy P 19: The cultural relationship of Māori with air, land and water shall be recognised and the adverse effects on this relationship and their values shall be <u>avoided, remedied, or mitigated</u> <del>minimised</del>.</li> </ul>
Statutory Acknowledgement: Policy 21	Support with amendment	In a resource consent application process context, the Transport Agency notes the statutory acknowledgement would be had regard to and summaries of applications would be forwarded to trustees / members to provide the opportunity to provide comment. This is supported by the Transport Agency, especially in the context of Section 6(e) and 8 of the RMA. From an applicant perspective, it would be beneficial if a plan of the statutory acknowledgement areas was included in Schedule D. This would enable applicants to easily identify such areas assist in the identification of stakeholders / interested parties early on in project scoping exercises.	<ul style="list-style-type: none"> <li>■ Include a plan in Schedule D illustrating the statutory acknowledgement areas as well as contact details for iwi and hapu where appropriate.</li> </ul>
Ecosystem values of estuaries: Policy 22	Support with amendment	The Transport Agency notes that only significant adverse effects are addressed in an estuarine and harbour context and considers that a broader framework needs to be provided. The Transport Agency seeks reference to avoidance, remediation and mitigation.	<ul style="list-style-type: none"> <li>■ Amend Policy 22: <del>Significant</del>Adverse effects on the ecosystem values of estuaries, including their importance as habitat for indigenous plants, birds and fish including diadromous species, and as a nursery for important fish stocks, shall be avoided <u>remedied or mitigated</u>.</li> <li>■ Retain Policy 23</li> </ul> <p>The ecological health and significant values of Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Lake Wairarapa will be restored overtime by:</p> <p>(a) managing activities to reduce sedimentation rates and pollutant inputs, and</p>
Restoring Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Lake Wairarapa: Policy 23	Support	Noting that the Transport Agency has a number of assets in and near the Te Awarua-o-Porirua Harbour and Wellington Harbour (Port Nicholson) it supports the intent of the policy.	



<p>Outstanding natural character: Policy 24</p>	<p>Support with amendment</p>	<p>The Transport Agency is concerned with the wording of this policy and its implications from an applicant's perspective. Firstly, there appears to be no outstanding natural landscapes identified in the PNRP. This makes it impossible for submitters to assess and understand the implications of the policy in the context of their assets / interests. The Transport Agency would expect that the introduction of such landscapes would require a formal plan change process. Secondly, the policy uses the term 'avoid' which implies a 'bottom line' which from a consent application perspective is not appropriate. The Transport Agency also notes that if the intent was to 'avoid' then a prohibited activity status would be relevant, and this is evidently not the intention.</p>	<p>(b) managing erosion-prone land and riparian margins in their catchments, and (c) undertaking planting and pest management programmes in harbour and lake habitats and ecosystems.</p> <p>Amend Policy 24 Areas of outstanding natural character in the coastal marine area will be preserved by:</p> <p>(a) <del>Protecting</del> <del>avoiding</del> <del>adverse effects of activities on</del> natural character in areas of the coastal marine area with outstanding natural character <del>by</del> <u>avoiding inappropriate use and development</u>, and (b) requiring use and development to be of a type, scale and intensity that will maintain the natural character values of the area, and (c) requiring built elements to be subservient to the dominance of the characteristics and qualities that make up the natural character values of the area, and (d) maintaining the high levels of naturalness of these areas, and (e) <del>avoiding the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.</del></p>
<p>Natural character: Policy 25</p>	<p>Support with amendment</p>	<p>The Transport Agency is generally supportive of the policy in that overall, it seeks to avoid, remedy or mitigate adverse effects on natural character in the coastal marine area and the beds of lakes and rivers. The Transport Agency is of the opinion that the policy can be simplified, as well as apply an effects-based approach, as opposed to the bottom-line approach. The Transport Agency generally supports the intent of Policy 25(d), but considers its focus should be amended to better reflect the RMA and also acknowledge that some development and use is appropriate e.g. infrastructure of regional importance.</p>	<p>Amend Policy 25: Use and development shall avoid, <u>remedy or mitigate</u> significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and in the beds of lakes and rivers, and <del>avoid</del> <del>remedy or mitigate other</del> <del>adverse effects of activities</del>, taking into account:</p> <p>(d) whether <del>it is practicable to protect natural character from</del> <del>inappropriate use and development through</del> <u>the use and development is appropriate after considering:</u></p> <p>(i) <del>using</del> <u>the use of</u> alternative locations, or form of development that would be more appropriate to that location; and (ii) <del>considering the extent to which functional need</del></p>

				<p>or existing use limits location and development options;</p> <p>(iii) <u>whether the use or development is regionally significant infrastructure</u></p>
<p>Natural processes: Policy 26</p>	<p>Support with amendment</p>	<p>The Transport Agency considers the policy is not consistent with effects based planning. Development such as the construction of a bridge or culvert to accommodate a road for example, may interfere with natural processes, but can be designed to be acceptable from an effects perspective.</p>	<p>The Transport Agency generally supports the policy subject to a number of amendments.</p>	<p>Amend Policy 26: Use and development will be managed to minimise avoid, remedy or mitigate effects on the integrity and functioning of natural processes.</p>
<p>High hazard areas Policy 27</p>	<p>Support with amendment</p>			<p>Amend Policy 27: Use and development, including hazard mitigation methods, in high hazard areas shall be avoided except where:</p> <p>(a) they have a functional need or operational requirement or there is no practicable alternative to be so located, and</p> <p>(b) the risk to the development and/or residual risk after hazard mitigation measures, assessed using a risk-based approach, is low, and</p> <p>(c) the development does not cause or exacerbate natural hazards in other areas <u>to an unacceptable degree</u>; and</p> <p>(d) <del>interference with natural processes (coastal, fluvial and lacustrine processes) is minimised, and</del></p> <p>(e) . . .</p>
<p>Hazard mitigation measures: Policy 28</p>	<p>Oppose</p>	<p>The Transport Agency opposes the policy (as well as the object (22) which the policy is seeking to achieve). Hazard mitigation measures must be fit for purposes and a presumption to avoid hard engineering solutions, especially for existing infrastructure protection only, is not appropriate. From a cost perspective, hard solutions are typically more expensive and so soft options would be investigated where such design is fit for purpose in the local setting. Ultimately, it is the effects of those solutions which should form the basis of the policy intent. The policy should also contemplate new development, as well as existing development.</p>		<p>Replace Policy 28: Hard engineering mitigation and protection methods shall be avoided except where it is necessary to protect existing development from unacceptable risk, assessed using the risk-based approach, and the works either form part of a hazard management strategy or the environmental effects are considered to be no more than minor.</p> <p><u>Avoid, remedy or mitigate the environmental effects of natural hazards</u></p>

<p>Aquatic ecosystem health and mahinga kai: Policy 31</p>	<p>Support with amendment</p>	<p>The Transport Agency supports the intent of the policy but considers parts of it can be deleted as it relates more to the objective which is trying to be achieved, as opposed what a policy should address i.e. how the objective will be achieved. While generally supportive of what it is trying to achieve, the Transport Agency questions the need for this policy as it describes specific measures and activities that should be minimised and avoided, whereas the intent of the policy should be managing effects – as Policy 32 does, albeit in the context of significant effects. The Transport Agency's concerns is that it may not always be possible to minimise or avoid effects, especially where there are functional needs and operational requirements as is often the case with regionally significant infrastructure. This being the case, the Transport Agency believes that the terms 'minimise' and 'avoid' should be replaced with 'avoid', 'remedy' or 'mitigate', or alternatively provide a further sub-clause which recognises there may be functional and operational requirements associated with the use and development of resources.</p>	<p><i>by ensuring that mitigation and protection methods reduce risk to existing and new development using the risk based approach.</i></p> <ul style="list-style-type: none"> <li>■ Amend Policy 31: Aquatic ecosystem health and mahinga kai shall be maintained or restored by <del>Managing</del> the effects of use and development on physical, chemical and biological processes to <u>avoid, remedy or mitigate</u>;</li> <li>.....</li> <li>[delete terms minimise and avoid in sub-policies]</li> <li>Or</li> <li>■ Add a new sub-clause to acknowledge that there may be functional and operational requirements associated with the use and development of resources.</li> <li>Or</li> <li>■ Delete Policy 31 and rely on Policy 32 to avoid, remedy or mitigate effects.</li> </ul>
<p>Adverse effects on aquatic ecosystem health and mahinga kai Policy 32</p>	<p>Support with amendment</p>	<p>The Transport Agency generally supports the cascading framework and intent of the policy. The Transport Agency recognises it may be appropriate to offset effects where those effects are causing effects beyond those deemed to be acceptable. The Transport Agency does not support the need to offset all and any residual effects – this is dependent on the scale and nature of the residual effects. The RMA is not a "no-effects" statute and to this extent a requirement to provide benefits beyond 'avoid, remedy or mitigate' are beyond that contemplated under the RMA framework.</p> <p>The Transport Agency notes that offsetting in this context need not be restricted to solely biodiversity offsetting.</p>	<ul style="list-style-type: none"> <li>■ Amend Policy 32 (d): (d) where residual adverse effects remain, it <u>may be</u> is appropriate to consider the use of biodiversity offsets.</li> </ul>

<p>Protecting indigenous fish habitat: Policy 33</p>	<p>Support with amendment</p>	<p>The Transport Agency supports the intent of the policy has concerns that it may not always be possible to avoid effects, especially where there are functional needs and operational requirements as is often the case with regionally significant infrastructure.</p>	<p>■ Amend Policy 33: The more than minor adverse effects of activities on the species known to be present in any water body identified in Schedule F1 (rivers/lakes) as habitat for indigenous fish species, and Schedule F1b (inanga spawning habitats), particularly at the relevant spawning and migration times identified in Schedule F1a (fish spawning/migration) for those species, shall be avoided <u>where practicable</u>. . . .</p>
<p>Fish Passage – Policy 34</p>	<p>Support with amendment</p>	<p>The Transport Agency supports the general intent of the policy although there is a need to recognise that during construction activities, barriers may be unavoidable.</p>	<p>■ Amend Policy 34: The construction or creation of new <u>permanent</u> barriers to the passage of fish and koura species shall be avoided</p>
<p>Restoring fish passage: Policy 35</p>	<p>Support with amendment</p>	<p>The NZTA is committed to ensuring that the successful migration of fish species is not disrupted solely as a result of its network, through the appropriate design of new culverts to allow for fish passage.  While the Transport Agency will proactively seek opportunities to make improvements to existing State highway infrastructure to better enable fish passage, the Transport Agency does not believe the requirement for retrofitting existing structures to provide fish passage is practicable or appropriate. The Transport Agency also seeks a refocus of the policy to emphasise the appropriateness of the policy is not necessarily confined to the management and protection of fish. It is important to note that there may be instances where providing fish passage is not practicable or appropriate. The policy should provide some element of flexibility to recognise this.</p>	<p>■ Amend Policy 35: <u>Where practicable and appropriate</u>, the passage of indigenous fish and koura shall be restored <u>where this is appropriate for the management and protection of indigenous fish and koura populations</u>.</p>
<p>Effects on indigenous bird habitat: Policy 36</p>	<p>Support with amendment</p>	<p>The Transport Agency supports the intent of the policy but has concerns that it fails adopt an effects based approach. The policy introduces what is in-effect a bottom line, whereas the reality for large infrastructure projects is often reaching an acceptable and balanced level of effects between different values (e.g. the best practicable option).</p>	<p>■ Amend Policy 36: The adverse effects of use and development on the habitats of indigenous birds in the coastal marine area, wetlands and beds of lakes and rivers and their margins for breeding, roosting, feeding, and migration shall be <u>avoided, remedied or mitigated, minimised</u>.</p>

Values of wetlands: Policy 37	Support with amendment	The Transport Agency supports the intent of the policy but has concerns in that it does not contemplate that adverse effects may be unavoidable e.g. regionally significant infrastructure. In this context, an element of flexibility is required.	<ul style="list-style-type: none"> <li>■ Amend Policy 37: <u>To the extent practicable, Activities in and adjacent to natural wetlands shall be managed to maintain their values including:</u> (a) . . . .</li> </ul>
Adverse effects on outstanding waterbodies: Policy 39	Support with amendment	The Transport Agency supports the intent of the policy but has concerns in that it does relates to all, not 'significant', adverse effects as some other policies do, and also that the term avoid sets a bottom line which is inconsistent with effects based planning. In a resource consent context, the true intent of the word avoid would equate to a prohibited activity status and this is not the case (appropriately) in the rule framework.	<ul style="list-style-type: none"> <li>■ Amend Policy 39: The adverse effects of use and development on outstanding water bodies and their significant values identified in Schedule A (outstanding water bodies) shall be avoided, or <u>remedied or mitigated where avoidance is not practicable.</u></li> </ul>
Ecosystems and habitats with significant indigenous biodiversity values: Policy 40	Support with amendment	The Transport Agency supports the intent of the policy but has concerns in that it does not contemplate that some use and development may be appropriate and / or necessary.	<ul style="list-style-type: none"> <li>■ Amend Policy 40 Protect <u>from inappropriate use and development</u> and restore, <u>where degraded,</u> the following ecosystems and habitats with significant indigenous biodiversity values: . . . . .</li> </ul>
Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values: Policy 41	Support with amendment	The Transport Agency supports this policy to the extent that it contemplates a scenario whereby effects may not be able to be avoided and furthermore, the policy sets an effects-based management hierarchy. The Transport Agency notes that offsetting in this context need not be restricted to solely biodiversity offsetting.	<ul style="list-style-type: none"> <li>■ Amend Policy 41: (d) where residual adverse effects remain, it <u>may be</u> appropriate to consider the use of biodiversity offsets.</li> </ul>
Protecting and restoring ecosystems and habitats with significant indigenous biodiversity values:	Support with amendment	The Transport Agency generally supports this policy. The Transport Agency notes that offsetting in this context need not be restricted to solely biodiversity offsetting.	<ul style="list-style-type: none"> <li>■ Amend Policy 42 (b) provide for the enhancement of ecological connectivity between fragmented habitats through biodiversity offsets, <u>where appropriate,</u> and</li> </ul>

Policy 42			
Protection and restoration of sites with significant mana whenua values: Policy 44	Support with amendment	The Transport Agency supports the intent of the policy but has concerns in that it does not contemplate that some use and development may be appropriate and / or necessary.	<p>■ Amend Policy 44</p> <p>Sites with significant mana whenua values identified in Schedule C (mana whenua) shall be protected <u>from inappropriate use and development</u> and/or restored.</p>
Sites with significant mana whenua values Policy 45	Support with amendment	<p>The Transport Agency supports this policy to the extent that it contemplates a scenario whereby effects may not be able to be avoided and furthermore, sets a process whereby effects can be assessed. The Transport Agency has concerns in respect of policy wording related to the adverse effects being managed with tikanga and kaupapa Maori as recommended in the cultural impact assessment, and also that the written consent of the authority be obtained. These may not be achievable, especially in the context of a large infrastructure project. Cultural effects need to be balanced with other effects (inclusive of positive effects) and to set what is in effect a bottom-line requirement is inappropriate. Offsetting is sought to be included as it is iwi and hapu who will determine whether it is appropriate on a case by case basis. To exclude offsets on the basis that it is unlikely to be acceptable is inappropriate.</p>	<p>■ Amend Policy 45:</p> <p>In the first instance, activities in sites with significant mana whenua values identified in Schedule C (mana whenua) shall be avoided <u>where practicable</u>.</p> <p>If the site cannot be avoided, more than minor adverse effects on the significant mana whenua values must be evaluated through a cultural impact assessment undertaken by the relevant iwi authority or iwi authorities. The adverse effects of activities shall be managed in accordance with tikanga and kaupapa Māori <u>and, where practicable, shall take into consideration any recommendations</u> ed in the cultural impact assessment by:</p> <ul style="list-style-type: none"> <li>(a) avoiding more than minor adverse effects, and</li> <li>(b) where more than minor adverse effects cannot be avoided, remedying them, and</li> <li>(c) where more than minor adverse effects cannot be remedied, mitigating them, and</li> <li>(d) <del>receiving written consent of the iwi authority.</del></li> </ul> <p><del>Where more than minor adverse effects on significant mana whenua values identified in Schedule C (mana whenua) cannot be avoided, remedied or mitigated, the activity is inappropriate. Offsetting of effects</del></p>

<p>Protection of outstanding natural features and Landscapes: Policy 48</p>	<p>Support with amendment</p>	<p>The Transport Agency is concerned with the wording of this policy and its implications from an applicant's perspective and the fact there is no clarification of values provided. Firstly outstanding natural features and landscape are not identified in the Plan, and secondly the policy uses the term 'avoid adverse effects' as a bottom line, but incorporates both coastal and non-coastal areas. This is important in the context of the NZCPS and the application of this policy approach to non-coastal areas e.g. beds of lakes and rivers. Existing transportation networks form part of landscapes and it is important to recognise and provide for this.</p>	<p>in-sites-with-significant-mauna-values-is-inappropriate.</p>
<p>Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes: Policy 49</p>	<p>Support with amendment</p>	<p>The Transport Agency notes that the policy is specific to areas within the coastal marine area. The Transport Agency seeks an amendment to the policy wording to remove the bottom-line (i.e. no effects) approach to it. In a resource consent context, the true intent of the word avoid would equate to a prohibited activity status and this is not the case (appropriately) in the rule framework.</p>	<p>Amend Policy 48:  The natural features and landscapes (including seascapes) of the coastal marine area, rivers, lakes and their margins and natural wetlands shall be protected from inappropriate use and development by:  (a) avoiding adverse effects of <u>inappropriate</u> activities on outstanding natural features and landscapes, and  (b) avoiding <del>significant adverse effects and avoiding</del>, remedying or mitigating <del>other</del>-adverse effects of activities on natural features and landscapes.</p> <p>Amend Policy 49:  Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by <u>where practicable</u>:  (a) protecting visual and biophysical linkages between the site and the outstanding natural feature or landscape, and  (b) avoiding adverse cumulative effects on the values of an outstanding natural feature or landscape; while also considering;  (c) <u>whether it is necessary to enable the development, operation, maintenance or upgrade and development of regionally significant infrastructure</u></p>

<p>Managing ambient air quality: Policy P52</p>	<p>Support with amendment</p>	<p>The Transport Agency is generally supportive of the policy.</p>	<p>■ Retain Policy 52: Ambient air quality shall be managed to protect human health and safety by: (a) . . . . . (c) managing the discharge of other contaminants so that the adverse effects on human health, including cumulative adverse effects, are <u>avoided, remedied or mitigated</u> .</p>
<p>Managing Air Amenity Policy 55.</p>	<p>Support with amendment</p>	<p>The Transport Agency is generally supportive of the policy.</p>	<p>■ Amend Policy 55: Air quality amenity in urban, rural and the coastal marine areas shall be managed to <u>minimise so that</u> offensive or objectionable odour, smoke and particulate matter, fumes, ash and visible emissions <u>are minimised</u></p>
<p>National Environmental Standard for Air Quality Policy 61</p>	<p>Support</p>	<p>The Transport Agency is generally supportive of the intent of this policy.</p>	<p>■ No specific relief sought.</p>
<p>Discharges to land and water Policy 62</p>	<p>Support</p>	<p>The Transport Agency notes that some of its construction activities may be assessed under this policy (e.g. dewatering for example). The Transport Agency generally supports the intent of the policy which promotes land based discharges and this is consistent with the Transport Agency's approach. The Transport Agency believes sufficient flexibility is provided in the policy where land based discharges are not possible or practicable.</p>	<p>■ Retain Policy 62: The discharge of contaminants to land is promoted over direct discharges to water, particularly where there are adverse effects on (a) aquatic ecosystem health and mahinga kai, or (b) contact recreation and Māori customary use.</p>
<p>Improving water quality for contact recreation and Māori customary use: Policy 63</p>	<p>Neutral</p>	<p>The Transport Agency notes the intent of the policy and is generally supportive of improving water quality. However, the Transport Agency notes that 'stormwater management strategies' are exclusive to local authorities and queries if this is the intent. The Transport Agency also note reference to <i>whaitua</i> committees identifying methods and timeframes to improve water quality. The Transport Agency believes industry representation in those processes is required.</p>	<p>■ No specific relief sought</p>



<p>Minimising effects of discharges: Policy 67</p>	<p>Support with amendment</p>	<p>The Transport Agency generally supports the intent of the policy. In doing so, it notes that it would have difficulty in meeting sub policy (a) and avoiding the production of contaminants from roads (i.e. vehicles generate the contaminants), but that (a), (b) and (c) are followed by the word 'or' which means that sub policy (d) can also apply. The Transport Agency adopts this approach of minimising the effects of discharges.</p>	<p>■ Amend Policy 67:</p> <p>The adverse effects of discharges of contaminants to land and water will be <del>avoided, remedied or mitigated</del> minimised by:</p> <ul style="list-style-type: none"> <li>(a) avoiding the production of the contaminant, and/or</li> <li>(b) reusing, recovering or recycling the contaminant, and/or</li> <li>(c) minimising the volume or amount of the discharge, and/or</li> <li>(d) using land-based treatment, constructed wetlands or other systems to treat contaminants prior to discharge where appropriate, and</li> <li>(e) irrespective of actions taken in accordance (a) to (d) above, where a discharge is a point source discharge to a river or stream, the discharge achieves the water quality standards in Policy P71 after reasonable mixing.</li> </ul>
<p>Managing point source discharges for aquatic ecosystem health and mahinga kai: Policy 70</p>	<p>Provisionally support</p>	<p>The Transport Agency is unclear as to the application of this policy in the context of an existing resource consent. The discharge enabled by the consent would be managed via consent conditions and in this context it is irrelevant if the discharge is 'appropriate' in the context of the policy. It is acknowledged that review conditions on consents could render the policy applicable. The Transport Agency supports the statement related to offsets.</p>	<p>■ Clarify the intent of Policy 70a),</p> <p>Where an objective in Table 3.4, Table 3.5, Table 3.6 or Table 3.8 of Objective O25 is not met, point source discharges to water shall be managed in the following way:</p> <ul style="list-style-type: none"> <li>(a) <del>for an existing activity that contributes to the objective not being met, the discharge is only appropriate if:</del> <ul style="list-style-type: none"> <li>(i) <del>the application for resource consent includes a defined programme of work for upgrading the activity, in accordance with good management practice, within the term of the resource consent;</del></li> <li>and</li> <li>(ii) <del>conditions on the resource consent require the reduction of adverse effects of the activity in order to improve water quality in relation to the objective within the term of the consent; and</del></li> </ul> </li> <li>(b) for a new activity, the discharge is only appropriate if the activity would not cause the affected fresh water body or area of coastal water to become any worse in relation to the</li> </ul>

			<p>objective.</p> <p>In assessing the appropriateness of a new or existing discharge, the ability to offset residual adverse effects may be considered.</p>
<p>Quality of discharges: Policy 71</p> <p>Zone of reasonable mixing: Policy 72</p>	<p>Support</p> <p>Support with amendment</p>	<p>The Transport Agency is generally supportive of the intent of this policy.</p> <p>The term zone of reasonable mixing is defined in the PNRP with a specific meaning which sets its extent. Notwithstanding its applicability to the coastal waters, the policy is at odds with the definition and clarification is sought on this.</p>	<ul style="list-style-type: none"> <li>■ No specific relief sought.</li> <li>■ Amend Policy 72</li> </ul> <p>Where not otherwise permitted by a rule, the zone of reasonable mixing shall be minimised and will be determined on a case-by-case basis. In determining the zone of reasonable mixing, particular regard shall be given to. . . . .</p> <p>and</p> <p>consider whether policy 72 is intended to apply to coastal waters or whether the definition of zone of reasonable mixing requires amendment / deletion.</p>
<p>Stormwater: Policy 73</p>	<p>Support with amendment</p>	<p>The Transport Agency supports the intent of the policy but has concerns that it fails to adopt an effects based approach. The policy introduces what is in-effect a continual requirement to minimise effects and this is not considered appropriate. The Transport Agency supports the concept of progressive improvements to stormwater quality.</p>	<ul style="list-style-type: none"> <li>■ Amend Policy 73:</li> </ul> <p>The adverse effects of stormwater discharges shall be minimised to the extent practicable including by . . . . .</p> <p>(d) progressively improving existing stormwater, wastewater, road and other public infrastructure, including during routine maintenance and upgrade.</p>
<p>First-stage local authority network consents: Policy 74 and 75</p>	<p>Neutral</p>	<p>The Transport Agency sees no justification for local authority stormwater networks having a separate policy / rule framework which provides a more permissive consenting framework. The Transport Agency is an environmentally responsible operator and should be treated the same as a local authority applicant in the context of this policy. It is the effects of the activity, not who the operator is, that should dictate process and outcomes.</p>	

<p>Managing stormwater from large sites: Policy 78</p>	<p>Support with amendment</p>	<p>The Transport Agency is generally supportive of this policy as it is largely consistent with its own environmental policy for managing stormwater and achieving progressive stormwater quality improvements. However, the Transport Agency notes that the policy introduces what is in-effect a continual requirement to minimise effects. Where effects have been minimised to the extent they are acceptable, then there should be no on-going requirement to minimise effects.</p> <p>The Transport Agency supports the inclusion of sub clause (e) and implementing good management practice and progressive improvement of discharge quality over time. This is consistent with the Transport Agency's environmental policy.</p>	<p>■ Amend Policy 78:</p> <p>The adverse effects of the discharge of stormwater from a port, airport or state highway, where the discharge will enter water shall be minimised <u>to the extent practicable</u> by:</p> <ul style="list-style-type: none"> <li>(a) managing the discharge in order to minimise the adverse effects of stormwater discharges on aquatic ecosystem health and mahinga kai, contact recreation and Māori customary use, and</li> <li>(b) identifying priorities for improvement, including methods and timeframes for improvement, in accordance with any relevant objectives identified in the Plan, and</li> <li>(c) progressively implementing methods identified in (b), and</li> <li>(d) having particular regard to protecting sites with identified significant or outstanding values, and</li> <li>(e) implementing good management practice, including in accordance with Policy P73, and progressive improvement of discharge quality over time.</li> </ul>
<p>Discharges from contaminated land Policy 89</p>	<p>Support with amendment</p>	<p>The Transport Agency generally supports the intent of the policy but notes it introduces what is in-effect a continual requirement to minimise effects. Where effects have been minimised to the extent they are acceptable (i.e. remediated), then there should be no on-going requirement to minimise effects. The Transport Agency notes that the contaminated land provisions do not address human health and this is supported. This is an issue for the district / city councils as opposed to the regional council.</p>	<p>■ Amend Policy 89:</p> <p>The discharge of hazardous substances from contaminated land, including closed landfills, is managed so that the significant-adverse effects on fresh water, including <u>freshwater, groundwater and coastal water, and air are avoided or remedied, or where this is not possible, mitigated to the extent practicable</u> minimised.</p>
<p>Managing sediment discharges: Policy 97</p>	<p>Support with amendment</p>	<p>While generally supportive of the intent of the policy, the Transport Agency does not support the focus on minimise effects as it introduces what is in-effect a continual requirement to minimise effects. Where effects have been minimised to the extent they are acceptable, then there should be no on-going requirement to minimise effects. The focus should be on avoiding, remedying and mitigating to provide an enabling framework. The Transport Agency supports the notion of using good</p>	<p>■ Amend Policy 97:</p> <p>The discharge of sediment to surface water bodies and coastal water from earthworks activities shall be <u>minimised, avoided, remedied or mitigated to the extent practicable</u> by using a source control approach.</p> <p>Good management practices shall be used in site management,</p>

		management practices.	erosion and sediment control design operation and maintenance. In order to minimise the adverse effects of sediment-laden stormwater discharges.  Effects that cannot be minimised may be appropriately offset:
Accelerate soil erosion Policy 98	Support with amendment	The Transport Agency supports the intent of the policy but considers additional word could be included to support good practice.	<ul style="list-style-type: none"> <li>■ Amend Policy 98 (c);</li> <li>(a) ensure the site is stabilised, <u>including progressively stabilised where appropriate</u>, and vegetation cover is restored <u>as soon as practicable</u>.</li> </ul>
Reclamation or drainage of the beds of lakes and rivers: Policy 102	Support with amendment	The Transport supports the intent of Policy 102(d) which provides an enabling framework for the reclamation or drainage of the beds of lakes and rivers where necessary for the development, operation, maintenance and upgrading of regionally significant infrastructure. The Transport seeks the inclusion of the BPO process to provide some clarity on what entails (via definition).	<ul style="list-style-type: none"> <li>■ Amend Policy 102(d);</li> <li>(d) necessary to enable the development, operation, maintenance, and upgrade and development of regionally significant infrastructure, or;</li> <li>(e) . . . . .</li> <li>(f) In respect of (a) to (e) <u>the method selected is the best practicable option of providing for the activity there are no practicable alternative methods of providing for the activity</u>; or</li> </ul>
Protecting trout habitat: Policy 105	Support with amendment	The Transport Agency supports the intent of this policy to the extent that it protects trout habitat. However, the Transport Agency is concerned the policy introduces what is in-effect a continual requirement to minimise effects. Where effects have been avoided, remedied or mitigated to the extent they are acceptable, then there should be no on-going requirement to minimise effects.	<ul style="list-style-type: none"> <li>■ Amend Policy 105 by adding 'to the extent practicable' to the end of sub clauses (b) and (e).</li> </ul>
Site Dewatering Policy 126	Support with amendment	The Transport Agency supports the intent of this Policy subject to an amendment seeking to avoid adverse effects.	<ul style="list-style-type: none"> <li>■ Amend Policy 126</li> </ul> <p>Localised land subsidence or adverse effects of dewatering on existing groundwater users or the flows, levels or quality of surface water shall be minimised <u>be avoided to the extent practicable</u>.</p>
Bores: Policy 130	Support	The Transport Agency supports the wording of Policy 130 which provides an enabling framework for the investigation for geotechnical, contamination or other investigative purposes.	<ul style="list-style-type: none"> <li>■ Retain Policy 130.</li> </ul>

<p>Primary coastal policies Policy 132</p>	<p>Support</p>	<p>The Transport Agency supports the wording of Policy 132. It recognises the issue of certain use and development, such as regionally significant infrastructure, having a functional and operational need to be located in the coastal marine area. The Transport Agency also supports the provision that provides for public access 'where appropriate' and in some instances this is not appropriate due to health and safety reasons. Furthermore, the Transport Agency supports the provision that seeks to concentrate use and development in locations where similar use and development exist, subject to that being practicable.</p>	<p>■ Retain Policy 132</p> <p>Use and development in the coastal marine area shall:</p> <ul style="list-style-type: none"> <li>(a) have a functional need, or</li> <li>(b) have an operational requirement to locate within the coastal marine area, and no reasonable or practicable alternative to locating in the coastal marine area, or</li> <li>(c) for any other activity, it shall have no reasonable or practicable alternative to locating in the coastal marine area, and in respect of (a), (b) and (c):</li> <li>(d) only use the minimum area necessary, and</li> <li>(e) be made available for public or multiple use where appropriate, and</li> <li>(f) result in the removal of structures once redundant, and</li> <li>(g) concentrate in locations where similar use and development already exists where practicable.</li> </ul>
<p>Public open space values and visual amenity: Policy 134</p>	<p>Support with amendment</p>	<p>The Transport Agency generally supports the intent of the policy subject to an amendment to quantify the level of effects.</p>	<p>■ Amend Policy 134:</p> <p>The adverse effects of new use and development on public open space and visual amenity viewed within, to and from the coastal marine area shall be <u>avoided, remedied or mitigated</u> by: . . .</p>
<p>Structures in sites with significant values: Policy 138</p>	<p>Support with amendment</p>	<p>The Transport Agency supports the wording of Policy 138. It recognises that new and replacement structures and additions and alterations to existing structures is necessary to enable regionally significant infrastructure related activities. While supportive of the policy, the Transport seeks the inclusion of the BPO process to provide some clarity on what entails (via a definition and policy).</p>	<p>■ Amend Policy 138:</p> <p>New structures, replacement of a structure or any addition or alteration to a structure in a site identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) and Schedule J (geological features) shall be avoided, except where:</p> <ul style="list-style-type: none"> <li>. . . .</li> <li>(d) it is necessary to enable the <del>development</del> operation, maintenance and upgrade <u>and development</u> of regionally significant infrastructure</li> </ul> <p>and in respect of (a) to (d):</p>

Seawall: Policy 139	Support with amendment	<p>The Transport Agency supports the wording of Policy 139. It recognises that seawalls may be required to protect existing and new regionally significant infrastructure. The Transport Agency seeks the inclusion of reference to adopting the best practicable option (to provide clarity on what that entails (via definition). The Transport Agency does not support the reference to incorporating soft engineering as the design optioning will form part of the best practicable option assessment.</p>	<p>(e) <del>the activity represents the best practicable option there are no practicable alternative methods of providing for the activity.</del></p> <ul style="list-style-type: none"> <li>■ Amend Policy 139</li> </ul> <p>The construction of a new seawall is inappropriate except where the seawall is required to protect:</p> <ul style="list-style-type: none"> <li>(a) existing, or upgrades to, <u>or replacement of</u> infrastructure, or</li> <li>(b) new regionally significant infrastructure, and in respect of (a) and (b):</li> <li>(c) <del>the activity represents the best practicable option there is no reasonable or practicable alternative means, and</del></li> <li>(d) suitably located, designed and certified by a qualified, professional engineer, and</li> <li>(e) <del>designed to incorporate the use of soft engineering options where appropriate.</del></li> </ul>
Lambton Harbour Area: Policy 142	Support with amendment	<p>The Transport Agency supports the wording of Policy 141. While not specifically recognising regionally significant infrastructure per se, it does recognise that use and development which enables social and economic benefits to the city and beyond, and which provides for open space, pedestrian and cycling routes and access to the water is acceptable. These aspects, some of which are regionally significant infrastructure, should be enabled.</p>	<ul style="list-style-type: none"> <li>■ Amend Policy 141:</li> </ul> <p>Use and development of the Lambton Harbour Area may be appropriate if the use and development: . . . .</p> <ul style="list-style-type: none"> <li>(g) enables social and economic benefits to Wellington City and the wider region, and</li> <li>(h) provides for open space, pedestrian and cycle through routes and access to and from the water, and. . . .</li> <li>(k) <u>is regionally significant infrastructure which has a functional need or operational requirement to be located in the Lambton Harbour Area.</u></li> </ul>
Deposition in a site of significance: Policy 143	Support with amendment	<p>The Transport Agency generally supports the wording of Policy 143. While supportive of the policy, the Transport Agency seeks the inclusion of the BPO process to provide some clarity on what entails (via definition).</p>	<ul style="list-style-type: none"> <li>■ Amend Policy 143:</li> </ul> <p>Deposition of sand, shingle or shell in a site identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) and Schedule J</p>

Other activities in the CMA Policy 144	Support with amendment	The Transport Agency generally supports the wording of Policy 144. While supportive of the policy, the Transport Agency seeks the inclusion of the BPO process to provide some clarity on what entails (via definition and policy).	<p>(geological features) shall be avoided except where:</p> <p>... .</p> <p>(f) it is necessary to enable the efficient <u>and effective</u> development, operation, maintenance and upgrade or <u>development</u> of regionally significant infrastructure, and in respect of (a) to (f):</p> <p>(g) <u>the activity represents the best practicable option there are no practicable alternative methods of providing for the activity.</u></p> <p>■ Amend Policy 144</p> <p>Dumping in a site identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) and Schedule J (geological features) shall be avoided except where:</p> <p>(a) it is necessary to enable the <u>effective and efficient</u> development, operation, maintenance and upgrade <u>or development</u> of regionally significant infrastructure, and</p> <p>(b) <u>the activity represents the best practicable option there are no practicable alternative methods of providing for the activity.</u></p>
Other activities in the CMA Policy 145	Support with amendment	The Transport Agency generally supports the wording of Policy 145. While supportive of the policy, the Transport Agency seeks the inclusion of the BPO process to provide some clarity on what entails (via definition).	<p>■ Amend Policy 145:</p> <p>Reclamation, drainage or destruction in the coastal marine area shall be avoided except where:</p> <p>(a) the reclamation, drainage or destruction is associated with the <u>development, operation, maintenance and upgrade or development</u> of regionally significant infrastructure, and</p> <p>(b) there are no other <u>practical</u> locations outside the coastal marine area for the activity associated with the reclamation, drainage or destruction, and</p> <p>(b) <u>the activity represents the best practicable option there are no practicable alternative methods of providing for the associated activity.</u></p>

**Chapter 5: Rules**

**Discharges to Air**

Emergency power generators –Rule 12	Support	The Transport Agency supports this pragmatic rule	<ul style="list-style-type: none"> <li>■ Retain Rule 12</li> </ul>
Abrasive blasting outside an enclosed booth – Rule 26	Support	The Transport Agency supports this pragmatic rule. A note should be added to provide clarity on what a noxious, dangerous, offensive or objectionable discharge is – refer to submission on Rule 27 or alternatively add it to the definitions to avoid repetition.	<ul style="list-style-type: none"> <li>■ Retain Rule 26</li> </ul>
Handling of aggregate Rule 27	Support with amendment	The Transport Agency generally supports this pragmatic rule but considers clarity on what a noxious, dangerous, offensive or objectionable. Clarity is required for this rule, as well as other rules which use the term(s). A definition for this term could be provided to avoid repetition.	<ul style="list-style-type: none"> <li>■ Amend Rule 27: The discharge of contaminants into air from the handling of aggregate (rock, sand and shingle) including blasting, extraction, crushing, screening, processing, stockpiling, handling, conveyance and storage is a permitted activity, provided the following condition is met: (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property.  <i>Note: for the purposes of this rule, a noxious, dangerous, offensive and objectionable discharge is a discharge that is considered to be noxious, dangerous, offensive of objectionable by at least two independent observers, including at least one suitably trained Council officer, after considering the FIDOL factors (Frequency, Intensity, Duration, Offensiveness and Location)</i></li> </ul>
Fuel storage Rule 32	Support	The Transport Agency supports this pragmatic rule. Fuel is often stored by contractors undertaking work on the State Highway. The Transport Agency requires that fuel is safely and securely stored.	<ul style="list-style-type: none"> <li>■ Retain Rule 32</li> </ul>
Mobile Source Emissions Rule 33	Support	The Transport Agency supports the rule. Emissions from such sources are not regulated or able to be managed by the Transport Agency in an RMA context.	<ul style="list-style-type: none"> <li>■ Retain Rule 33</li> </ul>



Agrichemicals – Rule 36	Support	The Transport Agency generally supports the intent of rule but seeks confirmation that if the application is by the use of a hand-held instrument, then the discharge is permitted. The Transport Agency would support this approach. Alternatively, if the above interpretation is inaccurate, the discharge of agrichemicals to control State highway berms (and other assets) should be enabled as a permitted activity subject to conditions a), b) and c) of the proposed rule.	<ul style="list-style-type: none"> <li>■ No specific relief sought</li> </ul>
All other discharges to air Rule 41	Support	The Transport Agency supports a catch-all discretionary activity status. An enabling consenting framework is critical for infrastructure of regional significance.	<ul style="list-style-type: none"> <li>■ Retain Rule 41</li> </ul>
<b>Discharges to Water</b>			
Minor Discharges to Water Rule 42	Support	The Transport Agency generally supports the rule 42 which provides for minor discharges as a permitted activity where not otherwise covered by the plan rules.	<ul style="list-style-type: none"> <li>■ Retain Rule 42, including: The discharge of contaminants into water, or onto or into land where it may enter water that is not permitted, controlled, restricted discretionary, discretion, non-complying or prohibited by any other rule in this Plan is a permitted activity provided the following conditions are met: ..... (a) If the discharge is from dewatering, the discharge is not from contaminated land</li> </ul>
Discharge of water to water Rule 43	Support	The Transport Agency supports the enablement of the discharge of water to water as a permitted activity, subject to compliance with conditions.	<ul style="list-style-type: none"> <li>■ Retain Rule 43: The discharge of water into water is a permitted activity, provided the following conditions are met: (a) the discharge is to the same water body or area of coastal water it was taken from, and (b) the quality of the discharged water is the same as or better than the quality of the water body or area of coastal water it was taken from, and (c) the discharge shall not cause a change in temperature of</li> </ul>

Stormwater from an individual property - Rule 48	Oppose in principle	<p>The Transport Agency supports intent of the rule which provides for the discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, from an individual property as a permitted activity, and notes the term individual property would not exclude the Transport Agency's assets. However, the Transport Agency notes that stormwater discharges from a state highway (but not walkways and cycleways) are specifically excluded (via sub-clause (c)). The Transport Agency opposes this as it is the effects of the discharge which need to be assessed (and managed) not the land use from where the discharge originates.</p>	<p>more than 2°C in the receiving water after the zone of reasonable mixing, and</p> <p>(d) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area.</p>
Stormwater to land Rule 49	Support	<p>The Transport Agency supports intent of the rule which provides for the discharge of stormwater onto or into land from an individual property as a permitted activity, and notes the term individual property would not exclude the Transport Agency's assets. The Transport Agency considers it is the effects of the discharge which need to be assessed (and managed) not the land use from where the discharge originates.</p>	<p>Amend Rule 48:  The discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, from an individual property is a permitted activity, provided the following conditions are met:  . . . . .  (e) <del>the discharge is not from a local authority stormwater network, a port, airport or state highway, and</del>  . . . . .</p> <p>Retain Rule 49:</p>
Stormwater to land and water – new rule		<p>The current rule framework for stormwater applies a retrospective consent requirement for all State highway assets where consent is currently not held. If the Transport Agency is required to obtain consents for the entire State highway in the Wellington region then this would be an administrative and resource issue, especially when some of those discharges may not currently require consent as enabled by the operative plans. To require the Transport Agency to obtain a new consent for existing stormwater discharge is unreasonable in the Transport Agency's view. A more pragmatic approach would be to enable existing discharges as a permitted activity and require consent for new discharges from the date of notification of the plan.</p>	<p>Add a new rule:  <u>Existing permitted or otherwise lawfully established discharges of stormwater into water or onto or into land where it may enter water from a port, airport, railway or state highway existing at the date of notification of the Proposed Natural Resources Plan is a permitted activity.</u></p>
Stormwater from a	Neutral	<p>The Transport Agency does not oppose the rule itself, but rather the</p>	<p>Subject to relief sought under Rule 52, no specific relief sought in</p>

<p>local authority network after 2 years after notification – Rule 51</p>		<p>principle of why a local authority is afforded more leniencies in respect of a timeframe for compliance with other rules, namely rules 52 and a long term stormwater solution. Who the owner or operator is in relation to stormwater generating assets is irrelevant in the context of effects, which is ultimately what the PNRP should be managing. Local authority networks and 'large sites' should be regulated by the same rule framework. It should be noted that the Transport Agency also adopts a strategic catchment-based approach to stormwater management.</p>	<p>respect of Rule 51</p>
<p>Stormwater from large site – Rule 52</p>	<p>Oppose</p>	<p>Noting that the rule had legal effect once notified and that it applies retrospectively, the Transport Agency opposes the rule which by default, immediately requires a stormwater consent (restricted discretionary) for discharges from the state highway within the region. This is considered to be unreasonable given the extent of the network.</p> <p>As an environmentally responsible operator, the Transport Agency is accepting of a stormwater catchment focused approach on new discharges from the state highway. In the context of the State highway network, a global consent would likely be the best consenting solution and therefore it is more practical to apply a per catchment focus, as opposed to the whole network. Applying such a consent to the whole network would be impractical.</p>	<p>Amend Rule 52:</p> <p>The discharge of stormwater into water, or onto or into land where it may enter water from a port, airport or state highway <i>from the date the Natural Resources Plan became operative</i> is a restricted discretionary activity.</p> <p>Matters for discretion</p> <ol style="list-style-type: none"> <li>1. The management of the adverse effects of stormwater capture and discharge, including cumulative effects, of stormwater on aquatic ecosystem health and mahinga kai, contact recreation and Māori customary use</li> <li>2. The management of effects on sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (indigenous biodiversity)</li> <li>3. Minimisation of the adverse effects of stormwater discharges through progressive improvement over time.</li> </ol> <p><i>For the state highway, this rule shall apply on per stormwater catchment basis as opposed to the network in its entirety.</i></p>
<p>All other stormwater – Rule 53</p>	<p>Support</p>	<p>The Transport Agency supports a catch-all discretionary activity status. An enabling consenting framework is critical for infrastructure of regional significance.</p>	<p>Retain Rule 53:</p> <p>The discharge of stormwater into water or onto or into land where it may enter water that is not permitted by Rules R48 or R49, or controlled by Rule R50, or a restricted discretionary activity under</p>

			Rules R51 or R52, is a discretionary activity.
Contaminated site investigation - Rule 54	Support	The Transport Agency generally supports the intent of the rule which enables contaminated land site investigations as a permitted activity.	<ul style="list-style-type: none"> <li>■ Retain Rule 54.</li> </ul>
Discharges from contaminated land Rule 55	Oppose	<p>The Transport Agency notes that sub clause a) would require a discharge consent after the notification of the Plan by default and queries why this is the case. Put another way, the rule requires the Transport Agency's entire network to be investigated for contaminated land which is unreasonable in the context of the transportation network.</p> <p>Furthermore, it is unclear why there is a requirement for the site investigation report to conclude concentrations of contaminants in groundwater meets standards which are set to protect 90% / 95% of species. An application of relevant DWS and ANZECC would be more pragmatic.</p>	<ul style="list-style-type: none"> <li>■ Replace Rule 55 with a more enabling and effects-based long term rule for discharges from contaminated land</li> </ul>
Discharges from contaminated land Rule 56	Support with amendment	The Transport Agency does not believe it appropriate to include reference to the 'use' of land. Therefore subject to an amendment to the wording, the Transport Agency supports the rule and a catch-all discretionary activity status. An enabling consenting framework is critical for infrastructure of regional significance.	<ul style="list-style-type: none"> <li>■ Amend Rule 56.</li> </ul> <p>The use of the land, and discharge of contaminants onto or into land from contaminated land where the discharge may enter water that is not permitted by Rule R54 or Rule R55 is a discretionary activity.</p>
Discharges inside sites of significance Rule 67	Oppose	The Transport Agency seeks a catch-all discretionary activity status for discharges from regionally significant infrastructure inside sites of significance. The Transport Agency considers this appropriate as the NRP must give effect to the RPS which requires such infrastructure to be recognised and provided for. The Transport Agency considers an enabling framework is required in this context.	<ul style="list-style-type: none"> <li>■ Amend Rule 67:</li> </ul> <p>The discharge of water or contaminants into water, or onto or into land where it may enter water:</p> <ul style="list-style-type: none"> <li>(a) inside a site or habitat identified in Schedule A (outstanding water bodies), Schedule F1 (rivers/lakes), Schedule F3 (significant wetland), or Schedule F4 (coastal sites), and</li> <li>(b) that is not permitted by Rules R42, R43, R44 or R45; and</li> <li>(c) <i>that is not a discharge associated with a regionally significant infrastructure</i></li> </ul>

All other discharges to water - Rule 68	Support	An enabling consenting framework is critical for infrastructure of regional significance. The Transport Agency supports a catch-all discretionary activity status.	<p>Or</p> <ul style="list-style-type: none"> <li>■ Introduce a new discretionary rule specific to discharges of water or contaminants into water, or onto or into land where it may enter water from regionally significant infrastructure inside sites of significance.</li> <li>■ Retain Rule 68:</li> </ul> <p>The discharge of water or contaminants into water, or onto or into land where it may enter water, that is not:</p> <ul style="list-style-type: none"> <li>(a) permitted by Rules R42, R43, R44 or R45, and</li> <li>(b) is not provided for by Rule R67 or any other rule in this Plan is a discretionary activity.</li> </ul>
<b>Discharges to Land</b>			
Discharge of minor contaminants to land - Rule 69	Support	The Transport Agency generally supports the intent of the rule which enables the discharge of minor contaminants to land as a permitted activity where not otherwise covered by the plan rules.	<ul style="list-style-type: none"> <li>■ Retain Rule 69.</li> </ul>
Cleanfill material - Rule 70	Oppose	The Transport Agency questions the regional council's jurisdiction as to the regulation of clean fill material as currently worded. To avoid duplication of regulation with district / city councils, the regional council's jurisdiction should be confined to cleanfill material being located in floodplains or areas at risk from being inundated from coastal flooding. All other land use matters should be regulated by the district / city council plans. The deposition of cleanfill is similar to more general earthworks which are appropriately not regulated to the same extent (i.e. earthworks exceeding 0.3ha would require consent).	<ul style="list-style-type: none"> <li>■ Amend Rule 70:</li> </ul> <p>The discharge of cleanfill material onto or into land is a permitted activity, provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>(a) The cleanfill is not located within the bed of a river or lake, a river floodplain, coastal marine area or area at risk from inundation from coastal flooding.</li> <li><del>(a) the cleanfill material is not located within 20m of a surface water body, or bore used for water abstraction for potable supply, and</del></li> <li><del>(b) the cleanfill material is located to avoid being undermined or eroded by natural processes or being inundated from coastal or river flooding, and</del></li> <li><del>(c) the cleanfill material shall be 0.6m above the seasonally highest water table, and</del></li> <li><del>(e) the cleanfill material shall be managed (siting, design and operation) in accordance with Sections 5-8 in A Guide to the Management of Cleanfills (2002), and</del></li> <li><del>(f) the volume of cleanfill material deposited at a property shall</del></li> </ul>

				<p>not exceed 100m<sup>3</sup> and the volume and origin of the cleanfill material and the date the material has been deposited on this property, is recorded using GPS or mapped to an accuracy of at least 50m at a scale of 1:50,000; and a copy of this information is made available to the Wellington Regional Council upon request; and</p> <p>(h) the cleanfill material shall be stabilised and re-vegetated within six months of completion of the activity.</p> <p>■ Retain Rule 93.</p>
All other discharges to land - Rule 93	Support	The Transport Agency supports a catch-all discretionary activity status for discharges to land not permitted, controlled, restricted discretionary or non-complying. An enabling consenting framework is critical for infrastructure of regional significance.		
<b>Land use</b>				
Earthworks - Rule 99	Support with amendment	The Transport Agency generally supports the intent of the permitted activity rule but does not believe it appropriate to include reference to the 'use' of land. The Transport Agency would not oppose the inclusion of a condition related to there being a need for an erosion and sediment control plan. The Transport Agency also seeks clarity as to which Section of the RMA would trigger the need for a consent. The nature of the rule (i.e. earthworks) is structured to be a land use consent and therefore Section 9 of the RMA applies. However, the rule itself relates to discharges and Section 15 of the RMA. There is uncertainty as to whether a discharge consent would be required in addition to the land use consent. Clarity on this matter should be provided as it is uncertain for plan users.	<p>■ Amend Rule 99:</p> <p>The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks of a contiguous area up to 3,000m<sup>2</sup> per property per 12 month period is a permitted activity, provided the following conditions are met. . . .</p>	
Vegetation clearance on erosion prone land - Rule 100	Support with amendment	The Transport Agency generally supports the permitted activity rule but does not believe it appropriate to include reference to the 'use' of land. Again, this issue of which Section of the RMA applies as the nature of the rule (i.e. earthworks) is structured to be a land use consent and therefore Section 9 of the RMA applies while the rule wording relates to discharges and Section 15. Clarity on this matter should be provided as it is uncertain for plan users.	<p>■ Amend Rule 100:</p> <p>The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from vegetation clearance of a contiguous area up to 2ha per property per 12 month period on erosion prone land is a permitted activity, provided the following conditions are met. . . .</p>	
Earthworks and	Support with amendment	An enabling consenting framework is critical for infrastructure of regional significance. The Transport Agency supports a catch-all discretionary	<p>■ Amend Rule 101:</p>	

<p>vegetation clearance - Rule 101</p>		<p>activity status.</p>	<p>The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks or vegetation clearance that is not permitted by Rule R99 or Rule R100 is a discretionary activity.</p>
<p><b>Wetlands and beds of lakes and rivers</b></p>			
<p>Wetlands general conditions (5.5.2)</p>	<p>Support with amendment</p>	<p>The Transport Agency generally supports the general conditions for activities in natural wetlands, significant wetlands and outstanding natural wetlands. It does however seek an amendment to the fish passage conditions. The amendments are sought to be clear that fish passage is not to be required retrospectively (ie applies only to new structures) and also seeks that fish passage be temporarily restricted for construction and maintenance periods</p>	<p>Amend wetland general conditions:</p> <ul style="list-style-type: none"> <li>(a) there shall be no discharge of contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) to water or the bed, other than sediment and other materials inherent to the water or bed, but excluding any discharge of heavy metals or other toxicants, and</li> <li>(b) no cleaning or refuelling of machinery or equipment shall take place on any area of a natural wetland, and fuel storage shall not occur at any location where fuel can enter a water body, and</li> <li>(c) all machinery, equipment and materials used for the activity shall be removed from the natural wetland every night and on completion of the activity. This includes any excess material from the construction operation, any materials used during construction of any structure but not part of that structure, and any material removed or demolished from any structure, and <u>once operational, new structures are designed and, installed and maintained, and activities are carried out in a manner to ensure that fish passage is maintained at all times, and</u></li> <li>(e) <u>during construction or maintenance works, fish passage shall not be restricted for a duration longer than necessary to undertake the activity and must not be restricted for a period longer than 12 hours in any 72hour period: and</u></li> <li>(f) in any part of the natural wetland inanga spawning habitat identified in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats), no bed disturbance, diversions of water or</li> </ul>

			<p>sediment discharge shall occur between 1 March and 31 May, and</p> <p>(g) the diversion of water shall not be for longer than the time required to undertake the activity, and any diversion of water required to undertake the activity must be for fewer than 14 consecutive days, and must occur prior to the disturbance of the bed of the natural wetland, and</p> <p>(h) the vegetation and the bed of the natural wetland shall not be disturbed to a depth or an extent greater than that required to undertake the activity.</p>
Existing structures in all wetlands - new rule		The Transport Agency seeks the inclusion of a rule which provides for existing structures as a permitted activity.	<ul style="list-style-type: none"> <li>■ Add a new rule for existing structures in all wetlands</li> </ul> <p><u>Existing, permitted or otherwise lawfully established structures in any wetland existing at the date of notification of the Proposed Natural Resources Plan, and the use of those structures, is a permitted activity.</u></p>
Structures in natural wetlands and significant natural wetlands – Rule 104	Support with amendment	The Transport Agency generally supports the rule in that it enables maintenance, repair, addition, alteration, replacement or removal of existing structures and ancillary activities, subject to conditions. The Transport Agency seeks an amendment to the condition which enables only hand held machinery to be used as this is often not possible for some infrastructure e.g. culverts. It is noted that the general conditions (5.5.2) allows for the diversion of water for up to a 14 day period and this is considered appropriate.	<ul style="list-style-type: none"> <li>■ Amend Rule 104:</li> </ul> <p>The maintenance, repair, addition, alteration, or replacement (like for like) of an existing structure, and the placement of a new structure of an area less than 10m<sup>2</sup> for the purpose of hunting and recreation (including maimai and jetties), and the removal of an existing structure in a natural wetland or significant natural wetland, including any associated:</p> <p>.....</p> <p>is a permitted activity, provided the following conditions are met:</p> <p>(f) only hand-held machinery is used in any area of the natural wetland <u>unless water has been temporarily diverted from the working area</u>, and</p>
Planting and pest plant control in natural wetlands,	Support	The Transport Agency generally supports the rule.	<ul style="list-style-type: none"> <li>■ Retain Rule 105</li> </ul>



<p>significant natural wetlands and outstanding natural wetlands – Rule 105</p>			<ul style="list-style-type: none"> <li>■ Clarify the meaning of Rule 106:</li> </ul> <p>Restoration of natural wetlands, significant natural wetlands and outstanding natural wetlands – controlled activity</p> <p>Activities for the purpose of restoring the indigenous biodiversity of a natural wetland, significant natural wetland or outstanding natural wetland identified in Schedule A3 (outstanding wetlands), that are not permitted by rules R104 and R105, are controlled activities provided the following condition is met:</p> <p>(a) the activities are stipulated in and carried out in accordance with an approved restoration management plan.</p> <p><i>Note: for the purposes of this rule, restoration means the maintenance, repair or removal of existing structures, the introduction of appropriate indigenous plants, the removal of pest plants and / or the re-introduction of water.</i></p>
<p>Restoration of natural wetlands, significant natural wetlands and outstanding natural wetlands – Rule 106</p>	<p>Support with amendment</p>	<p>The Transport Agency generally supports the rule but considers that without a clear distinction in terms of what constitutes 'restoration', the rule is uncertain. The expectation is that activities which maintain, repair or remove existing structures, the introduction of appropriate plants and the removal of inappropriate plants would constitute restoration.</p> <p>The Transport Agency also considers that the word 'approved' should also be deleted as it would be for that consent process to approve the contents of the restoration plan prior to works occurring. Furthermore, that Transport Agency notes there will be an ongoing requirement to comply with a restoration management plan and on that basis queries whether this might better fit within a condition framework</p>	<ul style="list-style-type: none"> <li>■ Amend Rule 107:</li> </ul> <p>The following activities in a natural wetland or significant natural wetland except for those stipulated in and carried out in accordance with a restoration management plan under Rule R106:</p> <p>(a) the placement of new structures with a footprint of 10m<sup>2</sup> or greater for the purpose of hunting and recreation (including maimai and jetties), and all other structures,</p> <p>(b) the discharge of water or contaminants not permitted by Rule R42.</p> <p>(c) the clearance of indigenous wetland vegetation, (excluding the removal of pest plants under Rule R105),</p> <p>(d) the operation, maintenance, upgrade and development of</p>
<p>Activities in natural wetlands and significant natural wetlands - Rule R107</p>	<p>Support with amendment</p>	<p>The Transport Agency supports a catch-all discretionary activity status for regionally significant infrastructure structures and activities in natural wetlands or significant natural wetlands. The Transport Agency considers this appropriate as the NRP must give effect to the RPS which requires such infrastructure to be recognised and provided for. The Transport Agency considers an enabling framework is required in this context.</p> <p>Deletion of text which adds no value to the rule is sought to streamline the rule wording.</p>	

			<p><u>regionally significant infrastructure</u></p> <p>(e) activities not meeting the conditions of Rules R104 or R105; including any associated :</p> <p>(f) disturbance of a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and</p> <p>(g) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and</p> <p>(h) damage to a part of the foreshore or seabed that forms part of a natural wetland, and</p> <p>(i) diversion of water, and</p> <p>(j) discharge of sediment to water</p> <p>(k) <u>reclamation (including drainage or diverting of water to an extent that the area affected ceases to have the characteristics of a natural wetland).</u></p> <p>are discretionary activities.</p>
<p>Activities in natural wetlands Rule 108</p>	<p>Neutral</p>	<p>The Transport Agency opposes a non-complying activity status and supports a catch-all discretionary activity status for regionally significant infrastructure structures and activities in natural wetlands or significant natural wetlands. Appropriate relief is sought under Rule 107.</p> <p>The Transport Agency generally supports the rule which enables the maintenance, repair or replacement (like for like) of existing structures, and the removal of existing structures as a discretionary activity. The Transport Agency considers this appropriate as the PNRP must give effect to the RPS which requires such infrastructure to be recognised and provided for. The Transport Agency considers an enabling framework is required in this context. In addition, wetlands often provide a method for the management of stormwater and this is also sought for inclusion.</p>	<p>■ No specific relief sought on the basis that regionally significant infrastructure related activities are provided for as a discretionary activity under Rule 107.</p> <p>■ Amend Rule 109</p> <p>The following activities in an outstanding natural wetland identified in Schedule A3 (outstanding wetlands), except those stipulated in and carried out in accordance with a restoration-management plan under Rule R106:</p> <p>(a) the maintenance, repair or replacement (like for like) of existing structures,</p> <p>(b) the placement of new structures of an area less than 10m<sup>2</sup> for the purpose of hunting and recreation (including maimal and jetties)</p> <p>(c) <u>activities associated with the operation, maintenance, upgrade or development of regionally significant infrastructure, including reclamation and the discharge of stormwater.</u></p> <p>(d) the removal of existing structures.</p>
<p>Activities in outstanding natural wetlands – Rule 109</p>	<p>Support with amendment</p>		

Activities in outstanding natural wetlands – Rule 110	Oppose	The Transport Agency considers that a non-complying activity is not an appropriate for framework for regionally significant infrastructure as the PNRP must give effect to the RPS through recognising and providing for such infrastructure. A non-complying activity status does not do this.	(e) removal of pest plants that are not permitted by Rule R105 are discretionary activities.
Reclamation of outstanding natural wetlands – Rule 111	Support with amendment	The Transport Agency opposes the application of a prohibited activity status for reclamation of outstanding natural wetlands for essential infrastructure. While such environments would seek to be avoided, the operational requirements and functional (locational) needs of the Transport Agency's assets may dictate locations and therefore to apply such a status is inappropriate and would not recognise and provide for regionally significant infrastructure. This rule does not recognise existing infrastructure (State Highway 1 and 58) which borders the Pauatahanui tidal flats / saltmarsh outstanding natural wetland.	<ul style="list-style-type: none"> <li>■ Amend</li> </ul> <p>The following activities, in an outstanding natural wetland identified in Schedule A3 (outstanding wetlands), except for those stipulated in and carried out in accordance with a restoration-management plan under Rule R106 <u>or enabled as a discretionary activity under Rule 109</u>:</p> <ul style="list-style-type: none"> <li>(a) the discharge of water or contaminants <u>other than stormwater</u>,</li> <li>(b) take, use, damming or diverting water into, within, or from the wetland,</li> <li>(c) the placement of new structures with an area 10m2 or greater for the purpose of hunting and recreation (including mainai and jetties), and all other structures,</li> <li>(d) land disturbance including excavation and deposition,</li> <li>(e) vegetation clearance, excluding the removal of pest plants under Rule R105,</li> <li>(f) other activities that are not discretionary under Rule R109 or prohibited by Rule R111</li> </ul>
Beds of lakes and rivers general conditions (5.5.4)	Support with amendment	. In the knowledge that sub-clause (e) and (f) address the most sensitive inanga and fish passage periods as a permitted activity threshold, the Transport Agency is of the opinion that the fish passage requirement in	<ul style="list-style-type: none"> <li>■ Amend Rule 111:</li> </ul> <p>Reclamation (including drainage or diverting of water to an extent that the area affected ceases to have the characteristics of a wetland) of all or part of an outstanding natural wetland identified in Schedule A3 (outstanding wetlands) except stipulated in and carried out in accordance with a restoration management plan under Rule R106 <u>or provided for in Rule 109 (regionally significant infrastructure)</u> is a prohibited activity.</p> <ul style="list-style-type: none"> <li>■ Amend the 5.5.4 general conditions</li> </ul> <p>Beds of lakes and rivers general conditions for activities in the beds of lakes and rivers that apply as specified in Rules R112 to R125:</p>

		<p>(d) should relate to the structure once constructed – i.e. the long term scenario. The amendments are sought to be clear that fish passage is not to be required retrospectively (ie it only applies to new structures) and also seeks that fish passage be temporarily restricted for construction and maintenance periods where there is no practicable alternative. The Transport Agency accepts that there are times during the year associated with inanga and trout spawning when in-stream activities should seek not to occur ((e) and (f)).</p> <p>The Transport Agency seeks the deletion of the need to contain diversions within the bed of a river. This is not always possible, especially in narrow streams where water may be pumped over or around a working area and therefore its removal is sought. There is no effect-based justification to require the diversion to be kept within the bed of the river. Also, ii) and iv) cannot be met at the same time.</p> <p>It is critical that these conditions are workable and achievable as they need to be complied with by almost all the rules in this chapter.</p>	<p>.....</p> <p><del>Once constructed, structures are designed and, installed and maintained, and activities are carried out in a manner to ensure that fish passage is maintained at all times. This shall include avoiding any aggradation or scouring of the bed of the river or lake that may inhibit fish passage, and</del></p> <p><del>during construction or maintenance works, fish passage shall not be restricted for a duration longer than necessary to undertake the activity and must not be restricted for a period longer than 12 hours in any 72hour period; and</del></p> <p>.....</p> <p>(i) all reasonable steps shall be taken to minimise the duration of the diversion of water, and any diversion of water required to undertake the activity shall:</p> <p>(i) only be temporary and for a period no longer than that required to complete the activity, and</p> <p><del>(ii) must be contained within the bed of the river, and</del></p> <p>(iii) must not involve a lake, and</p> <p>(iv) any diversion channel required must have sufficient capacity to carry the same flow as the original channel, so as not to cause flooding or erosion of any neighbouring property; and</p> <p>.....</p>
Existing structures in all rivers and lakes - new rule		The Transport Agency seeks the inclusion of a rule which provides for existing structures as a permitted activity.	<ul style="list-style-type: none"> <li>■ Add a new rule for existing structures in all rivers and lakes <u>Existing permitted or otherwise lawfully established structures in any river or lake existing at the date of notification of the Proposed Natural Resources Plan, and the use of those structures, is a permitted activity.</u></li> </ul>
Activities in beds of lakes and rivers Rule 112	Support	The Transport Agency generally supports the rule which enables the maintenance, repair, replacement, and upgrade of existing structures in on or over the bed of a lake or river as a permitted activity.	<ul style="list-style-type: none"> <li>■ Retain Rule 112</li> </ul>

River crossing structures – Rule 114	Support with amendment	<p>The Transport Agency generally supports the rule which enables river crossings in the bed of a river as a permitted activity subject to conditions. The Transport Agency seeks certainty that the 'construction' of crossings is enabled by the rule and also seeks deletion of the word 'use' as once it is constructed the Transport Agency does not consider it appropriate to regulate the on-going use. The Transport Agency questions the inclusion of the term 'use' as whether it is intended that the rule apply retrospectively.</p>	<p>■ Amend Rule 114</p> <p>The placement <u>or construction</u> <u>or use</u> of a river crossing structure, including, but not limited to, weirs, fords and small bridges, excluding culverts and a river crossing that dams a river, that is fixed in, on, under, or over the bed of a river including any associated:</p> <ul style="list-style-type: none"> <li>(a) disturbance of the river or lake bed, and</li> <li>(b) deposition on the river or lake bed, and</li> <li>(c) diversion of water, and</li> <li>(d) discharge of sediment to water</li> </ul> <p>is a permitted activity, provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in section 5.5.4, and</li> <li>(f) the river crossing that has any part of the structure fixed in or on the bed has a catchment area above the crossing of not more than: <ul style="list-style-type: none"> <li>(i) 200ha in any catchment in the region on the eastern side of the Ruamāhanga River, or</li> <li>(ii) 50ha in any catchment in the region on the western side of the Ruamāhanga River, and</li> </ul> </li> <li>(g) the formed crossing shall be no wider than what is required for the purpose of the crossing and the total area of the structure in or on the bed of the river shall not exceed 20m<sup>2</sup>, and</li> <li>(h) the activity does not occur within a site identified in Schedule C (mana whenua).</li> </ul>
Culverts Rule 115	Support with amendment	<p>The Transport Agency questions the inclusion of the term 'use' as whether it is intended that the rule apply retrospectively. The Transport Agency considers it should not apply retrospectively. The word 'under' needs to be included in the rule as well as protective structures as both of these elements relate to permitted activity condition requirements (refer conditions (i) and (l))</p>	<p>■ Amend Rule 115:</p> <p>The placement <u>or construction and subsequent use</u> of a culvert and <u>associated protective structures</u>, that is fixed in, or on, <u>or under</u> the bed of a river including any associated:</p> <ul style="list-style-type: none"> <li>(a) disturbance of the river or lake bed, and</li> <li>(b) deposition on the river or lake bed, and</li> <li>(c) diversion of water, and</li> <li>(d) discharge of sediment to water</li> </ul> <p>is a permitted activity, provided the following conditions are met:</p>

			<p>.....</p> <p>(i) the culvert shall be positioned so that its alignment and gradient are <u>generally</u> the same as the river, and</p>
<p>New Structures – Rule 117</p>	<p>Support with amendment</p>	<p>The Transport Agency is supportive of the rule subject to amendments to clarify that all protective structures are provided for in by the rule.</p>	<p>■ Amend Rule 117:</p> <p>The placement or use of a new structure, including but not limited to sediment retention weirs, pipes, ducts, cables, hydrological and water quality monitoring equipment, fences, <del>rip-rap, gabion baskets</del> and structures associated with vegetative bank edge protection except a structure permitted by Rules R114, R115, and R116 that is fixed in, on, under, or over the bed of any river or lake, including any associated:..</p> <p>.....</p> <p>Is a permitted activity, provided the following conditions can be met:</p> <p>.....</p> <p>(h) the structure does not occupy a bed area any greater than 10m<sup>2</sup>, except for where the structure is associated with vegetative bank edge <u>or structure</u> protection, or a pipe, duct, fence or cable which is located over or under the bed where no bed occupancy limits apply, and</p>
<p>Removing or demolishing structures – Rule 118</p>	<p>Support with amendment</p>	<p>The Transport Agency considers that more enabling provisions should be afforded to the removal of structures. The Transport Agency seeks that the reference to bed disturbance is to the least amount possible. Activities in wetlands are managed and regulated by other rules (e.g. rule 104 / 106 in which restoration of wetlands is advocated, inclusive of removal of structures.</p>	<p>■ Amend Rule 118:</p> <p>The removal or demolition of a structure or a part of a structure that is fixed in, on, under, or over any river or lake bed, including any associated:</p> <p>(a) disturbance of the river or lake bed, and</p> <p>(b) deposition on the river or lake bed, and</p> <p>(c) diversion of water, and</p> <p>(d) discharge of sediment to water</p> <p>is a permitted activity, provided the following conditions are met:</p> <p>(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and</p> <p>(f) the removal or demolition of the structure disturbs <u>the least volume and area of the bed, practicable, and less than 10m<sup>3</sup> of the bed of the river or lake,</u> and</p>

<p>Clearing flood debris and beach recontouring – Rule 119</p>	<p>Support with amendment</p>	<p>The Transport Agency generally supports the rule which provides for the clearance of flood debris on the bed of a river (and beach recontouring). For clarity, the Transport Agency seeks the inclusion of the work 'in' to enable the removal of debris around piers in the bed of a river which may technically be deemed not to be 'on' the bed (e.g. if in flow).</p>	<p>(g) it results in the complete removal of the structure from the river or lake bed, or the complete removal of that part of the structure requiring removal from the river or lake bed, and  (h) no explosives shall be used in the demolition of the structure, and  <del>(i) the removal or deposition shall not result in the diversion of water from a natural wetland.</del></p> <p>Amend Rule 119:</p> <p>The clearing of flood debris <u>in</u> or <u>on</u> the bed of a river or lake, and beach recontouring of the bed of a river (including, but not limited to, beach ripping), including any associated:</p> <ul style="list-style-type: none"> <li>(a) disturbance of the river or lake bed, and</li> <li>(b) deposition on the river or lake bed, and</li> <li>(c) discharge of sediment to water associated with the clearing of flood debris</li> </ul> <p>is a permitted activity, provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>(d) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, excluding condition (f) (trout spawning) if the activity is solely for the purpose of removing flood debris from the inlet or outlet of a culvert or stormwater discharge pipe, or to remove flood debris from against the supporting structures of a bridge, and if in the case of both of these exceptions, the removal is necessary to maintain the immediate integrity and safety of the affected structures, and</li> <li>(e) the removal of flood debris shall be for the purposes of flood or erosion control or to maintain the integrity <u>or functioning of</u> a structure, and</li> </ul> <p>.....</p>
<p>Entry or passage over bed – Rule 124</p>	<p>Support with amendment</p>	<p>The Transport Agency generally supports the rule in that is enabled entry or passage over the bed of a river. The Transport Agency supports the provision for activities associated with existing consents and not having to comply with the general conditions under 5.5.4, but seeks that associated</p>	<p>Amend Rule 124 to be inclusive of other uses of rivers and lakes such as disturbance and deposition which cannot be avoided when driving over the bed.</p>

Structures within a site identified in Schedule C (mana whenua) – Rule 125	Support with amendment	activities also be enabled	<p>■ Amend Rule 125:</p> <p>The placement or <u>construction and subsequent use</u> of a river crossing structure, a culvert, new small dam, or other small structure that that is fixed in, on, <u>over</u>, or under the bed of a river within a site identified in Schedule C (mana whenua), including any associated: . . . . .</p> <p>is a restricted discretionary activity, provided the following conditions are met:</p> <p>(h) any small river crossing (other than a culvert) must meet the conditions of Rule R114, except condition (h), and</p> <p>(i) any culvert must meet the conditions of Rule R115, except condition (f), and</p> <p>(j) any new small dam structure, must meet the conditions of Rule R116, except condition (i), and</p> <p>(k) any other small new structure must meet the conditions of Rule R117 except condition (f).</p> <p>(l) <u>unless the structure and use is associated with the use, operation, maintenance, upgrade or development of regionally significant infrastructure in which case (h) – (k) do not apply.</u></p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> <li>1. Effects on sites with significant mana whenua values.</li> <li>2. <u>The functional need and operational requirements of regionally significant infrastructure.</u></li> </ol>
Reclamation of beds or rivers and lakes – Rule 127	Oppose	The Transport Agency seeks an enabling framework for infrastructure of regional significance and the application of a non-complying activity status for the piping of a stream, outstanding rivers or Schedule C (mana whenua) sites does not establish such a framework. Noting the large number of waterbodies that would potentially be subject to this rule (e.g. for maintenance, replacement or upgrade purposes), a discretionary activity status is appropriate for regionally significant infrastructure. The	<p>■ Amend Rule 127:</p> <p><u>Except for the reclamation associated with infrastructure of regional significance which is regulated under Rule 129,</u> <del>The</del> reclamation of the bed, or any part of the bed, of a river or lake:</p> <ol style="list-style-type: none"> <li>(a) associated with the piping of a stream, or</li> <li>(b) in a site identified in Schedule A1 (outstanding rivers), or</li> <li>(c) in a site identified in Schedule C (mana whenua)</li> </ol>



			PNRP must give effect to the RPS and therefore must recognise and provide for infrastructure of regional significance.	is a non-complying activity.
Reclamation of an outstanding lake and associated diversion – Rule 128	Oppose		The Transport Agency opposes the application of a prohibited activity status for reclamation of outstanding natural lakes for essential infrastructure. While such environments would seek to be avoided, the operational requirements and functional (locational) needs of the Transport Agency's assets may dictate locations and therefore to apply such a status is inappropriate and would not recognise and provide for regionally significant infrastructure.	<ul style="list-style-type: none"> <li>■ Amend Rule 128</li> </ul> <p><i>Except for the reclamation associated with infrastructure of regional significance which is regulated under rule 129.1 The reclamation of the bed, or any part of the bed, of a lake identified in Schedule A2 (outstanding lakes) and any associated diversion of water is a prohibited activity.</i></p>
All other activities in river and lake beds Rule 129	Support		The Transport Agency supports a catch-all discretionary activity status. An enabling consenting framework is critical and appropriate for infrastructure of regional significance.	<ul style="list-style-type: none"> <li>■ Retain Rule 129</li> </ul>
Diversion of groundwater – Rule 130	Support		The Transport Agency generally supports the rule but notes that dewatering is regulated by Rule 140. Dewatering may be deemed to also be diversion and therefore clarity on this issue is sought. Dewatering may temporarily lower water levels and it is important that this is acknowledged in this rule if diversion is also deemed to apply in a dewatering context.	<ul style="list-style-type: none"> <li>■ Retain Rule 130</li> </ul>
General rule for taking, use, damming and diverting water – Rule 135	Support		The Transport Agency considers a default discretionary activity is appropriate for the activities this rule seeks to manage and regulate. It also seeks confirmation that where construction works are required to be undertaken, it is the beds of lakes and rivers rules that would take precedence to the extent that those rules enable ancillary activities such as diversions of water.	<ul style="list-style-type: none"> <li>■ Retain Rule 135</li> </ul>
<b>Water allocation</b>				
Dewatering – Rule 140	Support		The Transport Agency supports the rule. Dewatering is a key construction requirement within the Wellington region, such as the Kapiti Coast, and its enablement as a permitted activity, subject to conditions, is appropriate to recognise and provide for regionally significant infrastructure.	<ul style="list-style-type: none"> <li>■ Retain Rule 140</li> </ul>
All other takes and	Support		The Transport Agency considers a default discretionary activity is	<ul style="list-style-type: none"> <li>■ Retain Rule 142.</li> </ul>

<p>use – Rule 142</p>		<p>appropriate for the activities this rule seeks to regulate. A discretionary activity status appropriately provides an enabling framework for regionally significant infrastructure. It is appropriate that the PNRP recognises and provides for regionally significant infrastructure.</p>	
<p>Geotechnical investigation and groundwater monitoring bores – Rule 146</p>	<p>Support with amendment</p>	<p>The Transport Agency generally supports the rule in that it enables geotechnical bores as a permitted activity, subject to conditions. The Transport Agency also seeks that groundwater monitoring bores be enabled as a permitted activity.</p> <p>The Transport Agency notes that geotechnical bores would not be permitted in the community drinking water supply protection area but questions the relevance of those on Map 26 which identify surface waterbodies. The Transport Agency also understands that the depth of the groundwater sources is well understood and therefore considers acceptable (prescribed permitted thresholds) depths could be applied for geotechnical bores within these areas.</p>	<p>Amend Rule 146:</p> <p>The <del>use of land and the</del> associated diversion and discharge of water or contaminants for the drilling, construction or alteration of a geotechnical investigation <u>or groundwater monitoring</u> bore is a permitted activity, provided the following conditions are met:</p> <p>(a) the bore is not located within a community drinking water supply protection area shown on <del>Map 26</del>, Map 27a, Map 27b, or <del>Map 27c and drilled deeper than the prescribed depths in [XXXX], and</del></p> <p>(b) there is compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and</p> <p>(c) a Wellington Regional Council bore/well log form is submitted to the Wellington Regional Council within one month of the bore being constructed, and</p> <p>(d) there is no flooding beyond the boundary of the property.</p>
<p>Drilling, construction or alteration of any bore – Rule 147</p>	<p>Support with amendment</p>	<p>The Transport Agency generally supports the controlled activity rule which provide certainty for applicants.</p>	<p>Amend Rule 147:</p> <p>The <del>use of land and the</del> associated diversion and discharge of water or contaminants for drilling, construction or alteration of a bore (other than a geotechnical investigation <u>or groundwater monitoring</u> bore permitted in Rule R146) is a controlled activity, provided the following conditions are met:</p> <p>(a) the bore is not associated with hydrocarbon exploration or production, and</p> <p>(b) the bore is constructed and operated in accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock</p>

<p>Drilling, construction or alteration of any bore – Rule 148</p>	<p>Support with amendment</p>	<p>The Transport Agency supports the catch –all discretionary activity status in that it provides an enabling framework.</p>	<p>■ Retain Rule 148</p> <p>The use of land and the associated diversion and discharge of water or contaminants for drilling, construction or alteration of a bore that is not permitted by Rule R146 or controlled by Rule R147 is a discretionary activity.</p>
<p><b>Coastal management</b></p>			
<p>Coastal management general conditions 5.7.2</p>	<p>Support with amendments</p>	<p>The Transport Agency seeks amendments to:</p> <ul style="list-style-type: none"> <li>- better clarify the intent of the conditions.</li> <li>- remove conditions which are considered to be not required due to their content being embedded in the rule framework.</li> <li>- Change the focus of the fish passage condition (k) which technically would require fish passage be built into any structure (which may not be possible or necessary), as opposed to not restricting fish passage.</li> <li>- Remove (e) as technically any discharge such concrete structures (ie pre-cast) required for maintenance works could not comply with the rule.</li> </ul> <p>The Transport Agency supports the wording in clause (o) which acknowledges requirements for lighting for public safety and operational requirements</p> <p>The Transport Agency also seeks clarity whether noise from existing roads is sought to be managed within the CMA.</p>	<p>■ Amend conditions under 5.7.2:</p> <p>Coastal management general conditions for activities in the coastal marine area that apply when specified in a rule.</p> <p>(b) any disturbance of the foreshore or seabed <del>lasts for no longer than</del> is removed in 48 hours, and</p> <p>(c) there is no disturbance of the foreshore or seabed to a depth greater than 0.5m below the seabed or foreshore within the Hutt Valley Aquifer Zone shown on Map 30, and</p> <p>(e) <del>There shall be no discharge of contaminants (excluding sediment which is addressed by clause (f)) to water or the foreshore or seabed, except where the minor discharge is permitted by another rule in this Plan, and</del></p> <p>(f) <del>The discharge of sediment to water from an activity in, on, over or under the foreshore or seabed in the coastal marine area shall meet the following:</del></p> <p>(i) <del>the release of sediment associated with the activity shall not be undertaken for more than five consecutive days, and for more than 12 hours per day, and</del></p> <p>(ii) <del>it shall not, after reasonable mixing, cause any conspicuous change in the colour of the water in the receiving water or any change in horizontal visibility greater than 30% more than 24 hours after the completion of the activity, and</del></p>

- (h) No new structure shall alter the natural course of a river (that is part of the coastal marine area), including any diversion of open coastal water during flood events, and  
 . . . .
- (i) Any new structure constructed in the coastal marine area shall not restrict ~~provide for fish passage~~ (including between fresh water and coastal water) ~~at all times~~, unless a temporary restriction is required for construction activities, and  
 . . . .
- (m) Any new structure shall be designed and maintained so that it does not reduce the ability of the river (that is part of the coastal marine area) to convey flood flows, including the management of flood debris accumulated against the structure, and  
 . . . .
- (o) All exterior lighting shall be managed to avoid the spill of light or glare that is:  
 (i) a hazard to traffic safety on streets outside (i) the coastal marine area, and  
 (ii) a hazard to navigation in the coastal marine area, unless the lighting is necessary for public safety reasons or operational requirements, and  
 (p) Noise from activities located outside the Commercial Port Area shown on Map 32, Map 33 and Map 34 and the Lambton Harbour Area (Northern Zone) shown on Map 32 in the coastal marine area shall meet the following noise standards:  
 (i) ~~the activity shall not cause excessive noise (defined in section 326 of the Resource Management Act 1991) outside the coastal marine area, and~~  
 (vi) any construction activities shall meet standards specified in Table 1 of NZS 6803:1999 Acoustics – Construction Noise and  
 (vii) Noise from new and altered roads shall meet the requirements of NZS6806

Existing structures – new rule		The Transport Agency seeks the inclusion of a rule which provides for existing structures and their occupation / use as a permitted activity. Such permits and consents have an expiry date and it is not appropriate for those structures to be re-consented if lawfully established and functioning safely and efficiently. The Transport Agency's structures in the coastal marine area are typically foundational infrastructure required to enable the operation of the transport infrastructure on a long term basis (e.g. bridges). Therefore, and while noting discharges are sought to be excluded from this rule, it is not appropriate for consents associated with them to expire.	<ul style="list-style-type: none"> <li>■ Add a new rule for existing structures in all wetlands <u>Existing permitted or otherwise lawfully established structures in the coastal marine area and common marine and coastal area existing at the date of notification of the Proposed Natural Resources Plan, and the use of those structures, is a permitted activity.</u></li> </ul>
Maintenance or repair of structures – Rule 149	Support with amendment	The Transport Agency generally supports the rule but seeks the deletion of clause a) which relates to more than maintenance and repairs. The Transport Agency also considers that the need to comply with the general conditions for maintenance and repair works is onerous and the reality is that a consent would be required in most circumstances due to the conditions in 5.7.2. For example, consent would be triggered if a 'contaminant' (i.e. a precast slab) was used for repair works (e), the repair and maintenance works did not provide fish passage (k). The Transport Agency seeks that permissible conditions be imposed for repair and maintenance works.	<ul style="list-style-type: none"> <li>■ Amend rule 149 The maintenance or repair of a structure in the coastal marine area, including any associated. . . . is a permitted activity, provided the following conditions are met:  (f) the maintenance and repair of the structure is contained within the form of the existing structure and there is no increase in length, width, or height of the existing structure (except for increases for the purposes of replacement, removal and alterations of existing aerial telecommunications cables where these activities will not result in increases in design voltage and the new or altered cables will not be lower in height above the foreshore or seabed); and ..... (h) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2 <u>apart from condition b) or e).</u></li> </ul>
Minor additions or alterations to structures – Rule 150	Support with amendment	The Transport Agency generally supports the rule but seeks that more permissible conditions be imposed for minor additions and alteration works. The reality is that a consent would be required in most circumstances due to the conditions in 5.7.2. For example, consent would be triggered if a 'contaminant' (i.e. a precast slab) was used for repair works (e) or the repair and maintenance works did not provide fish passage (k). The general conditions are sought to be amended.	<ul style="list-style-type: none"> <li>■ Amend Rule 150:  (l) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2 <u>apart from condition b) or e).</u></li> </ul>

<p>Minor additions or alterations to structures – Rule 151</p>	<p>Support with amendment</p>	<p>The Transport Agency generally supports the controlled activity rule but seeks that more permissible conditions be imposed for minor additions and alteration works. The reality is that a consent would be required in most circumstances due to the conditions in 5.7.2. For example, consent would be triggered if a 'contaminant' (i.e. a precast slab) was used for repair works (e), the repair and maintenance works did not provide fish passage (k).</p>	<ul style="list-style-type: none"> <li>■ Amend Rule 151:           <ul style="list-style-type: none"> <li>(l) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2 <u>apart from condition b) or e).</u></li> </ul> </li> </ul>
<p>Removal of structures – Rule 152</p>	<p>Support with amendment</p>	<p>The Transport Agency generally supports the rule but seeks that more permissible conditions be imposed for removal and demolition works.</p>	<ul style="list-style-type: none"> <li>■ Amend Rule 152:           <p>The removal or demolition of a structure or part of a structure, <u>in the coastal marine area</u> including any associated:</p> <p>....</p> <ul style="list-style-type: none"> <li>(h) the structure or part of the structure is completely removed from the coastal marine area, and</li> <li>(k) <del>the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.</del></li> </ul> </li> </ul>
<p>New temporary structures outside sites of significance – Rule 154</p>	<p>Support with amendment</p>	<p>The Transport Agency generally supports the rule but seeks that more permissible conditions be imposed for temporary and replacement structures. The condition contain references to the removal of structures (i) and where the condition is specific to temporary structure (m) it should clearly state this so as not to compromise the ability for new structures to comply with the conditions.</p>	<ul style="list-style-type: none"> <li>■ Amend Rule 154           <ul style="list-style-type: none"> <li>(p) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2 <u>apart from conditions b) and e).</u></li> </ul> </li> <li>■ Provide clarity on conditions (i) and (m)</li> </ul>
<p>New temporary structures – Rule 155</p>	<p>Support with amendment</p>	<p>The Transport Agency generally supports the rule in that it sets an enabling framework with a restricted discretionary activity status.</p>	<ul style="list-style-type: none"> <li>■ Amend Rule 155 to include a new matter for discretion:           <ul style="list-style-type: none"> <li>11. <u>whether the structure is associated with the use, operation, maintenance, upgrading or development of regionally significant infrastructure</u></li> </ul> </li> </ul>
<p>New structures,</p>	<p>Support</p>	<p>The Transport Agency generally supports the rule in that it sets an</p>	<ul style="list-style-type: none"> <li>■ Retain Rule 161</li> </ul>

<p>additions or alterations outside sites of significance – Rule 161</p>		<p>enabling framework with a discretionary activity status.</p>	
<p>New structures, additions and alterations for regionally significant infrastructure inside sites of significance - new rule</p>		<p>The Transport Agency opposes a non-complying activity status for new structures, additions or alterations to a structure and the associated use of the structure inside a site of significance. The Transport Agency considers the rule should provide an enabling framework for infrastructure of regional significance via a discretionary activity status</p>	<ul style="list-style-type: none"> <li>■ Add a new rule: to provide for new structures, additions or alterations to a structure and the associated use of the structure inside a site of significance as a discretionary activity where there is a functional and operational need.</li> </ul>
<p>New structures, additions and alterations inside sites of significance – Rule 162</p>	<p>Oppose (as currently drafted)</p>		<ul style="list-style-type: none"> <li>■ Retain Rule 162, subject to providing for a new rule managing new structures, additions or alterations to a structure and the associated use of the structure inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area where associated with regionally significant infrastructure.</li> </ul>
<p>Replacement of structures or parts of structures – Rule 163</p>	<p>Support with amendment</p>	<p>The Transport Agency generally supports the rule but seeks that more permissible conditions be imposed for replacement structures to reflect that their locations have already been modified through the presence of the existing structure.</p>	<ul style="list-style-type: none"> <li>■ Amend Rule 163: The replacement of a structure or part of a structure and the associated use of the structure in the coastal marine area, including any associated: ..... is a permitted activity, provided the following conditions are met: (f) <del>the replacement structure has a functional need or operational requirement to be located in the coastal marine area, and</del> (f) <del>the replacement structure is not inside a site of habitat identified in Schedule C (mana whenua), Schedule E4 (heritage structures), Schedule E2 (wharves and boatsheds), Schedule E3 (navigation aids), Schedule F4 (coastal sites),</del></li> </ul>

			<p>Schedule F5 (coastal habitats) or Schedule J (geological features) excluding those structures for scientific, research or education purposes that will enhance the understanding and long-term protection of the coastal marine area, and</p> <p>(m) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2, <u>apart from conditions b) and e).</u></p>
Replacement of structures or parts of structures – Rule 164	Support with amendment	The Transport Agency generally supports the rule but seeks that more permissible conditions be imposed for replacement structures to reflect that their locations have already been modified through the presence of the existing structure.	<p>Amend Rule 164:</p> <p>The replacement of a structure and the associated use of the structure in the coastal marine area, including any associated:</p> <p>.....</p> <p>that is not permitted by Rule R156 or Rule R163 or a controlled activity by Rule R157, is a restricted discretionary activity provided the following conditions are met:</p> <p>(f) . . . the structure is not identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds) or Schedule E3 (navigation aids).</p> <p>Matters for discretion</p> <p>8. <u>whether the structure is associated with the use, operation, maintenance, upgrading or development of regionally significant infrastructure</u></p>
Additions to existing seawalls – Rule 165	Support with amendment	The Transport Agency generally supports the rule subject to more lenient conditions being imposed to reflect that the seawalls are existing structures. Also, the controlled activity standards should not require effects based assessments – rather they should provide certainty as to whether the standards are complied with or not.	<p>Amend Rule 165:</p> <p>(h) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2, <u>apart from conditions b) and e).</u></p>
Seawalls outside sites of significance – Rule 166	Support	The Transport Agency generally supports the rule in that it sets an enabling framework with a discretionary activity status.	<p>Retain Rule 166, subject to including a reference to reclamation of the foreshore or seabed where this may be required to construct a new seawall or add or alter an existing seawall.</p>



Seawalls inside sites of significance – Rule 167	Oppose	The Transport Agency considers the rule should provide an enabling framework for infrastructure of regional significance via a discretionary activity status where there is a functional and operational need for that infrastructure to be located in that location.	<ul style="list-style-type: none"> <li>■ Add new rule or amend Rule 166 to provide for new seawalls, additions, alterations or replacement and the associated use and other activities to enable construction (such as deposition disturbance etc) inside a site of significance as a discretionary activity where the seawall and use is associated with regionally significant infrastructure.</li> </ul>
Occupation by a structure owned by a network utility operator – Rule 182	Support with amendment	The Transport Agency is generally supportive of the intent of the rule.	<ul style="list-style-type: none"> <li>■ Amend the rule to include regionally significant infrastructure: Rule R182: Occupation of space by <u>regionally significant infrastructure</u> and a structure owned by a network utility operator – permitted activity The occupation of space in the common marine and coastal area by a structure existing before the date of public notification of the Proposed Natural Resources Plan (31.07.2015) <u>which is regionally significant infrastructure or owned by a network utility operator</u> is a permitted activity.</li> </ul>
Renewal of existing resource consents for occupation of space by structures – Rule 183	Support with amendment	The Transport Agency generally supports the intent of the rule but questions the matters of control to the extent that public access may seek to be provided (where this may not be possible or practicable) and effects on public open space and visual amenity. The prescribed matters relate more to subjective assessments as opposed to conditions which are clearly achievable and fit for purpose for a controlled activity rule.	<ul style="list-style-type: none"> <li>■ Amend Rule 183: The first renewal of an existing resource consent for the occupation of space by a structure in the common marine and coastal area, after the date of public notification of the Proposed Natural Resources Plan (31.07.2015) is a controlled activity. Matters of control <ol style="list-style-type: none"> <li>1. <u>if enabled by the existing structure, public access is not restricted other than temporarily for health and safety reasons</u></li> <li>4. <del>Effects on public access</del></li> <li>2. <del>Effects on public open space and visual amenity</del></li> </ol> </li> </ul>
Occupation of space – Rule 184	Support	The Transport Agency generally supports the rule in that it sets an enabling framework with discretionary activity status.	<ul style="list-style-type: none"> <li>■ Retain Rule 184</li> </ul>

<p>Clearance of stormwater pipes – Rule 189</p>	<p>Support with amendment</p>	<p>The Transport Agency does not oppose the rule itself, but rather the principle of why a local authority is afforded more leniencies in the rule framework. Who the owner or operator is in relation to stormwater assets is irrelevant in the context of effects, which is ultimately what the PNRP should be managing. Local authority networks should be regulated by the same rule framework as the Transport Agency's.</p>	<p>■ Amend Rule 189:</p> <p>The disturbance of the foreshore or seabed from the clearance of a stormwater pipe in the coastal marine area, including any associated:</p> <ul style="list-style-type: none"> <li>(a) occupation of space in the common marine and coastal area, and</li> <li>(b) deposition in, on or under the foreshore or seabed, and</li> <li>(c) discharge of contaminants</li> </ul> <p>is a permitted activity, provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>(d) the disturbance is undertaken by or for a local authority or a road controlling authority or is required for port maintenance, and</li> <li>(e) the extent of the foreshore or seabed disturbance is limited to that required to create a free-draining path from the stormwater outlet to the sea, and</li> <li>(f) the disturbance shall not prevent public access to or along the foreshore, and</li> <li>(g) all material excavated is retained within the active beach system except for visibly contaminated material. Any visibly contaminated material shall be removed from the beach system and disposed of appropriately, and</li> <li>(h) excavated material is not mounded, banded and/or deposited in a manner that creates ponding or the diversion of water on the foreshore or seabed, and</li> <li>(i) <del>the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.</del></li> </ul>
<p>Disturbance or damage of foreshore or seabed outside a significant site – Rule 194</p>	<p>Support</p>	<p>The Transport Agency generally supports the rule in that it sets an enabling framework with discretionary activity status.</p>	<p>■ Retain Rule 194</p>

Disturbance or damage of foreshore or seabed inside a significant site – new rule		The Transport Agency opposes a non-complying activity status for disturbance or damage of the foreshore or seabed inside a site of significance. The Transport Agency considers the rule should provide an enabling framework for infrastructure of regional significance via a discretionary activity status where there is a functional and operational need for that infrastructure to be located in that location.	<ul style="list-style-type: none"> <li>■ Add a new rule which specifically provides for disturbance or damage of the foreshore or seabed inside a site of significance as a discretionary activity where there is a functional and operational need.</li> </ul>
Disturbance or damage of foreshore or seabed inside a significant site – Rule 195	Oppose (as currently drafted)		<ul style="list-style-type: none"> <li>■ Retain Rule 195, subject to providing for disturbance or damage of the foreshore or seabed inside a site of significance where associated with regionally significant infrastructure and where there is a functional or operational requirement.</li> </ul>
Motor vehicles for certain purposes – Rule 197	Support with amendment	The Transport Agency generally supports the rule in that recognises and provides for regionally significant infrastructure and the ability to maintain, upgrade and operate that infrastructure. The Transport Agency also seeks amendments to the rule.	<ul style="list-style-type: none"> <li>■ Amend Rule 197: The disturbance of the foreshore or seabed from motor vehicles in the coastal marine area, for the following purposes: ..... (d) the <u>operation</u>, maintenance, <u>repair</u>, upgrade <u>and development</u> operation of regionally significant infrastructure is a permitted activity, provided the following conditions are met: (e) the vehicle shall take the most direct route, and shall only operate within the area necessary to carry out the activity to ensure minimal disturbance to the foreshore or seabed, and (f) <del>the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.</del></li> </ul>
Destruction, damage or disturbance outside sites of Significance – Rule 204	Support	The Transport Agency generally supports the rule in that it sets an enabling framework with discretionary activity status	<ul style="list-style-type: none"> <li>■ Retain Rule 204</li> </ul>
Destruction, damage or		The Transport Agency opposes a non-complying activity status for destruction, damage or disturbance inside a site of significance. The	<ul style="list-style-type: none"> <li>■ Add a new rule or amend rule 204 to specifically provide for</li> </ul>

<p>disturbance inside sites of Significance – new rule</p>		<p>Transport Agency considers the rule should provide an enabling framework for infrastructure of regional significance via a discretionary activity status where there is a functional and operational need for that infrastructure to be located in that location.</p>	<p>destruction, damage or disturbance inside a site of significance as a discretionary activity where associated with regionally significant infrastructure</p>
<p>Destruction, damage or disturbance inside sites of Significance – Rule 205</p>	<p>Oppose (as currently drafted)</p>		<ul style="list-style-type: none"> <li>■ Retain Rule 205, subject to providing for destruction, damage or disturbance inside a site of significance where associated with regionally significant infrastructure</li> </ul>
<p>Deposition outside sites of significance – Rule 208</p>	<p>Support</p>	<p>The Transport Agency generally supports the rule in that it sets an enabling framework with discretionary activity status</p>	<ul style="list-style-type: none"> <li>■ Retain Rule 208</li> </ul>
<p>Deposition inside sites of significance – new rule</p>	<p>Oppose</p>	<p>The Transport Agency opposes a non-complying activity status for deposition inside a site of significance. The Transport Agency considers the rule should provide an enabling framework for infrastructure of regional significance via a discretionary activity status where there is a functional and operational need for that infrastructure to be located in that location.</p>	<ul style="list-style-type: none"> <li>■ Add a new rule which specifically provides for deposition inside a site of significance as a discretionary activity where associated with regionally significant infrastructure.</li> </ul>
<p>Deposition inside sites of significance – Rule 209</p>			<ul style="list-style-type: none"> <li>■ Retain Rule 209, subject to providing for deposition inside a site of significance where associated with regionally significant infrastructure</li> </ul>
<p>Reclamation and drainage – Rule 214</p>	<p>Support subject to amendment</p>	<p>The Transport Agency considers the rules for regionally significant infrastructure should provide an enabling framework for infrastructure of regional significance via a discretionary activity status. The PNRP must give effect to the RPS which requires regionally significant infrastructure to be recognised and provided for. This is no achieved through a non-complying activity status.</p>	<ul style="list-style-type: none"> <li>■ Amend Rule 214: Reclamation and drainage for regionally significant infrastructure activities outside a site or habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (geostat sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated: <ul style="list-style-type: none"> <li>(a) occupation of space in the common marine and coastal area, and</li> <li>(b) destruction of the foreshore or seabed, and</li> <li>(c) disturbance of the foreshore or seabed, and</li> <li>(d) deposition in, on or under the foreshore or seabed, and</li> <li>(e) discharge of contaminants, and</li> <li>(f) diversion of open coastal water</li> </ul> </li> </ul>

			is a discretionary activity.
215	Oppose (as currently drafted)	The Transport Agency considers the rules for regionally significant infrastructure should provide an enabling framework for infrastructure, irrespective of their location (as restricted by 214).	<ul style="list-style-type: none"> <li>■ No relief sought, subject to the relief sought under Rule 214 applying to regionally significant infrastructure by default.</li> </ul>
Destruction – Rule 216	Neutral	The Transport Agency seeks clarity on what destruction of the foreshore or seabed entails.	<ul style="list-style-type: none"> <li>■ Provide clarity on what destruction means in the context of the Plan. For example, is it a term to be applied over and above other activities such as disturbance, deposition and reclamation? It could be interpreted that 'destruction' of the bed also applies in this context.</li> </ul>

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