

Proposed Natural Resources Plan:

Submitter:

**Warren Bryant**

Submitter Number:

**S151**



#1530926

5151

Wellington Regional Council  
27 OCT 2015

**SUBMISSION on the proposed Natural Resources Plan for the Wellington Region**

To: [regionalplan@gw.govt.nz](mailto:regionalplan@gw.govt.nz) OR Freepost 3156, GWRC, PO Box 11646, Wellington 6142

Name	Nathan Bryant
Farm Name	Huiu Farm
Physical Address	739 Ohariu Valley Rd OHARIU Wellington
Phone Number	4993313
Email Address	huiufarm@gmail.com

Communication from GWRC: I prefer email OR hardmail choose one

Trade competition: I could not gain an advantage in trade competition through the submission

Hearing: I wish to be heard and would consider jointly appearing with other submitters

Support: support Wairarapa Federated Farmers submission ✓

**INTRODUCTION – Key Points about farm/business**

Farm Type	e.g. Sheep, Beef / Arable, Dairy, agricultural business
Farm size (area)	hectares 840
Main Waterways	
GW Soil plan or Farm Plan	Yes <u>No</u>
Environmental investments	A 10Ha area fenced off 2012 for native regeneration & have planted 1000 plus native plants (Wahitahi)
QE2 or Retirement Blocks	No
General Comments	e.g. if you like the partnership approach with council staff on the ground, say so  _____

→ All plants have been sourced from Forest & Bird Watch branch (Being plants locally sourced).

## STOCK EXCLUSION

### Specific Provisions that my submission relates to are:

Definition of Category Two waterbodies, including water races and drains > 1 metre

Schedule I and Map 22: important trout spawning habitat

Rule 97: access to the beds of surface waterbodies by livestock

- Stock exclusion from Category One waterbodies by July 2018
- Stock exclusion from Category Two waterbodies by July 2022
- Stock access to Category Three waterbodies – permitted subject to conditions, e.g. crossings

**My submission is: ~~support~~/oppose**

### I seek the following changes:

Extend the timeframes, e.g. Category One by 2020, Category Two by 2025

Exclude sheep from Category One

Exclude water races and drains from Category Two

Delete requirement for dairy cow exclusion from hill country rivers > 1 metre

Specify that stock exclusion from spawning sites – inanga or trout – is during the spawning season.

Specify criteria for “important” trout spawning rivers; delete those that don’t meet the criteria

Amend the definitions of stock crossing to match hill country practicalities and effects

Allow for stock drinking points

Ensure that alternative stock water supplies are available and rules don’t apply until they are.

### **Stock Exclusion Comments and Reasons**

*Specific to your farm, e.g. discussion on costs, practicalities, stock water; attach/include photos  
For Category One sites, would it be reasonable to exclude sheep where there is agreement between  
landowner, council and iwi as part of Council funded management plan?*



## WETLANDS

### Specific Provisions that my submission relates to are:

Interpretation: definition of natural wetland and significant natural wetlands

Schedule F3: significant wetlands

Rule 105: Planting in wetlands - approved native plants only

Rule 106: Restoration of natural or significant wetlands – controlled if Wetland Management Plan

Rule 107: Activities in natural or significant wetlands – discretionary

Rule 108: Activities in wetlands - non-complying, including diversion of water into a natural wetland

**My submission is: ~~support~~/oppose**

### I seek the following changes:

Natural wetlands: Natural wetlands: amend to exclude intermittent and ephemeral water bodies, and clarify these do not include hill country seeps or paddocks subject to regular ponding, dominated by cultivated pasture, whether or not associated with sedge, raupo or rush species.

Significant wetlands: re-prioritise to focus efforts on the highest value sites; change minimum size from 0.1ha to 1.0ha

Rule 104: allow use of machines rather than just hand held

Rule 105: allow for planting introduced species for bees or ducks

Rule 106, 107: amend to provide for restoration or enhancement of wetlands to be a permitted activity, with plans prepared as a non-regulatory partnership.

Rule 108: Allow diversion of water as part of a restoration plan

### **Wetlands Comments and Reasons**

*e.g. If you have been advised of a significant wetland on your farm – and you question it – state the name of the wetland and your reasoning (size, condition, man-made, etc)  
Mention if you have an interest in constructing or extending wetlands.*

## FARM EFFLUENT

### Specific Provisions that my submission relates to are:

Rule 83: Discharge of collected animal effluent to land – controlled

Rule 93: effluent to land in supply protection area – discretionary

Map 27: groundwater community drinking water supply protection areas

**My submission is: ~~support~~/oppose**

### I seek the following changes:

Undertake more rigorous regional cost-benefit analysis of pond storage and sealing requirements prior to the hearing to support proper consideration by the Hearing Commissioners.

Provide reasonable timeframes and a stepped approach for the installation of storage (e.g. 3-5 years)

Clarify the definition of ponding; and exclude extreme weather events, breakdowns occurring out of manager's control, be consistent with urban conditions.

In groundwater protection areas, undertake a risk analysis prior to the hearing to support appropriate conditions being established in a controlled rule, rather than discretionary.

Extend the consent timeframe to 20 years to reflect the investment made

### **Effluent Comment and Reasons**

*e.g. are they over-estimating the risks and under-estimating the costs?*

*If you already have ponds, is it reasonable to up the ante on storage and sealing?*

## SILAGE

### Specific Provisions that my submission relates to are:

Definition: a fermented high moisture stored fodder

Rule R90: manufacture and storage of silage and compost, including

- Condition a) the manufacture and storage area shall not be located within 20m of a surface water body ( stream, drain, water race and intermittently flowing streams)
- Condition d) the walls and floor of a silage storage area shall have an impermeable lining able to withstand corrosion, and there shall be no discharge of leachate to water

**My submission is: support/oppose**

### I seek the following changes:

Delete the requirement for impermeable lining; retain the condition that there be no discharge to water

Delete the requirement for location not allowed within 20m of a surface water body (not needed due to no discharge condition above)

Change the definition to specify this does not include baleage

### **Silage Comments and Reasons**

*e.g. low risk from wilted silage; costs for impermeable lining – estimate the costs if you can  
Cost Benefit analysis has not included any clear evidence of the benefits outweighing the costs.  
Difficulty in dealing with surplus years – filled up the main stack but still have extra. This rule will make us turn to baleage that is twice as expensive and has the plastic disposal issues.*

## CULTIVATION & BREAKFEEDING

**Specific Provisions that my submission relates to are:**

Rule 94: Cultivation & Rule 95: Break feeding

- Cultivation/ break feeding shall not occur within 5m of a surface waterbody, including open drains and water races

**My submission is: ~~support~~/oppose**

**I seek the following changes:**

Delete the conditions requiring 5m setbacks

### **Cultivation/Breakfeeding Comments and Reasons**

*e.g. costs, practicalities, timing, lay of the land*

*Add a statement in about what you normally do when cultivating or breakfeeding*

## DRAIN CLEANING

### Specific Provisions that my submission relates to are:

Definition of highly modified watercourse:

- Modified and channeled to the extent it has the characteristics of a drain, including that: the channel is a single flow, straight, no curves, mechanically formed with straight or steep banks, maintained to keep the watertable at least 0.3m below the pasture root zone, and it exhibits these characteristics for the entire length of the property

Rule 121: Maintenance of drains and highly modified streams; *and*

Rule 122: Removing vegetation from the bed of any river; *same conditions for both*

- any fish shall be returned no later than one hour
- only one side shall be cleared at any one time, and the other side three months later; or, only the middle shall be cleared, leaving no less than 0.3m each side
  - for drains and highly modified streams, this condition applies from July 2017

Method M14: Maintenance of drains

- GWRC will develop an education programme in collaboration with industry and other stakeholders to support implementation of Rule 121

**My submission is: ~~support~~/oppose**

**I seek the following changes:**

Change the definition of highly modified stream to include all streams that have been modified by human activity – straightening, deepening, channeling.

Provide high resolution maps in the plan, clearly showing drains and highly modified streams that are covered by Rule 121. This is required before the hearing to see the scale of the issue.

Provide direction to landowners about the type of waterways on their land.

Fast-forward Method 14 to develop agreed good practice for drain cleaning to inform the Hearing Commissioners consideration of the proposed rules.

Extend the timeframe for the implementation of the new conditions from 2017 to 2020

### ***Drain Cleaning Comments and Reasons***

*e.g. costs, practicalities, historical modification not recognized*

## **EARTHWORKS**

### **Specific Provisions that my submission relates to are:**

Definition of earthworks

Rule R99: earthworks of a contiguous area up to 3000m<sup>2</sup> per property per 12 months – permitted

Rule 101: earthworks that doesn't meet permitted conditions - discretionary

**My submission is: support/oppose**

**I seek the following changes:**

Amend the definition and Rule 99 to allow construction of farm tracks as a permitted activity, as well as maintenance.

Change Rule 101 to controlled or restricted discretionary with clear conditions

### **Earthworks comments and reasons**

*e.g. operational and farm safety aspects*

*Note the word "contiguous" is important in thinking about impact*

## **VEGETATION CLEARANCE on Erosion-Prone Land**

### **Specific Provisions that my submission relates to are:**

Definition of erosion-prone: slope >20 degrees

Definition of vegetation clearance: clearance of woody vegetation (exotic or native) by mechanical or chemical means including felling, spraying by hand or aerial means, hand clearance and burning

Rule R100: vegetation clearance on erosion-prone land

- contiguous area up to 2ha per property per 12 months– permitted

Rule 101: vegetation clearance that doesn't meet permitted conditions - discretionary

**My submission is: support/oppose**

**I seek the following changes:**

Change definition of erosion prone to increase the slope, and exclude stable substrate, e.g. greywacke

Change definition of vegetation clearance to exclude hand clearance, hand or aerial spraying and roller crushing

Change Rule 101 to controlled or restricted discretionary with clear conditions

### **Vegetation Clearance comments and reasons**

*e.g. confusion with different slope triggers.*

*Add a statement in about what you normally do, e.g. leave an area unsprayed*

*Note the word "contiguous" is important in thinking about impact*

## CULVERTS & BRIDGES

### Specific Provisions that my submission relates to are:

Rule R114: weirs, fords, small bridges – permitted if

- not >20m<sup>2</sup> in size / footprint
- catchment not >50ha west of the Ruamahanga, 200ha east of the Ruamahanga

Rule R115: culverts – permitted if

- not >20m length and not >0.3m-1.2m diameter

Rule 125: small river crossings, dams, structures in a mana whenua site – restricted discretionary

**My submission is: ~~support~~/oppose**

### I seek the following changes:

Rule R114: Change the 50ha catchment restriction to 200ha (or clarify rationale for the difference)

- Increase the size for fords and bridges (20m<sup>2</sup> too small)

Rule R115: delete the condition restricting culvert diameter; retain condition that the culvert be constructed to allow for 20 year flood event.

- Provide advice to landowner of appropriate culvert sizes to achieve the above condition

Mana whenua sites: undertake proper assessment of restrictions proposed for mana whenua sites within the plan itself – not leaving this to a consent process at landowner cost

### **Culverts/Bridges comments and reasons**

*e.g. fords/crossings good alternative method to constructing structures especially where use is infrequent or risks of structure outweigh the impact of a ford.*



## **OFFAL PITS, FARM REFUSE DUMPS**

### **Specific Provisions that my submission relates to are:**

Rule 89: Farm Refuse Dumps – 15 conditions

Rule 91: Offal Pit – 9 conditions

**My submission is: ~~support~~/oppose**

### **I seek the following changes:**

Rule 89: Farm Refuse Dumps

- increase size from 50m<sup>3</sup> to 100m<sup>3</sup>
- heavily prune the fourteen other conditions to focus on clear effects

Rule 91: Offal Pits

- retain condition a) re only containing dead matter from the property; and condition h) odour is not offensive beyond the boundary
- heavily prune the other seven conditions to focus on effects

### **Offal Pits/Refuse Dumps Comments and Reasons**

*e.g. these are an existing activity on farms and do not cause adverse effects so do not need multiple conditions.*

## AGRI-CHEMICALS

### Specific Provisions that my submission relates to are:

Rule 36: Agrichemicals – permitted activity conditions relating to aerial and vehicle based spraying

- (e) no discharge within a community drinking water supply protection area
- (g) spray plan must be prepared once pa
  - identify sensitive areas (dwelling house, schools, amenity areas, non-target crops sensitive to agchem, organically certified properties, surface water bodies including natural wetlands and associated riparian vegetation, and significant and outstanding water bodies)
  - notify neighbours the spray plan is available on request
  - get written agreement from adjoining neighbours that notification is not required
  - supply a copy of the spray plan at least 24 hours prior to application, to the owner/occupier of sensitive areas or likely to be directly affected, or requests a copy

**My submission is: support/oppose**

**I seek the following changes:**

Change condition g) to more reasonably reflect practicalities and risks

In water supply protection areas, undertake a risk analysis prior to the hearing to support appropriate conditions being established in a controlled rule, rather than discretionary.

#### **Agri-chemicals Comments and Reasons**

*e.g. provides a level of protection that is not associated with the risk, demands undue notification requirements when neighbours might not be affected*

## FERTILISER

### Specific Provisions that my submission relates to are:

Rule 82: Application of fertilizer – permitted activity, provided

Condition a) not into or onto a surface water body or beyond the boundary, including as a result of wind drift

**My submission is: ~~support~~/oppose**

**I seek the following changes:**

Amend condition a) to reflect the practicalities of aerial fertiliser application

#### **Fertiliser Application Comments and Reasons**

*e.g. It is impossible to miss all intermittent surface waterbodies when using a plane or helicopter. Technology is being developed to allow this but it is not commercially available. Condition a) will cause a health and safety risk to the operation of aerial fertilizer application.*

## STORM WATER

### Specific Provisions that my submission relates to are:

Rule R48: storm water from individual property permitted, except

- the discharge is not into an outstanding waterbody (e.g. Lake Wairarapa)
- concentration of total suspended solids does not exceed specified concentrations
  - 50g - 100g/m<sup>3</sup> or 20-33% change depending on “significance” of site

**My submission is: ~~support~~/oppose**

### I seek the following changes:

Rule R48: delete condition (a): no discharge into outstanding waterbodies

Delete condition (e) specifying suspended solid concentrations, retain condition (g) requiring no conspicuous films, scum, floatables etc

#### **Stormwater comments and reasons**

*e.g. impracticality, costs, low risk. Would it require a consultants report to get consent?*

**Any other areas of concern – just copy format above**

Proposed Natural Resources Plan:

Submitter:

**Waa Rata Estate**

Submitter Number:

**S152**



**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

**Your details**

Full name: \_\_\_\_\_  
Organisation name: \_\_\_\_\_  
(If applicable) Waa Rata Estate  
Address for Service: 149 Terrace Road, Reikorangi, Waikanae RD1, Kapiti Coast

Telephone no's: 027-55-99-157

Contact person: Marian Smith

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: Waa.rata@xtra.co.nz

## 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.

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

This submission covers matters detailed below and seeks relief or such other relief as satisfies this submission. It also applies to any consequential amendments that may be required to give effect to the relief sought.

As an introductory comment the rainfall in the foothills on the western side of the Tararua Ranges is high. It has strong flushing capacity. The water quality in the Waikanae River catchment is high. There is strong evidence demonstrating this. This submission seeks to ensure that the specific context of this area is reflected in the provisions. We understand the whaitua approach is intended to do this in part. However the current set of regional-wide provisions apply in a generic way and could be refined to better reflect the different contexts that exist across the region. As a principle we seek relief to ensure the regional-wide provisions reflect the environmental differences between the east and west coast, amongst other characteristics.

Provisions	Reason	Decision sought
The Regional Plan is a complex plan for lay people to navigate.	To enable easier use of the Regional Plan by lay people insert hyperlinks where any/ and all cross references to other parts of the Plan are made. For example listing M1, M2, M3 etc as the relevant methods is meaningless unless you can simply link to what those acronyms mean. A hyperlink would assist the general public in using the plan.	We wish to have the specific provision <b>amended</b> .  Add hyperlinks within the electronic document to any cross references to other parts of the Regional Plan to increase its useability for lay people.
<b>Chapter 2 Interpretation: 'Restoration Management Plan'</b>	This definition cross references to schedule F3a which requires that a	We wish to have the specific



Provisions	Reason	Decision sought
	<p>Restoration Management Plan 'shall be... approved by a General Manager at Wellington Regional Council'. It is inappropriate to bury a second approval process in a schedule without being explicit about it. Note, this requirement adds another approval process in addition to consent processes (eg R106). Delete approval process in schedule F3a. As currently worded the 'Restoration Management Plan' is actually a 'Council-approved Restoration Management Plan'.</p> <p>The Regional Council should be removing barriers to preparing restoration management plans, given this is an activity it likely wishes to encourage.</p>	<p>provision <b>amended</b>.</p> <p>Remove requirement for the restoration management plan to be approved by Council and enable other parties to endorse the plan such as suitably qualified Ecologists, Queen Elizabeth Trust, Department of Conservation, Iwi authorities of the rohe (if they wish), relevant district councils, or other relevant parties.</p>
<p><b>Chapter 2 Interpretation: Tributary:</b> A river or stream (of any order) that flows into a lake, or larger river or stream.</p>	<p>Some streams disappear underground and do not connect over land with another stream, river etc.</p> <p>For clarity, the definition of 'tributary' needs to clarify that streams that disappear underground before they flow over land into another stream, lake or river are not a tributary.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Amend definition to be explicit that a: tributary is a river or stream (of any order) that flows <u>over land</u> into a lake...</p>
<p>Map 13a, Schedule F1 Rivers and Lakes with significant indigenous ecosystems: high macroinvertebrate community health</p>	<p>Map 13a is not of a sufficient scale to be able to identify the places to which it applies. This is unacceptable to the public trying to identify what provisions apply to different locations. The scale needs to be made legible.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Make the scale of the map legible so it is clear in localised areas what provisions apply.</p>
<p>Map 13b, Schedule F1 Rivers and Lakes with significant indigenous ecosystems: Habitat for indigenous fish species of conservation interest</p>	<p>Map 13b is not of a sufficient scale to be able to identify the places to which it applies</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Make the scale of the map legible so it is clear in localised</p>

Provisions	Reason	Decision sought
		areas what provisions apply.
Map 13c, Schedule F1 Rivers and Lakes with significant indigenous ecosystems: Habitat for six or more migratory indigenous fish species	Map 13c is not of a sufficient scale to be able to identify the places to which it applies	We wish to have the specific provision <b>amended</b> .  Make the scale of the map legible so it is clear in localised areas what provisions apply.
River classes – Kapiti Coast catchments (Table 3.1) <b>Map 25</b>	Colours used on the map are not clearly distinguishable ie Classes 1 and 4 look similar.	We wish to have the specific provision <b>amended</b> .  Amend the colour scheme on the map to ensure the different classes are clearly distinguishable.
Surface Water community drinking water supply protection areas (incorporates schedule M1) <b>Map 26</b>	The water supply protection areas are not clearly distinguishable. Use a better scale to ensure these areas are distinguishable. As users of the plan it is not clear enough to us.  Given the highly restrictive nature of provisions that apply to the 'surface water community drinking water supply protection areas', only the areas mapped in blue should be included. In the event that a wider area of application was inadvertently intended then the Regional Council would need to consult affected property owners and a variation to the plan would be required.	We wish to have the specific provision <b>amended</b> .  Make the scale of the map legible so it is clear in localised areas where the provisions apply.  For clarity and certainty make it clear that only the areas specifically mapped as 'Surface Water community drinking water supply protection areas' are subject to the associated provisions.
Erosion Prone Land <b>Map 33</b>	The map does not identify erosion prone land. It only identifies Land Steepness. The characteristics on the east coast are very different from the west coast and yet no differentiating features are captured.	<b>Oppose.</b> We wish to have the specific provision <b>amended</b> .  A more refined approach is

Provisions	Reason	Decision sought
	<p>The former Area 2 definition associated with erosion prone land in the Regional Soil Plan provided for a slope greater than 28 degrees. This is relevant on the west coast where the landform differs quite significantly to the east coast of the region.</p> <p>It is unclear what evidence there is that has identified any deterioration in the environment on the west coast north of Pukerua Bay (as per Area 2 definition) to warrant such a significant change in the definition of erosion prone land (and hence slope).</p>	<p>required to define erosion prone land and the map needs to better reflect the different landform characteristics to ensure it is identifying erosion proneness rather than steepness, and ensuring stability features in different areas are incorporated.</p> <p>Reinstate the slope of greater than 28 degrees for erosion prone land (for the west of the region) as per the former Area 2 definition in the Regional Soil Plan (given the lack of evidence to move to a slope of 20 degrees).</p>
<p><b>Schedule I: Important trout fishery rivers and spawning waters</b></p> <ul style="list-style-type: none"> <li>• Important trout fishery rivers: includes Waikanae River</li> <li>• Important trout spawning waters (specific locations shown in Map 22)<sup>1</sup>: Waikanae River: Maungakotukutuku stream</li> </ul>	<p>For the sake of clarity and certainty, clarify that tributaries of Waikanae River on map 22 are not included.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Clarify that tributaries are not included.</p>
<p><b>Chapter 2 Interpretation: Natural wetland</b></p> <p>Is a permanently or intermittently wet area, shallow water and land water margin that supports a natural ecosystem of plants and animals that are adapted to wet conditions, including in the beds of lakes and rivers, the coastal marine area (e.g. saltmarsh), and groundwater-fed wetlands (e.g. springs). <b>Natural wetlands</b> do not include:</p>	<p>On the western foothills of the Tararua Ranges there are many wet areas given the ephemeral nature of flow paths and this definition would inadvertently include many areas, some predominated by exotic species.</p> <p>A natural ecosystem of plants could include many pest plant species. This definition needs further refinement to ensure it is covering indigenous</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Insert '<u>indigenous</u>' so that it reads '...supports a natural <u>indigenous</u> ecosystem of plants and animals...'</p> <p>Insert in subclause</p>

<sup>1</sup> An indented river is a tributary of the river above

Provisions	Reason	Decision sought
<p>(a) damp <b>gully</b> heads, or wetted pasture, or pasture with patches of rushes, or</p> <p>(b) areas of wetland habitat in or around bodies of water specifically designed, installed and maintained for any of the following purposes:</p> <ul style="list-style-type: none"> <li>(i) water storage ponds for <ul style="list-style-type: none"> <li>a) public water supply, or</li> <li>b) hydroelectric power generation, or</li> <li>c) firefighting or</li> <li>d) irrigation, or</li> <li>e) stock watering or</li> </ul> </li> <li>(ii) water treatment ponds for <ul style="list-style-type: none"> <li>a) <b>wastewater</b>, or</li> <li>b) <b>stormwater</b>, or</li> <li>c) nutrient attenuation, or</li> <li>d) sediment control, or</li> <li>e) <b>animal effluent</b>, or</li> </ul> </li> <li>(iii) beautification, landscaping, amenity, or</li> <li>(iv) drainage.</li> </ul> <p>See also <b>significant natural wetland</b> and <b>outstanding natural wetland</b></p> <p>'Wetland' has the same meaning as in the RMA.</p>	<p>systems, rather than exotic species.</p> <p>Rushes are not the only species adapted to wet conditions that are found in damp gully heads or on wetted pasture and the definition should be broadened to a range of exotic species that are adapted to wet conditions.</p>	<p>(a) damp <b>gully</b> heads, or wetted pasture, or pasture with patches of rushes <u>or exotic species adapted to wet conditions</u></p>
<p>Objective O11 Opportunities for <b>Māori customary use</b> of the coastal marine area, rivers and lakes and their margins and <b>natural wetlands</b> for cultural purposes are recognised, maintained and improved.</p> <p>Objective O17 The natural character of the coastal marine area, rivers, lakes and their margins and <b>natural wetlands</b> is preserved and protected from inappropriate use and development.</p> <p>Objective O17 The natural character of the coastal marine area, rivers, lakes and their margins and <b>natural wetlands</b> is preserved and protected from inappropriate use and development.</p> <p>Objective O28</p>	<p>The definition of 'natural wetlands' is very broad and includes many wet areas with exotic plants adapted to wet conditions. It is therefore very generic in its application and theoretically includes pest plants adapted to wet conditions. Applying the objectives in such a broad way may inadvertently cover areas not intended to be included.</p>	<p>The definition of 'natural wetlands' needs to be refined to ensure a more effective framework for the objectives, policies and related rules.</p>

Provisions	Reason	Decision sought
<p>The extent of <b>natural wetlands</b> is maintained or increased and their condition is restored.</p>		
<p>Policy P30: Natural buffers The adverse effects of use and development on natural features such as beaches, dunes or wetlands that buffer development from natural hazards shall be minimised.</p>	<p>The Proposed Regional Plan needs to be consistent in the terms it uses. Elsewhere in the plan it refers to 'natural wetlands' but in Policy 30 it uses 'wetlands'. Suggest one term be used consistently.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>For consistency use the term 'natural wetlands'</p>
<p>Natural features and landscapes and special amenity landscapes Policy P48: Protection of outstanding natural features and landscapes The natural features and landscapes (including seascapes) of the coastal marine area, rivers, lakes and their margins and <b>natural wetlands</b> shall be protected from inappropriate use and development by: (c) avoiding adverse effects of activities on outstanding natural features and landscapes, and (d) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on natural features and landscapes.</p>	<p>It is not in accordance with section 6 of the RMA to 'protect' landscapes and features that are not identified as outstanding natural landscapes or features (in accordance with the Regional Policy Statement). Policies relating to outstanding natural landscapes and features should be decoupled from policies on other landscapes and features ie amenity values.</p> <p>Natural wetlands are not outstanding natural features unless identified as such in accordance with relevant policies of the Regional Policy Statement.</p> <p>It is inappropriate to include 'natural wetlands' in this policy because of the generic nature of the definition. Natural wetlands include wet areas with (exotic) plants adapted to wet conditions (and will often not be an outstanding nature).</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Delete 'natural wetlands'</p> <p>Delete sub clause (b)</p>
<p>Policy P33: Protecting indigenous fish habitat 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. These activities include the following: ...</p>	<p>The policy needs to take into account the dynamic nature of some catchments and waterways which can involve significant changes in form and riparian margins as a result of the high rainfall and flushing capacity.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Insert 'having regard to the nature of the water body's natural processes' at the end of the first sentence</p>

Provisions	Reason	Decision sought
<p>Policy P37: Values of wetlands</p> <p>Activities in and adjacent to <b>natural wetlands</b> shall be managed to maintain their values including:</p> <ul style="list-style-type: none"> <li>(e) as habitat for indigenous flora and fauna, and</li> <li>(f) for their significance to <b>mana whenua</b>, and</li> <li>(g) for their role in the hydrological cycle including flood protection, and</li> <li>(h) for nutrient attenuation, and</li> <li>(i) as a fisheries resource, and</li> <li>(j) for recreation.</li> </ul>	<p>The definition of 'natural wetlands' is very broad and includes many wet areas with exotic plants adapted to wet conditions. It is therefore very generic in its application. Applying the policy to such a broadly defined area in combination with 'adjacent' areas undermines the intent of the policy.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>The definition of 'natural wetlands' needs to be refined to ensure a more effective policy.</p> <p>Delete 'and adjacent to' given the broad scope of the current policy and 'natural wetlands' definition.</p>
<p>Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes</p> <p>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:...</p>	<p>For the sake of clarity make it clear the policy relates to the coastal marine area.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Amend the title to read "Policy P49: Use and development in the coastal marine area adjacent to outstanding natural features..."</p>
<p>Policy P40: Ecosystems and habitats with significant indigenous biodiversity values</p> <p>Protect and restore the following ecosystems and habitats with significant indigenous biodiversity values:</p> <ul style="list-style-type: none"> <li>(k) the rivers and lakes with significant indigenous ecosystems identified in Schedule F1 (rivers/lakes), and</li> <li>(l) the habitats for indigenous birds identified in Schedule F2 (bird habitats), and</li> <li>(m) <b>significant natural wetlands</b>, including the <b>significant natural wetlands</b> identified in Schedule F3 (significant wetlands), and</li> <li>(n) the ecosystems and habitat-types with significant indigenous</li> </ul>	<p>Some areas listed in Schedules F are of a high quality. In such cases the policy intent should be on maintaining the quality of the existing ecosystem. The assumption appears to be that a low quality exists when there are also situations where it is of a high quality.</p> <p>Restoring significant indigenous biodiversity values requires human intervention and the policy framework and rules should not impede the ability to do this.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Amend the introduction to the policy to read: Protect, restore <u>or maintain the high quality of</u> the following ecosystems and habitats...</p>

Provisions	Reason	Decision sought
<p>biodiversity values in the coastal marine area identified in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats).</p>		
<p>Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values</p> <p>In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40, in the first instance activities, other than activities carried out in accordance with a <b>restoration management plan</b>, shall avoid these ecosystems and habitats.</p>	<p>Some areas listed in Schedules F are of a high quality. In such cases the policy intent should also enable the quality of the existing ecosystem to be maintained. The policy assumption appears to be that activities will reduce the quality of ecosystems and habitats (except those in restoration management plans). This is not always the case, particularly in situations where existing activities have been carried out for some time without diminishing the quality of the environment. Furthermore some activities, eg riparian planting, have not been carried out in accordance with a restoration management plan (because such plans are not required at present) and yet likely have positive impacts on these systems.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>After the words 'shall avoid' insert <u>or maintain the high quality of</u> these ecosystems and habitats</p>
<p>Policy P69: Human drinking water supplies</p> <p>The adverse effects from discharges to land and water on the quality of <b>community drinking water supplies</b> and <b>group drinking water supplies</b> shall be avoided to the extent practicable. Where adverse effects cannot be avoided, the adverse effects shall be managed having particular regard to:</p> <p>...</p>	<p>The rules in the Proposed Regional Plan appear to seek to prevent everyday activities with negligible adverse effects on community drinking water supplies. For example, it does not appear to be permitted to place sheep manure around a rose garden. This level of regulation is disproportionate to the intention of the outcome being sought.</p> <p>Therefore the policy needs amending to set out more clearly the framework to guide appropriate activities within a community drinking water supply protection area; allowing flexibility to carry out standard activities with negligible adverse effects on water supply.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Delete the first word 'The' in the policy and replace it with '<u>More than minor</u> adverse effects from discharges...'</p> <p>Amend the second sentence to say 'Where <u>such</u> adverse effects cannot be avoided...'</p>
<p>Policy P95: Discharges to land</p> <p>The discharge of contaminants to land shall be managed by:</p> <p>...</p> <p>(f) not resulting in a discharge that enters water.</p>	<p>Sometimes water is discharged to land and re-enters the same waterway after it has flowed over or through land. For example when filling a tank to refill stock troughs some over flow may occur.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Amend (f) to allow for water from the</p>

Provisions	Reason	Decision sought
	Suggest providing for water that is sourced from a waterway to return over land to the same waterway in a relatively natural way.	waterway to re-enter the same waterway
<p>Taking, using, damming and diverting water  Policy P107: Framework for taking and using water  The framework for the take and use of water recognises:</p> <p>(a) groundwater connectivity to surface water shall be managed as described in Schedule P (groundwater connectivity), and the take and use of water does not exceed allocation amounts provided for in the Plan, and</p> <p>(c) <b>minimum flows or water levels</b> are managed in accordance with the Plan provisions.</p>	For the sake of clarity for the general public ensure that permitted water takes (as provided for in the Resource Management Act) are expressly covered in the policy. This helps people to understand activities that are permitted by law, without having to read the RMA.	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Expressly include in the framework for taking and using water:</p> <ul style="list-style-type: none"> <li>• an individual's reasonable domestic needs; or</li> <li>• the reasonable needs of an individual's animals for drinking water</li> </ul>
Rule KW.R1: Taking and use of water in the Kapiti Coast Whaitua – restricted discretionary activity	For the sake of clarity for the general public ensure that permitted water takes are expressly covered in the policy. This helps people to understand activities that are permitted by law, without having to read the RMA Act.	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Expressly include in the framework for taking and using water:</p> <ul style="list-style-type: none"> <li>• an individual's reasonable domestic needs; or</li> <li>• the reasonable needs of an individual's animals for drinking water</li> </ul>



Provisions	Reason	Decision sought
<p>Policy P114: Priorities when demand exceeds supply</p> <p>When the total take and use of water allocated by resource consents above <b>minimum flows or water levels</b> exceeds the <b>core allocation</b> amount, the take and use of water shall be allocated according to the following priorities, in order of importance:</p> <p>(o) the <b>health needs of people</b>, and</p> <p>(d) stock drinking water, and</p> <p>(e) other values.</p>	<p>Provides for people’s appropriate needs.</p>	<p><b>Support</b> the minimum flows or water levels being allocated according to priorities relating to the health needs of people and stock drinking water.</p>
<p><b>Chapter 2 Interpretation: Health needs of people</b></p> <p>The amount and quality of water needed to adequately provide for people’s hygiene, sanitary and domestic requirements. It does not include:</p> <p>(p) water used outside, e.g. for irrigation, vehicle or house washing or hosing but not including water consumed by animals, or</p> <p>(q) water used by industry as process water or cooling water.</p>	<p>Provides for people’s appropriate needs.</p>	<p><b>Support</b> the definition of ‘health needs of people’</p>
<p><b>5.1.2 Outdoor burning</b></p> <p>Rule AQ.R1: Outdoor burning – permitted activity</p> <p>The discharge of contaminants into air from outdoor burning is a permitted activity, provided the following conditions are met:</p> <p>(a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the <b>property</b>, and</p> <p>(b) there is no burning of specified materials.</p>	<p>It is unclear what noxious, offensive or objectionable means in conjunction with “beyond the boundary of the property”. It is a fundamental probability that smoke will travel beyond a boundary, but whether it is noxious would assist the rules clarity.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Clarify what ‘beyond the boundary of the property’ means (eg height above boundary) or clarify what ‘noxious, offensive or objectionable’ means. This will involve consequential amendments for other rules.</p>
<p><b>Chapter 2 Interpretation: Good Management Practice</b></p> <p>Practices, procedures or tools that are effective at achieving the desired performance while providing for desired</p>	<p>Concern that good management practice will be changed without involving the public in a process that provides feedback on these and the new ‘practices’ are then referred to as</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Insert in the</p>

Provisions	Reason	Decision sought
<p>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 [enter link when we have it].</p>	<p>appropriate without appropriate community consultation.</p>	<p>definition of 'Good management practice' that such practices are only a guide.</p>
<p><b>Policy P101: Management of riparian margins</b>  In order to maintain or restore <b>aquatic ecosystem health</b> and natural character, and reduce the amount of sediments and nutrients entering <b>surface water bodies</b>, good management of riparian margins shall be encouraged including:</p> <ul style="list-style-type: none"> <li>(r) the exclusion of <b>livestock</b>, and</li> <li>(s) the planting of appropriate riparian vegetation, and</li> <li>(t) the management of pest plants and animals.</li> </ul>	<p>There are many waterbodies to the west of the Tararua Ranges given the high rain fall in this area. Ensuring appropriate access across waterways both for people (eg to access households, public walkways, and vehicle access) and livestock (eg stock bridges etc) is an important way of managing riparian margins. The policy should encourage the appropriate provision of access across waterways as a way to sustainably manage aquatic ecosystem health and riparian margins.</p> <p>Note, people can also be a source of pressure on riparian margins and it is important appropriate access is enabled to manage this effectively especially in more densely populated areas.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Amend point (a) to read: the exclusion of livestock <u>except to enable stock crossing points</u>, insert new subclause (d) <u>to provide for appropriate construction and maintenance of appropriate tracks or access ways</u></p>
<p><b>Chapter 2 Interpretation: Livestock exclusion</b>  The prevention of animals from accessing a specified area. Fencing is one method of achieving livestock exclusion and fencing can be either permanent or temporary as long as it prevents the animals from accessing the area.</p>	<p>It does not seem appropriate to include examples in a definition. That appears to negate the purpose of a definition. The definition does need to clarify what it does not cover.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>For the sake of clarity, the definition should clarify that it does not include a stock crossing point.</p>

Provisions	Reason	Decision sought
<p><b>Activities in beds of lakes and rivers</b>  <b>Policy P102: Reclamation or drainage of the beds of lakes and rivers</b>  The reclamation or drainage of the beds of lakes and rivers and <b>natural wetlands</b> shall be avoided except where the reclamation or drainage is:</p> <ul style="list-style-type: none"> <li>(a) partial reclamation of a river bank for the purposes of flood prevention or erosion control, or</li> <li>(b) associated with a <b>qualifying development</b> within a <b>special housing area</b>, or</li> <li>(c) associated with a growth and/or development framework or strategy approved by a local authority under the Local Government Act 2002, or</li> <li>(d) necessary to enable the development, operation, maintenance and upgrade of <b>regionally significant infrastructure</b>, or</li> <li>(e) associated with the creation of a new river bed and does not involve piping of the river, and</li> <li>(f) in respect of (a) to (e) there are no other practicable alternative methods of providing for the activity, or</li> <li>(g) the reclamation or drainage is of an <b>ephemeral flow path</b>.</li> </ul> <p>For the purpose of this policy the piping or covering of a stream for a distance greater than that required to form a reasonable crossing point is considered to be reclamation of the river bed.</p>	<p>The policy needs to enable appropriate access and management of naturally wet areas to maintain existing access for both stock and/or people (eg to access households, public walkways, vehicle access, or stock access) that occurs in both rural and urban environments. Not maintaining access is likely to place increased pressure on such areas and would increase risk to health and safety of people.</p> <p>As noted 'natural wetlands' is very broad in definition and its broad coverage will cover areas with unintended consequences.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Insert new subclause (h) to read:  <u>(h) to maintain existing drains, or to repair or maintain existing roads, tracks or infrastructure</u></p> <p>Delete 'natural wetlands' from the policy unless the definition of 'natural wetlands' is further refined not to include wet areas that include exotic species adapted to wet conditions.</p>
<p><b>Chapter 2 Interpretation: Gully</b>  A channel or small valley especially one cut by heavy rain.</p>	<p>The definition is ambiguous and non-specific. A lot of areas could inadvertently be included by definition. For example the term 'channel' could potentially include drains. A 'small valley' could subjectively cover many areas by virtue of undulated landforms. Deleting 'especially one' may increase specificity.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Amend the definition to provide greater specificity and clarify of what 'gully' means.</p>
<p><b>Chapter 2 Interpretation: Stock crossing point</b>  A location where livestock cross a surface water body from one bank to the other. The locations on each bank are directly opposite each other and are</p>	<p>Important to clarify that a stock crossing point is not a 'livestock exclusion area'.</p> <p>Landforms may not make it practical for locations to be directly opposite</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>For clarity, insert "and is not a</p>

Provisions	Reason	Decision sought
not more than 20 metres wide.	each other. They may be opposing in a plains area, but not always in the hill country where physical constraints may make the crossing point more feasible in areas that are not directly opposite each other (for example if there is a cliff on the opposing side).	livestock exclusion area” to the first sentence of the definition.  Amend the definition ‘The locations on each bank are, <u>where practicable</u> , directly opposite each other to read’
<p><b>Chapter 2 Interpretation: Earthworks</b> The disturbance of a land surface from the time between which soil is first disturbed on a site until the time that 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, and including the regarding and widening of roads and tracks. Earthworks does not include:</p> <p>(a) cultivation of the soil for the establishment of crops or pasture (b) the harvesting of crops (c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying (d) water table maintenance on roads and tracks.</p>	<p>Need to ensure that fencing is not inadvertently covered by definition of earthworks given the focus of the Plan to have fences as a mechanism for fencing off waterways, and for other management purposes.</p> <p>Also important to be able to maintain existing accessways, tracks etc and ensuring that practices to maintain access are not inadvertently covered by the earthworks definition and rules. Maintaining access is fundamental to providing for people’s health and safety.</p> <p>Root raking does not appear to be earthworks but a separate activity ie transforming land use type. All other descriptors in the definition relate to soil movement.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Insert new subclauses (e) to include: (e) constructing or maintaining fences, and (f) maintaining existing accessways or tracks</p> <p>Delete ‘root raking’</p>
<p><b>5.4.3 Livestock exclusion</b> Rule LW.R92: Access to the beds of Category 3 surface water bodies by livestock – permitted activity The use of land for access by livestock to the bed, including banks, and the disturbance of the bed and the discharge of sediment and effluent to a Category 3 surface water body is a permitted activity, provided the following conditions are met: (a) other than at a stock crossing point the access does not result in pugging of the bed (including the banks) of a lake or river, and (b) the access does not cause a conspicuous change in colour or visual</p>	Allows appropriate access to water bodies while ensuring adverse effects on water quality are appropriately managed.	<b>Support</b>

<b>Provisions</b>	<b>Reason</b>	<b>Decision sought</b>
clarity beyond the zone of reasonable mixing.		

Provision	Reason	Decision Sought
<p><b>Outdoor burning</b>  <b>Rule R1: Outdoor burning – permitted activity</b>  The discharge of contaminants into air from <b>outdoor burning</b> is a permitted activity, provided the following conditions are 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 <b>property</b>, and  [...]</p>	<p>It is unclear what noxious, offensive or objectionable means in conjunction with “beyond the boundary of the property”. It is a fundamental probability that smoke will travel beyond a boundary.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Clarify what ‘beyond the boundary of the property’ means (eg height above boundary) or clarify what ‘noxious, offensive or objectionable’ means. This will involve consequential amendments for other rules.</p>
<p>Reference to: ‘the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property’, or similar text in the following rules</p> <p>Rule R2: Frost prevention devices – permitted activity</p> <p>Large scale combustion activities  Rule R7: Natural gas and liquefied petroleum gas – permitted activity  scale combustion activities  Rule R8: Diesel or kerosene – permitted activity  Rule R9: Biogas – permitted activity  Rule R10: Untreated wood – permitted activity  Rule R11: Coal, light fuel oil, and petroleum distillates – permitted activity</p> <p>Drying and kiln processes  Rule R35: Drying and heating of minerals – permitted activity  Rule R36: Agrichemicals – permitted activity</p>	<p>It is unclear what noxious, offensive or objectionable means in conjunction with “beyond the boundary of the property”. It is a fundamental probability that smoke will travel beyond a boundary.</p> <p>Note, need to preserve ability of large scale generators to be used accessibly because may be required in case of emergency when other electricity sources are damaged. Property boundaries may be unclear in such events.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Clarify what ‘beyond the boundary of the property’ means (eg height above boundary) or clarify what ‘noxious, offensive or objectionable’ means. This will involve consequential amendments for other rules.</p>
<p><b>Chapter 2 Interpretation: ‘specified materials’</b></p>	<p>Subclause ‘o’ is very generic and needs greater specificity so people know what it means.</p> <p>It needs to be clear that greenwaste is not inadvertently captured by the definition, for</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Add greenwaste to the exclusion list in the definition so it is clear</p>

Provision	Reason	Decision Sought
	example inadvertently included as part of 'domestic waste'.	that this is not captured by the definition of 'specified materials'
Rule R12: Emergency power generators – permitted activity	Need to preserve the ability of large scale generators to be used accessibly because may be required in case of emergency when other electricity sources are damaged.	<b>Support</b>
<p>Ground-based and aerial applications Rule R36: Agrichemicals – permitted activity</p> <p>The discharge of <b>agrichemicals</b> into air or onto or into land where it may enter water is a permitted activity, provided the following conditions are met:</p> <p>For all applications excluding residential areas and hand-held/knapsack applications:</p> <p>(a) ..., and</p> <p>(b) the discharge shall be in accordance with the rate specified on the <b>agrichemical</b> product label or the manufacturer's instructions, and</p> <p>(c) the <b>agrichemical</b> is in accordance with the Hazardous Substances and New Organisms Act 1996, and</p> <p>(d) there is no aerial spraying in residential areas, and</p> <p>(e) there is no discharge into water or within a <b>community drinking water supply protection area</b>, and</p> <p>(f) the discharge shall be in accordance with <i>NZS 8409:2004 Management of Agrichemicals</i>, including:</p> <p>(i) [...]</p> <p>(g) the applicator, manager or owner of the <b>property</b> shall prepare a spray plan at least once per annum, and:</p> <p>(i) identify <b>sensitive areas</b> adjacent to where discharges of <b>agrichemical</b> shall occur in accordance with <i>NZS 8409:2004 Management of Agrichemicals: Section 5.3</i></p>	<p>Unclear how plant pests are to be effectively and practically controlled inside community drinking water supply protection area (eg prickly mooses, buddliar, barberry, gorse, tutu, blackberry). These areas will likely become infested with pest plants. More flexibility in such areas would have long term gains for the environmental outcomes achieved.</p> <p>Also very unclear what a 'public amenity area' is. This should be clearly identified as areas owned by local or central government and subject to a reserve or conservation status. This is to ensure the rule does not inadvertently include private land.</p> <p>The location of discharges 'adjacent' to a sensitive area is open to interpretation. For example, discharges on a property adjoining another with a dwelling located on it could be considered adjacent even if the dwelling is located a kilometre away from the discharge. For clarity the location should be clearer ie within 20 metres of a sensitive area.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Amend to ensure that pest plants are permitted to be controlled in community water supply protection areas.</p> <p>Amend what a 'public amenity area' is to ensure that it does not inadvertently include private land.</p> <p>Amend to specify the distance set back (eg 20 metres) for discharges adjoining (rather than adjacent to) a sensitive area.</p>

Provision	Reason	Decision Sought
<p>and Appendix M4, and</p> <ul style="list-style-type: none"> <li>(ii) notify adjacent neighbours that a spray plan is available on request at start of a spray season, or</li> <li>(iii) gain written agreement from adjoining neighbours that notification is not required, and</li> <li>(iv) supply a copy of the spray plan at least 24 hours prior to the discharge of <b>agric chemicals</b> to the owner/occupier of a <b>property</b> identified as a <b>sensitive area</b> or likely to be directly affected by the discharge, or requests a copy, and</li> </ul> <p>(h) for ground-based applications by a commercial applicato ...</p> <p>(i) for ground-based applications where the applicator is not a commercial applicator the applicator shall: ...</p> <p>(j) for aerial applications the applicator shall:...</p> <p>(k) all <b>agric chemicals</b> shall be securely contained ...</p> <p>(l) all mixing and application of <b>agric chemicals</b> shall be conducted in accordance with...</p> <p>(m) records are kept ...</p> <p>(n) in public amenity areas the applicator shall:</p> <ul style="list-style-type: none"> <li>(i) place signs in the immediate vicinity before spraying begins, and remain in place until the withholding or re-entry period, as specified on the product label, has expired, and</li> <li>(ii) alongside roadways, vehicles associated with spraying <b>agric chemicals</b> shall display prominent signs (front and back) advising that spraying is in progress, and</li> </ul> <p>(o) for discharges adjacent to a <b>sensitive area</b> ...</p>		
Chapter 2 Interpretation: 'Sensitive	It needs to be clear that private	We wish to have the



Provision	Reason	Decision Sought
<p><b>Area':</b> A <b>sensitive area</b> includes the following:</p> <p>(a) dwelling house, and</p> <p>(b) educational facilities, and</p> <p>(c) amenity areas and public places, and</p> <p>(d) <b>group drinking water supplies and community drinking water supply protection areas</b>, and</p> <p>(e) <b>surface water bodies and associated riparian vegetation</b>, and</p> <p>(f) non-target plants, crops, which are sensitive to <b>agricultural chemicals</b>, and</p> <p>(g) organically certified properties, e.g. Bio-Gro, and</p> <p>(h) <b>natural wetlands</b>, outstanding water bodies listed in Schedule A and ecosystems and habitats with significant indigenous biodiversity values listed in Schedule F.</p>	<p>land is not included in 'amenity areas' or 'public places'.</p> <p>Including 'associated riparian vegetation' is ambiguous about where this begins and ends. The inclusion of 'surface water bodies' is sufficient for the definition and intent of 'sensitive area'.</p> <p>Including 'natural wetland' is unnecessary given that this term covers wet areas and plants adapted to wet conditions (ie many parts of the western side of the Tararua Ranges).</p>	<p>specific provision <b>amended</b>.</p> <p>Exclude private land from amenity areas and public places.</p> <p>Delete from the definition of sensitive areas:</p> <ul style="list-style-type: none"> <li>• 'and associated riparian vegetation' and</li> <li>• 'natural wetlands'</li> </ul>
<p>Rule R37: Agricultural chemicals into water – permitted activity</p> <p>The discharge of <b>agricultural chemicals</b> into water is a permitted activity, provided the following conditions are met:</p> <p>(a) the <b>agricultural chemical</b> is approved by the Environmental Protection...</p> <p>(b) the discharge shall be in accordance with...</p> <p>(c) for ground-based applications the applicator shall hold either:</p> <p>(i) a current GROWSAFE® ...</p> <p>(ii) New Zealand Qualification...</p> <p>(d) for aerial applications the applicator shall hold either:</p> <p>(i) a Pilots' Agricultural Chemical Rating Certificate...</p> <p>(ii) the company...</p> <p>(e) the applicator shall notify:</p> <p>(i) every person taking water for potable supply within 1km downstream of the proposed discharge 12 hours before the discharge begins, and</p> <p>(ii) each resource consent holder for taking water from a <b>community drinking water supply protection area</b> downstream of the</p>	<p>Some waterbodies are ephemeral or flow underground rather than over land to other rivers. Should be an exception in these cases, particularly where the intensity of discharge is low.</p> <p>Add an exclusion where the discharge is to water where there is no surface water body that flows over land into a tributary of the community drinking water supply protection area.</p> <p>Impractical to notify every person taking water for potable supply within 1km downstream of the proposed discharge 12 hours before discharge begins. Provisions are, for example, impractical for people with dwellings and gardens in rural and urban areas. Just because the application may be of low intensity does not mean substance is not an agricultural chemical. Should be clearer about the level of intensity.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Amend so that it is clear the discharge of agricultural chemicals is to a surface water body that flows <u>over land</u> as part of a tributary or main water body (ie not water bodies that disappear underground and do not connect with the main river trunk).</p> <p>Limit notification to just the regional council and not all consent holders or all persons with potable water supply.</p> <p>Amend to ensure a 'public amenity area' does not inadvertently include private land.</p>

Provision	Reason	Decision Sought
<p>discharge one week before the discharge begins, and</p> <p>(f) in a public amenity area the applicator shall:</p> <p>(i) place signs in the immediate vicinity before spraying begins, and remain in place until the withholding or re-entry period as specified on the product label has expired, and</p> <p>(ii) alongside roadways, vehicles associated with spraying <b>agricultural</b> shall display prominent signs (front and back) advising that spraying is in progress.</p>	<p>Notification should only be to regional council not all consent holders 1km downstream regarding a community drinking water supply protection area.</p> <p>Unclear what a public amenity area is? This is not a defined term and therefore is ambiguous and more clarity is required.</p>	
<p><b>Rule R44: Pool and spa pool water – permitted activity</b></p> <p>The discharge of water into water, or onto or into land where it may enter water from a swimming pool, or spa pool, on a residential <b>property</b> is a permitted activity provided the following conditions are met:</p> <p>(a) the discharge is not into a site or habitat identified in Schedule A (outstanding water bodies), Schedule F1 (rivers/lakes), Schedule F3 (significant wetlands), or Schedule F4 (coastal sites), and</p> <p>(b) the discharge shall not contain any filter backwash water...</p> <p>(c) the swimming pool or spa pool is not covered, and has not been treated...</p> <p>(d) if the discharge enters fresh water...</p> <p>(e) the discharge shall not result in water or contaminants discharging onto another property.</p>	<p>Needs to be explicit that any individual property is permitted (re pools) not just residential properties. Cumulative effect of residential properties is likely to be greater than individual occurrences in rural areas.</p> <p>It is unclear what discharge into 'a site or habitat' means. There needs to be certainty and specificity as to the application of the rules.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Amend it to read 'an individual property' instead of 'a residential property'.</p> <p>Clarify that in relation to (a) it relates only to sites that are specifically mapped in the Proposed Regional Plan. It does not mean discharges on to land near a possible site/habitat or near a mapped site.</p>
<p><b>Stormwater</b></p> <p><b>Rule R48: Stormwater from an individual property – permitted activity</b></p> <p>The discharge of <b>stormwater</b> into water, or onto or into land where it may enter a <b>surface water body</b> or coastal water, from an individual <b>property</b> is a permitted activity, provided the following conditions are met:</p>	<p>The rule is unclear about locational matters. For example does it include the discharge from a culvert (as stormwater) at the headwaters of a river that flows downstream and enters a salt marsh at the mouth of the river many tens of kilometres away (eg in Schedule F3)? This would make the rule unworkable and it would</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Clarify that water travelling through culverts for the purposes of farm tracks is not stormwater.</p>

Provision	Reason	Decision Sought
<p>(a) the discharge is not into a site identified in Schedule A (outstanding water bodies), and</p> <p>(b) the discharge is not from, onto or into <b>contaminated land</b>, and</p> <p>(c) the discharge is not from a local authority <b>stormwater network</b>, a port, airport or state highway, and</p> <p>(d) the discharge shall not contain <b>wastewater</b>, and</p> <p>(e) the concentration of total suspended solids in the discharge shall not exceed:</p> <p>(iii) 50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule F1 (rivers/lakes), Schedule F3 (significant wetlands), or Schedule F4 (coastal sites), except when the background total suspended solids in the receiving water is greater than 50g/m<sup>3</sup>, in which case the decrease in water clarity after the <b>zone of reasonable mixing</b> shall not exceed 20%, or</p> <p>[...]</p>	<p>require greater specificity.</p> <p>It is unclear what discharge into ‘a site or habitat’ means. There needs to be certainty and specificity as to the application of the rules.</p>	<p>Clarify that in relation to (e)(i) it relates only to sites that are specifically mapped in the Proposed Regional Plan. It does not mean discharges on to land near a possible site/habitat or near a mapped site.</p>
<p>Rule R53: All other stormwater – discretionary activity</p> <p>The discharge of <b>stormwater</b> 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 Rules R51 or R52, is a discretionary activity.</p>	<p>There are potential unintended consequences from Rule 48. Similar comments in relation to that proposed rule are relevant to this rule.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Clarify that water travelling through culverts for the purposes of farm tracks is not ‘stormwater’.</p>
<p><b>Chapter 2 Interpretation:</b> ‘<b>stormwater</b>’: Runoff that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or runoff from the external surface of any structure, as a result of precipitation and including any contaminants contained therein.</p>	<p>Culverts are an important part of managing existing flow paths to maintain safe and stable farm tracks (not involving any other structure). The use of culverts in these circumstances is good practice and should not inadvertently be subject to additional regulation that may result in perverse impacts.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Clarify that water travelling through culverts for the purposes of farm tracks is not ‘stormwater’</p>
<p>All other discharges</p> <p>Rule R67: Discharges inside sites of significance – non-complying activity</p> <p>The discharge of water or</p>	<p>The use of ‘may’ is ambiguous. Water is fluid and any upstream discharge (whether expected or unexpected) ‘may’ enter a</p>	<p>We wish to have the specific provision <b>amended</b>.</p>

Provision	Reason	Decision Sought
<p>contaminants into water, or onto or into land where it may enter water:</p> <p>(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</p> <p>(b) that is not permitted by Rules R42, R43, R44 or R45</p> <p>is a non-complying activity.</p>	<p>downstream site or habitat listed in subclause (a). For example, Waikanae Saltmarsh is an outstanding water body so any water or contaminant 'may' enter that body from the residential, rural areas, including the treatment plant. Any time there is an unusual storm event it is possible discharges 'may' enter this system no matter how distant.</p>	<p>Amend to ensure more specificity about the circumstances of the discharge (eg scale, frequency, intensity and quality of contaminants by the time it leaves the property in which it is discharged and when it arrives at the site or habitat identified in various schedules).</p> <p>Improve drafting of rule as 'may' is inappropriate and creates ambiguity.</p> <p>Clarify that in relation to (a) it relates only to sites that are specifically mapped in the Proposed Regional Plan. It does not mean discharges on to land near a possible site/habitat or near a mapped site.</p>
<p>Rule R68: All other discharges – discretionary activity</p> <p>The discharge of water or contaminants into water, or onto or into land where it may enter water, that is not:</p> <p>(a) permitted by Rules R42, R43, R44 or R45, and</p> <p>(b) is not provided for by Rule R67 or any other rule in this Plan</p> <p>is a discretionary activity.</p>	<p>Similar reasons as raised for Rule 67</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Consequential amendments arising from the above.</p>
<p>1.1.2 Discharge of contaminants</p> <p>Rule R69: Minor contaminants – permitted activity</p> <p>The discharge of contaminants onto or into land that is not permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited under any other rule in this Plan is a permitted activity provided the following conditions are met:</p> <p>(a) the contaminant shall not enter water, and</p> <p>(b) the contaminant shall not cause an adverse effect beyond the boundary of the <b>property</b>, and</p>	<p>This rule appears to provide some practical permitted activities</p>	<p><b>Support</b></p>

Provision	Reason	Decision Sought
the contaminant is not a hazardous substance.		
<p>Rule R70: Cleanfill material – permitted activity</p> <p>The discharge of <b>cleanfill material</b> onto or into land is a permitted activity, provided the following conditions are met:</p> <p>(a) ...</p> <p>(b) ...</p> <p>(c) ...</p> <p>(d) ...</p> <p>(e) the volume of <b>cleanfill material</b> deposited at a <b>property</b> shall not exceed 100m<sup>3</sup>, and</p> <p>(f) the volume and origin of the <b>cleanfill material</b> and the date the material has been deposited on this <b>property</b>, 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>(g) the <b>cleanfill material</b> shall be <b>stabilised</b> and re-vegetated within six months...</p>	<p>Volume provisions relating to depositing cleanfill material duplicate provisions in district plans. It is unnecessary and does not directly address matters relating to the management of water quality.</p> <p>All properties within the region vary significantly in size and therefore the volume measure is an inappropriate method of managing adverse effects and other measures would achieve more appropriate outcomes.</p> <p>Where cleanfill is sourced from within the property then it is unnecessary for the volume and origin etc of the material to be recorded.</p>	<p>We wish to have the specific provision <b>amended</b>.</p> <p>Delete the subclause specifying a volume of 100m<sup>3</sup> (ie (e))</p> <p>In situations where the material is sourced and deposited within the same property, exempt the requirement (in (f)) to record cleanfill information</p>
<p>Rule R71: Pit latrine – permitted activity</p> <p>The discharge of domestic <b>wastewater</b> onto or into land and the associated discharge of odour from a new <b>pit latrine</b> is a permitted activity, provided that the following conditions are met:</p> <p>(a) the <b>pit latrine</b> is not located:</p> <p>(i) within 50m of a <b>surface water body</b>, coastal marine area, <b>gully</b>, or <b>bore</b> used for water abstraction for potable supply, or</p> <p>(ii) within a <b>community drinking water supply protection area</b> [...]</p>	<p>The definition of ‘gully’ is ambiguous and it does not give additional clarity to the rule, particularly given the specified set back from ‘surface water body’ etc is clear.</p>	<p>We wish to have the specific provision <b>amended</b>:</p> <ul style="list-style-type: none"> <li>• Delete reference to ‘gully’</li> <li>• This submission seeks better scaled mapping to show the ‘community drinking water supply protection area’ at a local level so it is clear where rules apply.</li> </ul>
<p>Rule R72: Composting toilets – permitted activity</p> <p>The discharge of domestic <b>wastewater</b> onto or into land and the associated discharge of odour from a <b>composting toilet</b> is a permitted activity, provided the following conditions are met:</p>	<p>It is appropriate to enable alternative methods of managing the discharge of domestic wastewater.</p> <p>The definition of ‘gully’ is ambiguous and it does not give</p>	<p><b>Support in part:</b></p> <p>We wish to amend subclause (c):</p> <ul style="list-style-type: none"> <li>• Delete ‘gully’</li> </ul>

Provision	Reason	Decision Sought
<p>(a) the discharge shall occur on the <b>property</b> where the <b>composting toilet</b> is located, and</p> <p>(b) the discharge has been aerobically composted for more than 12 months from the last addition of raw domestic <b>wastewater</b>, and</p> <p>(c) the discharge is not within 50m of a <b>surface water body</b>, the coastal marine area, <b>gully</b>, or <b>bore</b> used for water abstraction for potable supply, and</p> <p>(d) the discharge of odour is not offensive or objectionable beyond the boundary of the property.</p>	<p>additional clarity to the rule, particularly given the specified set back from 'surface water body' etc is clear.</p>	
<p>Rule R73: Greywater – permitted activity The discharge of <b>greywater</b> onto or into land and the associated discharge of odour is a permitted activity, provided the following conditions are met:</p> <p>(a) the discharge shall occur within the boundary of the <b>property</b>, and</p> <p>(b) the application rate of <b>greywater</b> shall not exceed a maximum daily volume of 2,000L, and</p> <p>(c) the discharge is not located within:</p> <p>(i) 20m of a <b>surface water body</b> or the coastal marine area, or <b>bore</b> used for water abstraction for potable supply, or</p> <p>(ii) 20m of the boundary of the <b>property</b>, unless the land application system consists of a pressure compensating drip irrigation system where the boundary set back is 5m, and</p> <p>(d) the discharge shall not pond on the surface of the ground...</p> <p>(e) the discharge of odour is not offensive ...</p>	<p>Enables alternative methods of managing the discharge of greywater</p>	<p><b>Support</b></p>
<p>Rule R74: Existing on-site wastewater systems – permitted activity The discharge of domestic <b>wastewater</b> onto or into land and the associated discharge of odour from an <b>on-site domestic wastewater treatment and discharge system</b> that</p>	<p>Maintenance needs to include entire replacement of all (or part) of the system where it provides the same or better wastewater treatment than currently exists. Otherwise if the system can not be</p>	<p>We wish to have the specific provision <b>amended:</b></p> <p>Permit replacement of the on-site domestic</p>

Provision	Reason	Decision Sought
<p>exists at the date of public notification of the Proposed Natural Resources Plan (31.07.2015) is a permitted activity provided the following conditions are met:</p> <p>(a) the <b>on-site domestic wastewater treatment and discharge system</b> has not been altered or modified from that established at the time the system was constructed, other than through routine maintenance or building consent approvals for the system or related changes to the connected dwelling, and</p> <p>(b) the volume of the discharge has not been increased beyond that approved as a result of the addition of buildings, an alteration of an existing building, or a change in use of a building that is connected to the system, and</p> <p>(c) the <b>on-site domestic wastewater treatment and discharge system</b> is:</p> <p>(i) operated and maintained in accordance with the system design specification for maintenance ...</p> <p>(ii) the system is performing effectively, ...</p> <p>(d) the volume of domestic <b>wastewater</b> to be discharged from any one system shall not exceed 1,300L/day (calculated as a weekly average), and</p> <p>(e) there is no direct discharge to groundwater, a <b>surface water body</b> or above ground level, and</p> <p>(f) the discharge of odour is not offensive or objectionable beyond the boundary of the <b>property</b>.</p>	<p>replaced then the outcome could be maintenance of lower quality systems as a way to avoid additional consenting requirements.</p>	<p>wastewater treatment and discharge system if it provides the same or better quality wastewater treatment discharges</p>
<p>Rule R75: New or upgraded on-site wastewater systems – permitted activity</p>	<p>The definition of ‘gully’ is ambiguous and it does not give additional clarity to the rule, particularly given the specified set back from ‘surface water body’ etc is clear.</p> <p>Replacement of an existing system in a community drinking water</p>	<p>We wish to have the specific provision <b>amended</b>:</p> <ul style="list-style-type: none"> <li>• Delete ‘gully’ from (e)(i)</li> <li>• Permit replacement of an existing system in a community</li> </ul>

Provision	Reason	Decision Sought
	<p>supply protection area that provides an appropriate level of wastewater treatment should be permitted. Otherwise if the system can not be replaced then the outcome could be maintenance of lower quality systems as a way to avoid additional consenting requirements.</p>	<p>drinking water supply protection area if it provides if it provides the appropriate level of wastewater treatment</p>
<p>Rule R76: New or upgraded on-site wastewater systems within community drinking water supply protection areas – controlled activity The discharge of domestic wastewater onto or into land and the associated discharge of odour from a new or upgraded on-site domestic wastewater treatment and discharge system within a community drinking water supply protection area that is not permitted by Rule R75 is a controlled activity provided the following conditions are met:</p> <p>(h) the discharge shall occur within the boundary of the <b>property</b>, and</p> <p>(i) the <b>on-site domestic wastewater treatment and discharge system</b> design shall meet the requirements...</p> <p>(j) the flow allowance used to calculate the system design flow must be no less than 145L per person per day...</p> <p>(k) the discharge shall consist only of contaminants normally associated with domestic sewage, and</p> <p>(l) the discharge is not located within:</p> <p>(i) 20m of a <b>surface water body</b>, coastal marine area, <b>gully</b> or <b>bore</b> used for water abstraction for potable supply, or</p> <p>(ii) 20m of the boundary of the <b>property</b> unless the land application system consists of a pressure compensating drip irrigation system where the boundary set-back is 5m, or</p> <p>(iii) 0.1m of the soil surface</p>	<p>As above, replacement of an existing system in a community drinking water supply protection area that provides the appropriate level of wastewater treatment than currently exists should be permitted. Otherwise if the system can not be replaced then the outcome could be maintenance of lower quality systems as a way to avoid additional consenting requirements.</p> <p>The definition of ‘gully’ is ambiguous and it does not give additional clarity to the rule, particularly given the specified set back from ‘surface water body’ etc is clear.</p>	<p>We wish to have the specific provision <b>amended</b>:</p> <ul style="list-style-type: none"> <li>• Delete ‘gully’</li> <li>• This submission seeks better scaled mapping to show the ‘community drinking water supply protection area’ at a local level so it is clear where rules apply</li> <li>• Permit replacement of an existing system in a community drinking water supply protection area if it provides the appropriate level of wastewater treatment</li> </ul>



Provision	Reason	Decision Sought
<p>unless it is covered permanently with a minimum of 0.1m of mulch or similar cover material, and</p> <p>(m) the <b>on-site domestic wastewater treatment and discharge system</b> is operated and maintained in accordance with the system design...</p> <p>(n) the discharge does not exceed 14,000L/week or a maximum daily volume of 2,000L, and</p> <p>(o) the system is performing effectively....</p> <p>(p) the <b>wastewater</b> is discharged evenly to the entire filtration surface of the discharge field...</p> <p>(q) the following reserve areas shall be provided:</p> <p>(i) for primary treatment systems using a discharge field basal loading rate...</p> <p>(ii) for pressure compensating drip irrigation systems, no reserve area is required, or</p> <p>(iii) for all other systems, the reserve area must be not less than 50% of the discharge field, and</p> <p>(r) the discharge of odour is not offensive or objectionable beyond the boundary of the <b>property</b>.</p> <p>Matters of control</p> <ol style="list-style-type: none"> <li>1. Type and concentration of the contaminants in the discharge, and effects on <b>community drinking water supply</b> water quality</li> <li>2. Travel time and path of contaminants from source to any <b>community drinking water supply</b> abstraction point</li> <li>3. Treatment, design, maintenance and frequency of monitoring and maintenance inspections</li> <li>4. Sampling of the discharge, on at least an annual basis, for biochemical oxygen demand, total suspended solids and <i>E.coli</i></li> <li>5. Risk of accident or an unforeseen event causing significant adverse effects on water quality</li> </ol>		
<p>Rule R77: Application of Aa biosolids to land – permitted activity</p>	<p>It is unclear to a lay person what aa, bb, and ba biosolids are. It is</p>	<p>We wish to have the specific provision</p>

Provision	Reason	Decision Sought
<p>Rule R78: Application of biosolids (Ab, Ba, or Bb) to land – restricted discretionary activity</p> <p>[These rules relate to community water supply protection areas]</p>	<p>important these are clear when rural landowners are often responsible for providing wastewater treatment on-site.</p> <p>This rule should not include wastewater treatment of domestic waste.</p>	<p><b>amended:</b></p> <p>Clarify the meaning of AA, Ab, Ba, and Bb biosolids so lay people know what they are.</p> <p>Exclude wastewater from domestic on-site treatment systems from these rules.</p>
<p><b>Treated wastewater</b></p> <p>Rule R79: Discharge of treated wastewater – controlled activity The discharge of treated <b>wastewater</b> onto or into land, and the associated discharge of odour is a controlled activity, provided the following conditions are met:</p> <p>(a) the discharge is not located within a <b>community drinking water supply protection area</b> as shown on Map 26, Map 27a, Map 27b, or Map 27c, and</p> <p>Rule R80: Discharge of treated wastewater – restricted discretionary activity The discharge of treated wastewater onto or into land, and the associated discharge of odour that does not meet the conditions of Rule R79 is a restricted discretionary activity provided the following conditions are met:</p> <p>Matters for discretion</p> <p>1. Effects on <b>community drinking water supply</b> water quality</p>	<p>There is no evidence that human effluent is affecting the quality of water in the Waikanae River water supply catchment and therefore it is inappropriate to impose additional consenting requirements for the treatment of wastewater in the ‘community drinking water supply protection area’.</p> <p>It would be more appropriate to set a quality standard for treatment of domestic wastewater, including discharges onto land, to enable systems of an appropriate standard in a community drinking water supply protection area (as is currently the case).</p> <p>Requiring a discretionary restricted consent is inappropriately restrictive where a wastewater treatment system meets or exceeds appropriate standards in a community drinking water supply protection area.</p> <p>It is also important to note that the district’s community water supply plant ensures pathogens are treated as part of the water supply.</p>	<p>We wish to have the specific provision <b>amended:</b></p> <p>Permit discharge of treated wastewater if it meets a certain standard within the community drinking water supply protection area. If such a standard is met it is inappropriate to require a consent subject to discretionary restricted activity status.</p> <p>Note this submission seeks better scaled mapping to show the ‘community drinking water supply protection area’ at a local level so it is clear where rules apply</p>
<p><b>Fertiliser and animal effluent</b></p> <p>Rule R82: Application of fertiliser from ground-based or aerial applications – permitted activity The discharge of <b>fertiliser</b> onto or into land or into air is a permitted activity, provided the following conditions are met:</p>	<p>This rule is practical. There are many small surface water bodies on the western side of the Tararua Range foothills. Every reasonable endeavour should be taken to ensure discharges are not onto or into a surface water body. There</p>	<p><b>Support in part:</b></p> <p>Insert in (a) the words: <u>every reasonable endeavour is made to ensure</u> the discharge is not onto or into a</p>

Provision	Reason	Decision Sought
<p>(a) the discharge is not onto or into a <b>surface water body</b> or beyond the boundary of the <b>property</b>...</p> <p>(b) the discharge of odour is not offensive or objectionable beyond the boundary...</p> <p>(c) for aerial discharges, the pilot shall record details of...</p>	<p>remains a low risk that due to ephemeral water bodies some discharges may find there way into a surface water body as a result.</p>	<p>surface water body...</p>
<p>Rule R83: Discharge of collected animal effluent onto or into land – controlled activity</p> <p>The discharge of collected animal effluent, including sludge, onto or into land and the associated discharge of odour from:</p> <p>(a) dairy farms,</p> <p>(b) piggeries,</p> <p>(c) poultry farms,</p> <p>(d) other premises involving the concentration of animals in a confined area</p> <p>is a controlled activity, provided the following conditions are met:</p> <p>(e) the discharge is not located within:</p> <p>(i) 20m of a <b>surface water body</b>, the coastal marine area, or <b>bore</b> used for water abstraction for potable supply, or</p> <p>(ii) 20m of the boundary of the <b>property</b>, or</p> <p>(iii) a <b>community drinking water supply protection area</b> as shown on Map 26, Map 27a, Map 27b or Map 27c, and</p> <p>(f) the discharge shall not pond on the surface of the ground or runoff from the discharge area, and</p> <p>(g) the animal effluent collection, storage and treatment facilities (including, sumps and ponds) are sealed. The permeability of the sealing layer shall not exceed 1x10<sup>-9</sup> m/s, and</p> <p>(h) the capacity of the animal effluent storage and treatment facilities (including sumps and ponds) shall be sufficient to provide for deferred irrigation when the field capacity of the soil is exceeded, and</p> <p>(i) the discharge of odour is not offensive or objectionable beyond the boundary of the property.</p>	<p>This rule does not appropriately address scale, frequency and intensity.</p> <p>It is excessive to require sealing of the ground under woolsheds, given the short period that sheep are concentrated in that confined area. The cost of this provision is excessive, and the outcomes achieved in relation to a woolshed are extremely unclear.</p> <p>Our interpretation is that (given the definition of animal effluent) this could mean putting sheep manure from the woolshed in the rose garden (if it is in a community drinking water supply protection area) is not permitted. This appears to be excessive and unnecessary regulation.</p>	<p>We wish to have the specific provision <b>amended</b>:</p> <ul style="list-style-type: none"> <li>• Clarify in subclause (d) that it involves the concentration of animals in a confined area at intervals of high frequency or for extended periods</li> <li>• Clarify that woolsheds are excluded</li> <li>• Permit the use of manure on gardens in community drinking water supply protection area</li> </ul>

Provision	Reason	Decision Sought
<p><b>Chapter 2 Interpretation: Animal Effluent:</b> Dry or wet, liquid, solid or semi-solid, treated or untreated faeces and urine from animals other than humans, including associated process water, washdown water, contaminants and sludge.</p>		
<p>Rule R85: Application of compost to land – permitted activity The discharge of <b>compost</b> onto or into land, and the associated discharge of odour, is a permitted activity provided the following conditions are met:...</p> <p><b>Chapter 2 Interpretation: Compost:</b> Any combination of solid or semi-solid vegetable and animal waste that has fully decomposed and matured to a stabilised product. For the purposes of the Plan, compost does not contain human sewage, dead animals or animal parts.</p> <p>Rule R86: Application of compost to land – restricted discretionary activity The application of <b>compost</b> onto or into land and the associated discharge of odour into air that is not permitted by Rule R85 is a restricted discretionary activity.</p>	<p>It is unclear whether sheep manure is considered compost. It would be practical if manure that is used to fertilise gardens is provided for as a permitted activity even in a community drinking water supply protection area.</p>	<p>We wish to have the specific provision <b>amended:</b></p> <p>For the avoidance of doubt clarify that sheep manure is a stabilised produce.</p>
<p><b>Vertebrate toxic agents</b> Rule R87: Land-based discharge of vertebrate toxic agents – permitted activity The discharge of <b>vertebrate toxic agents</b> onto or into land via land-based methods is a permitted activity, provided the following conditions are met:...</p> <p>Rule R88: Aerial application of vertebrate toxic agents – controlled activity The discharge of a <b>vertebrate toxic agent</b> onto or into land and where it may enter water by aerial application is a controlled activity, provided the following conditions are met:</p>	<p>Need to be able to carry use vertebrate toxic agents to ensure appropriate stewardship of the land and bush</p>	<p><b>Support</b></p>
<p><b>Refuse, silage and compost</b> Rule R89: Farm refuse dumps – permitted activity The discharge of contaminants onto or into land, and the associated discharge of odour, from a new <b>farm</b></p>	<p>This rule does not appear to enable the disposal of household compost scraps into your garden, or green waste into a pile, if you are in a community drinking water supply</p>	<p>We wish to have the specific provision <b>amended:</b></p> <p>Permit waste materials</p>

Provision	Reason	Decision Sought
<p>refuse dump is a permitted activity, provided the following conditions are met:</p> <p>...</p> <p>(d) the farm refuse dump is not located within: [...]</p> <p style="padding-left: 40px;">(iii) a community drinking water supply protection area as shown on Map 26, Map 27a, Map 27b, or Map 27c, and</p> <p><b>Chapter 2 Interpretation: 'Farm refuse dump':</b> A disposal site located on a property used to dispose of household and/or farm waste generated on that property.</p>	<p>protection area.</p> <p>This appears to be excessive regulation for normal day-to-day activities.</p> <p>Provision should allow for waste that is generated onsite to be disposed of onsite.</p>	<p>generated onsite to be disposed of onsite. This would allow appropriate every day activities, such as disposal of household compost and greenwaste, to occur within a community drinking water supply protection area.</p>
<p>Rule R91: Offal pit – permitted activity</p> <p>The discharge of contaminants onto or into land, and the associated discharge of odour, from a new <b>offal pit</b> is a permitted activity, provided that the following conditions are met...</p> <p>(a) the <b>offal pit</b> shall only contain dead animal matter from the <b>property</b>...</p> <p>(b) the <b>offal pit</b> shall not be located within:</p> <p style="padding-left: 20px;">(i) 50m of a <b>surface water body</b>, coastal marine area, <b>gully</b>, or <b>bore</b> used for water abstraction for potable supply, and</p> <p style="padding-left: 20px;">(ii) an area prone to flooding or ponding, and</p> <p>(c) the <b>offal pit</b> shall be located in silty or clay soils, and</p> <p>(d) the bottom of the <b>offal pit</b> is 0.6m above the seasonally highest water table, and</p> <p>(e) <b>stormwater</b> is prevented from entering the <b>offal pit</b>, and</p> <p>(f) the location is recorded, by GPS or mapped to an accuracy of at least 50m at a scale of 1:50,000; and... available to the Wellington Regional Council upon request, and</p> <p>(g) the <b>offal pit</b> is re-contoured and re-vegetated... within six months of completion.</p> <p>(h) the discharge of odour is not offensive...</p>	<p>The definition of 'gully' is ambiguous and it does not give additional clarity to the rule, particularly given the specified set back from 'surface water body' etc is clear.</p> <p>Not all properties contain silty or clay soils and other soil types can accommodate offal pits. Soil or clay should not be the limiting factor on whether an offal pit is permitted.</p> <p>It is unclear how the Regional Council anticipates dead carcasses will be disposed of where it is not a permitted activity.</p>	<p>We wish to have the specific provision amended:</p> <ul style="list-style-type: none"> <li>• Delete 'gully'</li> <li>• Delete subclause (c) that limits the offal pit to two soil types</li> </ul>

Provision	Reason	Decision Sought
<p><b>All other discharges</b>  <b>Rule 92: All discharges to land within community drinking water supply protection areas – restricted discretionary activity</b>  The discharge of a contaminant onto or into land that occurs within a community drinking water supply protection area, and is not permitted under Rules R71, R75, R77, R78 or R89 is a restricted discretionary activity provided the following conditions are met:</p> <p>...  Matters for discretion  1.           <b>Effects on community drinking water supply water quality</b></p>	<p>The provision of community drinking water supply protection areas is a very specific matter. Therefore it is appropriate for discretion to be restricted.</p> <p>Note, some proposed rules (which we have submitted on) appear to make simple activities, like putting manure around roses, a very regulated activity. There are likely to be unanticipated activities that will now require consent that were previously common place in these areas. Restrictions should therefore apply to the discretion of council.</p>	<p><b>Support in part:</b></p> <p>The application of discretionary restricted activity status – this does not limit the scope of this submission on other rules where relief has been sought and consequential amendments are anticipated</p>
<p><b>Livestock exclusion</b>  <b>Rule R97: Access to the beds of surface water bodies by livestock – permitted activity</b>  The use of land for access by <b>livestock</b> to the bed, including banks, and the disturbance of the bed and banks and the discharge of associated sediment and excreta to a <b>surface water body</b> is a permitted activity, provided the following conditions are met:</p> <p>(i) the access does not result in significant pugging of the bed (including the banks) of a lake or river other than at a <b>stock crossing point</b>, and</p> <p>(j) the access does not cause a conspicuous change in colour or visual clarity within a site with significant <b>mana whenua</b> values identified in Schedule C (mana whenua), and</p> <p>(k) the access does not cause a conspicuous change in colour or visual clarity beyond the <b>zone of reasonable mixing</b> in all other locations, and</p> <p>(l) from seven years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015), access by cattle (including <b>dairy cows</b>), farmed deer and farmed pigs within <b>Category 2 surface water bodies</b>, and <b>dairy cows</b> within rivers that have an active bed width of 1m</p>	<p>Only allowing stock access every two months reduces the ability to carry out appropriate stewardship of land (ie the proposed rule creates the potential of increasing intensity of land use in one location rather than enabling stock to be moved from one area to another).</p> <p>Only allowing stock access every two months creates health and safety issues for livestock (for example if there is insufficient food or water availability).</p> <p>It is a very large expense to fence (as the likely method) extensive areas of surface water bodies. Where there are extensive areas to fence on a small property, a longer period should be provided due to the economic burden of doing this. Additional transition methods may assist for example providing alternative stock water supply.</p>	<p>We wish to have the specific provision <b>amended:</b></p> <p>Delete the two month restriction (in subclause (d)(v))</p> <p>Provide substantially longer periods to limit stock access for areas where there are long stretches of surface water bodies relative to property size. Extend the period by including transition methods, for example, provision of alternative stock water supply could be a transition method</p>

Provision	Reason	Decision Sought
<p>or wider can occur where:</p> <ul style="list-style-type: none"> <li>(i) there is no flowing or ponded water within the bed at the time and location of the access, and</li> <li>(ii) other than at a <b>stock crossing point</b> the access does not result in significant pugging of the bed (including the banks) of a lake or river,</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(iii) there is flowing or ponded water within the bed, and the access is only for the purpose of crossing at a <b>stock crossing point</b>, and</li> <li>(iv) the <b>stock crossing point</b> is associated with a maintained access track, and</li> <li>(v) the access for the purpose of crossing at a <b>stock crossing point</b> occurs no more than twice in any month, and</li> <li>(vi) the <b>livestock</b> are actively crossing,</li> </ul> <p>and</p> <p>(m) from three years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015):</p> <ul style="list-style-type: none"> <li>(i) within a <b>significant natural wetland</b> listed in Schedule F3 (significant wetlands) <b>livestock</b> access is limited to sheep, and</li> <li>(ii) with the exception of (vii) above, there is no <b>livestock</b> access within <b>Category 1 surface water bodies</b>.</li> </ul>		
<p>Rule R98: Livestock access to the beds of surface water bodies – discretionary activity</p> <p>The use of land for access by any livestock to the bed (including the banks), and the disturbance of the bed and discharge of sediment and excreta to a surface water body that is not permitted by Rule R97, is a discretionary activity.</p>	<p>This seems to impact properties where livestock such as goats, lama, alpaca, horses, and donkeys could access the bed of surface water bodies but would not be permitted by this rule to do so.</p> <p>This rule seems excessive in situations where the scale and intensity of livestock is likely to be</p>	<p>We wish to have the specific provision <b>amended</b>:</p> <p>There needs to be a scale and intensity threshold under which livestock are permitted to access the bed of surface water bodies (for</p>

Provision	Reason	Decision Sought
	very low and impacts on water bodies negligible.	example on low intensity farms, lifestyle blocks, or residential properties).
<p><b>Earthworks and vegetation clearance</b>  <b>Rule R99: Earthworks– permitted activity</b>  The use of land, and the discharge of <b>stormwater</b> into water or onto or into land where it may enter water from <b>earthworks</b> of a contiguous area up to 3,000m<sup>2</sup> per <b>property</b> per 12 month period is a permitted activity, provided the following conditions are met:</p> <p>(a) soil or debris from <b>earthworks</b> is not placed where it can enter a <b>surface water body</b> or the coastal marine area, and</p> <p>(b) <b>earthworks</b> will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the <b>property</b> where the <b>earthworks</b> occurs, and</p> <p>(c) work areas are <b>stabilised</b> within six months after the completion of the <b>earthworks</b>.</p> <p>(d) any <b>earthworks</b> shall not, after the <b>zone of reasonable mixing</b>, result in any of the following effects in receiving waters:</p> <p>(i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or</p> <p>(ii) any conspicuous change in colour or visual clarity, or</p> <p>(iii) any emission of objectionable odour, or</p> <p>(iv) the rendering of fresh water unsuitable for consumption by animals, or</p> <p>(v) any significant adverse effect on aquatic life.</p>	<p>Farm tracks are a necessary part of sustainably managing natural and physical resources and to provide for people’s health and safety. They provide for safe access, and enable appropriate stewardship of livestock and forestry.</p> <p>The volume permits earthworks of only 3,000m<sup>2</sup>. Earthworks associated with constructing and maintaining farm tracks should be excluded from the volume restriction.</p> <p>There is no evidence that earthworks on the western side of the Tararua Ranges is causing adverse effects on water quality in the Waikanae River catchment.</p>	<p>We wish to have the specific provision <b>amended</b>:</p> <p>Exclude earthworks to construct and maintain farm tracks from the volume restriction to ensure such works are permitted as part of the sustainable management of natural and physical resources.</p>
<p><b>Chapter 2 Interpretation: ‘Erosion prone land’</b> The pre-existing slope of the land exceeds 20 degrees.</p>	<p>The former Area 2 definition associated with erosion prone land in the Regional Soil Plan provided for a slope greater than 28 degrees. This is relevant on the west coast where the landform differs quite significantly to the east coast of the region.</p>	<p>We wish to have the specific provision <b>amended</b>:</p> <p>Reinstate the slope of greater than 28 degrees for erosion prone land (for the west of the</p>



Provision	Reason	Decision Sought
	<p>It is unclear what evidence there is that has identified any deterioration in the environment on the west coast north of Pukerua Bay (as per Area 2 definition) to warrant such a significant change in the definition of erosion prone land (and hence slope).</p>	<p>region) as per the former Area 2 definition in the Regional Soil Plan (given the lack of evidence to move to a slope of 20 degrees).</p>
<p>Rule R100: Vegetation clearance on erosion prone land – permitted activity</p> <p>The use of land, and the discharge of <b>stormwater</b> into water or onto or into land where it may enter water from <b>vegetation clearance</b> of a contiguous area up to 2ha per <b>property</b> per 12 month period on <b>erosion prone land</b> is a permitted activity, provided the following conditions are met:</p> <p>(e) any soil or debris from the <b>vegetation clearance</b> is not placed where it can enter a <b>surface water body</b> or the coastal marine area, and</p> <p>(f) any soil disturbances associated with the <b>vegetation clearance</b> shall not after the <b>zone of reasonable mixing</b>, result in any of the following effects in receiving waters:</p> <p>(i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or</p> <p>(ii) any conspicuous change in colour or visual clarity, or</p> <p>(iii) any emission of objectionable odour, or</p> <p>(iv) the rendering of fresh water unsuitable for consumption by animals, or</p> <p>(v) any significant adverse effect on aquatic life.</p>	<p>Refer to submission comments made on the definition of ‘erosion prone land’.</p> <p>The controls on the use of land for vegetation clearance is not aligned with the Kapiti Coast District Plan (both operative and proposed) which permits greater areas of forestry harvest (ie vegetation clearance) as a permitted activity.</p> <p>The 2 hectare restriction in combination with the significant change in defining ‘erosion prone land’ creates excessive regulation and applies irrespective of the proximity of any waterways.</p> <p>There does not appear to be evidence that there are adverse effects relating to the waterbodies west of the Tararua Ranges arising from vegetation clearance.</p>	<p>We wish to have the specific provision <b>amended</b>:</p> <p>Remove the hectare restrictions for vegetation clearance as this is already covered in district plans. If it is not already covered in all district plans then align the rule to the permitted area for forestry harvest in the Kapiti Coast District Plans (ie 10 hectares).</p>
<p><b>Plantation forestry</b></p> <p>Rule R102: Plantation forestry harvesting on erosion prone land – permitted activity</p> <p>The use of land, and the discharge of <b>stormwater</b> into water or onto or into land where it may enter water from</p>	<p>Lifestyle blocks often have woodlots that from time to time require harvesting but are not of a scale that would require the detailed harvest plan as for larger operations. The Regional Plan</p>	<p>We wish to have the specific provision <b>amended</b>:</p> <p>Permit plantation forestry harvesting if it is</p>

Provision	Reason	Decision Sought
<p><b>plantation forestry harvesting on erosion prone land</b> is a permitted activity, provided the following conditions are met:</p> <p>(g) a harvest plan shall be prepared in accordance with Schedule O (forestry plan) and submitted to the Wellington Regional Council...</p> <p>(h) disturbed vegetation or soil is not placed where it can dam or divert a <b>surface water body</b>, and</p> <p>(i) slash is removed from a <b>surface water body</b> where it is blocking river flow or is diverting...</p> <p>(j) work areas are effectively revegetated within 18 months ...</p> <p>(k) any <b>earthworks</b> associated with <b>plantation forestry harvesting</b> shall not, after the zone of reasonable mixing...</p> <p>...</p>	<p>should enable and encourage these types of woodlots and enable harvest subject to basic standards to maintain water quality.</p> <p>The Kapiti Coast District Council permits 10 hectares to be harvested and it would be appropriate to align the plans.</p>	<p>less than 10 hectares in area without submitting a harvest plan given the small scale of operation that is involved.</p>
<p>Rule R103: Plantation forestry harvesting – controlled activity</p>	<p>Wish to ensure that plantation forestry provisions are not duplicated between district and regional plans</p>	<p>Support in part</p>
<p>Rule R105: Planting and pest plant control in natural wetlands, significant natural wetlands and outstanding natural wetlands – permitted activity</p> <p>The deliberate introduction or planting of a plant, and the removal or control of pest plants in the bed of a <b>natural wetland, significant natural wetland, or outstanding natural wetland</b> including any associated:</p> <p>(a) disturbance of a river or lake bed, or foreshore or seabed, that forms part of a <b>natural wetland</b>, and</p> <p>(b) deposition in, on, or under a river or lake bed, or foreshore or seabed, that forms part of a <b>natural wetland</b>, and</p> <p>(c) damage to part of the foreshore or seabed that forms part of a <b>natural wetland</b>, and</p> <p>(d) diversion of water, and</p> <p>(e) discharge of sediment to water</p> <p>is a permitted activity provided the following conditions are met:</p> <p>(l) only appropriate indigenous wetland species are deliberately</p>	<p>There will be circumstances where it is not appropriate, for health and safety or practical reasons, that only hand-held machinery is used in any area of a 'natural wetland' particularly for spraying pest plants.</p> <p>The strong risk is that people involved in restoring or actively managing natural wetlands will not spray pest plants impacting on the long term viability of these systems.</p> <p>For example, as you drive around the farm on your tractor spraying pest plants, you would have to avoid natural wetland areas. It is unlikely in natural wetland areas, which are not significant, that plant pest control would therefore occur. It is clear that pest plant management is important. Areas like the west coast of the South Island have become very infested</p>	<p>We wish to have the specific provision <b>amended</b>:</p> <p>Amend the subclause to read 'only hand-held machinery is used in any area of significant natural wetland, or outstanding natural wetland'</p> <p>Or alternatively delete the subclause: 'only hand-held machinery is used in any area of the wetland, and'</p>

Provision	Reason	Decision Sought
<p>introduced or planted, and</p> <p>(m) only appropriate pest plant species are deliberately removed or controlled, and</p> <p>(n) only <b>agricultural</b> approved by the Environmental Protection Authority are used, and</p> <p>(o) <b>agricultural</b> are not applied by aerial spraying, and</p> <p>(p) only hand-held machinery is used in any area of the <b>wetland</b>, and</p> <p>(q) the activity shall comply with the wetland general conditions for activities in <b>natural wetlands, significant natural wetlands and outstanding natural wetlands</b> specified above in Section 5.5.2.</p>	<p>by gorse. That is a likely outcome.</p> <p>Allowing more flexibility in the method of pest plant control is likely to have a greater long term gain to the environmental quality.</p>	
<p>Rule R106: 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 <b>natural wetland, significant natural wetland or outstanding natural wetland</b> 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 <b>restoration management plan</b>.</p> <p>Matters of control</p> <p>...</p> <p>Notification</p> <p>In respect of Rule R106, applications are precluded from public notification (unless special circumstances apply).</p> <p>Waiver of consent fees</p> <p>To encourage and support the <b>restoration</b> of wetlands, the Wellington Regional Council will waive resource consent fees issued for this rule at its discretion.</p>	<p>As noted in respect of rule R105, there will be circumstances where it is necessary to use methods other than hand held methods as the way to control pest plants, but because of the constraints in rule R105 it is not permitted. This will lead to adverse effects as it will create a perverse incentive not to control pest plants.</p> <p>Rule R106 adds additional approval processes to standard management practices for managing pest plants. The cost of developing "Restoration management plans shall be prepared by or with Wellington Regional Council, or for the Council by a person with the appropriate professional qualifications, and approved by a General Manager at Wellington Regional Council" as required by Schedule 43a (cross referenced in the definition of 'restoration management plan') will dissuade individual landowners from carrying out these activities.</p>	<p>We wish to have the specific provision <b>amended</b>:</p> <p>Remove requirement for the restoration management plan to be approved by Council and allow other parties to endorse the plans such as Queen Elizabeth II Trust, Department of Conservation, Iwi authorities of the rohe (if they wish), suitably qualified Ecologists, relevant district councils, or other relevant parties.</p>
<p>Rule R121: Maintenance of drains – permitted activity</p> <p>The removal of vegetation or bed material and associated sediment from any farm <b>drain</b>, or any <b>highly modified river or stream</b>, including</p>	<p>These provisions are overly complex, do not appear to be practical and therefore create ineffective regulation. It is unclear what outcome is being sought by</p>	<p>We wish to have the specific provision <b>amended</b>:</p> <p>Delete the provisions or</p>

Provision	Reason	Decision Sought
<p>any associated: [...]</p> <p>(j) two years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015), where the activity involves the mechanical clearance of a <b>drain</b>, either:</p> <p>(i) only one side of the <b>drain</b> shall be cleared at any one time, and the other side of the <b>drain</b> may only be cleared three months following completion of the initial works, or</p> <p>(ii) only the middle of the <b>drain</b> shall be cleared, and an uncleared margin of at least 30% of the width of the <b>drain</b>, but no less than 0.3m, shall be left uncleared on each side of the <b>drain</b>, and</p>	<p>the provisions.</p>	<p>amend them to be practical in application.</p> <p>We recommend it would be appropriate to workshop these provisions with people who would be carrying out the activity.</p>
<p>Rule R122: Removing vegetation – permitted activity The trimming or removal of vegetation (including weeds) from the bed of any river or lake, and any associated sediment or bed material attached to the roots of the vegetation being removed, [...] is a permitted activity, provided the following conditions are met: [...]</p> <p>(f) if mechanically clearing aquatic vegetation from an area of river or lake bed covered in water, the machinery must use a weed bucket with a curved flat base and a slatted back that permits the easy drainage of water and fish, and</p> <p>(g) any fish (except pest species) and koura removed from the river or lake bed during works shall be returned to the river or lake as soon as practicable, and no later than one hour after removal, and [...]</p> <p>(l) where the activity involves the</p>	<p>The conditions specified in (f), (g), (l) and (m) read as best practice intentions rather than conditions that need to be specified in a rule.</p> <p>The conditions do not appear to be practical and need to be simplified.</p>	<p>We wish to have the specific provision <b>amended</b>:</p> <p>Amend conditions (f), (g), (l) and (m)</p> <p>We recommend it would be appropriate to workshop these provisions with people who would be carrying out the activity</p>

Provision	Reason	Decision Sought
<p>mechanical clearance of aquatic vegetation from a river, either:...</p> <p>(m) any clearance works in the bed of a river or lake shall not remove any woody debris with a diameter greater than 0.2m unless it is causing, or has the potential to cause a flood or erosion threat, or a threat to infrastructure</p>		
<p>Rule R124: Entry or passage over bed (excluding livestock access) – permitted activity</p> <p>The entry or passage across the bed of a river or lake that is not associated with any use of the river or lake bed specified in Rules R112 to R123, which is not for the purpose of <b>livestock</b> access covered by Rules R97 and R98 is a permitted activity provided the following condition is met:</p> <p>(a) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except if the entry or passage is associated with an activity with an <b>existing resource consent</b> granted prior to the date of public notification of the Proposed Natural Resources Plan (31.07.2015).</p>	<p>Access to beds of a river are necessary for the sustainable management of natural and physical resources</p>	<p><b>Support</b></p>



Proposed Natural Resources Plan:

Submitter:

**Andrew McIntyre**

Submitter Number:

**S153**





**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

**Your details**

Full name: Andrew James Alan McIntyre

Organisation name: \_\_\_\_\_  
 (If applicable)

Address for Service: 20 Arawa Street  
Raumati Beach  
Paraparaumu 5032

Telephone no's: Work: \_\_\_\_\_ Home: 04 904 8338 Cell: \_\_\_\_\_

Contact person: Andrew McIntyre

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: andy@seaside.co.nz

**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): Whole Plan	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input checked="" type="checkbox"/> I <b>oppose</b> the provision <input checked="" type="checkbox"/> I wish to have the specific provision <b>amended</b>
	Reasons for my submission: →	The Proposed Natural Resources Plan fails to implement the provisions of the New Zealand Coastal Policy Statement, 2010, and shows scant regard for the provisions of that Statement.
	I seek the following decision from WRC (give precise details): →	Ensure that the Proposed Natural Resources Plan implements the provisions of the New Zealand Coastal Policy Statement, 2010.

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): Whole Plan	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	The provisions of the Proposed Natural Resources Plan are at odds with the Resource Management Act, 1991.
	I seek the following decision from WRC (give precise details): →	Ensure the provisions of the Proposed Natural Resources Plan comply with the Resource Management Act, 1991.

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): Whole Plan	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	Failure to address a range of matters pertaining to the coastal environment in accordance with statute.
	I seek the following decision from WRC (give precise details): →	Develop and include an over-arching objective to prevent the plan inadvertently preventing activities which might otherwise be contemplated by the New Zealand Coastal Policy Statement.

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): Whole Plan	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	Definition of "risk" in the Proposed Natural Resources Plan is obsolete, and at odds with statute
	I seek the following decision from WRC (give precise details): →	Re-define "risk" so that the definition complies with statute and with AS/NZS ISO 31000:2009.

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: Andrew McIntyre

Date: September 25th, 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.

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): Whole Plan	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	The Proposed Natural Resources Plan fails to incorporate the principles of AS/NZS ISO 31000:2009.
	I seek the following decision from WRC (give precise details): →	Modify the plan to ensure that uncertainty is fully reported, and that precautionary assumptions based upon "professional judgement" are avoided.

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): Whole Plan	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	Inconsistent use of coastal icon.
	I seek the following decision from WRC (give precise details): →	Clarify the meaning of the coastal icon, and use it consistently throughout the plan.

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): Whole Plan	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	Inconsistent language, wording, and definitions.
	I seek the following decision from WRC (give precise details): →	Review the plan to ensure all terms, and combinations of terms are used consistently and appropriately.

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): Chapter 3 (all)	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	Does not adequately address coastal hazard mitigation, especially in areas of significant existing development.
	I seek the following decision from WRC (give precise details): →	Revise Chapter 3 to appropriately enable and address coastal hazard mitigation activities, including protection works.

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): Policy P3	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	Unreasonable level of caution, lack of clarity, and possibility of social and economic harm because of this excessive level of caution.
	I seek the following decision from WRC (give precise details): →	Make it clear that the precautionary principle does not apply to risk assessment.



**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

**Your details**

Full name: \_\_\_\_\_

Organisation name:  
 (If applicable) \_\_\_\_\_

Address for Service: \_\_\_\_\_

Telephone no's:      Work:      Home:      Cell:

Contact person: \_\_\_\_\_

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: \_\_\_\_\_

**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):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input checked="" type="checkbox"/> I <b>oppose</b> the provision <input checked="" type="checkbox"/> I wish to have the specific provision <b>amended</b>
	Reasons for my submission: →	he Proposed Natural Resources Plan fails to implement the provisions of the New Zealand Coastal Policy Statement, 2010, and shows scant regard for the provisions of that Statement.

	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" 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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" 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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	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: \_\_\_\_\_

Date: \_\_\_\_\_

[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.

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):	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" 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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" 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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" 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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" 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:

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



	→	
--	---	--



Proposed Natural Resources Plan:

Submitter:

**Kevin Tearney**

Submitter Number:

**S154**



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

Or email: regionalplan@gw.govt.nz

**Your details**

Full name: Kevin Tearney  
 Organisation name: (If applicable) Personal submission. Not necessarily the view of my employer, AECOM NZ Ltd  
 Address for Service: 1 Simia Crescent Khandallah Wellington 6035

Telephone no's: Work: 04 896 6035 Home: Cell: 029 496 3765

Contact person: Kevin Tearney

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: kevin.tearney@aecom.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):	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
5.4.6 Rule 146 Geotechnical investigation bore	Reasons for my submission: →	Chapter 2 page 23 defines a geotechnical investigation bore as ...'Any bore constructed to provide information about soil, sediment and rock.' Rule 146 allows construction of a geotechnical investigation bore as a permitted activity subject to conditions (a) to (d). Geotechnical bores are also often used to provide information on groundwater levels and sometimes quality. The definition does not include the collection of information on groundwater. The definition also does not include groundwater monitoring bore construction, intended primarily to provide information of groundwater quality, common for contaminated land investigations. It appears that construction of groundwater monitoring bores and geotechnical bores used

		for collecting groundwater information would not fall into the permitted activity category. These activities should be included under Rule 146 which should also allow for the development and sampling from the bores for testing of groundwater quality.
	I seek the following decision from WRC (give precise details): →	Groundwater monitoring bore construction, development and sampling should be included in the definition of geotechnical bore construction and included under Rule 146 which should also allow for the development and sampling from the bores for testing of groundwater quality.

**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):  Chapter 2, page 21 definition of contaminated land	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil) Regulations 2011 (NESCS) uses terms to define contaminated land based on HAIL activities 'being, has been or more likely than not' undertaken on a 'piece of land'. The 'piece of land' concept allows consideration of that part of a site subject to contaminating activities to be subject to controls, as opposed to legal parcel or general site which have large part unaffected by contamination.
	I seek the following decision from WRC (give precise details): →	I suggest that the definition of contaminated land be aligned with the NESCS so that consideration can be given to a 'piece of land' when considering if an activity is going to take place on a contaminated site.

**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):  Section 5.2.4 Contaminated Land Rule R54	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	<p>Rule R54, which is permitted activity rule, appears to cover the investigation of hazardous substances in soil and discharges to air only. It does not appear to cover investigations of groundwater quality although Rule R55 seems to suggest that it does.</p> <p>It requires a copy of an assessment report to be provided to Council 'two months after completion of the assessment' Two months is precise and for example would not allow an assessment to be submitted 6 weeks following the assessment.</p> <p>I note that for most PA activities under the NESCS including soil sampling for what ever purpose, there is no requirement to issue a report to the City/District Council.</p> <p>I note that the MfE guidance documents stated under (a) and (b) are dated (ie 2011) and that the Guideline No.5 is currently undergoing update.</p> <p>I note also that Guideline No.5 does not specially address the assessment of contamination discharges to air.</p> <p>Rule R54 is referenced in Rule R146. R146 covers geotechnical investigation boreholes which are defined as intended to investigate soil, sediment and rock.</p> <p>No information is provided about how the Council will manage the information provided; e.g will Council review reports, assess quality and provide feedback or sign off.</p> <p>Potential for poor quality information to be entered into Council data systems if quality control is lacking.</p>
	I seek the following decision from WRC (give precise details): →	<p>I suggest wording such as 'within 3 months of completion of the assessment'</p> <p>I suggest Council set out how Council will manage the information</p> <p>I suggest that documents be referenced such as 'the current edition of.'</p> <p>I suggest that the Rule around the investigation of groundwater be clearly set out. It could be included under R54. It does not appear to be covered in the current draft.</p>

**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):  Section 5.2.4 Contaminated Land Rule R55/56	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	<p>Rule R55(a) implies that discharges from contaminated land is a permitted activity only for those sites for which assessment reports are submitted to Council by 31 July 2017 (and meet (b)). Does this mean that discharges from site assessed after 31 July 2017 is discretionary activity?</p> <p>The inclusion of '90% species' associated with the NZ Drinking water standard is an error.</p>

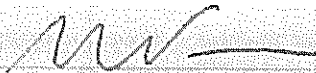
		<p>Condition (b) (i), which requires groundwater within a site to meet NZ Drinking Water Standards, does not seem reasonable, for example in cases where the water is not used and is unlikely to be used for drinking, the aquifer would not be capable of producing water for drinking etc. This condition could potentially require consents for many sites in the region for little benefit.</p> <p>Condition (b) (ii). What is the reason for mandating 95% species protection at existing bores or the property boundaries. This does not appear to be based on risk and will catch many sites where groundwater impact does not pose a risk to the environment.</p> <p>What is the meaning of 'where groundwater exits to surface'?</p> <p>I agree that site posing a risk to groundwater should be subject to controls through a robust consenting process, but this should be risk based.</p> <p>R56; Appears to be drafting error 'The use the land'. If this is meant to be 'The use of the land and discharge of contaminants onto or into land from contaminated land...' then the implication is that the land use needs to be consented</p>
	<p>I seek the following decision from WRC (give precise details): →</p>	<p>Clarity is sought regarding consenting status of sites subject to investigations post 31 July 2017.</p> <p>Condition (b) drafting error needs to be addressed.</p> <p>Requirement for consenting of sites should be risk based and not defined by meeting the NZ Drinking Water standards or ANZECC guidelines in bores on the site or the property boundaries.</p> <p>R56; Suggest that this is redrafted simply such as 'discharge from contaminated land including closed landfills that do not meet requirements under R54 and R55 is a discretionary (or restricted discretionary) activity.'</p>

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:



Date: 9/9/15

[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.

**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): Rule 56	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input checked="" type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:**

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:**

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:**

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:**

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



Proposed Natural Resources Plan:

Submitter:

**Hugh Lundie**

Submitter Number:

**S156**



**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

**Your details**

Full name: Hugh Lundie

Organisation name (if applicable): \_\_\_\_\_

Address for service: 172 B Manawatu Rd PDS Masterton

Telephone no's: Work: \_\_\_\_\_ Home: \_\_\_\_\_ Cell: 0274459742

Contact person: \_\_\_\_\_

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: hughlundie@gmail.com

**Trade competition**

I/we could not gain an advantage in trade competition through this submission [If you ticked this box, delete the rest of this section and 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:

Please continue on separate sheet(s) – an excel spreadsheet of all of the proposed plan provisions is available online [www.gw.govt.nz/regional-plan-review](http://www.gw.govt.nz/regional-plan-review)

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/section number): <u>Rule 1</u> <u>(Outdoor burning)</u>	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	<u>Outdoor burning in the form of tyre popping and burnouts. Also drag racing burn outs at Wood aerodrome.</u>
	I seek the following decision from WRC (give precise details): →	

<p>The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/section number):</p> <p>.....</p>	<p>My submission on this provision is: →</p>	<p><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</p>
	<p>Reasons for my submission: : →</p>	<p>6th September burn out contest odour and smoke travelling over 1km from where the burnouts were taking place. We could smell and see the smoke at manara rd 1+ km away.  Hugely polluting these</p>
	<p>I seek the following decision from WRC (give precise details): →</p>	<p>Smoke was blown on a southerly wind on this occasion toward the eastern outskirts of Masterton township but also polluting</p>
<p>The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/section number):</p> <p>.....</p>	<p>My submission on this provision is: →</p>	<p><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</p>
	<p>Reasons for my submission: : →</p>	<p>farmland and crown land  In a northwest wind this smoke <del>is</del> <u>WILL</u> and has in the past inundated ours and our neighbours properties.  2008... burn out contest lasting several hours in</p>
	<p>I seek the following decision from WRC (give precise details): →</p>	<p>a very mild north west breeze the cloud of smoke built huge and menacing and drifted across aerodrome and farmland before</p>
		<p>inundated mine and our neighbours properties in a dense choking dark</p>

<p>The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):</p> <p>.....</p>	<p>My submission on this provision is: →</p>	<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
	<p>Reasons for my submission: : →</p>	<p>Cloud of polluting carcinogenic tyre smoke! Motorplex claim and (MOC) to have the right for 3ea of these type of events per year plus 5 drag racing events. They are supposed to</p>
	<p>I seek the following decision from WRC (give precise details): →</p>	<p>have industrial fans on site to dissipate smoke (THEY DO NOT) they are also supposed to LAMPPILE discharge to air</p>
<p>The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):</p> <p>.....</p> <p>They acknowledge that they have <b>DONE NO REPORTING!</b></p>	<p>My submission on this provision is: →</p>	<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
	<p>Reasons for my submission: : →</p>	<p>reports. we have requested these and they have not produced even one report we have photographic and video footage of the hugely polluting smoke released from the drag racing and burnouts.</p>
	<p>I seek the following decision from WRC (give precise details): →</p>	<p>In the event of the right wind conditions we will be subject to pollution from this activity as our property is only 600 metres away!</p>

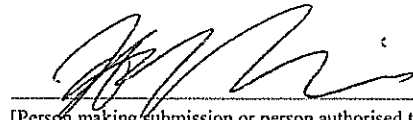
Continued →

---

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:



Date:

29/9/15.

[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.

Continued →

We believe this activity should be outlawed and made illegal (burnout competitions)

Also, that drag racing competitions should be compliant with district standards for air quality.

We also are very concerned about discharge to water from these activities as we believe the fuel, oil and tyre compounds both unburnt, partially burnt and burnt may contaminate our ground water (we take our drinking water from a well downstream from this activity)

Thank you.

Proposed Natural Resources Plan:

Submitter:

**Queen Elizabeth II National Trust**

Submitter Number:

**S157**





# ECOLOGICAL EVALUATION OF TAUPŌ SWAMP, PLIMMERTON

---



providing  
outstanding  
ecological  
services to  
sustain  
and improve our  
environments



# ECOLOGICAL EVALUATION OF TAUPŌ SWAMP, PLIMMERTON

---



*Taupō Swamp (Photograph credit QEII National Trust).*

## **Contract Report No. 3678**

April 2015

### **Project Team:**

Steve Rate - Report author  
William Shaw - Peer review

### **Prepared for:**

QEII National Trust  
138 The Terrace  
Wellington 6140

---

WELLINGTON OFFICE: 22 RAIHA STREET, ELSDON, P.O. BOX 50-539, PORIRUA  
Ph 04-237-7341; Fax 04-237-7496

HEAD OFFICE: 99 SALA STREET, P.O. BOX 7137, TE NGAE, ROTORUA  
Ph 07-343-9017; Fax 07-343-9018, email [ecology@wildlands.co.nz](mailto:ecology@wildlands.co.nz), [www.wildlands.co.nz](http://www.wildlands.co.nz)

## CONTENTS

1.	INTRODUCTION	1
2.	ECOLOGICAL VALUES OF TAUPŌ SWAMP	1
2.1	Vegetation and habitats	1
2.2	Uncommon ecosystems	2
2.3	Flora	2
2.4	Birds	3
2.5	Fish	3
3.	SCHEDULE F3 SIGNIFICANCE ASSESSMENT	4
4.	CONCLUSION	5
	ACKNOWLEDGMENTS	6
	REFERENCES	6
	APPENDIX	
1.	Schedule F3: Criteria for identifying natural wetlands with significant indigenous biodiversity values	8

**Reviewed and approved for release by:**



---

W.B. Shaw  
Director/Principal Ecologist  
Wildland Consultants Ltd

© *Wildland Consultants Ltd* 2015

This report has been produced by Wildland Consultants Ltd for QEII National Trust. All copyright in this report is the property of Wildland Consultants Ltd and any unauthorised publication, reproduction, or adaptation of this report is a breach of that copyright.

## 1. INTRODUCTION

Taupō Swamp (30 ha) is located alongside SH1 between Plimmerton and Pukerua Bay. It comprises the largest remaining harakeke (*Phormium tenax*) swamp in the Wellington Region and provides habitat for uncommon indigenous species of plants and fauna. Taupō Swamp was purchased in 1986 by the Queen Elizabeth II National Trust and has formal protection under an Open Space Covenant.

Greater Wellington Regional Council (GWRC) is currently undertaking a review of the Regional Plan for Wellington Region. The Draft Natural Resources Plan for the Wellington Region was made available for public feedback from September through to November 2014. Chapter 12 Schedule A3 of the draft plan lists wetlands with outstanding indigenous biodiversity values in the Wellington Region. Schedule F3 of the plan contains the criteria for identifying natural wetlands with significant indigenous biodiversity values. Wetlands listed in Schedule A3 are subject to more stringent rules in the plan (e.g. those relating to discharges of water or contaminants, or disturbance to vegetation and land) compared to other wetlands of significance.

The QEII National Trust is concerned that Taupō Swamp is not listed in Schedule A3, particularly as the wetland is considered to be of very high ecological significance and is vulnerable to changing activities in the surrounding landscape that could affect the quantity and quality of water draining into it. In particular, increased run-off and sedimentation could affect the water table and the adjacent road, truck stop, and railway may also result in chemical contamination of the wetland.

This report comprises a desktop assessment to identify the known ecological values of Taupō Swamp and an evaluation of these values against the Schedule F3 significance criteria, in order to determine whether Taupō Swamp should be included in Schedule A3 of the Draft Natural Resources Plan for the Wellington Region.

## 2. ECOLOGICAL VALUES OF TAUPŌ SWAMP

### 2.1 Vegetation and habitats

Bagnall and Ogle (1981) identified seven major vegetation types in the swamp proper:

- Flax (*Phormium tenax*)-dominated tussockland is the most extensive community.
- *Carex lessoniana* dominated sedgeland, with toetoe (*Austroderia toetoe*), raupo (*Typha orientalis*), and reed sweet grass (*Glyceria maxima*).
- Bracken (*Pteridium esculentum*)-dominated fernland.
- Shrubland with *Muehlenbeckia complexa*, mānuka (*Leptospermum scoparium*), grey willow (*Salix cinerea*) and blackberry (*Rubus fruticosus* agg.).
- Crack willow (*Salix fragilis*)-dominated treeland with a pocket of kahikatea (*Dacrycarpus dacrydioides*).
- Herbfield with mixed dicotyledonous and monocotyledonous herbs.
- Grassland consisting predominantly of adventive grass species.

Indigenous shrubland is present on higher ground to the west and the east of the swamp. Mānuka and kānuka (*Kunzea ericoides*) occur with *Coprosma* spp., māhoe (*Melicytus ramiflorus*), and rangiora (*Brachyglottis repanda*). Gorse (*Ulex europaeus*) and broom (*Cytisus scoparius*) shrubland is also present in previously disturbed sites in this area (Cromarty and Scott 1995).

## 2.2 Uncommon ecosystems

Wetlands are an under-represented habitat type at a national scale (estimated *c.*10% of the historic extent remaining), in the North Island (*c.*4.9% of the historic extent remaining), and in the Wellington Region (*c.*2.3% of the historic extent remaining). Lowland swamps have undergone the largest loss with only 6% of their original national extent and only 2.3% of their original extent in the Wellington Region remaining (Ausseil *et al.* 2008).

Taupō Swamp is a relatively large (30 ha) representative example of a topogenous lowland freshwater mire, a wetland type characteristic of lowland New Zealand. The swamp is one of only a few lowland topogenous mires in the Wellington Region that have retained a largely indigenous vegetation cover. Taupō Swamp was formed by uplifting of the seabed during an earthquake, which is an unusual way for wetlands to form (Cromarty and Scott 1995).

Taupō Swamp is entirely located within an Acutely Threatened land environments defined in the Threatened Environment Classification (Walker *et al.* 2007). Acutely Threatened land environments have <10% of the original indigenous vegetation cover remaining, on a national basis.

## 2.3 Flora

Two plant species found in Taupō Swamp are classified as At Risk or Data Deficient (de Lange *et al.* 2013) (Table 1). Two regionally threatened plant species (as per Sawyer 2004) have also been recorded (Table 2).

Table 1: Nationally threatened plant species recorded in Taupō Swamp, Plimmerton.

Species	Common Name	National Threat Classification <sup>1</sup>	Reference
<i>Ranunculus macropus</i>	Swamp buttercup	Data Deficient	Bagnall & Ogle (1981)
<i>Urtica linearifolia</i>	Swamp nettle	At Risk-Declining	Bagnall & Ogle (1981)

Table 2: Regionally threatened plant species recorded in Taupō Swamp, Plimmerton.

Species	Common Name	Regional Threat Status <sup>2</sup>	Reference
<i>Epilobium pallidiflorum</i>	Swamp willowherb	Sparse	Bagnall & Ogle (1981)
<i>Galium trilobum</i>	Native bedstraw	Data deficient	Bagnall & Ogle (1981)

<sup>1</sup> As per de Lange *et al.* (2012).

<sup>2</sup> As per Sawyer. (2004).

## 2.4 Birds

There are records of seven indigenous bird species in Taupō Swamp, with one of these species (bittern) classified as Threatened-Nationally Endangered and two (marsh crake and spotless crake) classified as At Risk-Relict (Table 3).

Table 3: Indigenous bird species recorded in Taupō Swamp, Plimmerton.

Species	Common Name	Threat Classification <sup>1</sup>	Reference
<i>Botaurus poiciloptilus</i>	Bittern	Threatened-Nationally Endangered	Parrish (1984); Clelland (1984); Todd <i>et al.</i> (2013)
<i>Circus approximans</i>	Australasian harrier	Not Threatened	N. McArthur 16/09/2012 P. Hodge 23/12/2013 S. Govella 11/10/2013
<i>Gerygone igata</i>	Grey warbler	Not Threatened	N. McArthur 16/09/2012 S. Govella 6/09/2013
<i>Hemiphaga novaeseelandiae</i>	Kereru	Not Threatened	S. Govella 11/10/2013
<i>Hirundo neoxena</i>	Welcome swallow	Not Threatened	N. McArthur 16/09/2012
<i>Larus dominicanus</i>	Black-backed gull	Not Threatened	N. McArthur 16/09/2012
<i>Porphyrio melanotus</i>	Pukeko	Not Threatened	Clelland (1984)
<i>Porzana pusilla affinis</i>	Marsh crake	At Risk-Relict	Todd <i>et al.</i> (2013)
<i>Porzana tabuensis tabuensis</i>	Spotless crake	At Risk-Relict	Parrish (1984); Clelland (1984); seasonal or core habitat (McArthur and Lawson 2013)
<i>Phalacrocorax melanoleucos</i>	Little shag	Not Threatened	Cromarty and Scott (1995)
<i>Rhipidura fuliginosa</i>	Fantail	Not Threatened	N. McArthur 16/09/2012 S. Govella 6/09/2013
<i>Tadorna variegata</i>	Paradise shelduck	Not Threatened	N. McArthur 16/09/2012 S. Govella 6/09/2013
<i>Todiramphus sanctus vagans</i>	Kingfisher	Not Threatened	Cromarty and Scott (1995)
<i>Zosterops lateralis</i>	Silvereeye	Not Threatened	Bagnall & Ogle (1981)

## 2.5 Fish

Eight indigenous freshwater fish species have been recorded in Taupō Swamp, with four of these species classified as At Risk (Table 4). Various other indigenous species are thought to be present<sup>2</sup>, including common smelt (*Retropinna retropinna*) and giant bully (*Gobiomorphus gobioides*) (both Not Threatened), and brown mudfish (*Neochanna apoda*) and inanga (*Galaxias maculatus*) (both At Risk-Declining) (Porirua City Council 1980).

<sup>1</sup> As per Robertson *et al.* (2013).

<sup>2</sup> Note that Cromarty and Scott (1995) state that these species have been recorded in the wetland, but their cited reference states only that they may be present.

Table 4: Fish species recorded in Taupō Swamp, Plimmerton.

Species	Common Name	Threat Classification <sup>1</sup>	Reference
<i>Anguilla australis</i>	Shortfin eel	Not Threatened	Porirua City Council (1980); QEII National Trust (1989)
<i>Anguilla dieffenbachii</i>	Longfin eel	At Risk-Declining	Porirua City Council (1980); QEII National Trust (1989)
<i>Galaxias argenteus</i>	Giant kōkopu	At Risk-Declining	Porirua City Council (1980)
<i>Galaxias fasciatus</i>	Banded kōkopu	Not Threatened	Porirua City Council (1980); Leigh 2005
<i>Gobiomorphus cotidianus</i>	Common bully	Not Threatened	Leigh 2005
<i>Gobiomorphus hubbsi</i>	Bluegill bully	At Risk-Declining	Leigh 2005
<i>Gobiomorphus huttoni</i>	Redfin bully	At Risk-Declining	Porirua City Council (1980); Leigh 2005

### 3. SCHEDULE F3 SIGNIFICANCE ASSESSMENT

Wetlands in the Wellington Region have been assessed for significance using nine criteria listed in Schedule F3 of the Draft Natural Resources Plan for the Wellington Region (GWRC 2015): 1 Representative; 2 Threatened Environment Classification; 3 Ecosystem or Habitat; 4 Indigenous Flora and Fauna; 5 Ecosystem; 6 Species; 7 Connectivity; 8 Buffering; and 9 Seasonal or core habitat. Definitions of these criteria are provided in Appendix 1. Each wetland in the Region has been scored against each criterion, from A (high) to E (low). Outstanding wetlands are natural wetlands that are highly representative and rare, or highly representative and highly diverse, being assigned scores of A1 and any of A3 or A4 or A5 or A6 (GWRC 2015).

Taupō Swamp has been assessed against the Schedule F3 significance criteria in Table 5 below, scoring A for Criteria 1, 2, 3, and 9.

<sup>1</sup> As per Goodman *et al.* (2014).



Table 5: Schedule F3 Significance assessment of Taupō Swamp, Plimmerton. Outstanding wetlands are natural wetlands that are highly representative and rare, or highly representative and highly diverse, being A1 and any of A3 or A4 or A5 or A6 (shaded boxes).

Criterion	Schedule F3	Justification
1. Representative	A	One of the best remaining examples of a topogenous lowland freshwater mire with a largely indigenous vegetation cover in the Wellington Region (Cromarty and Scott 1995). A nationally significant flax wetland (GWRC undated).
2. Threatened Environment Classification	A	Located entirely within an Acutely Threatened land environment.
3. Ecosystem or Habitat	A	Swamps are nationally much reduced with only 6% of their original extent remaining (Ausseil <i>et al.</i> 2008). Created by a nationally distinctive mechanism, having been formed by the uplifting of the seabed during an earthquake (Cromarty and Scott 1995).
4. Indigenous Flora and Fauna	B	Provides habitat for one nationally Threatened species: bittern (Threatened-Nationally Endangered), as well as At Risk species of birds and fish.
5. Ecosystem	B	One main ecosystem type (swamp) with a range of vegetation types, although dominated by flaxland.
6. Species	B	Typical range of wetland species present including fish, birds, and plants.
7. Connectivity	B	Contains gradients from wetland to terrestrial. Connected by Taupō Stream to the Tasman Sea.
8. Buffering	E	Bounded by SH1 and the Main Trunk Railway line, and surrounded by farmland and residential and commercial properties.
9. Seasonal or core habitat	A	Provides seasonal or core habitat for bittern (Threatened-Nationally Endangered), spotless crake and marsh crake (both At Risk-Relict), longfin eel and giant kōkopu (both At Risk-Declining).

#### 4. CONCLUSION

Using information currently available on ecological values, and assessed against the significance criteria listed in Schedule F3 of the Draft Natural Resources Plan for the Wellington Region (GWRC 2015), Taupō Swamp scores A for four criteria: Criterion 1 Representative, Criterion 2 Threatened Environment Classification, Criterion 3 Ecosystem or Habitat, and Criterion 9 Seasonal or Core Habitat. On this basis, Taupō Swamp is an Outstanding Wetland. It also scores B for a further four criteria, and it should be noted that some of these scores are likely to be at the 'upper end' of the B ranking.

## ACKNOWLEDGMENTS

Rosalynn Anderson-Lederer (QEII National Trust, Wellington) provided project liaison.

## REFERENCES

- Ausseil A.-G., Gerbeaux P., Chadderton W., Stephens T., Brown D., and Leathwick J. 2008: Wetland ecosystems of national importance for biodiversity: Criteria, methods and candidate list of nationally important inland wetlands. Discussion document. *Landcare Research Contract Report LC0708/158*. Prepared for Chief Scientist, Department of Conservation, Wellington.
- Bagnall R.G. and Ogle C.C. 1981: The changing vegetation structure and composition of a Mire at Plimmerton, North Island, New Zealand. *New Zealand Journal of Botany* 19: 371-387.
- Boffa Miskell Ltd 2011: Desktop delineation and assessment of significance of wetlands of the Wellington region. Methodology & results. *Report Number W10140-007*. Prepared for Greater Wellington Regional Council. November 2011. 50 pp.
- Clelland D. 1984: Unprotected areas of the Wellington region. A survey of eleven areas of biological significance. *Unpublished report*. Prepared for the Wellington District Office of the Department of Lands and Survey.
- Cromarty P. and Scott D.A. (eds). 1995: A Directory of Wetlands in New Zealand. Department of Conservation, Wellington, New Zealand. Available at: <http://www.doc.govt.nz/Documents/science-and-technical/nzwetlands08.pdf>.
- Goodman J.M., Dunn N.R., Ravenscroft P.J., Allibone R.M., Boubee J.A.T., David B.O., Griffiths M., Ling N., Hitchmough R.A., and Rolfe J.R. 2014. Conservation status of New Zealand freshwater fish, 2013. *New Zealand Threat Classification Series 7*. Department of Conservation, Wellington. 12p.
- GWRC undated: Taupō Swamp / Ara Harekeke. *Where The Wild Things Are: 45*. Available at: <http://www.gw.govt.nz/assets/WRS/Biodiversity/45-Taupō-Swamp-Ara-Harakeke.pdf>.
- GWRC 2015: Draft Natural Resources Plan for the Wellington Region. Available at: <http://www.gw.govt.nz/assets/Plans--Publications/Regional-Plan-Review/Draft-Regional-Plan-docs/Chapter-12-Schedules-Schedule-F.pdf>.
- Leigh S. 2005: Fish Pass Evaluation - Taupō Stream. Prepared in association with Massey University and Greater Wellington Regional Council. 5 pp.
- McArthur N. and Lawson J. 2013: Coastal and freshwater habitats of significance for rare and threatened bird species in the Wellington region. Greater Wellington Regional Council.

- Parrish G. 1984: Wildlife and wildlife sites of the Wellington Region. *Fauna Survey Unit Report No. 38*. New Zealand Wildlife Service, Wellington.
- Porirua City Council 1980: 118/80 Proposed Change to District Scheme (Pukekura Bay Section). pp. 24-34 Report of Town Planner 8 September 1980.
- QEII National Trust 1989: Taupō Swamp Plimmerton Management Plan.
- QEII National Trust 2008: Taupō Swamp: A wetland of national importance. Available at: <http://www.openspace.org.nz/includes/download.aspx?ID=98600>. 13 pp.
- Robertson H.A., Dowding J.E., Elliott G.P., Hitchmough R.A., Miskelly C.M., O'Donnell C.J.F., Powlesland R.G., Sagar P.M., Scofield R.P., and Taylor G.A. 2013: Conservation status of New Zealand birds, 2012. *New Zealand Threat Classification Series 4*. Department of Conservation, Wellington. 22 pp.
- Sawyer J.W.D. 2004: Plant Conservation Strategy. Wellington Conservancy (excluding Chatham Islands) 2004-2010. Department of Conservation, Wellington.
- Todd M., Kettles H., Graeme C., Sawyer J., McEwan M. and Adams L. 2013: Estuarine systems in the lower North Island: ranking of significance, current status and future management options. Department of Conservation.
- Walker S., Cieraad E., Grove P., Lloyd K., Myers S., Park T., and Porteous T. 2007: Guide for users of the threatened environment classification, Version 1.1, August 2007. Landcare Research New Zealand. 34 pp. plus appendix.

# APPENDIX 1

## SCHEDULE F3: CRITERIA FOR IDENTIFYING NATURAL WETLANDS WITH SIGNIFICANT INDIGENOUS BIODIVERSITY VALUES

Indigenous ecosystems or habitats are considered to have significant indigenous biodiversity values if they meet one or more of the criteria in RPS Policy 23. These criteria have been interpreted specifically for use in wetlands. Suitably qualified wetland ecologists shall use this schedule to evaluate a natural wetland and determine whether it has significant indigenous biodiversity values. White boxes describe wetlands that do not meet the RPS Policy 23 criteria and are managed as natural wetlands by this plan. Shaded boxes describe wetlands that meet the Policy 23 criteria, and are managed as significant wetlands by this plan. Outstanding wetlands are natural wetlands that are highly representative and rare, or highly representative and highly diverse, being A1 and any of A3 or A4 or A5 or A6.

	1 Representative <sup>1</sup>	2 Threatened Environment Classification <sup>2</sup>	3 Ecosystem or Habitat	4 Indigenous Flora and Fauna	Diversity	6 Species	7 Connectivity	8 Buffering	9 Seasonal or core habitat
<b>RPS Policy 23</b>	<b>Representativeness</b> The ecosystems or habitats that are typical and characteristic examples of the full range of the original or current natural diversity of ecosystem and habitat types in a district or region, and: (i) are no longer commonplace (less than about 30% remaining); or (ii) are poorly represented in existing protected areas (less than about 20% legally protected)		<b>Rarity</b> The ecosystem or habitat has biological or physical features that are scarce or threatened in a local, regional or national context. This can include individual species, rare and distinctive biological communities and physical features that are unusual or rare	<b>Diversity</b> The ecosystem or habitat has a natural diversity of ecological units, ecosystems, species and physical features within an area	<b>Ecological context of an area</b> The ecosystem or habitat: (i) enhances connectivity or otherwise buffers representative, rare or diverse indigenous ecosystems and habitats; or (ii) provides seasonal or core habitat for protected or threatened indigenous species				
<b>A</b>	Wetlands that are the best or one of the best remaining examples that are typical and characteristic of the full range of the original or current natural diversity of ecosystems and habitat types in the region	"Acutely Threatened" <10% indigenous vegetation left	Contains an indigenous ecosystem or habitat or biological community or physical feature that is nationally rare or threatened or distinctive <sup>3</sup>	Habitat for more than two threatened species <sup>4</sup> of flora or fauna	A high natural diversity <sup>5</sup> of ecological units or ecosystems or physical features or the full range of expected natural diversity	A high natural diversity of species of flora and fauna or the full range of the expected natural diversity	Wetland ecosystem or habitat which enhances connectivity and is a key part of an extensive system of wetlands and waterways or part of an uninterrupted sequence from the wetland margins to forests, coasts and rivers	Wetland ecosystem or habitat that buffers representative, rare or diverse indigenous ecosystems and habitat	Provides seasonal or core habitat for one or more threatened species
<b>B</b>	Wetlands that are the best or one of the best remaining examples that are typical and characteristic of the full range of the original or current natural diversity of ecosystems and habitat types in an ecological district	"Chronically Threatened" 10-20% indigenous vegetation left	Contains an indigenous ecosystem or habitat or biological community or physical feature that is regionally rare or threatened or distinctive	Habitat for one or two threatened species, or two or more at risk <sup>6</sup> species of flora or fauna	A natural diversity <sup>5</sup> of ecological units or ecosystems or physical features	A natural diversity <sup>6</sup> of species within an area	Wetland ecosystem or habitat which forms part of an intact ecological sequence or ecotone from freshwater to terrestrial or estuarine ecosystem types	Ecosystem does not provide buffering to representative, rare or diverse indigenous ecosystems and habitat	Provides seasonal or core habitat for one or more protected species

1 An assessment of representativeness requires the delineation of ecological units (vegetation and landform type, or wetland type, e.g. manuka bog) and identifying wetlands which best represent the original or current extent of different wetland types in the region or ecological district (Kelly and Park 1986, Myers et al 1987)

2 Threatened Environment Classification assesses how much native (indigenous) vegetation remains within land environments, its legal protection status, and how past vegetation loss and legal protection are distributed across New Zealand's landscapes. It uses a combination of three national databases: Land Environments New Zealand (LENZ), classes of the 2nd Land Cover Database (LCDB2) and the Protected Areas Network (PAN-NZ) (<http://www.landcaresearch.co.nz/resources/maps-state/threatened-environment-classification>)

3 For example presence of originally rare ecosystem types. (Williams P.A., Wiser S., Clarkson B., Stanley M.C. 2007. New Zealand's historically rare terrestrial ecosystems set in a physical and physiographic framework. New Zealand Journal of Ecology 31: 119-128)

4 New Zealand Threat Classification System 2008 (or subsequent revisions) as Nationally Critical, Nationally Vulnerable, Nationally Endangered in the Threatened category. For biotic groups that have not been revised to conform with the New Zealand Threat Classification System 2008, all species determined to be classified by the New Zealand Threat Classification 2005 as Acutely Threatened and Chronically Threatened categories are included

5 Contains the full natural suite of species expected for the ecosystem type. Provides a regional biodiversity hotspot.

6 All species determined to be classified by the New Zealand Threat Classification System 2008 (or subsequent revisions) as Declining, Relict, and Recovering categories of the 'At Risk' category

7 Contains a typical assemblage of wetland ecosystem or habitat types

8 Contains a typical species mix or assemblage for a wetland ecosystem or habitat type

RPS Policy 23	Representativeness The ecosystems or habitats that are typical and characteristic examples of the full range of the original or current natural diversity of ecosystem and habitat types in a district or region, and: (i) are no longer commonplace (less than about 30% remaining); or (ii) are poorly represented in existing protected areas (less than about 20% legally protected)		Rarity The ecosystem or habitat has biological or physical features that are scarce or threatened in a local, regional or national context. This can include individual species, rare and distinctive biological communities and physical features that are unusual or rare		Diversity The ecosystem or habitat has a natural diversity of ecological units, ecosystems, species and physical features within an area		Ecological context of an area The ecosystem or habitat: (i) enhances connectivity or otherwise buffers representative, rare or diverse indigenous ecosystems and habitats; or (ii) provides seasonal or core habitat for protected or threatened indigenous species		
	1 Representative <sup>1</sup>	2 Threatened Environment Classification <sup>2</sup>	3 Ecosystem or Habitat	4 Indigenous Flora and Fauna	5 Ecosystem	6 Species	7 Connectivity	8 Buffering	9 Seasonal or core habitat
C	Wetlands that are typical and characteristic examples of the full range of the original or current natural diversity of ecosystems and habitat types in a district or region	"At Risk" 20-30% indigenous vegetation left	Contains an indigenous ecosystem, habitat, biological community or physical feature that is rare or threatened or distinctive in the ecological district	Habitat for one or more species, or one or more regionally rare <sup>1</sup> species of flora or fauna	Low diversity of ecological units or ecosystems or physical features	Low diversity of species within an area	Wetland ecosystem which facilitates the movement of indigenous species between representative, rare or diverse indigenous ecosystems and habitat		Not providing a seasonal or core habitat for protected or threatened species
D	Wetlands that have elements that are typical and characteristic of the natural diversity of ecosystem and habitat types of an ecological district	"Critically Underprotected" >30% indigenous cover remaining; and <10% legally protected	No rare, threatened or distinctive ecosystems, habitats or physical features identified	No rare or threatened species of flora or fauna recorded			Wetland ecosystem which forms part of a habitat network with other wetland sites in close proximity		
E	Wetlands dominated by exotic species that contain little or no elements that are representative of the natural diversity of a district or region	"Underprotected" >30% indigenous cover remaining; and 10-20% legally protected					No bio-physical connection to representative, rare or diverse indigenous ecosystems and habitat		

<sup>1</sup> All species determined to be regionally critical, regionally endangered, regionally vulnerable, regionally sparse or regionally vulnerable (e.g. Savvyser 2004)



Call Free 0508 WILDNZ  
Ph: +64 7 343 9017  
Fax: +64 7 3439018  
ecology@wildlands.co.nz

99 Sala Street  
PO Box 7137, Te Ngae  
Rotorua 3042,  
New Zealand

Regional Offices located in  
Auckland, Hamilton, Tauranga,  
Whakatane, Wellington,  
Christchurch and Dunedin

**ECOLOGY RESTORATION BIODIVERSITY SUSTAINABILITY**

[www.wildlands.co.nz](http://www.wildlands.co.nz)



QEII National Trust  
Open Space New Zealand  
Ngā Kārauhī Papa

Our ref: P22

24 September 2015

Greater Wellington Regional Council  
PO Box 11 646  
Manners Street  
Wellington 6140

Dear Sir/Madam

### **Submission on proposed Natural Resources Plan**

Thank you for the opportunity to make a submission on the proposed Natural Resources Plan for the Wellington region.

Queen Elizabeth II National Trust (the National Trust) is an independent charity established almost 40 years ago under its own Act to facilitate the protection and enhancement of natural and cultural heritage on private and leasehold land for the benefit of present and future generations of New Zealanders.

The principle means by which the National Trust achieves this objective is through establishing open space covenants with individual landowners over land or bodies of water to protect natural or landscape features of aesthetic, cultural, recreational, scenic, scientific or social value. The National Trust also owns 27 properties around New Zealand. The National Trust purchased Taupō Swamp in 1986 to protect its significant indigenous biodiversity values.

Covenant agreements run with land title and are legally binding on present and future owners and occupiers of the land. Such covenants are 'indefeasible' once registered and provide a very high level of protection as demonstrated through recent case law. Currently there are over 4,000 covenants registered on private and leasehold land across New Zealand providing a high level of protection for over 180,000 hectares.

With the introduction of the 'New Zealand Biodiversity Strategy' in 2000 and the 'National Priorities for Protecting Rare and Threatened Native Biodiversity on Private Land' in 2007, the National Trust has put a high priority on securing covenants that protect indigenous vegetation and/or habitats that meet one of these four national priorities. Around 90% of all new covenants satisfy these priorities. The balance protect outstanding landscapes and other natural, historic, and cultural features. The National Trust operates on private land where there has been the biggest loss of indigenous biodiversity and our work is critical to helping secure the important indigenous biodiversity that remains.

Councils have responsibilities under the Resource Management Act 1991 to promote the protection of natural and physical resources; to safeguard the life-supporting capacity of air, water, soil, and ecosystems; and provide for the following matters of national importance:



- the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development
- the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development
- the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna
- the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers
- the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga
- the protection of historic heritage from inappropriate subdivision, use, and development
- the protection of protected customary rights.

The Proposed Natural Resources Plan for the Wellington Region identifies Taupō Swamp complex as 'significant' in 'Schedule F3: Identified significant natural wetlands'. The National Trust requests the status of Taupō Swamp complex is elevated to 'Outstanding'. To be recognised as an 'Outstanding' wetland, a wetland must meet the criteria of A1 Representativeness and any one of A3, A4, A5 or A6.

The National Trust commissioned Wildlands to assess Taupō Swamp following the criteria set out in the Proposed Natural Resources Plan. I have attached a copy of this assessment, which concludes that **'Taupō Swamp scores A for four criteria: Criterion 1 Representative, Criterion 2 Threatened Environment Classification, Criterion 3 Ecosystem or Habitat, and Criterion 9 Seasonal or Core Habitat. On this basis, Taupō Swamp is an Outstanding Wetland'**.

The National Trust also believes that Taupō Swamp deserves a higher level of protection than the rules afforded to it under the 'Significant' schedule. The section 32 report on Wetlands for the Proposed Natural Resources Plan for the Wellington region identifies significant resource management issues related to managing wetlands.

#### **Issue 1.11**

Indigenous ecosystems and ecosystems of importance to indigenous species are significantly reduced in extent and continue to be degraded. Ecosystem health and function across the region is compromised.

There are 2.3% of wetlands currently remaining in the Wellington region. Taupo Swamp covers 29.6 hectares. This makes it the largest remaining harakeke swamp in the Wellington region.

#### **Issue 1.2**

The lower reaches of rivers, lakes, estuaries and harbours are places where there is an accumulation of adverse effects of human activities on land, in water bodies and on the coast.

and



#### Issue 4.2

The ecosystem health and function of surface water bodies is being impaired by activities that degrade habitat quality, with some wetland and lowland stream ecosystems coming under particular pressure.'

Taupō Swamp is a receiving environment for the larger catchment. It is affected by a continuous accumulation of sedimentation from the culverts that feed water into the swamp from State Highway 1.

Porirua City Council's 'Northern Growth Area Structure Plan' proposes to develop a large area in the catchment of Taupō Swamp. Associated earthworks may exacerbate sedimentation and introduce environmental weeds to the swamp. Stricter rules offered for 'Outstanding' wetlands will help prevent these adverse effects during the development of this area.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mike Jebson', written over a light blue horizontal line.

Mike Jebson  
Chief Executive



Proposed Natural Resources Plan:

Submitter:

**Peter Stevens and Michelle Glogau**

Submitter Number:

**S158**



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

Or email: regionalplan@gw.govt.nz

**Your details**

Full name: Peter Stevens and Michelle Glogau

Organisation name:  
 (If applicable)

Address for Service: 23A Chatsworth Road, Silverstream, Upper Hutt

Telephone no's: Work: Home: Cell: 021 577 131

Contact person: Peter Stevens

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: peteandmichelle@clear.net.nz

**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):  Please see attachment	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	Please see attachment
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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: Michelle Glogau

Date: 25/09/15

[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.

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):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

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





**Peter Stevens and Michelle Glogau GWRC submission attachment.  
Attachment**

**The specific provisions of the Proposed Natural Resources Plan (PNRP) that this submission relates to**

The whole PNRP.

**Submission on the provisions**

Oppose and seek amendment.

**Reasons for the submission**

The whole PNRP, including the objectives, policies, rules, methods, schedules, maps and definitions, does not appropriately address and enable coastal hazard mitigation (including protection) measures including, in particular, for areas of significant existing development.

This applies both in the coastal marine area and in other areas, including beds of rivers and streams.

Appropriate coastal hazard mitigation (including protection) activities should be provided for as permitted or controlled activities.

Coastal hazard mitigation (including protection) activities should, at worst, be discretionary activities and, where resource consent is required, there should be provisions in the objectives and policies that would support consent being obtained, not provisions that would hinder consent being obtained.

The PNRP should clarify that, in contrast to risk management, hazard identification/risk assessment is an objective process and that any scientific or expert reports should be scientific and objective (not policy-based or precautionary) and report not only likely estimates but also their uncertainties, to enable submitters to participate in an informed way and to enable decision-makers to make informed decisions. This is important to avoid the coastal hazard risk assessment and risk management problems that have occurred in Kapiti and that are occurring elsewhere in New Zealand.

The PNRP is not in accordance with the Resource Management Act 1991, including s 32, and sound resource management practice. The PNRP fails to give effect to the New Zealand Coastal Policy Statement 2010 and the Regional Policy Statement for the Wellington region.

Adequate and appropriate s 32 RMA evaluations and reports have not been undertaken or regarded.

The reasons in the submission of Coastal Ratepayers United Inc. are supported and adopted.

**Decision sought:**

Revise the whole PNRP, including the objectives, policies, rules, methods, schedules, maps and definitions, to appropriately address and enable coastal hazard mitigation (including protection) activities in the coastal marine area and other areas (including beds of rivers and streams), including especially for areas of significant existing development.

When making the revisions, pay particular attention to enabling coastal hazard mitigation (including protection) activities in areas of significant existing development.

Include objectives and policies that recognise the importance and benefits of coastal hazard mitigation (including protection) activities, especially in areas of significant existing development.

Include objectives and policies that, if a resource consent is required, support that consent being obtained, not provisions that would hinder consent being obtained.

Provide for appropriate coastal hazard mitigation (including protection) activities to be permitted or controlled activities.

Provide for coastal hazard mitigation (including protection) activities to be, at worst, discretionary activities and ensure that none of them is (or could become due to other rules) a non-complying or prohibited activity.

Revise the PNRP to clarify that, in contrast to risk management, hazard identification/risk assessment is an objective process and that any scientific or expert reports are to be scientific and objective (not policy-based or precautionary) and report not only likely estimates but also their uncertainties, to enable submitters to participate in an informed way and to enable decision-makers to make informed decisions.

Ensure that the provisions of the PNRP comply with the Resource Management Act 1991, including that they give effect to the New Zealand

Coastal Policy Statement 2010 and the Regional Policy Statement for the Wellington region.

Undertake appropriate s 32 evaluations and prepare revised s 32 reports, having proper regard to s 32 matters, including in relation to the implications of the PNRP for coastal hazard mitigation (including protection) activities. Have regard to those revised reports.

The decisions sought in the submission of Coastal Ratepayers United Inc. are supported and adopted in this submission.



Proposed Natural Resources Plan:

Submitter:

**Allison Diem**

Submitter Number:

**S159**



**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

**Your details**

Full name: Allison Diem  
 Organisation name: (If applicable)  
 Address for Service: 5A Hatton Street, Karori, Wellington 6012

Telephone no's: Work: Home: 476-9567 Cell: 021 130 6034

Contact person:  
 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: allisondiem@yahoo.co.uk

**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): 4.2 General ambient air quality	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	I am very concerned about the air quality within the Wellington region as it relates to domestic fires and outdoor burning. During winter I am often unable often to stay outside in my garden because of the very unpleasant smoke pollution that is caused by domestic fires. It has previously been stated in the newspaper that Wellington winds disperse smoke and therefore smoke emissions are not a problem. However, there are many still days in Winter when smoke is an issue. Furthermore, the winds merely shift smoke pollution to other areas and the pollution problem has not been dealt with.
	I seek the following decision from WRC	Other councils within New Zealand have banned the use of open fireplaces to heat homes and they have produced strict regulations the limit the type of

	(give precise details): →	wood burners and heating units to ones that limit emissions or do not cause smoke pollution. It is about time that Wellington looked at these policies and instituted the same types of regulations.
--	------------------------------	--

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):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

Date:

[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.



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):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

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



Proposed Natural Resources Plan:

Submitter:

**Site 10 Redevelopment Limited  
Partnership (S10RLP)**

Submitter Number:

**S160**



**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

**Your details**

Full name: \_\_\_\_\_

Organisation name: \_\_\_\_\_  
 (If applicable) SITE 10 REDEVELOPMENT LIMITED PARTNERSHIP (S10RLP)

Address for Service: C/- WILLIS BOND & CO LIMITED  
 LEVEL 2, 5 CABLE STREET, WELLINGTON, 6142

---

Telephone no's: Work: 04 805 0000 Home: \_\_\_\_\_ Cell: \_\_\_\_\_

Contact person: ROSALIND LUXFORD

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: ROSALIND@WILLISBOND.CO.NZ

**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): Interpretation: Lambton Harbour Area	My submission on this provision is: →	<input checked="" 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: →	In respect of the proposed extension of the Lambton Harbour Area to include Waterloo and Inter-Island wharves, S10RLP is not opposed to the concept of development of these wharves for a use other than operational port activities, provided such development is appropriate in the context and also that the same provisions apply to such development as would apply to in those areas of the Wellington waterfront on the landward side of mean high water springs.
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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number): Objective O57: New development in the coastal marine area.	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	The requirement that new development in the CMA be compatible with its surroundings and the Central Area of Wellington City does not necessarily recognise the different aspects of Wellington City, namely, that the Wellington Waterfront is developed quite differently to the "City" on the landward side of the Quays.
	I seek the following decision from WRC (give precise details): →	Express recognition in this Objective that new development in the CMA be compatible with the surroundings, in particular the Wellington waterfront.

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): POLICY P138: STRUCTURES IN SITES WITH SIGNIFICANT VALUES	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	<p>The existing Regional Coastal Plan (RCP) stated an intention to vary the Coastal Plan to align its provisions with those developed by the City Council for the landward side of the coastal marine area boundary in order to "achieve a consistent set of provisions for the Lambton Harbour Development Area". The RCP also noted that the Lambton Harbour Development Area (LHDA) "has special characteristics that need to be recognised and provided for in the RCP".</p> <p>Development of the Lambton Harbour Area (LHA) has been the subject of considerable controversy and a number of concepts and plans have over time been reviewed. The original "concept plan" referred to in the empowering legislation, (the Wellington Harbour Board and Wellington City Council Vesting and Empowering Act 1987) is long outdated.</p> <p>Currently, the City Council Wellington Waterfront Framework is recognised as the guiding document for development on Wellington's waterfront, and this alongside the existing WCC District Plan provisions around height, (Rule 13.6.3.1.3), sunlight protection (Rule 13.6.2.4) and site coverage (13.6.3.8.1), should be expressly adopted into the Natural Resources Plan (NRP). A similar site coverage rule for building in the LHA as outlined in rule 13.6.3.8.1 of the District Plan should also apply to Lambton Harbour Area North under the NRP as a separate control on building in this area.</p> <p>In addition, the Central Area Design Guide, with its reference to the stepping down from the high city to the low city, should be recognised.</p> <p>The proposed provisions in the NRP as currently drafted may result in ambiguity, when the clear intention is that a consistent set of provisions should apply to the whole LHA. In this respect also, the intention stated in the RCP should be followed through to the NRP, such that if there are variations to the WCC District Plan that relate to the LHA, these would also be adopted into the NRP.</p>
	I seek the following decision from WRC (give precise details): →	Express incorporation of the WCC District Plan provisions as regards the LHA, and adoption of the Wellington Waterfront Framework (and any subsequent iterations) as the guiding document for development in the LHA. Express recognition of relevant aspects of the WCC Central Area Design Guide as regards the LHA, in particular, the stepping down of the high city in the CBD to the low city at the city edges (including the waterfront).

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):	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	

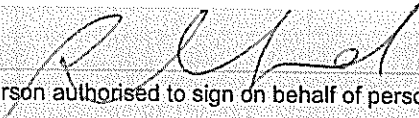
	(give precise details): →	
--	------------------------------	--

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:



Date:

25/9/15

[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.

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):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

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



Proposed Natural Resources Plan:

Submitter:

**Susie Mills**

Submitter Number:

**S161**



FORM 5: SUBMISSION FORM – 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

NAME/ORGANISATION

SUSIE MILLS

NUMBER

STREET NAME

51

FIELDWAY

SUBURB/TOWN

POSTCODE

WAIKANAЕ

5034

PHONE

EMAIL

021549221

susiecsusiemills.com

The 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

The specific provision(s) of the Proposed Natural Resources Plan that my submission relates to is: Please specify the provision/section number:

My submission on this provision is:

- I support the provision
 Oppose the provision
 I wish to have the specific provision amended

Reasons for my submission: I live alongside the Waimaha Stream. I have done so for 50 years. I am also a member of the Fieldway Dune Restoration Group & we have planted 1000s of spinifex at the Waimaha Estuary. This has been so successful that the river did not need the mouth to be dug for over 2.5 years - the longest...

I seek the following decision from WRC (give precise details): See attached

Please continue on separate sheet(s) in similar format or download a submission form from www.gw.govt.nz/regional-plan-review

Attendance and wish to be heard at hearing(s)

- I/We do wish to be heard in support of my/our submission at hearings
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.

Trade competition

[Cross out this shaded section if you could not gain an advantage in trade competition through this submission]

I/we could not gain an advantage in trade competition through this submission
I/we could gain an advantage in trade competition through this submission

I/we am/am not directly affected by an effect of the subject matter of my submission that:
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.

Publication of details

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address. Your name and address will be there to enable other submitters who may wish to make a further submission to be able to serve you with a copy of it.

Signature: [Handwritten Signature]

Date: 25/9/2015

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

Post your submission to: Freepost 3156 Wellington Regional Council PO Box 11646 Wellington 6142

Page 2.

\* period of non digging in about 20 years.

Finally it was flowing without 2-3 digs a year at a price of \$4000 per dig.

My submission is as a result of what happened next, which was:

Golf Club upstream complained of wet greens due to river level upstream - near Bowling Club.

G.WRC ~~dig~~ <sup>dig</sup> the "mouth" of the river & directed it to the north.

Since then it has been dug twice as it ate into the dunes, the spinifex dunes were destroyed & a "cliff" of 3 metres was created.

My submission:

One boat doesn't fit all.

This decision was not a good decision. KCDC + Residents could have been consulted about the upstream flooding. Alternative engineering solutions should have been looked at.

Digging the mouth of Waimaha Stream should be done only if ~~dangerous~~ certain trigger points are met which relate to the Estuary.

A trigger point which is reached due to upstream flooding should not necessarily result in the same action as if a trigger point at the Estuary is reached.

I submit that a more comprehensive approach & range of options be considered.

I also submit that KCDC + any person should be able to act if a trigger point is reached - not just G.W.R.C.

G.W.R.C needs to take a more scientific & considered approach to:

- : what has happened
- : what is happening
- : what will happen if they do not stop applying the same "fix" i.e. digging the mouth" to all issues.

To Summarise:

If G.W.R.C / KCDC / Local residents determined at an "early stage 1" trigger point was reached early on in the process (not when  $\frac{1}{2}$  the done has gone) then there would still be time to pursue options.

So, golf club flooding - trigger point reached could result in:

- 1) Clearing the stream - upstream
- 2) Deepening the stream past the groin
- 3) NOT re-aligning the stream

However, because we have a "one boot fits all" regime, the entire river mouth gets dug into a straight line & re-aligned to the opposite direction to what it was, at the time.

There appears to be no science attached to this.

Page 4

We have met with KCDC, GWRC + done restoration people.

Our local restoration group is very onboard with being involved in some more technical discussion.

To conclude - I am submitting that we need to look at some better options + new triggers at Waimaha

Quene M:K  
Solicitor  
Waikanae.

P.S. Sorry it is handwritten - its late in day!

Proposed Natural Resources Plan:

Submitter:

**Mt Victoria Residents' Association Inc  
(MVRA)**

Submitter Number:

**S162**







## Mt Victoria Residents Association

PO Box 19056, Wellington 6149

25 September 2015

Contact: Craig Palmer, President  
29 Moir St, Mt Victoria, Wellington 6011  
Phone: (04) 384 2127  
Email: [palmerspring@actrix.co.nz](mailto:palmerspring@actrix.co.nz)

The Proposed Natural Resources Plan  
Wellington Regional Council  
PO Box 11646  
Wellington 6142  
Email: [Regionalplan@gw.govt.nz](mailto:Regionalplan@gw.govt.nz)

### **Submission on Proposed Natural Resources Plan for the Wellington Region**

The Mt Victoria Residents' Association Inc (MVRA) submits the following on the Wellington Regional Council's Proposed Natural Resources Plan which replaces five existing plans for the coast, air quality, freshwater, and discharges to land and soil. Our comments relate mostly to aspects of the Proposed Plan which affect Wellington City, but within the context of the wider region and country.

We would like to be heard in support of our submission at hearings.

### **General comments**

1. We agree with combining separate plans as an integrated approach to the sustainable management of natural resources to protect our environment for future generations is required. This approach reflects that of the Regional Policy Statement. We are also pleased to see the Proposed Plan has been developed in partnership with iwi and that it reflects the guiding principles from this partnership.
2. We note the Wellington Regional Council (WRC) is establishing whitua committees in the five major catchments of the region. However, we are surprised to see they will decide only on how water quality will be managed in their catchments. This seems not to reflect the integrated approach proposed. We would like to see whitua committees involved in all aspects of natural resources management. We also recommend that they be democratically elected as they seem to be the proxy for community involvement.
3. As the Regional Policy Statement already contains the objectives and policies spanning all the natural and physical resources to be managed sustainably, we question why the Proposed Plan also contains objectives and policies, but organised and stated differently. This is confusing as the Regional Policy Statement, being a statutory document, has precedence over the Proposed Plan. Ideally, the Proposed Plan should merely repeat the Regional Policy Statement's

objectives and policies and then set out the more detailed elements contained in the Rules and management processes (including the principles and whitua processes).

4. More confusing, particularly for the people who must comply with the plans, is the apparent need for even more planning documents, for example, we note in 6.1.4 *“Wellington Regional Council will develop an integrated strategy for the implementation of all matters under the National Policy Statement for Freshwater Management (2014) by December 2015”*.
5. In addition, whereas the Regional Policy Statement contains tables showing clear links from each objective to its related policies and methods, the Proposed Plan is likely to be difficult for those who must comply with it to navigate as it does not show the links between its objectives, policies and rules. For example, there are two objectives stated under a heading “water quality”, but the related policies and rules are not organised under the same heading. We suggest the Proposed Plan have tables similar to those in the Regional Policy Statement so that is it easy to follow.

### **Major elements missing from the Proposed Plan**

6. The Regional Policy Statement calls for integrated planning *“particularly in relation to transport which has such a major impact on land use and on the land itself”*, with two major aspects of natural resources management -climate change causes and transport matters -clearly integrated throughout much of its issues, objectives and policies. However, the Proposed Plan does not include any provisions to address these aspects; it addresses only the adverse consequences. We note the reason for transport’s exclusion may be because it is covered by the Regional Land Transport Plan. Whatever the reason, the result is the Proposed Plan does not reflect all elements of the Regional Policy Statement, and does not meet its integrated planning requirements.
7. One absurd effect of this is illustrated by Policies P92 and P93. These cover avoiding adverse effects of discharges from hydraulic fracturing, but not the adverse effects of the hydrocarbons extracted.
8. We strongly urge that the Proposed Plan include rules and methods covering climate change causes and transport-related matters. They can be repeated and cross-referenced from the Regional Land Transport Plan if necessary.
9. To provide more specific detail, we note that the Regional Policy Statement contains many elements to address climate change causes and transport matters, including reduction of greenhouse gas emissions (GHGs), efficient development and use of infrastructure, better-designed regional form, and better use of renewable and existing energy resources, through energy conservation and efficiency. Policies include:
  - a. promoting efficient use and conservation of resources
  - b. recognising the benefits from renewable energy and regionally significant infrastructure, for example from security of supply and diversification of our energy sources, reducing dependency on imported energy resources, and reducing greenhouse gas emission
  - c. reducing the use and consumption of non-renewable transport fuels and carbon dioxide emissions from transportation
  - d. promoting travel demand management
  - e. promoting energy efficient design and small scale renewable energy generation
  - f. maintaining a compact, well designed and sustainable regional form
  - g. integrating land use and transportation

h. co-ordinating land use with development and operation of infrastructure.

10. Unfortunately, most of these policies are absent from, or only partially contained in, the Proposed Plan, and so do not flow through to the Rules. For example, Policy P12 states “*The benefits of regionally significant infrastructure and renewable electricity generation facilities are recognised by having regard to a) the strategic integration of infrastructure and land use...*”, but otherwise lists only the location of existing infrastructure, structures, renewable electricity activities, and some operational requirements.
11. In addition, even the policies that are included in the Proposed Plan do not appear to flow through to Rules. For example Policy P12 requires having regard to the integration of infrastructure and land use, but the Land Use Rules (R94-R103) are silent on this requirement. The result is the Regional Policy Statement policies lettered f. to h. above are absent, as are its other policies on land use and the importance of access to public transport.

### **Air quality**

12. We are pleased to see a general statement in Objective O39 and Policy P52 that ambient air quality is maintained or improved to acceptable standard. Other air quality objectives and policies more specifically focus on odour, smoke, dust and fumes from many sources. However, neither they nor the related Rules include anything specific regarding transport-related pollutants. This is a major omission given that the WRC’s Air Quality Management Plan 2000 states that motor vehicles are the most significant source of air pollution from mobile sources, and discharges from aircraft can have significant localised effects.
13. We also note that the Regional Policy Statement includes transport matters regarding energy use, and land use, but not air quality. This may be because of the view (see section 3.1) that discharges from motor vehicles are not at adverse levels for people’s health. However, our view is that this results from discharge measurements being averaged across the whole region, and also because of the very limited number of GWC monitoring stations – there is only one in the whole of Wellington city. In addition, the city monitoring station is not monitoring PM<sup>2.5</sup> despite the fact the WHO, US EPA and EU have all adopted standards for it because it is now widely recognised that the adverse health effects associated with exposure to PM<sup>2.5</sup> are greater than those associated with PM<sup>10</sup>. Fine particles can remain suspended for a long time and travel far and cause most health damage because they penetrate deeper into lungs than coarser particles ie. PM<sup>10</sup>. Fine and ultrafine particles can also travel from our nostrils along neural pathways directly into our brains, provoking or accelerating dementia diseases. Residential exposure to air toxins is also linked to lower grades among school children.
14. Details on Wellington city in a 2012 report on air quality in the region (*Air quality in the Wellington region: State and trends*, T Mitchell, Environmental Monitoring and Investigations Department) states the New Zealand Transport Authority has shown that nitrogen dioxide concentrations may be elevated on some heavily trafficked local roads which are surrounded by buildings that interfere with the dispersal of pollutants. In addition, there may be potential impact on air quality in areas adjacent to the Port of Wellington as a result of sulphur dioxide emissions from shipping activities in Wellington Harbour.
15. In Mt Victoria, some concerned residents and staff at the Wellington East Girls College want air quality monitoring stations near the exhaust fan from the Mt Victoria tunnel, and near bus stops and roads at the Basin Reserve. There are health concerns over inhalation of particulate matter from diesel powered and other vehicles. Similarly, of great concern to the Association is the concentration of diesel exhaust near bus stops during peak hours.

16. The increasing use of solid fuel burners in recent years has also adversely affected the city's air quality. The very permissive rules regarding domestic heating will not maintain or improve city air quality. It is also difficult to see how air emissions can be confined within a property boundary. Tighter rules regarding domestic heating are required.
17. Clearly, better information on air quality is needed around Wellington city. We recommend the installation of air quality monitors near the Mt Victoria tunnel exhaust fan, and in the inner city at bus stops and high-volume roads. Nanotechnology has significantly reduced the cost of air quality monitoring devices. By having display panels on the monitors, the travelling public can be more informed on the long-term cumulative health impacts they are being subjected to.
18. We also recommend the following changes to the Policies and Rules:
  - Policies P52 to P60 (ambient air quality). We recommend all these policies refer to amenity as amenity is particularly of concern in urban areas such as Wellington city where homes are close together, and they and footpaths are co-located with sources of discharge.
  - Rule R14 (spray coating). As this relates to a permitted activity, the conditions should be more stringent where the business is located in or next to a residential area, such as Mt Victoria. All vents should also be 3m above the roofs of any residential buildings within a radius of 50m of the vents (as is the case in Rule R7).
  - Rule R15 (spray coating). As this also relates to a permitted activity, we are concerned it can occur within only 10m of an educational facility or residence – this condition should be increased to 50m.
  - Rule R23 (crematoria). We recommend discharge into air from a crematorium should be prohibited within a residential area, particularly as the odour could be a threat to our mental health, and violate Objective O41.

### **Water quality, and discharges to land and water**

19. We note in the WRC's 2014 Genuine Progress Index report for the Wellington region only 46% of freshwater recreation sites monitored in 2013 were given fair, good or very good grades over the summer bathing months. Coastal/marine monitored recreation sites rated better, but were still only 64% good or very good in the 2013 summer bathing months. Of great concern for us is coastal water quality results for Wellington city show levels in many sites round the harbour and on the south coast that far exceed maximum enterococci standards (see *Coastal water quality and ecology in the Wellington region: State and trends*, June 2012).
20. Moreover, we are dismayed to read (*Dominion Post 26/8/15*) that fewer than 75% of Wellington city's freshwater sites are meeting water quality standards, and the quality has been declining steadily over recent years. It is unacceptable to dismiss these results by saying the affected sites are all urban streams not used for recreational activities. Even if no one is fishing or swimming in them, they need to be pleasant for people who are walking and cycling beside them.
21. Even more concerning is that the freshwater standard was made less stringent in 2013 by raising the upper limit for *E. coli* from the Health Ministry's 260 cfu per 100 millilitres to 1,000 cfu per 100 mls. We urge that the previous standard be reinstated. Even at more than 540 cfu per 100mls, people are exposed to a high risk of infection from immersion in such water.
22. Clearly current rules and standards are insufficiently stringent to ensure improvements in water quality for recreation. They also need to be better enforced.

23. Coastal pollution is largely at the end of an interconnected causal chain from land use and development, through ground water, rivers, streams and lakes, to the sea. In regard to the Wellington city area, we are very concerned to note (see *Coastal water quality and ecology in the Wellington region: State and trends*, June 12) at least two to three times a year wastewater is allowed to bypass treatment and is discharged directly to the coast or streams. This is because WRC has authorized the Wellington City Council to discharge diluted untreated wastewater through selected stormwater outfalls during periods of heavy or sustained rainfall (eg, via the Overseas Passenger Terminal outfall to Wellington Harbour).
24. In addition, WRC has granted a 'global network' resource consent to WCC to discharge stormwater to the coast. Stormwater picks up sediment, rubbish and a variety of other contaminants (eg. heavy metals, hydrocarbons, herbicides, pesticides, nutrients and pathogens), including from vehicle emissions, along its way to the sea.
25. We suggest the Rules:
- include conditions for resource consents for discharges of wastewater and stormwater that set financial penalties where local councils break the rules or exceed contaminant standards
  - require more interventions to increase public awareness about how people's activities are polluting fresh and marine waters (such as the publicity in Porirua regarding car washing)
  - place controls on emissions from vehicles which are also washed into the stormwater.

## Land use

26. We believe there should be measures to reduce the amount of rain water that ends up in stormwater systems. We note an apparent increase in recent years in the conversion of public and private areas with porous surfaces, (eg. gardens, grassy areas and lawns, planted banks) into hard-surface expanses. These may require low maintenance, but there is no longer any drainage into the soil but only into stormwater systems after gathering toxins and pollutants from the non-absorbent surfaces. Some also seem to need occasional hosing down (using potable water). Examples are Wellington city public space conversions at the corner of Molesworth and Pipitea Sts, Glover Park, and along Victoria St.
27. Trees and plants in urban areas have positive amenity effects, and in all areas assist with erosion-control and are a source of climate change mitigation. The Rules appear to be silent on land use activities' climate change effects, either positive or negative. A major mitigation source in New Zealand is forestry. However, NZ climate change projections show plantation forestry is expected to temporarily transition from a net carbon dioxide sink to a net source of emissions sometime around 2020, and only reverting to being a net sink in the late 2030s. This is because forests planted in the late 1980s and early 1990s will be harvested for timber production around 2020, as part of the managed forestry cycle. Projections assume that New Zealand's natural forests are in a steady state with respect to carbon dioxide emissions, that is, neither a sink nor a source.
28. We recommend the land use Policies and Rules:
- require redevelopments and new developments of public and private areas to have predominantly porous surfaces so rain water is absorbed into the soil rather than running off hard surfaces into stormwater systems
  - encourage the use of supplementary rainwater tanks and the reduction in hard, non-porous surfaces

- encourage an increase in the planting of appropriately sited trees and plants, especially in our urban areas. We acknowledge the positive work Wellington City Council is doing with community groups to plant more native trees, mainly on the Town Belt
- require compensatory planting where trees are harvested or removed.

### **Coastal management**

29. The inner-city harbour-front is a world-class attraction greatly enjoyed by Wellingtonians and visitors because it is a public and open marine environment, thanks to the efforts of community groups to keep it that way. We are concerned that new structures which privatise the space, have no particular need to be on the waterfront, and no maritime purpose or relevance, continue to be built and proposed. The most recent example is the proposed slab at Site 10 which exceeds height limits set by the Environment Court, is unsympathetic to its maritime setting and could function anywhere in the city.
30. We are pleased to see Objectives O10, and O53 to O56 regarding the need for access to and public open space in the coastal marine area, that any use and development must have a functional or operational need to be on the coast, and new development is of a scale, density and design that is compatible with location in the coastal environment. We however recommend deletion of Objective O57 and Policy 142(b) as they are contrary to Objective O56, and therefore comparison with the Wellington city CBD should not be relevant – the reference point should be the maritime surrounds.
31. MVRA is also pleased to see the Clyde Quay Boat Harbour listed in the Schedule E sites with significant historic heritage values, and so is covered by the heritage structure Rules R168 to R172. We expect the Rules cover both the parts of the Boat Harbour within WRC jurisdiction and those within Wellington City Council jurisdiction. We recommend the description of its significant values in Schedule E1 more specifically mention the seawalls, breakwaters, moorings and boatsheds in the area so it is clear the Rules apply to all parts of this significant heritage site. Details on their significance are noted in a heritage significance assessment prepared by Michael Kelly for WRC in 2000. We also recommend inclusion of a Rule that any proposals to add to, alter, remove or otherwise change any part of the site must be publicly notified.
32. We agree with Policy 145 which requires avoidance of reclamation, drainage or destruction in the coastal marine environment, except where these activities relate to regionally significant infrastructure, and there are no other locations and practicable alternatives for them. However, Rule R214 contravenes the required avoidance by making the activities discretionary, except in sites of significance. This Rule should be more stringent by requiring evidence of why there are not other locations and practicable alternatives.
33. As an example, we urge the WRC to ensure the Rules and conditions are sufficiently stringent to prevent any extension to the Wellington airport runway. An extension would have an irreversible adverse impact on the aquatic and coastal biodiversity, habitats, and ecosystems of the southern coastal marine environment, an area also of great cultural significance for local iwi.

### **Historical/heritage**

34. We note the Regional Policy Statement identifies the significant issue for the region, including iwi, of the loss of heritage values as a result of inappropriate modification, use and destruction of historic heritage. The Statement reflects Resource Management Act provisions regarding

heritage, and includes an objective and policies regarding identifying places, sites and areas of significant historic heritage, protecting them and managing effects on them.

35. Further to the comments above, we welcome Objective O34 and Policies P46 and P47. However, apart from policies regarding Maori values and exercise of kaitiakitanga, most of the historical/heritage policies and rules in the Proposed Plan relate to coastal maritime and freshwater heritage sites and structures. We agree these aspects are very important, but it is of great concern to us that the Proposed Plan does not include provisions for land-based historic heritage areas and sites. We recommend Rules that reflect the broad scope of the Resource Management Act, the Regional Policy Statement, and Objective O34 be added.





Proposed Natural Resources Plan:

Submitter:

**Porirua City Council**

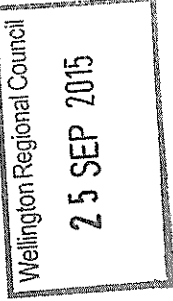
Submitter Number:

**S163**



# Submission on the Proposed Natural Resources Plan for the Wellington Region

## INSTRUCTIONS FOR USING THE SUBMISSIONS SPREADSHEET:



Send to: regionalplan@gw.govt.nz

### Your details:

Full name: Harriet Shelton  
Company name: Porirua City Council  
Address1: 16 Cobham Court  
Address2: PO Box 50218  
Address3:  
Address4:  
Town: Porirua  
Postcode: 5240  
Telephone Work: 04 237 1379  
Telephone Home: 027 838 6890  
Telephone Cell:  
Email address: [hshelton@pcc.govt.nz](mailto:hshelton@pcc.govt.nz)

### Trade competition

Yes  /we could not gain an advantage in trade competition through this submission  
No  /we could gain an advantage in trade competition through this submission.  
If you could gain an advantage please complete one of the following:  
/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.  
/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.

### Attendance and wish to be heard at hearing(s)

Yes  /we do wish to be heard in support of my/your submission  
[Note: this means that you wish to speak in support of your submission at the hearing(s).]  
/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.]  
Yes  If other make a similar submission, I will consider presenting a joint case with them at a hearing.

Date: 25/09/2015

Interpretation	My submission on this provision is:	Reasons for my submission:	I seek the following from WRC (give precise details):
2.1.2 Policies	Amend	<p>The Plan states that the whatua policies are not to be considered as part of a hierarchy and all policies of the Plan apply. But it is not clear how the policies are intended to be applied if there is a conflict between those in the main part of the Plan and the whatua provisions.</p>	<p>Amend interpretation to provide guidance on how policies in different parts of the Plan are to be applied in the event that there is a difference between policies.</p>
2.1.3 Rules	Amend	<p>The first paragraph states that the associated definitions, schedules and maps applicable to the rules have immediate legal effect. Objectives and policies are also legally binding and should be added to this statement.</p> <p>The last paragraph refers to rule bundling, where several associated activities that have been included in one rule only require one resource consent. This may be beneficial to the consenting process for some activities, however this section also needs to provide clarification on the interpretation of multiple rules applying to the same activity. Refer to the comments in our accompanying submission letter.</p>	<p>Amend last sentence of first paragraph to read: "The associated definitions, objectives, policies, schedules and maps applicable to those rules also have immediate legal effect."</p> <p>Amend last paragraph to provide guidance on interpretation where a number of different rules apply to the same or similar activities.</p>
2.2 Definitions	Amend	<p>In order to support other requested changes to recognise special areas set aside for future land development, new definitions will need to be added, relating to comprehensive development plans and recognising scheduled areas for planned future growth/intensification.</p> <p>The term "public amenity area" is referred to in rules R36 and R37 but is not defined in either the Plan or the Resource Management Act. A definition is required.</p>	<p>Include the following additions within the definition section: 1) identifying and/or recognising scheduled areas for planned future growth /intensification. The scheduled areas could take the form of a map overlay (e.g. 'Porirua Northern Growth Area Overlay', or 'Pauatahanui Judgeford Rural Lifestyle Area' overlay) that applies to activities (identified in this plan) that require resource consent within such overlay areas where the development has been approved in a 'comprehensive development plan'. In such overlay areas, the exercise of discretion over the type of regional resource consent required would be restricted, to acknowledge and reflect prior strategic consideration of such development; and 2) a corresponding definition for 'comprehensive development plan' for approved future urban (or peri-urban) development areas. Provide a definition for "public amenity area".</p>
Biosolids	Amend	<p>This definition should refer to the NZWWA Guidelines for the Safe Application of Biosolids to Land 2003 so that it is clear that the Plan provisions are consistent with national standards and associated biosolids grading system. This would be consistent with the general approach taken in the Interpretation section, which refers to other sources and legislation where necessary, eg. the definition of hazardous substances and regionally significant infrastructure.</p>	<p>Add the following words: "Note: this definition, and the associated grading system used in rules R77 and R78, is from NZWWA Guidelines for the Safe Application of Biosolids to Land 2003."</p>

<p>Category 1 surface water body</p>	<p>Amend</p>	<p>It is odd that subclauses (a) to (f) are not listed in alphabetical schedule order.</p>	<p>Rearrange subclauses (a) - (f) to be in alphabetical schedule order (ie. starting with Schedule A outstanding water bodies).</p>
<p>Catchment based flood and erosion risk management activities</p>	<p>Amend</p>	<p>Not in alphabetical order within Definitions section - should be immediately after "break-feeding". This definition covers local authority erosion management structures in relation to rivers, but not the coastal marine area. PCC considers that coastal erosion management structures also have benefits and should be recognised under associated policies P15, P16 and P104. Further clarification within the existing definition is also needed. The definition seems to suggest that flood or erosion risk management structures are only recognised as being beneficial (under policies P15, P16 and P104) if they are included in a "river management scheme" or "flood plain management plan". But there are no provisions relating to the preparation or adoption of such schemes/plans. Moreover, "river management scheme" is not defined despite the fact that rule P123 refers to "identified river management scheme area", nor is "flood plain management plan" defined. Because of the lack of clarity as to what river management schemes and flood plan management plans entail, it is hard to understand how much flexibility local authorities have when undertaking flood works that are small scale (eg. minor works for maintenance purposes). It would be a significant concern if such work required community consultation as part of a management plan for example, and quite inappropriate in cases where there is a pressing need to undertake works such as emergency repairs.</p>	<p>Re-arrange to be in alphabetical order. Expand definition to include erosion management structures within the coastal marine area. Provide clarification within the definition to confirm whether flood or erosion risk management structures are only recognised as being beneficial if they are included in a "river management scheme" or "flood plain management plan". If this is so, provide flexibility in order to allow local authorities to be able to undertake small scale maintenance works or emergency works without the need to prepare or amend a river management scheme or flood plain management plan. Introduce provisions relating to the preparation or adoption of such schemes/plans. Provide definition of "river management scheme" and "flood plain management plan", and guidance as to what these plans should entail.</p>
<p>Contaminated land</p>	<p>Amend</p>	<p>This term is does not appear in correct alphabetical order. It should be between "composting toilet" and "core allocation". Are landfills included in the definition of "contaminated land"? Clarification would be helpful. It is stated on page 17 of the Plan that words defined in the Resource Management Act are not repeated, however contaminated land is defined here even though it is also defined in the RMA. In this context it would in fact be very helpful for the Plan to define "contaminant", as this term is used frequently throughout the Plan and it is not always clear what is included or excluded for the purposes of this Plan. For example there are often separate provisions for wastewater and stormwater although it could be argued that both fit within the definition of contaminant as defined by the RMA.</p>	<p>Re-arrange so that this definition is between "composting toilet" and "core allocation". Clarify if landfills are included in the definition of "contaminated land". Add a definition of "contaminant" to clarify what is included and excluded for the purposes of this Plan.</p>

Earthworks	Support	<p>The definition of earthworks in the draft Plan specifically included the widening of roads and tracks. Road widening is no longer specifically mentioned in the proposed Plan, presumably because this activity is already covered within the description of earthworks. Repair, maintenance and sealing of roads and tracks are now specifically mentioned as being excluded from the definition of earthworks. This is supported, as it is sensible that such activities are excluded from the definition because they do not generally cause issues with soil erosion and sediment run-off.</p>
Efficient allocation	Amend	<p>It is unclear what this definition relates to: economic, technical and dynamic efficiency in relation to what? Also, there do not appear to be any plan provisions associated with this definition.</p>
Good management practice	Amend	<p>This definition contains many qualitative words and is not certain. This definition is relied upon considerably throughout the Plan. Relying on this concept is problematic because many industries / activities that have such things, have been developed for the efficiency/practicability/ economic sustainability of that industry - not primarily and exclusively for addressing environmental effects. For drainage engineering, best practice cannot be contained in a simple manual, and in any case is continuously improving. The concept should have limited specific application, not the assumption that it is practicable or realistic to apply broadly.</p>
Noise sensitive activities	Amend	<p>Perhaps hospitals should be included in this definition?</p>
Property	Amend	<p>It is not clear why this definition is limited to land under one ownership. Land can be held in numerous ownerships (eg. unit title, cross-lease etc.) but under this definition, various areas of land held in more than one ownership could be dismissed or left out. This could have unintended consequences, eg. point source discharge at a property - it could be argued that if a site is under multiple ownership then rules relating to point source discharge would not apply.</p>
Regionally significant infrastructure*	Amend	<p>This definition does not include municipal landfills. PCC considers that municipal landfills such as Spicer Landfill should be treated as regionally significant infrastructure, as they perform a function that is just as important as other infrastructure included in this definition. Solid waste disposal facilities are just as important as core bus routes and the regional cycling network (strategic transport network), for example. "Strategic facilities" to the telecommunications and radio communications networks are not defined in their respective statutes, so it is unclear what aspects of these networks are to be treated as "strategic".</p>
		<p>Provide clarification in this definition. Define the technical terms "economic efficiency", "technical efficiency" and "allocative efficiency".</p>
		<p>Redefine to make the definition more certain and to clarify the limits of its applicability.</p>
		<p>Consider adding hospitals or similar to this definition.</p>
		<p>Amend the definition to clarify the term "property" so that all possible forms of ownership are addressed.</p>
		<p>Amend definition to include municipal landfills. Amend definition to clarify what strategic telecommunications and radio communications facilities are.</p>

<p>Restoration management plan</p>	<p>Amend</p>	<p>The inclusion of rule R98 appears to be an error as R98 (livestock access to the beds of surface water bodies) does not refer to restoration management plans.</p>	<p>Remove "R98" from the definition.</p>
<p>Significant natural wetland</p>	<p>Amend</p>	<p>It is not clear if any significant natural wetlands have been identified that are less than 0.1ha in size and therefore not listed in Schedule F3. All of the Plan's provisions relating to significant natural wetlands either specify those identified in Schedule F3 or also relate to natural wetlands. The only provision that refers to significant natural wetlands not specified in Sched F3 (and not alongside natural wetlands) is Policy P40. So it is probably not necessary to include the distinction about size in this definition as it just creates confusion.</p> <p>This definition refers to rule R98 only, which is misleading as many other rules refer to significant natural wetlands.</p> <p>In addition, the significant natural wetlands identified in Schedule F3 have not been mapped, which makes it difficult to identify their precise location and extent.</p>	<p>Amend the definition to clarify the identification of "significant natural wetlands", as opposed to "natural wetlands", remove the distinction relating to size, remove the reference to R98. The significant natural wetlands identified in Schedule F3 also need to be mapped.</p>
<p>Stormwater network</p>	<p>Not stated</p>	<p>The definition includes kerb (and channel). These are roading devices used to separate carriageway from footpath, and are simply shaped to maximise their ability to convey water relative to their height. Mountable kerbs and other carriageway edges that have a low height have little ability to convey water. Including kerb and channel within the definition of stormwater network overlaps with the roading function of local authorities. While this is not necessarily a problem, there are implications for local authorities' internal management of stormwater assets.</p>	
<p>Upgrade</p>	<p>Amend</p>	<p>The definition should be simplified in order to focus on the outcome, which is that the effects remain the same or similar in character, intensity and scale as the existing structure and activity. Whether or not the upgrade is for the purpose of meeting current standards is irrelevant and is too limiting. The purpose of the upgrade may be to improve levels of service or to accommodate growth. In the future, capital improvements may also be increasingly necessary to protect communities from climate change effects. But for the purposes of applying this definition, all that needs to be identified is that the effects remain largely the same as the existing structure or activity.</p>	<p>Amend to read: "The replacement or alteration of an existing structure or facility that results in the effects of the activity being the same or similar in character, intensity and scale as the existing structure and activity."</p>
<p>Vegetative bank edge protection</p>	<p>Amend</p>	<p>This definition refers only to anchored willows and poplars and excludes other plants that may be appropriate to stabilise banks for erosion prevention.</p>	<p>Amend to include the use of other plants (such as appropriate natives) to vegetate banks for erosion prevention.</p>
<p>Water race</p>	<p>Amend</p>	<p>This definition is not in alphabetical order.</p>	<p>Move this definition so that it is immediately after "wastewater network" in the list of definitions.</p>

Objectives	My submission on this provision is:	Reasons for my submission:	I seek the following from WRC (give precise details):
Objective O9: Recreational values	Support	PCC supports the maintenance and enhancement of recreational values.	
Objective O10: Public access	Support	PCC supports the maintenance and enhancement of public access to and along the coastal marine area.	
Objective O13: Protecting regionally significant infrastructure	Amend	This objective appears to apply only in the coastal marine area. The protection of regionally significant infrastructure against reverse sensitivity should also apply to wetlands and the beds of lakes and rivers. The majority of regionally significant infrastructure is not in the coastal marine area. The Regional Policy Statement directive to recognise and protect such infrastructure is not limited to the coastal marine area.	Amend the objective to protect significant infrastructure against reverse sensitivity in wetlands and the beds of lakes and rivers as well as the coastal marine area.
Objective O23: Maintain or improve water quality	Support	This objective is consistent with PCC's strategic priority for "a healthy and protected harbour and catchment" and is therefore supported.	
Objective O24: Contact recreation and Maori customary use	Support	Overall, this objective is consistent with PCC's strategic priority for "a healthy and protected harbour and catchment" and is therefore supported.	
Objective O25: Aquatic ecosystem health and mahinga kai	Support	This objective is consistent with PCC's strategic priority for "a healthy and protected harbour and catchment" and is therefore supported.	
Objective O32: Outstanding natural features and landscapes	Amend	This Plan does not cover all outstanding natural features and landscapes. Only sites involving water are identified (wetlands, lakes, rivers, coastal marine area); there are no other landscape features such as ridgelines and hilltops. This should be clarified in the objective, and would be consistent with policy P48.	Amend to read: "Outstanding natural features and landscapes of the coastal marine area, rivers, lakes and their margins and natural wetlands are protected from..."
Objective O50: Wastewater discharges to fresh water	Support	This objective is considered to be reasonable and it recognises that changes to reduce the discharge of wastewater into fresh water will need to be implemented over time.	
Objective O55: Public open space	Support	PCC supports the recognition of the need for public open space in the coastal marine area.	



Policies	My submission on this provision is:	Reasons for my submission:	I seek the following from WRC (give precise details):
Policy P1: Ki uta ki tai and integrated catchment management	Support	Supported in principle as this policy facilitates integrated catchment management which is a critical element in the eventual success of improving the health of Te Awarua-o-Porirua Harbour.	
Policy P2: Cross-boundary matters	Support	Supported as this policy facilitates integrated catchment management which is a critical element in the eventual success of improving the health of Te Awarua-o-Porirua Harbour.	Amend to be consistent with the NZ Coastal Policy Statement policy on the precautionary approach.
Policy P3: Precautionary approach	Amend	This policy should be consistent with the corresponding policy on the precautionary approach in the NZ Coastal Policy Statement.	Amend subclause (b) to read: "treatment, management, dilution and disposal of wastewater and stormwater..."
Policy P7: Uses of land and water	Amend	This policy is supported in principle but it should include the management of stormwater to protect communities from flooding.	
Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities	Support	PCC supports the recognition of the benefits of regionally significant infrastructure in the Plan provisions.	
Policy P13: Existing regionally significant infrastructure and renewable electricity generation facilities	Amend	PCC supports the recognition in the Plan that existing regionally significant infrastructure is beneficial and generally appropriate.	
Policy P14: Incompatible activities adjacent to regionally significant infrastructure and renewable electricity generation activities	Support	This policy is supported, as the maintenance of regionally significant infrastructure should not be hampered or frustrated, and reverse sensitivity effects need to be dealt with.	
Policy P15: Flood protection activities	Support	The principle of this policy is supported, as flood protection is one of the mandatory core services of local authorities under the Local Government Act and should be recognised and protected.	
Policy P16: New flood protection and erosion control	Support	The principle of this policy is supported, as flood protection is one of the mandatory core services of local authorities under the Local Government Act and should be recognised and protected.	

<p>Policy P23: Restoring Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson), and Lake Wairarapa</p>	<p>Amend</p>	<p>This policy is consistent with PCC's strategic priority for "a healthy and protected harbour and catchment" and is therefore supported. In subclause (b) the words "erosion prone land" need to be in bold type to indicate that this term has been defined in the Interpretation section.</p>	<p>Amend so that erosion prone land is in bold type. Suggest cross-referencing like the RPS to aid interpretation and implementation.</p>
<p>Policy P24: Outstanding natural character</p>	<p>Amend</p>	<p>It is not clear if the areas of outstanding natural character in the coastal marine area are specified in the Schedules. If this is so, refer to comments on P39. If not, who then decides what is outstanding natural character? "Avoidance" is a very strong constraint, and may preclude many activities. The various rules and restrictions imposed to implement this policy would have significant implications for council activities, including routine maintenance and activities required to achieve other objectives such as erosion protection. Some flexibility may be required to enable these types of necessary activities to be undertaken.</p>	<p>Define areas of outstanding natural character. Amend subclauses (a) and (e) to replace "avoiding" with "avoiding, or if not practicable, mitigating or offsetting".</p>
<p>Policy P29: Climate change</p>	<p>Support</p>	<p>PCC supports that particular regard shall be given to the potential for climate change effects.</p>	
<p>Policy P30: Natural buffers</p>	<p>Amend</p>	<p>PCC supports the minimisation of adverse effects on natural features that buffer development from natural hazards.</p>	
<p>Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai</p>	<p>Support</p>	<p>This policy is consistent with PCC's strategic priority for "a healthy and protected harbour and catchment" and is therefore supported.</p>	
<p>Policy P34: Fish passage</p>	<p>Amend</p>	<p>This policy is not flexible and doesn't take account of all situations and circumstances. The current wording effectively means that any new barrier should be avoided even if it is part of a relocation.</p>	<p>Add the following to the end of the policy: "...avoided, and if not practicable, mitigated."</p>

<p><b>Policy P39: Adverse effects on outstanding water bodies</b></p>	<p>Pauatahanui Inlet in its entirety is classed as an "outstanding water body" in Schedule A, which is supported in principle and is consistent with PCC's strategic priority for a healthy and protected harbour. However, as the inlet is a large body of water surrounded by urban development and numerous associated activities occurring alongside it, environmental protection needs to be balanced against the infrastructure needs of the existing development in the area. The various rules and restrictions imposed to implement this policy will have significant implications for council activities, including routine maintenance and activities required to achieve other objectives such as erosion protection. Some flexibility will be required to enable these types of necessary activities to be undertaken.</p>	<p>Introduce some flexibility to allow essential maintenance and activities required to achieve other objectives such as erosion protection to be undertaken while balancing the need for environmental protection. Amend policy to read: "avoided, and if not practicable, mitigated or offset."</p>
<p><b>Policy P40: Ecosystems and habitats with significant indigenous biodiversity values</b></p>	<p>The intention of the policy is supported, but it is too restrictive. "Protect and restore" is a very strong constraint, and may preclude many activities. This policy would apply to Pauatahanui Inlet as it is identified in Schedules F2, F3 and F4. As the inlet is a large body of water surrounded by urban development and numerous associated activities occurring alongside it, environmental protection needs to be balanced against the infrastructure needs of the existing development in the area. The issue with P40 could be rectified by amending it so that it is clearly linked with (amended) Policy P41, so that there is scope for managing adverse effects. It should also be noted that this is the only provision in the Plan that refers to all significant natural wetlands, not just those specified in Schedule F3, and not alongside "natural wetlands". All of the other provisions in the Plan relating to significant natural wetlands are either specifically limited to those identified in Schedule F3 or also relate to natural wetlands. It is not clear if there are any known "significant natural wetlands" that are less than 0.1ha in size (and therefore not listed in Schedule F3). This policy is confusing when combined with the definition of "significant natural wetland" (see comments regarding this in the Interpretation section), and also the lack of mapping for this provision.</p>	<p>Amend policy so that it is clearly linked with (amended) Policy P41, enabling adverse effects to be managed. Amend the definition to clarify the identification of "significant natural wetlands", as opposed to "natural wetlands", and amend subclause (c) to match the amended definition. Identify any significant natural wetlands under 0.1ha in size. The significant natural wetlands identified in Schedule F3 also need to be mapped.</p>
<p><b>Amend</b></p>	<p><b>Amend</b></p>	<p>Amend policy so that it is clearly linked with (amended) Policy P41, enabling adverse effects to be managed. Amend the definition to clarify the identification of "significant natural wetlands", as opposed to "natural wetlands", and amend subclause (c) to match the amended definition. Identify any significant natural wetlands under 0.1ha in size. The significant natural wetlands identified in Schedule F3 also need to be mapped.</p>

<p>Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values</p>	<p style="text-align: center;">Amend</p>	<p>It is not clear in reading the Plan how a range of very minor day-to-day and recreational based activities are permitted or provided for. In the case of Pauatahanui Inlet, Policy P41 would effectively mean that any activity at all, even passive pursuits, must avoid the inlet. This wording would even preclude events such as beach clean-ups. These types of activities should not have to be included in a restoration management plan in order to be permitted under these Plan provisions. Only if the site cannot be avoided is there provision for managing adverse effects, but because so many of these minor activities can arguably avoid the inlet (for example one can opt to go running at Plimmerton instead of Pauatahanui), these clauses do not apply. The wording of this policy needs to be made more specific.</p>	<p>Amend the policy to make it more specific in how it provides for and permits the undertaking of passive and/or recreational activities in the coastal marine area and the beds of lakes and rivers.</p> <p>This request applies to all policies and rules in the Plan. All policies and rules need to be more specific in how they are intended to provide for and permit people to undertake passive and/or recreational activities, including events, in the coastal marine area, wetlands and the beds of lakes and rivers, in particular areas identified as having significant values.</p>
<p>Policy P43: Restoration and management plans</p>	<p style="text-align: center;">Support</p>	<p>PCC supports the allowance for certain activities (specified in a restoration management plan) that may have adverse effects but are required in order to achieve the wider restoration objective.</p>	
<p>Policy P44: Protection and restoration of sites with significant mana whenua values</p>	<p style="text-align: center;">Amend</p>	<p>The sites with significant mana whenua values are very wide ranging. It would not be physically possible to protect and/or restore the largest and most developed sites. As the majority of these sites are surrounded by urban development and numerous associated activities, their protection needs to be balanced against the infrastructure needs of existing development. The various rules and restrictions imposed to implement this policy will have significant implications for council activities, including routine maintenance and activities required to achieve other objectives such as erosion protection. Some flexibility will be required to enable these types of necessary activities to be undertaken.</p>	<p>Introduce some flexibility to allow essential maintenance and activities required to achieve other objectives such as erosion protection to be undertaken while balancing the need for protection. Amend wording to read: "...protected and/or restored, and if not practicable, adverse effects shall be mitigated or offset."</p>
<p>Policy P45: Managing adverse effects on sites with significant mana whenua values</p>	<p style="text-align: center;">Amend</p>	<p>"Avoidance" is a very strong constraint, and may preclude many activities in areas with significant mana whenua values. Either adverse effects are to be avoided, or a cultural impact assessment is required for more than minor adverse effects.</p>	<p>Re-examine the effect of this policy on existing activities and on essential local authority maintenance/management activities.</p>

<p>Policy P48: Protection of outstanding natural features and landscapes</p>	<p>Amend</p>	<p>Subclauses (a) and (b) are essentially the same and are repetitive. It is not clear if the outstanding natural features and landscapes referred to in this policy are those specified in the Schedules. If this is so, refer to comments on P39. If not, who then decides what is outstanding?</p>	<p>Delete subclause (a) to avoid repetition. Clarify whether the outstanding natural features and landscapes referred to in this policy are those specified in the Schedules. If this is so, refer to comments on P39. If not, provide guidance on how or who determines what is outstanding.</p>
<p>Policy P50: Significant geological features</p>	<p>Amend</p>	<p>Pauatahanui inlet in its entirety is classed as a significant geological feature in Schedule J, which is supported in principle and is consistent with PCC's strategic priority for a healthy and protected harbour. However, as the inlet is a large body of water surrounded by urban development and numerous associated activities occurring alongside it, environmental protection needs to be balanced against the infrastructure needs of the existing development in the area. "Avoidance" is a very strong constraint, and may preclude many activities. The various rules and restrictions imposed to implement this policy will have significant implications for council activities, including routine maintenance and activities required to achieve other objectives such as erosion protection. Some flexibility will be required to enable these types of necessary activities to be undertaken.</p>	<p>Introduce some flexibility to allow essential maintenance and activities required to achieve other objectives such as erosion protection to be undertaken while balancing the need for environmental protection. Amend to read: "...avoided, or if not practicable, mitigated or offset."</p>
<p>Policy P52: Managing ambient air quality</p>	<p>Amend</p>	<p>Referring to extensive lists of specific chemicals does not easily address the effects of discharges from particular activities which may have very small components of a large number of chemicals. For example, it is not clear if discharges to air from wastewater treatment plants fit under this policy.</p>	<p>Simplify the policy so that common activities are easily identified as being acceptable or not. Clarify whether discharges to air from wastewater treatment plants fit under this policy.</p>
<p>Policy P63: Improving water quality for contact recreation and Māori customary use</p>	<p>Amend</p>	<p>The policy refers to method M27, however M27 refers to Schedule H1 while this policy refers to Schedule H2. There may be an error in M27.</p>	<p>Check method M27 for accuracy with regards to Schedules H1 and H2.</p>
<p>Policy P64: Mixing waters</p>	<p>Amend</p>	<p>It is unclear what is meant by "catchments" in this policy. Are these whatua catchments or some other form of catchment? It should be noted that Porirua receives its drinking water supply from another catchment (Te Marua) and therefore most discharges result in the mixing of water between catchments, thereby clashing with this policy. P64 needs to be reviewed in light of this.</p>	<p>Clarify what is meant by "catchments" in this policy. Specify "whatua catchments" if that is what is intended. Amend policy to exclude the mixing of waters that are associated with distributed water supply for domestic and commercial use.</p>
<p>Policy P68: Inappropriate discharges to water</p>	<p>Amend</p>	<p>With respect to subclause (a) "extreme" needs to be defined.</p>	<p>Define "extreme" in relation to overflows in subclause (a).</p>

<p>Policy P73: Minimising adverse effects of stormwater discharges</p>	<p>"Good management practice" in subclause (a) should be in bold type as it is defined in the Interpretation section. It is not clear how the term "good management practice" relates to current engineering practice or asset management systems. The policy does not go into how improving in-pipe water quality is to be achieved. PCC supports the implementation of water sensitive urban design to minimise the adverse effects of stormwater discharges. However Porirua's topography does not always make it possible in new developments (as in other parts of the region). The policy approach should recognise that water sensitive urban design is not always possible. It is suggested that this policy should focus on characterising the nature and scale of the effects of stormwater discharges, acknowledging that many other factors impinge on receiving water environments, which may be of much greater impact than stormwater. Also acknowledge that the greatest flow of stormwater will always be during and after a large rain event, when typically there are other large inputs of contaminants to the water body. This policy lends itself to using methods rather than rules.</p> <p style="text-align: center;">Amend</p>	<p>Put "good management practice" in bold type in subclause (a). Amend subclause (c) to read: "implementing <b>where appropriate</b> water sensitive urban design..." Acknowledge that non-regulatory methods are likely to be the most effective way of implementing this policy rather than rules.</p>
<p>Policy P74: First-stage local authority network consents</p>	<p>It is supported that the adverse effects of stormwater need to be managed and improved over time (objective O48). Stormwater is a significant contributor to water and bottom-sediment quality in Te Awarua-o-Porirua Harbour and its tributaries. The consent should include a review clause to implement whaitua catchment limits when they have been set. The suggested regime has significant compliance costs (with ratepayers footing the bill), which would be better spent on improving the network to get better environmental outcomes. The monitoring in subclause (b) needs to be targeted to the effects of stormwater discharges - not to general state of the environment monitoring. The 5 year term should apply from the operative date of the Plan. This would enable issues associated with the Plan to be resolved through hearings and appeal processes, and provide councils with the chance to appropriately respond to Plan provisions that may change through appeal.</p> <p style="text-align: center;">Amend</p>	<p>Introduce a review clause to implement further limits when they are established by the whaitua process. It is requested that the term for controlled activity consents expires 5 years after the Plan is made operative.</p>

<p>Policy P75: Second-stage local authority network consents</p>	<p>Amend</p>	<p>In respect of subclause (b), stormwater management plans are not defined and it is not clear how they differ from stormwater management strategies. With regards to subclause (d), it is not necessarily practicable to treat stormwater by land-based means in all areas, "Good management practice" is undefined, subjective and uncertain.</p>	<p>Clarify the difference between stormwater management plans and stormwater management strategy. Amend subclause (d) to read: "employing land-based treatment of stormwater where practicable..."</p>
<p>Policy P90: Discharges of hazardous substances</p>	<p>Amend</p>	<p>Supported in principle, but the reliance on good management practices makes the policy rather vague. The term good management practice is open to many possible interpretations. It would be better to be more specific and refer to published guidelines.</p>	<p>Provide further clarification within the policy to make it more meaningful.</p>
<p>Policy P96: Managing land use</p>	<p>Amend</p>	<p>This policy is extremely vague, and it is hard to tell what its intention is. The term good management practice is open to many possible interpretations and is too uncertain a term.</p>	<p>Provide further clarification within the policy to make it more meaningful.</p>
<p>Policy P97: Managing sediment discharges</p>	<p>Amend</p>	<p>The intention of this policy is supported, as the reduction of sediment discharge into water is a key objective of the Te Awara-o-Porirua Harbour Strategy. However the term "good management practice" is open to many possible interpretations and is too uncertain. It would be better to be more specific and refer to published guidelines. The requirement to offset should be part of a proper policy framework and only as part of mitigation and not another additional step after mitigation (which would be consistent with the RMA).</p>	<p>Remove "good management practice" or be more specific, for example, refer to published guidelines. Remove reference to offsetting.</p>
<p>Policy P102: Reclamation or drainage of the beds of lakes and rivers</p>	<p>Support</p>	<p>The recognition of growth/development strategies is strongly supported, as is the recognition of the efficient operation of regionally significant infrastructure. However this policy is the only reference to growth/development strategies and its recognition of such strategies is not reflected in the rules. This policy on its own is inadequate, both in terms of the fact that there is no corresponding rule to implement the policy and also because the exemption for growth/development strategies only applies to reclamation or drainage which is very limited. As growth/development strategies are exempt from Policy P102, there should be an alternative policy framework for these areas, but there are no other provisions in the Plan other than P102. Refer to the comments regarding this matter in our accompanying submission letter.</p>	<p>Refer to the comments in our accompanying submission letter regarding the need to recognise and provide for urban growth strategies more comprehensively.</p>

<p>Policy P138: Structures in sites with significant values</p>	<p>Amend</p>	<p>The exemption for structures within sites of significance should also include structures required for protecting or enhancing recreational values or public access, for example, structures to protect the walkways around Paatahanui Inlet.</p>	<p>Add the following to the list: "the structure is required to protect or enhance recreational values or public access".</p>
<p>Policy P139: Seawalls</p>	<p>Amend</p>	<p>This policy is supported but it should also specify the provision of seawalls to protect public access and existing recreational assets. With the prospect of sea level rise, new seawalls may also need to be constructed to protect existing urban areas and private property.</p>	<p>Amend to read as follows: "The construction of a new seawall is inappropriate except where the seawall is required: (a) to protect existing, or upgrades to, infrastructure, or (b) to protect new regionally significant infrastructure, or (c) to protect public access to and within the coastal marine area and existing recreational assets, or (d) in accordance with a hazard management strategy, and in respect of (a), (b), (c) and (d): (e) there is no reasonable or practicable alternative means, and (f)..."</p>
<p>Policy P148: Motor vehicles in sites with significant value</p>	<p>Support</p>	<p>PCC supports that in principle, motor vehicles on the foreshore in sites of significance should be avoided except where required for emergencies, local authority or regionally significant infrastructure purposes, etc.</p>	
<p>Policy P149: Protection of the Titahi Bay fossil forest</p>	<p>Not stated</p>	<p>Please refer to our accompanying submission letter with regards to the provisions for Titahi Bay beach.</p>	<p>Please refer to our accompanying submission letter with regards to the provisions for Titahi Bay beach.</p>



Rules - Air quality	My submission on this provision is:	Reasons for my submission:	I seek the following from WRC (give precise details):
Rule R34: Gas, water and wastewater – permitted activity	Support	<p>Wastewater networks and pump stations etc. will discharge low levels of contaminants to air and this proposed rule is appropriate to provide for operation and maintenance and will avoid the need for many costly and unnecessary consents. Insert "processes" after "wastewater" in the title of the rule.</p>	<p>Insert "processes" after "wastewater" in the title of the rule.</p>
Rule R36: Agrichemicals – permitted activity	Amend	<p>This rule would subject the routine application of agrichemicals in sites such as urban roads to onerous standards and notification requirements. Condition (g) in particular is unworkable and unnecessarily onerous. Subclauses (ii) and (iii) requiring notification or agreement from adjacent neighbours is extremely onerous, and in most cases unnecessary, particularly in the case of road or walkway maintenance where there are many adjoining properties. In respect of subclause (iv), NZS8409:2004 does not require either 24-hour notification or that copies of the spray plan be supplied to affected persons whether they want it or not, so it is unclear why the Plan requires more than this. In practice R36 would simply result in a lot of extra unnecessary paperwork for minimal benefit. This rule appears to have been drafted for a rural context and is not particularly clear or consistent for residential and urban areas. PCC seeks the exemption for residential areas to be extended to all urban areas, including residential, commercial, industrial, parks and reserves. Rural road management should also be treated the same way. It does not make sense that spraying in commercial or industrial areas is subject to restrictions when residential areas are not, despite the fact that residential areas are far more sensitive.</p>	<p>Amend the third line of the rule as follows: " ...For all applications excluding all urban areas, roads and hand-held/knapsack applications..."</p>
Rule R36: Agrichemicals – permitted activity	Amend	<p>A definition for handheld/knapsack applications is required, in order to clarify if it includes applications with a handheld sprayer attached to a vehicle, or vehicles with directional spray guns that apply sprays at the same rate as handheld applicators. In respect of subclause (n), "public amenity areas" needs to be defined.</p>	<p>Define "hand-held/knapsack agrichemical applications" and "public amenity areas".</p>

<p><b>Rule R37: Agrichemicals into water – permitted activity</b></p>	<p>In respect of subclause (f), "public amenity area" needs to be defined.</p>	<p>Define "public amenity area".</p>
<p><b>Rule R39: Fumigation – permitted activity</b></p>	<p>The wording of this rule needs to be amended to clarify the difference between this rule and rule R40. R39 states that the discharge of fumigants into air is permitted subject to conditions, while R40 states that the discharge of fumigants including phosphine etc is a controlled activity. Either R39 needs to exclude the fumigants listed in R40, or R40 needs to state that the discharge of fumigants not meeting the conditions of R39 is a controlled activity.</p>	<p>Amend the wording of R39 and R40 to differentiate between these two rules. Either amend R39 to exclude the fumigants listed in R40, or amend R40 to state that the discharge of fumigants not meeting the conditions of R39 is a controlled activity.</p>
<p><b>Rule R40: Discharge of other fumigants – controlled activity</b></p>	<p>PCC is concerned about the inclusion of methyl bromide in this rule. Methyl bromide is a broad spectrum pesticide that is recognised as an ozone-depleting substance and is currently being phased out in many countries. This rule is too lenient. At the least, matters of control should extend to quantity of use and location. "Distance of the buffer zone" is vague - distance from what? The use of fumigants should also be restricted inside or adjacent to sites of significance.</p>	<p>Include quantity of use and location in the matters of control. Provide more clarification regarding "distance of the buffer zone". Restrict the use of fumigants inside or adjacent to sites of significance.</p>

Amend

Amend

Amend

Rules - Discharges to water	My submission on this provision is:	Reasons for my submission:	I seek the following from WRC (give precise details):
Rule R42: Minor discharges – permitted activity	Amend	There is a typographical error at the end of the second line: "discretion" should be "discretionary".	Correct "discretion" in the second line to "discretionary".
Rule R48: Stormwater from an individual property – permitted activity	Amend	<p>The general intention of this rule is supported, however subclause (a) will have unintended consequences that are not desirable from anyone's perspective. Pauatahanui Inlet in its entirety is classed as an outstanding water body, therefore all individual properties bordering the inlet effectively require resource consent to continue discharging stormwater into the inlet (discretionary activity under RS3). There are numerous properties in this situation due to the fact that there are a number of developed areas immediately adjacent to the inlet - Golden Gate (Paremata), Mana, Camborne, Motukaraka and Pauatahanui. Not all of these properties have connections to the stormwater network, and even if they do, invariably runoff naturally flows downhill into the inlet from these properties (note that "discharge", as defined in the RMA, is not necessarily deliberate and includes "allow to escape"). Individual property owners will be unaware that their runoff is now a discretionary activity. The Plan's authors most likely did not envisage this situation, which could create a heavy administrative burden from both the processing of a large number of resource consents and associated compliance monitoring and enforcement. Furthermore, this rule does not specify whether the discharge of stormwater is directly or indirectly into water/land, therefore any individual property in the Pauatahanui Inlet's catchment that is not connected to the stormwater network is theoretically subject to this rule (stormwater is discharged into the inlet indirectly, via streams). Of course individual properties should not be exempt from the need to improve the quality of the stormwater entering the inlet, but it would be better to restructure this rule so that the stormwater from these properties can be addressed as part of the global consents for the council stormwater network and associated stormwater management strategy.</p>	Restructure this rule so that there is an option to address the stormwater from individual properties as part of the global consents for the council stormwater network and associated stormwater management strategy. Clarify whether the rule applies to direct or indirect discharges
Rule R50: Stormwater from a local authority network at plan notification – controlled activity	Amend	<p>It is supported that the adverse effects of stormwater need to be managed and improved over time. Stormwater is a significant contributor to water and bottom-sediment quality in Te Awarua-o-Porirua Harbour and its tributaries. However the suggested regime has significant compliance costs (with ratepayers footing the bill), which could be better spent on improving the network to get better environmental outcomes.</p> <p>The expiry date for the controlled activity status in condition (a) is contrary to the principles of natural justice as it may expire before submitters have had a reasonable chance to be heard and have decisions and appeals resolved.</p> <p>The 5 year term for first stage consent should apply from the operative date of the Plan. This would enable issues associated with the Plan to be resolved through hearings and appeal processes, and provide councils with the chance to appropriately respond to Plan provisions that may change through appeal.</p> <p>The consent should include a review clause to implement whaitua catchment limits when they have been set. Precluding the controlled applications from</p>	<p>Amend condition (a) to read: "the resource consent application is received within two years of the date that the Natural Resources Plan becomes operative". Introduce a review clause to implement further limits when they are established by the whaitua process. Amend item 3 in Matters of control so that the duration of controlled activity consents is a maximum of 5 years after the Plan is made operative or from the date that consent is granted, whichever is the greater.</p>

<p>Rule R51: Stormwater from a local authority network two years after public notification – restricted discretionary activity</p>	<p>Amend</p>	<p>See comments above regarding R50. There is no guidance on stormwater management plans and what they should contain, and how they differ from the stormwater management strategy.</p>	<p>Amend the rule in accordance with the requested changes to R50, to take account of the suggested date changes. See comments above regarding R50. Provide a definition and guidance regarding stormwater management plans.</p>
<p>Rule R52: Stormwater from large sites – restricted discretionary activity</p>	<p>Amend</p>	<p>There is a discrepancy between the Plan's treatment of large sites, council stormwater networks and stormwater from roads that do not have stormwater systems. Porirua has a number of existing roads, such as Grays Road, that do not have kerbs or swales so that stormwater discharges directly into adjacent water or land. As the rules are currently drafted, neither R50 nor R52 apply. State Highway 58 bordering the south side of Pauatahanui Inlet is subject to R52, while Grays Road on the north side of the inlet falls under R53 by default.</p>	<p>Review the provisions and amend to ensure alignment between the rules for consistency of stormwater management.</p>
<p>Rule R53: All other stormwater – discretionary activity</p>	<p>Amend</p>	<p>As stated above, some parts of PCC's roading network are not connected to the council's stormwater network and therefore fall under this rule and will be classed as a discretionary activity. It would be preferable to address this stormwater runoff as part of the global consents for the council stormwater network and associated stormwater management strategy.</p>	<p>Restructure the rules to allow stormwater runoff from the local authority roading network that is not connected to the council stormwater network to be addressed as part of the global consents for the council stormwater network and associated stormwater management strategy.</p>
<p>Rule R55: Discharges from contaminated land – permitted activity</p>	<p>Amend</p>	<p>The time limit attached to the Plan's notification date in condition (a) is contrary to the principles of natural justice, as it may expire before submitters have had a reasonable chance to be heard and have decisions and appeals resolved.</p>	<p>Amend condition (a) to read: "...within two years after the date that the Natural Resources Plan becomes operative.."</p>
<p>Rule R56: Discharges from contaminated land – discretionary activity</p>	<p>Amend</p>	<p>The first line of this rule contains a typographical error: "The use the land.."</p>	<p>Correct the typographical error.</p>
<p>Rule R60: All other pumped drainage schemes – discretionary activity</p>	<p>Amend</p>	<p>This is one of many rules in the Plan that do not take into account the specific circumstances of strategic development areas, which should not be subjected to unnecessarily onerous provisions because they have already been assessed and approved at a strategic level. Refer to the comments in our accompanying submission letter.</p>	<p>Add further categories as follows:          "Discharge of water or contaminants ... from a pumped drainage scheme within an Urban Development overlay area, in respect of which a comprehensive development plan has been approved, is a controlled activity."          "Discharge of water or contaminants ... from a pumped drainage scheme within an Urban Development overlay area, in respect of which a comprehensive development plan has not been approved, is a restricted discretionary activity."</p>
<p>Rule R61: Existing wastewater – discretionary activity</p>	<p>Amend</p>	<p>This rule is supported in principle, as the discretionary activity status is a continuation of the status quo for PCC's wastewater treatment plant. It is assumed that subclause (a) includes both new and existing discharges into coastal water, as there is no other rule governing new discharges to coastal water. If so, the word "existing" needs to be removed from the title of this rule. If not, a new rule needs to be added regarding new discharges to coastal water.</p>	<p>Review and clarify this rule in terms of new discharges to coastal water. Either the word "existing" needs to be removed from the title of this rule, or a new rule needs to be added regarding new discharges to coastal water.</p>

<p>Rule R62: New wastewater to fresh water – non-complying activity</p>	<p>Amend</p>	<p>This rule is presumably intended primarily for the high volume continuous discharges from wastewater treatment plants into freshwater, rather than occasional, temporary discharges into freshwater from overflows during high rainfall events. But as it is currently drafted, this rule effectively means that 'emergency' overflows entering freshwater during high rainfall events could also be classified as non-complying. If this is the case there could be significant compliance costs for local authorities as a result of this rule, in terms of both consenting costs and infrastructure upgrade costs. These costs will of course be borne by ratepayers. The environmental benefits of this restrictive rule must be weighed up against the ability of the community to pay. More lenient provisions for wet weather overflows would be appropriate. At the very least, transitional provisions of some kind will be required, as it will be impossible for local authorities like PCC to comply with either the Plan provisions or consent requirements in the short term.</p>	<p>Review and amend this rule, taking into account the need to strike a balance between environmental outcomes and the ability of communities to pay for the substantial upgrades that would be required to comply with the rule. Either clarify whether this rule applies to wet weather overflows, or introduce more lenient provisions for wet weather overflows or provide transitional provisions.</p>
<p>Rule R64: Wastewater from ships and offshore installations – non-complying activity</p>	<p>Amend</p>	<p>There is a typographical error in the title of this rule: "Wastewater from ships and offshore installations not...? - non-complying activity"</p>	<p>Correct the typographical error.</p>
<p>Rule R67: Discharges inside sites of significance – non complying activity</p>	<p>Not stated</p>	<p>This rule is confusing because the Plan treats water/contaminants differently to stormwater, when in reality there may be very little difference in terms of outputs.</p>	<p>Clarify how this rule relates to Rule R53. If stormwater discharges in outstanding water bodies are captured by R67, it is requested that all stormwater discharges be treated as either a controlled or discretionary activity.</p>
<p>Rule R68: All other discharges – discretionary activity</p>	<p>Amend</p>	<p>This is one of many rules in the Plan that do not take into account the specific circumstances of strategic development areas, which should not be subjected to unnecessarily onerous provisions because they have already been assessed and approved at a strategic level. Refer to the comments in our accompanying submission letter.</p>	<p>Add further categories as follows:          "All other discharges ... from a pumped drainage scheme within an Urban Development overlay area, in respect of which a comprehensive development plan has been approved, is a controlled activity."          "All other discharges ... from a pumped drainage scheme within an Urban Development overlay area, in respect of which a comprehensive development plan has not been approved, is a restricted discretionary activity."</p>

Rules - Discharges to land	My submission on this provision is:	Reasons for my submission:	I seek the following from WRC (give precise details):
Rule R72: Composting toilets – permitted activity	Support	Support that composting toilets are provided for.	
Rule R73: Greywater – permitted activity	Support	Support that greywater is provided for.	
Rule R75: New or upgraded on-site wastewater systems – permitted activity	Amend	The Plan does not currently make provision for communal wastewater treatment systems for small groups of properties. These are neither on-site domestic systems (to which R74 and R75 apply) nor large municipal systems (to which R79 and R80 apply). As the rules are currently drafted, small communal systems would need to comply with the four pages of requirements associated with R79, which is intended for much large systems. Rules R74 and R75 would be more appropriate but cannot be applied because the communal systems are not "on-site". Small communal systems should be encouraged as they may be preferable to individual on-site systems in many circumstances, for example such a system would be suitable for the settlement at Motukaraka. Therefore these systems need their own dedicated rule.	Add a new rule specifically designed for communal wastewater treatment systems for small groups of properties, including small rural-based industries, rural primary production activities and rural commercial activities.
Rule R77: Application of Aa biosolids to land – permitted activity	Support	The subclause requiring the discharge to be in accordance with the NZWWA Guidelines for the Safe Application of Biosolids to Land 2003 has been removed from the Proposed Plan (it was in the Draft Plan). It is acknowledged that the guidelines are referred to in policy P85. See comments in Interpretation section seeking that the definition of biosolids refer to these guidelines.	Clarify why the requirement to comply with the NZWWA Guidelines for the Safe Application of Biosolids to Land 2003 has been removed from the rule, or alternatively put this provision back in the rule.
Rule R78: Application of biosolids (Ab, Ba, or Bb) to land – restricted discretionary activity	Support	This will provide an appropriate framework for the management of biosolids to land that was lacking in the previous plan and resulted in highly treated biosolids going to landfill or being transported out of the region.	
Rule R82: Application of fertiliser from ground-based or aerial application – permitted activity	Support	The provision for allowing fertiliser to be applied to land is supported.	

<p>Rule R85: Application of compost to land – permitted activity</p>	<p>Support</p>	<p>The provision for allowing compost to be applied to land is supported.</p>
<p>Rule R87: Land-based discharge of vertebrate toxic agents – permitted activity</p>	<p>Support</p>	<p>The provision for allowing vertebrate toxic agents to be applied to land (via land-based methods) is supported.</p>

Rules - Land use	My submission on this provision is:	Reasons for my submission:	I seek the following from WRC (give precise details):
Rule R97: Access to the beds of surface water bodies by livestock – permitted activity	Amend	There appears to be a slight error in subclause (e)(ii): this refers to (vii) but there is no such clause.	Amend the incorrect clause reference in (e)(ii).
Rule R99: Earthworks– permitted activity	Amend	This rule provides no guidance to help property owners determine levels of slope instability or subsidence at or beyond the boundary of their properties, and there is no guidance regarding discharges from sediment to water. This may require consents for very minor earthworks which small property owners will be unaware of. It should be noted that about half of all earthworks undertaken in Porirua involve less than 3,000m2 per property. PCC has significant concerns around the management, monitoring and enforcement of this rule.	Review and amend the rule to tie in with territorial authority management of minor earthworks and bylaws, so that integrated earthworks standards and provisions are developed.
Rule R100: Vegetation clearance on erosion prone land – permitted activity	Amend	This rule conflicts with the provisions for low impact urban design and development and does not give effect to the Regional Policy Statement. In the urban context this rule provides for uncontrolled clearance and development of all sites that are less than 2ha, without any regard to the receiving environment. It is also unclear how this rule relates to the catchment and stormwater provisions. This rule relates to erosion prone land but there are no specific provisions for vegetation clearance on other land. Therefore vegetation clearance on land that is not erosion prone is discretionary (R101), while clearance on erosion prone land is permitted. This does not make sense.	Review and amend the rule to integrate with territorial authority management of land use and subdivision activity rules and to provide for low impact urban design and development.
Rule R101: Earthworks and vegetation clearance – discretionary activity	Amend	This is one of many rules in the Plan that do not take into account the specific circumstances of strategic development areas, which should not be subjected to unnecessarily onerous provisions because they have already been assessed and approved at a strategic level. Refer to the comments in our accompanying submission letter.	Review and amend the rule to integrate with territorial authority management of land for earthworks and development. Add further categories as follows: "Earthworks and vegetation clearance within an Urban Development overlay area, in respect of which a comprehensive development plan has been approved, is a controlled activity." "Earthworks and vegetation clearance within an Urban Development overlay area, in respect of which a comprehensive development plan has not been approved, is a restricted discretionary activity."
Rule R102: Plantation forestry harvesting on erosion prone land – permitted activity	Amend	The 'root' of the rule doesn't quite make sense and the wording needs rearranging.	Amend to read as follows: "The use of land for plantation forestry harvesting on erosion prone land, and associated discharge of stormwater into water or onto or into land where it may enter water, is a permitted activity..."



<p>Rule R103: Plantation forestry harvesting – controlled activity</p>	<p>The 'root' of the rule doesn't quite make sense and the wording needs rearranging.  The wording of R102 and R103 has resulted in provisions that are more lenient towards plantation forestry harvesting on erosion prone land (R102 - permitted) than forestry that is not on erosion prone land (R103 - controlled). This is surely not the intention.  The rule has been amended since the Draft Plan, but it still doesn't address the need to manage overland flow and the potential impacts on downslope activities such as local loading infrastructure. There is also no mention of the need to phase out extraction of tress from riparian margins on vulnerable waterways (ie. allow extraction but replanting in vulnerable areas).</p>	<p>Amend</p>
<p>Amend to read as follows: "The use of land for plantation forestry harvesting, and associated discharge of stormwater into water or onto or into land where it may enter water, that is not permitted by Rule R102 is a controlled activity..."  Review and amend both R102 and R103 so that the provisions are consistent with regards to forestry whether it is on or not on erosion prone land.  Include the need to manage overland flow so as to minimise adverse effects on downslope activities/infrastructure.</p>		

Rules - Wetlands and beds of lakes and rivers	My submission on this provision is:	Reasons for my submission:	I seek the following from WRC (give precise details):
Wetlands general conditions	<p>Amend</p>	<p>Condition (a). The inclusion of examples of contaminants in the brackets would seem to be unnecessary, would certainly not be required if the Plan defined "contaminant". The wording seems to contradict itself and is hard to read. This clause seems to suggest that the discharge of some contaminants is acceptable if they are already inherent in the wetland, which implies that anything except for heavy metals or other toxicants is fine if it is already present. The wording needs to be more specific.</p> <p>Condition (b) relating to fuel storage is unclear and imprecise. It would appear to imply that fuel storage cannot be undertaken anywhere, as all locations can enter a water body.</p> <p>Condition (d). The cleaning of stormwater intakes could potentially restrict fish passage for a short time. The short term nature of the works, the importance of clearing such structures for flood protection and the less than minor effect on fish passage should make it a specified permitted activity.</p> <p>Condition (e) should refer to Schedule F1b in respect of inanga spawning habitat, not Schedules F4 and F5. This provision may also restrict when and where the council can undertake work. It may be difficult to comply with a blanket no-disturbance rule over a 3 month period in autumn given the demands for constructing capital works and that this is an off peak for recreational use, which is a good time to close down assets for maintenance etc. There also needs to be an exemption for emergency works such as clearing damage and debris after a storm, due to the immediate need for flood protection and the temporary and beneficial nature of the work (including removal of sediment from sensitive receiving environments).</p> <p>Condition (g) effectively implies that large scale disturbance is acceptable as long as it fits the scale of the activity. This is surely not the intention. This condition is impossible to practically monitor, enforce or ensure compliance with.</p>	<p>Amend subclause (f) to allow some exemptions for local authorities to use some larger machinery for maintenance and repair where necessary. This can be subject to conditions regarding such matters as refuelling, specified timeframes, etc.</p> <p>Review the rule against the tests for permitted activities and amend to provide more certainty regarding the types of appropriate plant species to be introduced, removed or controlled.</p>
Rule R104: Structures in natural wetlands and significant natural wetlands – permitted activity	<p>Amend</p>	<p>The intention of this rule is supported, however subclause (f) allowing only hand-held machinery is unduly restrictive when maintaining or repairing structures such as boardwalks.</p>	<p>Amend subclause (f) to allow some exemptions for local authorities to use some larger machinery for maintenance and repair where necessary. This can be subject to conditions regarding such matters as refuelling, specified timeframes, etc.</p>
Rule R105: Planting and pest plant control in natural wetlands, significant natural wetlands and outstanding natural wetlands – permitted activity	<p>Amend</p>	<p>In respect of subclauses (f) and (g), what is "appropriate" in this context? The note at the end of the rule refers to the regional council website and specific advice upon request, but the provisions as a whole are too vague and too uncertain. This rule needs to be reviewed against the tests for permitted activities set out in the Environment Court decision on Carter Holt Harvey vs Waikato Regional Council A1.23/08, in particular that a permitted activity must be clear and certain, and be capable of consistent interpretation and implementation by lay people without reference to council officers.</p>	<p>Review the rule against the tests for permitted activities and amend to provide more certainty regarding the types of appropriate plant species to be introduced, removed or controlled.</p>

<p>Rule R106: Restoration of natural wetlands, significant natural wetlands and outstanding natural wetlands – controlled activity</p>	<p>Amend</p>	<p>The classification of activities that are part of a restoration management plan as controlled activities is unreasonable. These activities will have already been assessed and approved to be included in a restoration management plan, and it is unnecessary and unduly onerous to be subjected to a second assessment and approval process.</p> <p>It is supported that consent applications for restoration activities are precluded from notification and that consent fees will be waived at the discretion of the regional council.</p>	<p>Amend the rule to either permit activities that are stipulated in and carried out in accordance with an approved restoration management plan, or require controlled activity consents to be accompanied by a restoration management plan at the time of consent, so both can be assessed together.</p>
<p>Rule R109: Activities in outstanding natural wetlands – discretionary activity</p>	<p>Amend</p>	<p>It is not clear if structures like erosion protection for walkways would be included within the scope of a "structure for the purpose of recreation". This rule is an example of the implementation problem explained in our accompanying submission letter and elsewhere in this spreadsheet, concerning multiple rules that apply to the same activity. Pauatahanui Inlet in its entirety is classed as a coastal site of significance in Schedule F4, which means that new structures, additions or alterations to structures are non-complying regardless of size or function (R162). However under this rule R109, new structures that are less than 10m2 for the purpose of hunting and recreation in outstanding natural wetlands (Schedule A) are discretionary (R109). Both rules are relevant to Pauatahanui Inlet but which takes precedence? Furthermore, the size restriction of 10m2 is onerous, and does not reflect the wider objectives of the Plan. These structures are to allow for public access around the coast, a public benefit which is also supported by objectives and policies in this Plan. While the policy intent clearly supports access to the coast, the rules do not reflect this.</p> <p>To provide certainty for plan users, a clear definition should be included for what constitutes maintenance and whether this extends to any form of upgrade in relation to this rule.</p>	<p>Clarify whether structures like erosion protection for walkways are included within the scope of "a structure for the purpose of recreation". Review this and related rules to improve interpretation and practical application regarding multiple rules for the same activity.</p> <p>Define "maintenance", particularly in terms of whether this extends to including any form of upgrade in relation to this rule.</p>
<p>Rule R111: Reclamation of outstanding natural wetlands – prohibited activity</p>	<p>Oppose</p>	<p>This rule is unreasonably restrictive for outstanding natural wetlands that are set in an urban context. Pauatahanui Inlet, as an outstanding natural wetland in an urban environment, is almost entirely surrounded by roads that have existed for some time and support urban activity and development. These roads, such as State Highway 58 that will become vested with the council after Transmission Gully opens, may need widening in the future for reasons such as provision of improved access for pedestrians and cyclists. It is possible that minor reclamation may be required. While there is an exemption by way of restoration management plans, it is impossible to anticipate all activities and events that might require the need to undertake what may be minor reclamation. It would be reasonable to include provision for reclamation in this context as a non-complying activity.</p>	<p>Delete this rule and include reclamation as a non-complying activity under rule R110.</p>

<p>Beds of lakes and rivers general conditions</p>	<p>Amend</p>	<p>Condition (a): The inclusion of examples of contaminants in the brackets should be unnecessary, would not be required if "contaminant" was defined as suggested in our comments on the interpretation section. The wording seems to contradict itself and is hard to read. This clause seems to suggest that the discharge of some contaminants is acceptable if they are already inherent in the wetland, which implies that anything other than heavy metals or other toxicants is fine if it is already present. The wording needs to be more specific.</p> <p>Condition (b) relating to fuel storage is unclear and imprecise. It would appear to imply that fuel storage cannot be undertaken anywhere, as all locations can enter a water body.</p> <p>Condition (d): The cleaning of stormwater pipes could potentially restrict fish passage for a short time. The short term nature of the works, the importance of clearing such structures for flood protection and the less than minor effect on fish passage should make it a specified permitted activity.</p> <p>Condition (e) should specify Schedule F1b not just F1, to be clear that it is just the inanga spawning areas and not the whole river bed. This condition may restrict when and where the council can undertake work. It may be difficult to comply with a blanket no-disturbance rule over a 3 month period in autumn given the demands for constructing capital works and that this is an off peak for recreational use which is a good time to close down assets for maintenance etc. An exemption is also needed for emergency works such as clearing damage/debris after a storm, due to the immediate need for flood protection and the temporary and beneficial nature of the work (including removal of sediment from sensitive receiving environments). It is also not clear if this condition would prevent a motor vehicle from driving through a stream, eg. a tractor crossing a stream to access a reserve for mowing.</p>	<p>Clarify the wording of condition (a) to specify what contaminants can and cannot be discharged. Or define "contaminant" for the purposes of this Plan.</p> <p>Amend condition (b) to either specifically define localities where fuel storage can occur or provide standards for fuel storage that would enable it to generally occur in most locations.</p> <p>Amend condition (d) to provide an exemption for short term cleaning of stormwater pipes.</p> <p>Amend condition (e) to specify that it is Schedule F1b that applies, and to provide an exemption for essential maintenance and emergency works such as clearing damage and debris after a storm. Clarify what, if any, minor disturbance is acceptable, such as a tractor crossing a stream to gain access for mowing.</p>
<p>Beds of lakes and rivers general conditions</p>	<p>Amend</p>	<p>Condition (m) effectively implies that large scale disturbance would be acceptable as long as it fits the scale of the activity. This is surely not the intention. This condition is impossible to practically monitor, enforce or ensure compliance with.</p>	<p>Review condition (m) in terms of how much disturbance is acceptable, regardless of the activity.</p>
<p>Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates) – permitted activity</p>	<p>Amend</p>	<p>The title and/or 'root' of this rule should explain where the Barrage Gates are located, for ease of interpretation.</p>	<p>Amend to read as follows: "...(excluding the Barrage Gates located at ...)..."</p>
<p>Rule R123: Planting – permitted activity</p>	<p>Amend</p>	<p>Regarding condition (j), "identified river management scheme area" needs to be defined in the Plan. Likewise, there is no definition or explanation regarding "river management plans".</p>	<p>Provide definitions and guidance relating to "river management schemes" and "river management plans".</p>
<p>Rule R124: Entry or passage over bed (excluding livestock access) – permitted activity</p>	<p>Amend</p>	<p>This rule states that entry or passage is permitted, but presumably not between March and May within inanga spawning habitats (5.5.4 general conditions). This could restrict some local authority maintenance and capital works projects, as stated in our above comments on the general conditions.</p>	<p>Amend rule to provide an exemption for essential maintenance and emergency works.</p>

<p>Rule R127: Reclamation of the beds of rivers or lakes – non-complying activity</p>	<p>Amend</p>	<p>PCC has significant concerns about this rule. For any reclamation associated with the piping of a stream to be a non-complying activity is extremely onerous, particularly for strategic development areas where the effects of cut and fill subdivision (essential in Porirua's hilly terrain to enable urban growth to occur) have already been comprehensively assessed. This is one of many rules in the Plan that do not take into account the specific circumstances of strategic development areas, which should not be subjected to unnecessarily onerous provisions because they have already been assessed and approved at a strategic level. Refer to the comments in our accompanying submission letter.</p>	<p>Add further categories as follows:  "Reclamation ... associated with the piping of a stream within an Urban Development overlay area, in respect of which a comprehensive development plan has been approved, is a controlled activity."  "Reclamation ... associated with the piping of a stream within an Urban Development overlay area, in respect of which a comprehensive development plan has not been approved, is a restricted discretionary activity."</p>
<p>Rule R129: All other activities in river and lake beds – discretionary activity</p>	<p>Amend</p>	<p>This is one of many rules in the Plan that do not take into account the specific circumstances of strategic development areas, which should not be subjected to unnecessarily onerous provisions because they have already been assessed and approved at a strategic level. Refer to the comments in our accompanying submission letter.</p>	<p>Add further categories as follows:  "Small river crossings, culverts, small dams and small structures within an Urban Development overlay area, in respect of which a comprehensive development plan has been approved, is a controlled activity."  "Small river crossings, culverts, small dams and small structures within an Urban Development overlay area, in respect of which a comprehensive development plan has not been approved, is a restricted discretionary activity."</p>
<p>Rule R131: Damming or diverting water within or from rivers – discretionary activity</p>	<p>Amend</p>	<p>This is one of many rules in the Plan that do not take into account the specific circumstances of strategic development areas, which should not be subjected to unnecessarily onerous provisions because they have already been assessed and approved at a strategic level. Refer to the comments in our accompanying submission letter.</p>	<p>Add further categories as follows:  "The damming or diverting of water within or from a river within an Urban Development overlay area, in respect of which a comprehensive development plan has been approved, is a controlled activity."  "The damming or diverting of water within or from a river within an Urban Development overlay area, in respect of which a comprehensive development plan has not been approved, is a restricted discretionary activity."</p>

<p><b>Rules - Water allocation</b></p> <p><b>Rule R141: Take and use of water not permitted – controlled activity</b></p>	<p><b>My submission on this provision is:</b></p>	<p><b>Reasons for my submission:</b></p>	<p><b>I seek the following from WRC (give precise details):</b></p>
<p>This rule is confusing because the description of the activity in the 'root' of the rule is the same as that of rule R136. Presumably R141 needs to clarify that this rule applies to the take and use of water that does not meet the conditions of R136.</p>			<p>Amend to clarify that this rule applies to the take and use of water that does not meet the conditions of R136.</p>

Rules - Coastal management	My submission on this provision is:	Reasons for my submission:	I seek the following from WRC (give precise details):
<p>Coastal management general conditions</p>	<p>Amend</p>	<p>Condition (a) effectively implies that large scale disturbance is acceptable as long as it fits the scale of the activity. Condition (i) similarly implies that a long period of diversion is acceptable as long as it is required to complete the activity. This is surely not the intention. Condition (k): maintaining fish passage at all times during construction and maintenance of a structure is impracticable. It shouldn't be necessary in the majority of situations as many operations generally last only 1-2 hours. The requirements need to be linked to the scale of the effects. Condition (l) may restrict when and where the council can undertake work. It may be difficult to comply with a blanket no-disturbance rule over a 3 month period in autumn given the demands for constructing capital works and that this is an off peak for recreational use which is a good time to close down assets for maintenance etc. Some allowance should be made for very minor disturbance associated with essential works. There also needs to be an exemption for emergency works such as clearing damage and debris after a storm, due to the immediate need for flood protection and the temporary and beneficial nature of the work (including removal of sediment from sensitive receiving environments).</p>	<p>Review conditions (a) and (l) in terms of how much disturbance is actually acceptable, regardless of the activity. Reconsider condition (k) to make construction and maintenance of a structure actually practicable and allow for temporary obstructions to fish passage that will not significantly affect fish ecology. Review condition (l) to allow for limited minor disturbance associated with essential works and provide an exemption for emergency works.</p>
<p>Rule R149: Maintenance or repair of structures – permitted activity</p>	<p>Not stated</p>	<p>This rule is supported in principle as it enables the council to undertake maintenance in the coastal marine area, however if no work can be undertaken from March to May in the inanga spawning areas it will still be very restrictive. Some allowance should be made for very minor disturbance associated with essential works. See comments on the coastal management general conditions above.</p>	<p>Refer to comments on the general conditions.</p>

<p>Rule R150: Minor additions or alterations to structures – permitted activity</p>	<p>Not stated</p>	<p>This rule is supported in principle as it enables the council to undertake minor additions or alterations to structures in the coastal marine area, however if no work can be undertaken from March to May in the inanga spawning areas it will still be very restrictive. Some allowance should be made for very minor disturbance associated with essential works. See comments on the coastal management general conditions above.</p>	<p>Refer to comments on the general conditions.</p>
<p>Rule R151: Additions or alterations to structures – controlled activity</p>	<p>Support</p>	<p>The controlled activity status for additions or alterations that do not meet the conditions of rules R140 or R150 is supported.</p>	
<p>Rule R152: Removal or demolition of structures or part of a structure – permitted activity</p>	<p>Amend</p>	<p>It is not clear why the permitted activity status for removal of structures does not extend to mana whenua sites and coastal biodiversity sites (condition (f)). Surely in most cases the removal of a structure would actually result in an improvement to the environment. Any adverse effects could be addressed through the conditions associated with this rule or by the addition of specific conditions relating to these sites of significance.</p>	<p>Consider adding permitted activity conditions to address any potential adverse effects of removing structures within Schedule C, F4 and F5 sites, rather than automatically classing these as restricted discretionary.</p>
<p>Rule R153: Removal or demolition of a structure; or part of a structure – restricted discretionary activity</p>	<p>Amend</p>	<p>See comments on R152 above.</p>	<p>See comments on R152 above.</p>
<p>Rule R157: New or replacement structures for scientific or education purposes – controlled activity</p>	<p>Amend</p>	<p>The controlled activity status for new/replacement structures for special purposes is supported, however it is not clear why Schedule J sites are excluded when the other significant sites governed by R162 (Schedules C, F4, F5, along with J) are not. Because Pauatahanui Inlet in its entirety is included in Schedule J, this means that no structures in this entire area can be treated as controlled activities even if for special purposes; they are automatically classed as non-complying. This is is unreasonably restrictive. There is a typographical error in condition (f): the third word should be "is" not "in".</p>	<p>Either delete Schedule J from condition (g) or introduce a discretionary activity status for Schedule J sites. Amend condition (f) to read: " the structure is not identified in..."</p>
<p>Rule R160: Structures and disturbance associated with motor vehicles inside the Cook Strait Cable Protection Zone – discretionary activity</p>	<p>Amend</p>	<p>The title of the rule mentions mana whenua sites of significance but the rule itself does not have any reference to mana whenua sites. It is assumed that this is an error, which should be corrected.</p>	<p>Remove "and mana whenua sites of significance" from the title of this rule.</p>



<p>Rule R161: New structures, additions or alterations to structures outside sites of significance – discretionary activity</p>	<p>Amend</p>	<p>There is no provision for new small structures to be considered more leniently. In the provisions relating to wetlands, lakes and rivers (rules R104 and R117), structures occupying less than 10m<sup>2</sup> are permitted subject to conditions. The same should apply to the coastal marine area. For accurate drafting, this rule should refer to R151. See comments on 2.1.3 Rules in the Interpretation section regarding the difficulties of interpreting and applying multiple, sometimes conflicting, rules for the same or a similar activity. This rule is too blunt. The values of the sites are so varied, and the types of activities taking place within each site are so wide-ranging, that it is not appropriate to have a blanket rule classing everything that is not extremely minor alterations as non-complying, particularly in a large site like Paatahanui Inlet which falls into Schedules F4, J and C (partially). If a structure is for a protection purpose then it promotes sustainability and should not be automatically non-complying. For example, extending a boardwalk to protect a rivermouth estuary should not be non-complying. New structures for erosion protection purposes should not be non-complying. Addition of safety rails to a recreation structure should not be non-complying. Providing access to the coastal marine area is encouraged under the Coastal Policy Statement. A non-complying activity status for new structures intended for access, such as boardwalks, is not consistent. A discretionary status should be sufficient in combination with the relevant policies to enable appropriate decision-making in these cases.</p>	<p>Add a permitted activity status for small structures occupying less than 10m<sup>2</sup>, as in rules R104 and R117. Add "or controlled by Rule R151".</p>
<p>Rule R162: New structures, additions or alterations to structures inside sites of significance – non-complying activity</p>	<p>Amend</p>	<p>A separate rule to cover minor additions or alterations of existing seawalls is supported, but it is reasonable for this to be a permitted rather than controlled activity, like other structures eg. R150. There could be a size limit, above which the activity becomes controlled, as in R151.</p>	<p>Review this and related rules to improve interpretation and practical application regarding multiple rules for the same activity. Either amend this rule to make the activity discretionary, or be more specific about the nature of the structures to be covered by the rule, to allow that some structures of low impact or that promote sustainability overall, should be excluded from the rules. Create a separate restricted discretionary rule. Suitable conditions can be drafted to ensure that effects are less than minor.</p>
<p>Rule R165: Additions or alterations to existing seawalls – controlled activity</p>	<p>Amend</p>	<p>Consider changing the activity status of this rule to permitted, or introduce a higher size threshold for minor alterations to become classed as controlled.</p>	<p>Consider changing the activity status of this rule to permitted, or introduce a higher size threshold for minor alterations to become classed as controlled.</p>

<p><b>Rule R167: Seawalls inside sites of significance – non-complying activity</b></p>	<p>The presence of so many significant sites in Porirua means that new seawalls will be a non-complying activity along a large part of the coastline. PCC supports the intention to avoid new seawalls except where absolutely necessary, but rule R167 needs to better reflect the aim of policy P139. Policy P139 states that new seawalls are inappropriate except where the seawall is required to protect (a) existing or upgrades to infrastructure and there is no practical alternative. PCC has allocated funds in its Long Term Plan to construct a shared pathway along Titahi Bay Road between Wi Neera Drive and Onepoto. This has been identified as a mana whenua site in Schedule C. A seawall is not the first option as part of the pathway design but it may be required in some places if there is no alternative. This type of activity should be supported by the Plan because it provides for an essential transport link by active modes in addition to the vehicles that already use this route, and ensures protection of an essential roading asset (Titahi Bay Road is the only route into/out of the large suburb of Titahi Bay). It also contributes to the provision of public access and enjoyment of the coastal marine area, as supported by the Coastal Policy Statement. Although the site is within a mana whenua site and additional protection of its values is important, this needs to be balanced against the fact that Titahi Bay Road is a major transport link. A discretionary activity status would help to strike this balance. The amendment of the definition of "upgrade" would also be required - see comments on this in the Interpretation section.</p>	<p>Amend the rule so that it is consistent with Policy P139. New seawalls that are required to protect existing or upgrades to infrastructure should be amended to discretionary activity status. The definition of "upgrade" also needs to be amended - see comments regarding this in the Interpretation section.</p>
<p><b>Amend</b></p>	<p>The permitted activity status for use of boatsheds for water based activities that require a coastal location is supported.</p>	
<p><b>Rule R176: Use of boatsheds – permitted activity</b></p>	<p>Support</p>	
<p><b>Rule R179: New boatsheds outside Boatshed Management Areas – non-complying activity</b></p>	<p>Support</p>	
<p><b>Rule R189: Clearance of stormwater pipes – permitted activity</b></p>	<p>Support</p>	<p>The permitted activity status for clearance of stormwater pipes in the coastal marine area is supported.</p>

<p>Rule R190: Launching, retrieving or temporary mooring of vessels – permitted activity</p>	<p>Amend</p>	<p>It is supported that boat launching, retrieving and temporary mooring is permitted, but the rule is not entirely clear. The use of motor vehicles to launch and retrieve vessels is not explicitly stated but it has to be assumed that this is permitted under the rule. Clarification would be helpful. Condition (a) is confusing. If there is no boat ramp at the locality, does that mean boat launching (without a ramp) is still permitted, and that boat launching only requires consent if an existing ramp is not used? With regards to condition (b), this will be very difficult to interpret, monitor and enforce. What exactly is meant by "exposed" fossil forest and what criteria will be used to determine the difference between this and other wood such as driftwood? In fact it may be very difficult to fully comply with this condition as the sand is constantly moving on Titahi Bay beach, so theoretically a piece of fossil forest could suddenly become exposed while a boat launching/retrieval operation is in progress. It is not clear which rule applies to activities that do not meet the conditions listed in R190. Should R194 apply, although it does not currently refer to R190? Rule R194 may need to be amended.</p>	<p>Provide clarification to address the concerns raised in the comments.</p>
<p>Rule R194: Disturbance or damage – discretionary activity</p>	<p>Amend</p>	<p>This rule may need to be amended to take account of the above comment on R190, regarding the fact that there appears to be no rule to cover activities that do not meet the conditions listed in R190.</p>	<p>The following may need to be added: "that is not permitted by ... Rule R190..."</p>
<p>Rule R195: Disturbance or damage inside sites of significance – non complying activity</p>	<p>Amend</p>	<p>This rule may need to be amended to take account of the above comment on R190, regarding the fact that there appears to be no rule to cover activities that do not meet the conditions listed in R190.</p>	<p>The following may need to be added: "that is not permitted by ... Rule R190..."</p>
<p>Rule R197: Motor vehicles for certain purposes – permitted activity</p>	<p>Support</p>	<p>It is supported that vehicles on the foreshore for surf lifesaving, emergency situations, local authority activities and maintenance/upgrade/operation of regionally significant infrastructure are permitted.</p>	
<p>Rule R198: Motor vehicles inside sites of significance – non complying activity</p>	<p>Not stated</p>	<p>The protection of the foreshore from disturbance by motor vehicles is supported in principle, but it should be noted that there are a few properties bordering Pauatahanui Inlet that use the foreshore for their access - this will now be non-complying and it is unlikely that these property owners are aware that they now require resource consent to access their homes by vehicle. Is this what was intended by this rule?</p>	<p>Review the rule in light of the fact that in some sites of significance such as Pauatahanui Inlet, residential property owners who use the foreshore to access their homes will now require resource consent under this rule as a non-complying activity. Provide for the maintenance of existing access where this is historical or legally established as a controlled activity.</p>

<p>Rule R199: Motor vehicles in the fossil forest at Titahi Bay – prohibited activity</p>	<p>Amend</p>	<p>See the comments in our accompanying submission letter regarding this provision.</p> <p>Retain prohibited activity status for the existing prohibited area as defined by the operative Regional Coastal Plan, and change the status of the remaining area marked on Map 35 so that it is non-complying, in line with rule R198. Amend Map 35 and GIS accordingly, and correct Map 35 and GIS so that the eastern boundary of the fossil forest matches the line of Mean High Water Springs.</p>
---	--------------	--

Other methods	My submission on this provision is:	Reasons for my submission:	I seek the following from WRC (give precise details):
Method M1: Regional plan implementation and integration	Amend	There is a lack of consideration for the strategic growth context. The Plan needs to incorporate the recognition of strategic growth areas. Policy P102 is the only provision that refers to this matter, which is inadequate. See also the comments in our accompanying submission letter.	Add a new method as follows: "Integration with urban and rural area land use planning within strategic development overlay areas "Wellington Regional Council will work with territorial local authorities in considering future development proposals within urban growth planning overlay areas as part of comprehensive development plan approval for such development."
Method M3: Wellington regional hazards management strategy	Support	PCC supports the proposed partnership approach to facilitate a consistent approach to managing natural hazards in the region.	
Method M4: Sea level rise	Support	PCC supports the intention to have a consistent approach between local authorities to manage climate change related coastal hazards. The correct title for the "International Panel of Climate Change" needs to be corrected to "Intergovernmental Panel on Climate Change"	Change "International Panel of Climate Change" to read "Intergovernmental Panel on Climate Change"
Method M8: Te Awarua-o-Porirua Harbour restoration	Support	This method is consistent with PCC's strategic priority for "a healthy and protected harbour and catchment" and is therefore supported.	
Method M12: Sustainable land management practices	Amend	See comments throughout the submission regarding the need to recognise strategic urban growth areas.	Add a new method as follows: "Integration with rural area land use planning within strategic development overlay areas "Wellington Regional Council will work with territorial local authorities in considering future development proposals within rural growth planning overlay areas as part of comprehensive development plan approval for such development."
Method M15: Regional stormwater working group	Amend	See comments throughout the submission regarding the need to recognise strategic urban growth areas.	Add a new method as follows: "Integration with local authorities and developers in planning for stormwater management within overlay areas "Wellington Regional Council will work with territorial local authorities in considering stormwater management for future development proposals within urban growth planning overlay areas as part of comprehensive development plan approvals for such development."

<p>Method M17: Reduce waste and use water and energy efficiently</p>	<p>Support</p>	<p>Measures to reduce waste and encourage efficient water and energy use are strongly supported. It is good that specific measures are not prescribed which allows for flexibility to suit differing circumstances.</p>	
<p>Method M24: Outstanding natural features and landscapes and high natural character</p>	<p>Amend</p>	<p>See comments throughout the submission regarding the need to recognise strategic urban growth areas.</p>	<p>Add a new method as follows: "Integration with territorial local authorities in planning for landscape management within strategic development overlay areas" "Wellington Regional Council will work with territorial local authorities in considering landscape management for future development proposals within rural growth planning overlay areas as part of comprehensive development plan approval for such development."</p>
<p>Method M27: Improving water quality in priority water bodies</p>	<p>Amend</p>	<p>This method seems to contain an error. It is Schedule H2, not H1, that identifies the first priority water bodies for contact recreation and Maori use. This would also be consistent with Policy P63 which refers to Schedule H2.</p>	<p>Correct "Schedule H1" to read "Schedule H2".</p>
<p>Method M28: Development of good management practice guidelines.</p>	<p>Not stated</p>	<p>The implementation of this method will require much work, as the current provisions relating to "good management practice" are not certain and open to many possible interpretations, and are therefore weak and difficult to implement, monitor and enforce. A large number of the Plan's provisions rely on "good management practice". Partnership working and collaboration with relevant agencies will be essential to achieve good outcomes.</p>	

**Schedules**

Schedule F: Ecosystems and habitats with significant indigenous biodiversity values

**My submission on this provision is:**

Amend

**Reasons for my submission:**

Schedule F3: The significant natural wetlands listed in this schedule have not been mapped. The coordinates provide a point (not always accurate, eg. the Camborne Scarp wetland coordinates identified a private residence), but there is no information on the extent of the wetland. These wetlands need to be mapped in a GIS layer along with all the other schedules. Pauatahanui inlet tidal flats are listed as a significant natural wetland as well as an outstanding natural wetland in Schedule A. Presumably this is an error as the inlet can't be both. Schedule F3a requires that restoration management plans be approved by "a General Manager" at Wellington Regional Council. This means that theoretically a restoration management plan could be approved by a general manager of 'corporate services' or some other department that does not have relevant expertise in this field. Approval should be granted by the regional council's chief executive instead.

Schedule F5: The second paragraph under descriptor should recognise that seagrass is also vulnerable to high levels of nutrients, particularly nitrogen. This is a significant limiter for seagrass in Te Awarua-o-Porirua Harbour. It would also be helpful to have Schedule F5 mapped.

**I seek the following from WRC (give precise details):**

Schedule F3: Map all identified significant natural wetlands within GIS.  
Remove Pauatahanui inlet tidal flats from Schedule F3.  
Amend the third line of text in Schedule F3a so that "a General Manager" is replaced with "the Chief Executive".  
Schedule F5: Add the following to the second paragraph under descriptor: "Seagrass is also vulnerable to high levels of nutrients, particularly nitrogen."  
Map the habitats identified in Schedule F5.

Maps	My submission on this provision is:	Reasons for my submission:	I seek the following from WRC (give precise details):
Map 13b: Rivers and lakes with significant indigenous ecosystems: habitat for indigenous threatened/at risk fish species (Schedule F1)	Amend	The maps in GIS showing Schedule F1 rivers are hard to read because the coloured lines are too thin.	Thicken the lines showing Schedule F1 rivers in GIS.
Map 21d: Modelled river classes – Wellington Hutt Valley and Wainuiomata catchments (Table 3.1)	Amend	The title of this map needs to be amended to include Porirua, as it is shown on the map.	Amend map title to read: "Modelled river classes - Wellington, Hutt Valley, Porirua and Wainuiomata catchments".
Map 31: Boatshed areas	Amend	The word "management" should be added to the title of this map to be consistent with rules R178 and R179.	Amend map title to read: "Boatshed Management Areas".
Map 35: Titahi Bay fossil forest (indicative)	Amend	The eastern boundary of the fossil forest does not accurately follow the line of Mean High Water Springs, either in the paper version or online in GIS. It is understood that the map is only supposed to be indicative, however the hard copy map is of a sufficient scale to be able to be made accurate and the data exists to ensure accuracy. It is misleading in its current form. The hard copy version must be corrected as well as GIS, because not everyone may have access to the online version. See also the comments regarding Titahi Bay beach in our accompanying submission letter.	See the comments regarding Titahi Bay beach in our accompanying submission letter, and the requested amendments in the comments on Rule R199. Amend Map 35 and GIS so that the existing prohibited area is reduced to the area defined by the operative Regional Coastal Plan, with the remaining area marked so that it is non-complying. Correct Map 35 and GIS so that the eastern boundary of the fossil forest accurately follows the line of Mean High Water Springs.



1146809  
Harriet Shelton  
hshelton@pcc.govt.nz  
04 237 1379



25 September 2015

Proposed Natural Resources Plan  
Freepost 3156  
Wellington Regional Council  
PO Box 11646  
**WELLINGTON 6142**

Dear Greg Campbell

**SUBMISSION ON PROPOSED NATURAL RESOURCES PLAN FOR THE WELLINGTON REGION**

Porirua City Council welcomes the opportunity to provide feedback on Greater Wellington Regional Council's Proposed Natural Resources Plan for the Wellington Region.

Our submission is structured as follows:

1. General comments
2. Matters of general support
3. Policy and rule framework
4. Recognition of the urban environment
  - 4.1. Strategic growth / development areas
  - 4.2. Recognition and provision for infrastructure
5. Sites of significance
6. Titahi Bay beach

The submission on the following pages provides an overview and comments on key aspects of the plan that are important to Porirua City Council and its community. This should be read in conjunction with the accompanying spreadsheet which provides detailed comments on specific plan provisions. Requested amendments are contained in the spreadsheet.

Porirua City Council wishes to be heard in support of its submission.

Yours sincerely

A handwritten signature in cursive script that reads 'Wendy Walker'.

Wendy Walker  
**CHIEF EXECUTIVE**



## **1. General comments**

Porirua City Council (PCC) acknowledges the work to date in preparing the Proposed Natural Resources Plan (the Plan). The general intent of the Plan is strongly supported, particularly in relation to Te Awarua-o-Porirua Harbour, the restoration and protection of which is one of PCC's four strategic priorities: "a healthy and protected harbour and catchment".

However many aspects of the Plan are not workable in practice, are unrealistic or difficult to achieve, and will be costly to implement. PCC has four key areas of concern:

- Consultation;
- Compliance costs;
- Recognition of strategic urban growth; and
- Future plan changes associated with the whitua provisions.

These concerns are explained in more detail throughout the submission and accompanying spreadsheet.

### **Consultation**

PCC has been concerned by the scope of public consultation carried out for the Proposed Plan. It is acknowledged and appreciated that much effort by regional council staff has gone into engagement and consultation with interest groups, territorial authorities and other agencies. However the communication about the provisions of the Plan has always been high level and generic. This means that the Plan has had little impact on the community at large, and it means little to lay people who have no idea how the Plan might actually affect them.

When speaking to local groups or to local councils it would have been helpful for the explanation of the Plan to be tailored as best as possible to their specific circumstances. For example, when presenting to Porirua City Council it was important to draw our attention to the key provisions that would affect this council, such as the many restrictions now governing Pauatahanui Inlet and the changes to the vehicle prohibited area on Titahi Bay beach.

In general, the overall objectives of the Plan are unlikely to be controversial, as most people want to improve water quality and to protect special sites. Meaningful feedback will only result after delving into the detail of how these objectives are to be achieved, but most of the community are unaware of such details as the many restrictions now affecting activities in and around Pauatahanui Inlet.

With regards to the detail and the breadth of issues covered by the Plan, PCC considers that the two month duration of the consultation period was inadequate. The Plan is so complex and wide-ranging that more than two months was necessary to fully interpret, digest and form a considered view on these important provisions.

Accordingly PCC seeks that the further submissions period be open for an extended duration, to enable full consideration of the wide variety of detailed issues that are likely to be raised by submitters. PCC suggests that this could be done by making available the summary of submissions on the regional council's website, or by sharing it in some other way, prior to the official further submission period.

### **Future plan changes and whitua provisions**

The timescale for progressing the Proposed Plan is quite different to that of the whitua process. The whitua provisions will be introduced into the Plan as plan changes, which is cumbersome, and will be time consuming. There is a risk that the whitua provisions will conflict with other Plan provisions which will then need to be addressed.

This is also problematic from a consenting point of view. Any infrastructure upgrades required to meet current consenting requirements may turn out to be inappropriate when the whitua provisions are introduced. This will not only have implications for the consenting process but also for the investment in upgrades to infrastructure that may no longer be appropriate. Increased compliance costs and increased infrastructure costs are both possible outcomes; costs that would have to be borne by ratepayers.

## **2. Matters of general support**

As stated above, PCC supports the overall objectives of the Proposed Plan, to improve water quality and to identify values and places for protection. The integration of five plans into one combined plan is also strongly supported.

PCC also welcomes the integrated catchment management approach and whitua process. Integrated catchment management is a critical element in the eventual success of improving the health of Te Awarua-o-Porirua Harbour. It is particularly important for this harbour because of the fact that its catchment spans two different territorial authorities.

The whitua approach is particularly welcomed because of its collaborative approach. The process of developing the whitua implementation programme is expected to achieve a good balance between environmental quality aspirations, affordability and achievability. This approach is something that PCC would like to see more of in the Proposed Plan.

## **3. Policy and rule framework**

The policy approach is highly regulatory. This is in contrast to the much-welcomed collaborative approach of the whitua process. A high degree of regulation results in costs being shifted onto consent applicants. In comparison, non-regulatory methods are more likely to result in the sharing of financial risks because participants have all made an investment in the process and all have a stake in the result.

Ultimately the provisions of the Plan will result in an increased regulatory burden on territorial authorities. This in turn will push increased compliance and consenting costs onto ratepayers.

### **Compliance costs**

The design of plan provisions must take into account the costs of implementation and who is responsible for the financial burden. While environmental quality outcomes are important, these must be balanced against the community's ability to pay for them. All infrastructure works have to be managed in a cost-effective way under the Local Government Act. Many of the Plan's provisions as they are currently drafted could make it difficult for territorial authorities to continue managing their assets in a cost-effective way.

Examples include the non-complying activity status for wastewater discharges to freshwater (which would seem to cover wet weather overflows from existing wastewater networks) and many routine maintenance/upgrade works now requiring resource consent or tougher tests for gaining consent (such as alterations to seawalls).

Porirua City Council fully supports the intention to improve environmental outcomes, however the approach must be practical and realistic. In some instances, regulatory compliance with the Plan may result in our funds being spent on consenting costs instead of upgrades to achieve the necessary improvements to infrastructure. This adds to the financial burden on ratepayers.

### **Drafting and interpretation of rules**

Even those activities that have been classed as permitted have such long lists of stringent and sometimes complex conditions that they have reduced the effect (and value) of permitted activity status.

Some of the permitted activity provisions require subjective assessments and therefore do not have the necessary level of certainty to meet the standards set by case law for permitted activities.

For example, there is a heavy reliance within the Plan provisions on "good management practice" which is vague, uncertain and open to many possible interpretations. We recommend that the provisions are assessed against the tests for permitted activities set out in the Environment Court decision on Carter Holt Harvey vs Waikato Regional Council A123/08. These tests state that permitted activities should:

- be clear and certain
- not contain subjective terms
- be capable of consistent interpretation and implementation by lay people without reference to council officers
- not retain later discretions (decision making) to council officers.

In other instances, there is a confusing overlap of rules, or multiple rules that appear to govern identical or very similar activities. For example, the discharge of stormwater into an outstanding water body (eg. Pauatahanui Inlet) is discretionary (Rules R48/R53), while the discharge of water or contaminants into an outstanding water body that doesn't meet certain conditions is non-complying (Rule R67). But in reality what is the difference between "stormwater" and "water/contaminants"?

The rules are also problematic in the case of the sites of significance. The provisions relating to different significant site categories can be confusing or conflicting when they have to be applied to one site. For example, new structures less than 10m<sup>2</sup> in size for the purpose of hunting and recreation in outstanding natural wetlands are discretionary (Rule R109), while new structures, additions or alterations to structures inside coastal sites of significance (Schedule F4) are non-complying regardless of size or function (Rule R162). Both rules are relevant to Pauatahanui Inlet but which takes precedence?

The Interpretation section in each chapter of the rules states that if an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource. This does not help with the examples provided above.

Finally, on a practical level, cross-referencing would make it much easier for users to identify and locate related provisions, and to trace the rationale for particular rules and policies. It is also required in some instances to ensure that related provisions make sense, for example Policies P40 and P41 (detailed comments provided in accompanying spreadsheet). Cross-referencing has been provided in the Regional Policy Statement, so it should be possible to do the same in the Natural Resources Plan.

#### **4. Recognition of the urban environment and human activities**

The Plan does not sufficiently recognise or provide for the benefits of the use and development of the urban environment. It does not recognise that the existing urban environment is a resource, just like natural and physical resources, which cannot continue to operate without the continued use and development of some natural resources. The Plan needs to take a more reasonable and realistic approach to the necessary activities that support urban life.

The Plan applies non-complying activity status to a range of activities that are required for or could be reasonably expected within an urban environment. When combined with a policy framework that seeks to "avoid adverse effects", these activities are going to be extremely difficult to justify through the consenting process.

For example the provisions for piping of streams (Rule R127), an aspect of urban development that is frequently necessary in the region's hilly terrain, are very restrictive and there is a lack of policy guidance when assessing resource consent applications. The non-complying activity status for many activities in identified mana whenua sites within the urban environment is unduly onerous where the site is already highly modified. In

these circumstances, discretionary status would be more appropriate and would still allow adverse effects to be considered.

The Plan employs a 'one size fits all' approach to some activities regardless of where they are located within the region. Many of the Plan's provisions read as if they are designed for the Wairarapa, which means that they are often inappropriate and impractical in the metropolitan parts of the region. There needs to be an alternative policy approach for the metropolitan areas, in order to recognise and allow for their very different circumstances.

For example the Plan promotes wastewater discharges to land over discharges to water. While this is commendable, it will be virtually impossible to achieve for the majority of the region's population, who live in the metropolitan parts of the region. The Plan does not recognise that in the metropolitan cities, land disposal options have already been examined and found to be impracticable. It does not distinguish the adverse effects of large scale disposal of wastewater to land, which would be a direct consequence in the four metropolitan cities of this region. This objective may be appropriate for the Wairarapa and rural areas, but it should also acknowledge the need for a different policy approach that is appropriate for the metropolitan areas.

#### **Public access**

It is considered that the Proposed Plan does not sufficiently give effect to the policies of the New Zealand Coastal Policy Statement and Regional Policy Statement in respect of maintaining and enhancing public access to and along the coastal marine area, lakes and rivers. As stated in the above comments, the Plan places too much emphasis on avoiding adverse effects and does not give enough recognition and protection of the need for public open space and public access.

It is not even clear that the Plan provides for passive, day-to-day recreational activities in the coastal marine area (see detailed comments on Rule R185 in the accompanying spreadsheet). In particular, the Regional Policy Statement seeks to enhance public access, but this is not reflected in the provisions of the Proposed Plan.

#### **4.1. Strategic growth / development areas**

The Plan does not respond adequately to strategic growth and development issues. It constrains options for enabling development to a case-by-case assessment regime, which is problematic in the case of strategic urban growth and development.

Porirua City Council has adopted the Northern Growth Area Structure Plan in recognition of its commitment to planned future urban growth within the Taupo Stream catchment north of Camborne. Ultimate urbanisation of this area is necessary because Porirua's current supply of urban greenfield subdivision land will be used up by around 2020-2021.

The intention is that the land will be developed in a way that takes account of all aspects of the environment within the Taupo Stream catchment. Future urban development within this area will be subject to a comprehensive design and implementation process, employing a 'whole of catchment' approach and careful management of the transition from rural to urban land use.

Like any urban growth area, certain activities will be necessary to support future urban development in this area, for example large-scale earthworks, some waterway/stream diversion and vegetation clearance. Balanced consideration of these activities will be required alongside such aspects as retaining biodiversity, avoiding habitat depletion, protecting important landscapes and avoiding the exacerbating of natural hazard risks. Doing this on a large scale enables an efficient and comprehensive approach.

This type of change need not be viewed negatively, however this does appear to be the perspective of the Proposed Plan, with its universal emphasis on avoiding adverse effects regardless of location or context. The classification of development-related activities necessary to support future urban development as non-complying does not enable a strategic or forward-thinking approach. Furthermore, the way the term "upgrade" has been defined does not provide for extending or intensifying infrastructure provision to accommodate growth.

There is scant acknowledgement of environmental change management issues in the Proposed Plan, such as future urban growth, and the necessary strategic responses to this. The Plan needs to incorporate recognition of strategic urban growth strategies as a tool for enabling sustainable development while enhancing the natural and physical environment.

Policy P102 is the only provision in the Plan that mentions growth/development strategies and is inadequate on its own. An alternative policy framework for strategic growth and development needs to be provided. Amendments are also required to provide appropriate consenting pathways for certain activities associated with land development within identified future urban growth areas.

A series of detailed requests for amendments have been made against the relevant provisions within the spreadsheet accompanying this submission.

#### **4.2. Recognition and provision for infrastructure**

The Regional Policy Statement requires regional and district plans to recognise and protect regionally significant infrastructure. While the benefits of infrastructure are acknowledged in this Plan, the provisions generally focus too much on the adverse effects of the operation, maintenance and upgrading of infrastructure.

The provisions which provide for protection are limited to reverse sensitivity effects in the coastal marine area only. These provisions should be extended beyond the coastal marine area.



There is not enough recognition of the maintenance requirements of infrastructure. The Plan places onerous standards on some of these activities. While environmental outcomes should not be forgotten during maintenance, it is unreasonable to expect local authorities to meet complex standards or to go through a consent process for routine activities that are essential to ensure the community's health and safety or for other critical reasons.

The only recognition or protection offered to infrastructure in the Plan is offered to "regionally significant infrastructure", which does not include local roads or associated infrastructure such as seawalls. Porirua has a number of local roads adjoining the coastal marine area, such as Sunset Parade in Plimmerton and Titahi Bay Road, and their continued provision may periodically require maintenance or upgrade works inside the coastal marine area. The lack of recognition of the value of this type of urban infrastructure means that their positive effects will not be a matter for consideration, thereby making the consenting process more onerous.

While a local road such as Sunset Parade in Plimmerton may not be "regionally significant", it is a vital resource for the local community and PCC should be able to maintain and upgrade associated infrastructure without having to go through onerous consenting processes.

While it is accepted that the primary purpose of the Plan is to protect natural resources, these natural resources do not exist in a vacuum. Much of the Wellington Region is developed or heavily modified, and while restoration is to be encouraged, this must be balanced with the need for urban resources to be maintained and enhanced as well.

## **5. Sites of significance**

PCC supports in principle the protection of sites with significant values. The recognition of Te Awarua-o-Porirua and Pauatahanui Inlet in particular is consistent with PCC's strategic priority for "a healthy and protected harbour and catchment".

However PCC considers that the Proposed Plan is so heavily weighted in favour of environmental protection that it does not provide sufficiently for the need for local authorities to carry out essential maintenance and management activities in these areas. The onerous requirements relating to infrastructure are discussed in section 4.2 above.

It should also be noted that sites of significance often have a greater concentration of recreational uses and assets, precisely because of their special qualities. The Regional Policy Statement seeks to enhance public access to and along the coastal marine area, lakes and rivers. Implementation of this objective includes maintaining and improving recreational infrastructure, however this is not consistently supported by the provisions of the Proposed Plan. The comments in section 4.2 are also relevant in this regard.

Because Porirua is an urban area, many of the identified sites of significance are in modified environments. These sites require a different policy and management approach

to sites located in an unmodified or more natural environment. Restoration of such sites is of course important, but their location adjacent to urban uses and development needs to be taken into account.

For example, the mana whenua site at Takapuwahia in Te Awarua-o-Porirua Harbour is bordered by Titahi Bay Road. Discretionary status for certain activities such as seawalls within a moderately developed site like this would be more appropriate, while still providing the ability to consider the effects of the activity.

The key site of significance for Porirua is Pauatahanui Inlet. This has been included in no less than five different categories of significant site in addition to the general coastal marine area provisions: outstanding natural wetlands (Schedule A), significant natural wetlands (Schedule F3), indigenous bird habitats (Schedule F2c), significant indigenous biodiversity coastal sites (Schedule F4), and significant geological features (Schedule J) The Dolly Varden area of the inlet immediately south of the Camborne boatsheds is also subject to a sixth category under Schedule C (mana whenua sites). Eventually there will also be whitua provisions to be applied.

It is acknowledged (and supported) that the reason for the high number of classifications is that the inlet has many different special qualities, but the large number of different rules applying to this area will create a heavy administrative burden, and most likely a degree of confusion. As the inlet is a large area bordered by a number of urban areas, there are numerous different activities occurring within and alongside it. A simpler approach may be needed in order to deal with these issues.

The provisions relating to different significant site categories can be confusing or conflicting when they have to be applied to a particular site. For example, new structures less than 10m<sup>2</sup> in size for the purpose of hunting and recreation in outstanding natural wetlands are discretionary (Rule R109), while new structures, additions or alterations to structures inside significant indigenous biodiversity coastal sites (Schedule F4) are non-complying regardless of size or function (Rule R162). Both rules are relevant to Pauatahanui Inlet but which takes precedence?

The inclusion of Pauatahanui Inlet in the classifications as both an outstanding natural wetland and a significant natural wetland is presumably an error, as it surely cannot be both. This needs to be reviewed and corrected. Other detailed comments regarding significant sites are contained in the accompanying spreadsheet.

## **6. Titahi Bay beach**

The Proposed Plan has extended the area prohibited to motor vehicles on Titahi Bay beach. Under the current Regional Coastal Plan, the prohibited area covers the central part of the beach with vehicles allowed at the northern and southern areas which incorporate the existing boatsheds. The Proposed Natural Resources Plan has extended this to cover the entire length of the beach below Mean High Water Springs. The

specified hours of access (including exemptions) have also been removed so that the prohibition applies 24 hours a day.

It is understood that the reasoning for the rule change is to take a precautionary approach towards the protection of the fossil forest at Titahi Bay beach, however there is no mention of either Titahi Bay beach or the fossil forest in the Section 32 report.

It is noted that there are exemptions to this rule, specifically with regards to vehicles for surf lifesaving, emergency situations, local authority activities, and the maintenance, upgrade and operation of regionally significant infrastructure. Rule R190 permits the launching, retrieving and temporary mooring of vessels on the beach, and it is assumed that vehicles are also permitted as part of this activity although the rule does not explicitly state this. There are a number of practical difficulties associated with the interpretation of R190, and comments relating to this are provided in the accompanying spreadsheet.

The prohibited status of vehicles on Titahi Bay beach seems to be at odds with the provisions for other sites of significance and it is not clear why this is. Vehicles on the foreshore are permitted within the general coastal marine area and are non-complying within sites of significance. These sites include significant geological features like Titahi Bay that are identified in Schedule J as being nationally significant, such as the East Harbour coast, Lake Onoke and barrier spit, and Castlepoint. Yet at these important sites, vehicles are not prohibited like they are at Titahi Bay.

Destruction, damage or disturbance inside sites of significance is a non-complying activity (Rule R205). It could be argued that motor vehicles cause no more destruction, damage or disturbance than the activities that would fall under Rule R205. Yet under the current provisions, the destruction and damage of the Titahi Bay fossil forest, including any associated discharge of contaminants, is non-complying, while disturbance by vehicles is prohibited. PCC seeks a consistent approach across the region, and a workable rule and policy framework for Titahi Bay beach.

A key concern that PCC has with the extension of the vehicle prohibited area is the practicalities of applying the rules. The current drafting of the provisions will result in an unworkable situation for the management of the beach. It is not clear how the new provisions would be enforced and who would enforce them. The local community, which has polarised views about cars on the beach, has not yet been able to engage in meaningful dialogue about the new provisions, and this needs to be managed carefully.

Therefore, rather than blindly applying a set of draconian rules, Porirua City Council would prefer to work together with Greater Wellington Regional Council and the local community to develop an alternative approach to the current provisions.

In conclusion, Porirua City Council seeks to amend Rule R199 insofar as it relates to the extension of the current prohibited area to vehicles. PCC supports the continuation of the operative prohibited area but requests that the remaining area marked on Map 35 be

changed to non-complying status, in order to be consistent with the provisions for sites of significance within the Proposed Plan. This is likely to be an interim solution as it will still be difficult to implement the amended provisions. In the longer term PCC wishes to develop a collaborative management regime for Titahi Bay beach and surrounding area.

Proposed Natural Resources Plan:

Submitter:

**Wainuiomata Rural Community  
Association**

Submitter Number:

**S164**



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

Or email: regionalplan@gw.govt.nz

### Your details

Full name: Michele Caldwell  
 Organisation name: (If applicable) Wainuiomata Rural Community Association  
 Address for Service: 1248 Coast Road, RD, Wainuiomata,, Lower Hutt

Telephone no's: Work: Home: 04 564 4288 Cell: 0276 944 611  
 Contact person: Margot Fry

Address and telephone no (if different from above): Note: please send any communication to Michelle Caldwell, at the email address listed below.

### 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: Michelle Caldwell <polwarthsheep@xtra.co.nz>

### 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):  Schedule F1	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	Schedule F1, at page 361 ff, includes the GIS coordinates of 10 number? of streams and tributaries along the Wainuiomata Valley. This is not the easiest way for our members to identify where these streams are so that landowners may have to be mindful of their responsibilities
	I seek the following decision from WRC (give precise details): →	To ensure greater clarity, we suggest that either: a) the streams and tributaries be named, either by the common name or the name given by the property owner; or b) the streams and tributaries of each river system be mapped

		separately so land owners can clearly identify which ones are on their property; or c) the table notes the property titles that the streams and tributaries are located on, again for ease of identification.
--	--	--

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):  Rule 42 Minor Discharges- permitted activity (p 116)	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	We consider the concentrations of total suspended solids, as outlined in clause (b) (ii) and depending on what the contaminant is, could either be too much or too little.
	I seek the following decision from WRC (give precise details): →	We suggest that "contaminant" is defined. At present, "contaminated land" is defined as is "hazardous substances". However it is unclear whether contaminant is a separate category. We also recommend that evidence be provided as to why these particular measures (50 g/m3 and 100g/m3) have been chosen and suggest that a sliding scale would be more effective.

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):  Rule 70- clean fill material – permitted activity (p 128)	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	We suggest that it be clarified whether this rule pertains to the removal of flood debris. T
	I seek the following decision from WRC (give precise details): →	This could be clarified in the definition of clean fill material. The current definition includes clay, soil and rock. We suggest the definition specifically excludes "river gravels" to avoid confusion. We also suggest that it be made clear whether amount of clean fill material that can be discharged under this rule is an annual amount.

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):  Rule 75- new or upgraded on site wastewater systems- permitted activities (p 132)	My submission on this provision is: →	<input checked="" 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: →	We wish to note our approval of the new section (e) which provides for a discharge from a new or upgraded on site waste water system to be 20m from the boundary of the property rather than the previous 50m. We consider this will be very helpful for landowners who wish to build on narrow properties such as, for example, are found in Moore's Moores Valley.
	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: \_\_\_\_\_

Date: \_\_\_\_\_

[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.

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

<p>The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):</p>	<p>My submission on this provision is: →</p>	<p><input type="checkbox"/> I support the provision  <input checked="" type="checkbox"/> I oppose the provision  <input type="checkbox"/> I wish to have the specific provision amended</p>
<p>Rule 82- Application of fertiliser from ground based or aerial applications- permitted activity (p 142)</p>	<p>Reasons for my submission: →</p>	<p>We consider this rule, as it is currently stated, will be impractical to implement. Despite best endeavours, it is almost impossible to prevent fertiliser, whether applied from a ground based or aerial application, from entering either a water body or to move beyond the property boundary.</p>
	<p>I seek the following decision from WRC (give precise details): →</p>	<p>We believe it is important to ensure that fertiliser application is done according to best practise so recommend that sub clause (a) is replaced by sub clause (b) from Rule 20 in the previous draft.  This would mean that the sub clause in Rule 82 in the current draft:  (a) The discharge is not onto or into a surface water body or beyond the boundary of the property including as a result of wind drift would be changed to sub clause (b) in Rule 20 from the Greater Wellington Regional Plan: Working document for discussion:  (b) best management practices shall be undertaken to prevent the discharge of fertiliser into any surface water body including, but not limited to, fertiliser entering a surface water body as a result of wind drift</p> <p>We believe that this would address the core issue and encourage the behaviour change that is being sought.</p> <p>Another way to achieve the purpose that we all wish to achieve, preventing large amounts of fertiliser entering our waterways, would be to link this Rule to Rule 42. If fertiliser is considered a contaminant, then the limits imposed by Rule 42 would help achieve the outcome that is being sought in a practical manner.</p>

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

<p>The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):</p>	<p>My submission on this provision is: →</p>	<p><input type="checkbox"/> I support the provision  <input checked="" type="checkbox"/> I oppose the provision  <input type="checkbox"/> I wish to have the specific provision amended</p>
<p>Rule 94- Cultivation or tilling of land- permitted activity (p 151)</p>	<p>Reasons for my submission: →</p>	<p>This rule notes that tilling and cultivation cannot be within 5m of a surface water body. In this plan, as with the previous draft, this definition of surface water body includes farm drains.</p> <p>We have raised concerns about this rule before and appreciate the Council's concern that silt does not enter the waterways. As we have noted, farmers and rural land owners are equally concerned. Silt lost in flood events represents a loss of fertiliser, seed as well as work hours. It is a situation that we all wish to avoid.</p>
	<p>I seek the following decision from WRC (give precise details): →</p>	<p>In our previous submission, we suggested that in terms of the rules for cultivation, tilling, as well as break feeding (Rule 95- break feeding- permitted activity) "drains" that are man made are excluded from the definition of a surface water body.</p> <p>We still consider this would be the most effective method and would be consistent with the RMA which does not include "drains", for example, in the definition of "river".</p> <p>We consider that rather than focus on a limit between the edge of cultivation and a drain, it would be more beneficial to instead encourage best practice methods. Providing guidelines to farmers and rural land owners would, we consider, be more effective in preventing "sediment laden surface water resulting from cultivation flowing into a surface water body". We propose that best practice methods should be encouraged, such as the installation of silt traps in drains, rather than imposing an artificial limit.</p> <p>Another way this could be addressed would be by including the following:  (g) all reasonable steps shall be taken to minimise the generation and release of sediment and the discharge of any sediment.</p> <p>We also suggest that a distinction be made between horticulturalists, who may till the soil more frequently, and farmers.</p> <p>We note that drains are not fast flowing normally.</p> <p>We also note that the same clause appears in Rule 95- break feeding-</p>

		permitted activity and that a similar approach of encouraging best practice should be adopted.
--	--	--

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):  Rule 119- Clearing flood debris and beach contouring- permitted activity (p 170)	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input checked="" type="checkbox"/> I <b>wish to have the specific provision amended</b>
	Reasons for my submission: →	Clause (g) provides that beach contouring shall not extend to a depth greater than 1 m.
	I seek the following decision from WRC (give precise details): →	We suggest that this be reworded "to a depth no greater than it was prior to the flood event" to allow for situations when the build-up of debris as result of a flood event is greater than metre. While this may not be the usual build up, the Wainuiomata River valley system does occasionally result in more significant events.

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):  Rule 121- maintenance of drains- permitted activity (p 172)	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input checked="" type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I <b>wish to have the specific provision amended</b>
	Reasons for my submission: →	We have questioned the practicality of this rule previously as we believe that to be able to clear either only one side of a drain or the middle channel is not practical, particularly when machinery is hired.
	I seek the following decision from WRC (give precise details): →	<p>We would like to discuss with you the proposition that instead of stipulating how the farmer must clear his man made drains, the rule should state that when it is the landowner's responsibility, whether maintaining or clearing a drain, that the land owner must ensure that any outflow into a category 2 waterways meet Greater Wellington's measures that are used as provided for in other rules and in the general conditions:</p> <p>that it does not cause a conspicuous change in colour or visual clarity of water discharged from a drain</p> <p>This change would enable the result to be measured in the same way that other rules are measured and provide a constant method for rural property owners to monitor how their actions are affecting the waterways.</p>

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):  Stock access to waterways	My submission on this provision is: →	<input checked="" type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I <b>wish to have the specific provision amended</b>
	Reasons for my submission: →	
	I seek the following decision from WRC (give precise details): →	WSe would like to thank the Council and officers for the way in which they took pains to understand the issues from our community's point of view and who came up with a solution that we can all work with.



Proposed Natural Resources Plan:

Submitter:

**Transpower NZ Ltd**

Submitter Number:

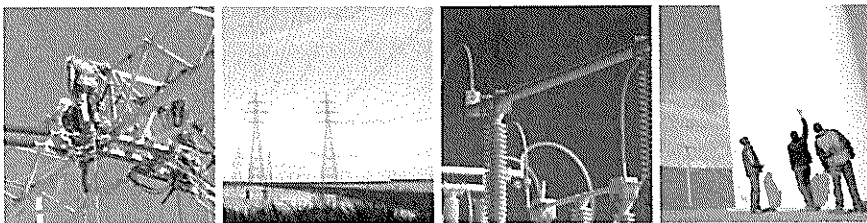
**S165**



# Submission by Transpower NZ Limited on the Greater Wellington Regional Council – Proposed Natural Resources Plan

September 2015

*Keeping the energy flowing*



TRANSPOWER



Transpower New Zealand Limited  
C/- Boffa Miskell Limited  
Po Box 11 340  
Level 4, Huddart Parker Building  
1 Post Office Square  
WELLINGTON 6142

Attn: Pauline Whitney

A handwritten signature in black ink, appearing to read 'P. Whitney', written in a cursive style.

Email: [pauline.whitney@boffamiskell.co.nz](mailto:pauline.whitney@boffamiskell.co.nz)  
Ph: 04 901 4290

(Address for Service)



**FORM 5**  
**SUBMISSION BY TRANSPOWER NEW ZEALAND LIMITED**  
**ON PROPOSED NATURAL RESOURCES PLAN FOR THE WELLINGTON REGION**  
**PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE TO**  
**THE RESOURCE MANAGEMENT ACT 1991**

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

By email: regionalplan@gw.govt.nz

Name of Submitter:  
Transpower New Zealand Ltd

**Transpower could not gain advantage in trade competition through this submission**

**The specific provisions of the proposed plan that the submission relates to are:**  
Refer attached submission which outlines the specific provisions, reasons and decisions/amendments sought.

**Transpower NZ Ltd wish to be heard in support of its submission.**



Signature of submitter  
[or person authorised to sign on behalf of the submitter.]  
Date: 25 September 2015

# SUBMISSION BY TRANSPOWER NZ LTD ON GREATER WELLINGTON REGIONAL COUNCIL– PROPOSED NATURAL RESOURCES PLAN

## INTRODUCTION

Transpower New Zealand Ltd (“**Transpower**”) is the state-owned enterprise that plans, builds, maintains and operates New Zealand’s high voltage transmission network (the National Grid). It connects power stations owned by generating companies to substations feeding the local networks that distribute electricity to homes and businesses, with some intensive electricity users directly connecting to the National Grid. The National Grid comprises towers, poles, lines, cables and substations, stretching and connecting the length and breadth of the country; with two national control centres (in Hamilton and Wellington). The National Grid is supported by a telecommunications network of some 300 telecommunication sites, which help link together the components that make up the National Grid.

Transpower’s role and function is determined by the State Owned Enterprises Act 1986, the company’s Statement of Corporate Intent, and the regulatory framework within which it operates. As a State Owned Enterprise, Transpower has a very limited statutory role in relation to generation, and no responsibility for local distribution of electricity.

Transpower’s Statement of Corporate Intent for July 2015 to July 2018, states that:

*“Transpower is central to the New Zealand electricity industry, connecting New Zealanders to their power system through safe, smart solutions for today and tomorrow. Our principal commercial activities are:*

- *As grid owner, to reliably and efficiently transport electricity from generators to distributors and large users; and*
- *As system operator, to operate a competitive electricity market and deliver a secure power system.*

One of Transpower’s key objectives therefore is to maintain and develop the National Grid. In line with this objective, Transpower needs to develop the network to meet increasing demand, and to connect new generation, which contributes to New Zealand’s economic and social aspirations.

## WELLINGTON REGION ASSETS

The National Grid comprises some 11,000 km of transmission lines and over 160 substations, extending from Kaikohe in the North Island down to Tiwai in the South Island. The 220 kV lines connect the largest power stations with the main load centres. Provincial centres and smaller power stations are connected by transmission lines operating at 220 kV, 110 kV, 66 kV and 50 kV. The National Grid is supported by a telecommunications network of some 300 telecommunication sites, which help link together the components that make up the National Grid.

Transpower's assets across the Greater Wellington region include substations, communications sites, transmission lines and support structures (including the related telecommunications system).

The following National Grid assets are within or traverse the Greater Wellington Region:

- *National Grid Transmission Lines (25 lines in total)*
  - *Bunnythorpe-Haywards A (BPE-HAY A) 220 kV single circuit line on towers.*
  - *Bunnythorpe-Haywards B (BPE-HAY B), 220kV single circuit line on towers.*
  - *Bunnythorpe-Wilton A (BPE-WIL A), 220kV double circuit line on towers.*
  - *Central Park-Wilton A (CPK- WIL A), 110kV double circuit line on towers.*
  - *Central Park-Wilton B (CPK-WIL B), 220kV double circuit line on towers.*
  - *Gracefield-Haywards A (GFD-HAY A), 110KV double circuit line on towers.*
  - *Haywards-Judgeford A (HAY-JFD A), 220kV double circuit line on towers.*
  - *Haywards-Melling A (HAY-MLG A), 100kV double circuit lines on towers.*
  - *Haywards-Melling B (HAY-MLG B), 110kV double circuit lines on towers.*
  - *Haywards-Takapu Road (HAY-TKR A), 110kV double circuit lines on towers.*
  - *Haywards-Upper Hutt A (HAY-UHT A), 110kV double circuit lines on towers.*
  - *Khandallah-Takapu Road A (KHD-TKR A), 110kV double circuit lines on towers.*
  - *Kaiwharawhara-Wilton A (KWA-WIL A), 110kV double circuit lines on towers.*
  - *Mangamaire-Masterton A (MGM-MST A), 110kV single circuit lines on poles.*
  - *Mangahao-Paekakariki A (MHO-PKK A), 110kV single circuit lines on poles.*
  - *Mangahao-Paekakariki B (MHO-PKK B), 110kV single circuit lines on poles.*
  - *Masterton-Upper Hutt A (MST-UHT A), 110kV double circuit lines on towers.*
  - *Oteranga Bay-Haywards A (OTB-HAY A), 350kV double circuit lines on towers.*
  - *Paekakariki-Takapu Road A (PKK-TRK A), 110kV double circuit lines on towers.*
  - *Paraparaumu Tee A (PRM-TEE A), 220kV single circuit lines on pi poles.*
  - *Paraparaumu Tee B (PRM-TEE B), 220kV single circuit lines on pi poles.*
  - *South Markara Road to Oteranga Bay A (SMK-OTB A), 110kV single circuit lines on poles.*
  - *Te Hikowhenua Deviation A (THW-DEV-A), single circuit lines on towers and poles.*
  - *Takapu Road-Wilton A (TKR-WIL-A), 110kV double circuit lines on towers.*
  - *West Wind Tee (WWD-TEE-A), 110kV double circuit lines on poles.*
- *Three submarine cables across the Cook Strait; South Markara Road-Oteranga Bay A, poles 1A to 1B (SMK-OTB-A1-CBL-1A-1B), which transmits electricity between the North and South Islands (commonly known as 'The Cook Strait Cables').*

- *High Voltage Direct Current (HVDC) links (four in total); Haywards DC (HAY-DC), Miramar Cable Store (MCS), Oteranga Bay (OTB), and Te Hikowhenua Electrode (THW).*
- *Overhead fibre cables (five in total); Bunnythorpe-Wilton A, Central Park-Wilton B, Haywards-Judgeford A, Haywards-Takapu Road, Oteranga Bay-Haywards A.*
- *Substations (12 in total):*
  - *Within the Wellington City; Central Park Substation (CPK), Kaiwharawhara substation (KWA), Wilton substation (WIL), West Wind substation (WWD).*
  - *Within the Hutt City; Gracefield Substation (GFD), Melling substation (MLG), Haywards substation (HAY).*
  - *Within the Upper Hutt City; Upper Hutt Substation (UHT).*
  - *Within the South Wairarapa District, Greytown substation (GYT).*
  - *Within the Porirua City, Pauatahanui Substation (PNI), Takapu Road Substation (TKR).*
  - *Within the Kapiti Coast District; Paraparaumu Substation (PRM).*
  - *Within the Caterton District; Masterton Substation (MST).*
- *Communications sites (seven in total); Axa House, Kaukau, Makara Village Repeater, Transpower House, Rangitumau, Mt Climie, Mt Bruce.*

Refer to Appendix 1 for a map showing the location of these lines and substations.

Collectively, these assets assist Transpower in servicing the Wellington region, as well as the rest of New Zealand. The ongoing operation, maintenance, upgrading and development of these assets is essential to achieving wider social, economic, cultural and environmental benefits for the region. Transpower's electricity infrastructure is a significant physical resource for the purposes of section 7 of the Resource Management Act 1991 (RMA), and must be sustainably managed, and any adverse effects on that infrastructure should be avoided, remedied or mitigated.

Some of Transpower's assets (e.g. parts of the Mangahao-Paekakariki A, Mangahao-Paekakariki B and Paekakariki to Takapu Road lines) are being dismantled to make way for the Transmission Gully Project. This work is ongoing. Transpower will confirm the final asset list to Council in due course and is likely to request that Council updates its records, relevant planning maps and GIS layer to reflect these changes to the National Grid.

## STATUTORY FRAMEWORK

The National Policy Statement for Electricity Transmission 2008 ("**NPSET**") was gazetted on 13 March 2008. The NPSET confirms the national significance of the National Grid, and establishes national policy direction to recognise the benefits of transmission, the effects of the National Grid and the need to appropriately manage activities and development close to it. The objective of the NPSET is as follows:

*To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

- a. *Managing the adverse environmental effects of the network; and*

b. *Managing the adverse effects of other activities on the network.*

The NPSET policies provide for the recognition of the benefits of transmission, as well as the environment effects of transmission, and the management of adverse effects on the transmission network.

Policy 1 of the NPSET provides that decision makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. Explicit reference is made to the benefits of security of supply, efficient transfer of energy, development and use of new electricity generation, and enhanced supply.

Policies 2 to 9 provide for managing the environmental effects of transmission. Policy 2 reads as follows:

*In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.*

Policies 3 to 5 contain matters to which decision makers must consider and these include constraints, the route, site and method selection process, and operational requirements. Policy 6 seeks to reduce existing adverse effects where appropriate. Policies 7 and 8 relate to urban and rural environments and identify areas that Transpower should seek to avoid. Policy 9 specifically relates to provisions dealing with electric and magnetic fields to be based on international standards.

Policies 10 and 11 of the NPSET provide the primary guidance to the management of adverse effects on the transmission network. The policies seek to avoid sensitive activities in close proximity to electricity transmission lines and infrastructure, manage other activities to avoid reverse sensitivity effects on the network and to manage activities to ensure the operation, maintenance, upgrading and development of the network is not compromised.

Policy 10 is as follows:

*In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.*

Policy 11 is as follows:

*Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).*

Section 67(3)(a) of the RMA requires that Regional Plans must 'give effect' to a National Policy Statement. Therefore, the NPSET must be considered in drafting plan provisions and in making decisions on submissions. It must also be given effect by the Council when deciding whether to grant a resource consent.

The RMA amendment to Regulation 10 (Forms, Fees and Procedures), section 2(i) further acknowledges the importance of Transpower's National Grid assets, requiring Transpower to be served notice of applications or reviews that may affect the National Grid.

Also of relevance is the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("**NESETA**") which came into effect on 14 January 2010. The NESETA addresses the objectives and policies of the NPSET, particularly those relating to the existing transmission network, by providing a national framework of permissions and consent requirements for activities on existing high voltage electricity transmission lines (the National Grid). Activities include the operation, maintenance and upgrade of existing lines (i.e. those built prior to 14 January 2010).

The NESETA:

- *specifies that electricity transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects on the environment*
- *specifies the resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities.*

The NESETA only applies to existing transmission lines existing at 14 January 2010. It does not apply to the construction of new transmission lines, nor to existing or new substations. The NESETA does not apply to electricity distribution lines – these are the lines carrying electricity from regional substations to electricity users.

Of particular relevance to the Proposed Natural Resources Plan ("**PNRP**") are Regulations 25 and 26 relating to blasting and the application of protective coatings, and Regulations 28 and 29 relating to discharges to water.

Under Regulation 25, regional councils can permit discharges from blasting and applying protective coatings to transmission line support structures, provided that the conditions as set out in the NESETA are complied with.

Under regulation 28, regional councils can permit discharges to water that have minor effects (noting that this only applies to existing transmission lines and not substations). Under Section 44A of the RMA, local authorities are required to ensure there are no duplications or conflicts between the provisions of the NESETA and a proposed plan. As such a permitted activity status for discharge of contaminants from the above activities, or an exemption from the applicable rules, is supported. This is discussed in further detail below.

## Regional Policy Framework

The Regional Policy Statement for Greater Wellington was made operative in 2013. Section 67(3)(c) of the Resource Management Act requires that a Regional Plan must give effect to any Regional Policy Statement. The RPS contains the following relevant provisions:

*POLICY 7: Recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans*

*District and regional plans shall include policies and/or methods that recognise:*  
*(a) the social, economic, cultural and environmental benefits of regionally significant infrastructure including:*

*...*

(iii) people have access to energy so as to meet their needs; and

POLICY 8: Protecting regionally significant infrastructure – regional and district plans

District and regional plans shall include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure.

POLICY 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration

When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, particular regard shall be given to:

- (a) the social, economic, cultural and environmental benefits of energy generated from renewable energy resources and/or regionally significant infrastructure; and
- (b) protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure; and ...

## In Summary

Given the above statutory and policy framework, it is important, given its national and regional significance, that the management of the National Grid is properly addressed in the Proposed Natural Resources Plan.

In making this submission, Transpower recognises and understands the importance of working with landowners and Councils in developing appropriate plan provisions. On this basis Transpower welcomes the opportunity to making a submission on the PNRP, and is willing to further discuss these submission points with Council staff as the Plan is further developed.

The following submission points relate to specific elements of the PNRP which are supported by Transpower, or others where amendments to specific provisions are sought.

### 1.0 GENERAL COMMENTS

For Transpower, the provisions of the PNRP need to ensure:

- *That the National Policy Statement on Electricity Transmission 2008 (NPSET) is given effect to;*
- *The sustainable management of the National Grid as a physical resource of national significance is recognised;*
- *The benefits of the National Grid at local, regional and national level are recognised;*
- *Appropriate provision for the ongoing operation and maintenance, upgrade and development of the network, including ensuring that lines can be accessed as part of subdivision and development;*
- *That the existing network can be upgraded in order to meet growth in energy demand;*
- *The protection of the existing network from issues of reverse sensitivity and the effects of others' activities on it; and*

- *Appropriate provision for the planning and development of new lines and National Grid assets.*

Transpower is satisfied that the Proposed Natural Resources Plan (PNRP) will achieve most of the outcomes set out above. In particular, recognition of the National Grid as regionally significant infrastructure is provided in Objective O12 and O13, and Policies P12, P13 and P14.

Overall, while generally supported by Transpower, some modifications and/or clarifications are suggested to the PNRP in order to address all of the relevant general resource management issues identified above. In particular, better recognition of the national, regional and local societal benefits, and the technical and operational needs of the National Grid as nationally and regionally significant infrastructure is required.

This submission focuses mainly on the PNRP provisions to ensure the operation, maintenance and upgrading of the existing electricity transmission assets in the Wellington Region. Transpower considers it important however to ensure that the PNRP makes appropriate allowance for the development of new transmission assets in line with the policy direction provided in the NPSET. A new policy is suggested to better provide for the planning and development of new lines and National Grid assets, to give effect to the NPSET.

The PNRP is assessed in the remainder of these comments. Where appropriate, new or amended wording is suggested to assist officers.

## 2.0 CHAPTER 1 - INTRODUCTION

Transpower supports the inclusion of references to nationally and regionally significant infrastructure in the introductory text such as the northern link for State Highway 1 and the North Island Main Trunk Railway. Transpower contends that the introductory text should also refer to Transpower's nationally significant critical assets including the National Grid and Cook Strait cables which transmit electricity from the North Island to the South Island. This nationally and regionally significant infrastructure plays a vital role in the wellbeing of New Zealand, and its people and the environment, and should be recognised in the PNRP.

The introductory text, as drafted, briefly mentions National Environmental Standards. Transpower considers that the PNRP should reference all current relevant National Environmental Standards including the NESETA, including the correct full name and date of these regulations.

The introductory text, as currently drafted, states that "in some circumstances, councils can impose stricter standards than the national standard". However, the NESETA does not specify that a rule in a Plan may be more stringent than the NESETA. The Plan should therefore specify that the rules of a National Environmental Standard prevail over the equivalent rules of the Plan, and that Councils can impose stricter standards than a national standard, only if the standard provides that a rule may be more stringent.

With respect to activities on the existing National Grid covered by the NESETA, the NESETA does not apply to the construction or use of a bridge or culvert for access to a transmission line, or to earthworks that are subject to a regional rule (clause 4 of the NES). Accordingly, it is appropriate for the Plan to include rules on these activities as they relate to the existing and new National Grid. However the NES does contain rule regulation to discharges of contaminants to water (Regulations 28 and 29) and discharges from abrasive blasting (Regulations 25 and 26). These should be referenced in the PNRP in the relevant rule sections



(either by amendment to the relevant rules or an exclusion note) to ensure there is no inconsistency. This is further discussed in the relevant rule sections below.

The following are suggested amendments to Section 1, reflecting the above comments.

### **Section 1 - Introduction**

**(all amendments shown in italics & underline and deletions shown in strikethrough)**

1. **Retain** Chapter 1, except as set out below.
2. **Amend** Section 1, paragraph seven, as follows:  
*Wellington provides the northern link for State Highway 1 and the main trunk railway between the North Island and the South Island. Wellington Harbour (Port Nicholson) is an important New Zealand port, particularly for imports such as fuel oils. Wellington Airport is the third biggest passenger airport in New Zealand. The National Grid within the Wellington Region plays a vital role in providing for the wellbeing of New Zealand, its people and the environment. This includes the Cook Strait cables which transmit electricity between the North and South Islands.*
3. **Amend** Section 1.5.1, paragraph 11, as follows:  
*National policy statements provide guidance on matters of national significance and are prepared by central government. New Zealand currently has four approved national policy statements*  
....  
*the National Policy Statement on Electricity Transmission 2014, 2008.*
4. **Amend** Section 1.5.1, paragraph 18, as follows:  
*National environmental standards are also prepared by central government. They can prescribe technical standards, methods or other requirements for environmental matters. such as The current National Environmental Standards include:*  
*[list of current National Environmental Standards];*  
*and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009).*  
  
*The same National Environmental standards are enforced by all Councils throughout New Zealand, both regional and district. The rules in a National Environmental Standard prevail over the equivalent rules of the plan. In some circumstances, councils can impose stricter standards than the national standard, if the standard provides that a rule may be more stringent.*
5. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

### **3.0 SECTION 3 – OBJECTIVES**

Overall, Transpower generally supports the proposed objectives in Section 3 of the PNRP. In particular, Transpower supports the following provisions:

- Section 3.2 heading *Beneficial use and development*.
- *Objective O12: The social, economic, cultural and environmental benefits of regionally significant infrastructure and renewable energy generation activities are recognised.*
- *Objective O13: The use and ongoing operation of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible use and development occurring under, over or adjacent to the infrastructure or activity.*

Objective O12 recognises the importance and benefits of regionally significant infrastructure, to support social, economic, and cultural wellbeing. Section 3.4.2 of the Section 32 report notes that “*These objectives essentially are derived from the sense that there are some activities that have a greater benefit to society and contribute more to social, economic and cultural well-being than others*”.

Transpower considers that more emphasis should be placed on the national, regional and local benefits of regionally significant infrastructure, particularly as the National Grid is important for maintaining economic production and the health and safety of the community, and is recognised as nationally significant in the NPSET. Its importance should be elevated above the use and development of resources more generally. This would appropriately give effect to policy 1 of the NPSET.

Transpower also considers that objective O12 recognises the benefits, but does not sufficiently provide for the use and development of resources for regionally significant infrastructure. It is suggested that the objective is amended to include “recognise and provide for” so that it gives effect to Policy 1 of the NPSET.

Objective O13 recognises the importance of managing activities to avoid reverse sensitivity effects on regionally significant infrastructure, including the National Grid. However, Transpower considers that the current objective is limited in that it only avoids reverse sensitivity effects within the Coastal Marine Area. This does not appropriately give effect to policy 10 of the NPSET, and is also is not considered to be consistent proposed policy P14 which covers incompatible use and development in all areas (not just the Coastal Marine Area). Specific reference to the Coastal Marine Area should be removed so that all incompatible or inappropriate use and development located over, under or adjacent to the National Grid, which has potential to compromise its efficient functioning, can be considered under this objective.

Reference is also sought within the objectives to “operation, maintenance, upgrade and development” for consistency with the NPSET.

The following are suggested amendments to Section 3, reflecting the above comments.

## **Section 2 – Objectives**

**(all amendments shown in italics & underline and deletions shown in strikethrough)**

- 6. *Retain* Section 3.2 (in particular Objectives O12 and O13) and the Heading *Beneficial use and Development* as drafted, except as set out below.**

7. **Amend** Objective O12 as follows:  
*The social, economic, cultural and environmental benefits at the national, regional and local scale of regionally significant infrastructure, and renewable energy generation activities are recognised and provided for.*
  
8. **Amend** Objective O13 as follows:  
*The ongoing use, and ongoing operation, maintenance and upgrade of regionally significant infrastructure and renewable energy generation activities ~~in the coastal marine area~~ are protected from new incompatible or inappropriate use and development occurring under, over or adjacent to the infrastructure or activity.*
  
9. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

#### 4.0 SECTION 4 – POLICIES TO IMPLEMENT THE OBJECTIVES

Transpower generally supports the general overarching policies in Section 4. Further detail on specific policies supported or suggested to be amended is provided as follows.

The suggested modifications and/or clarifications focus mainly on the provisions to ensure the use, operation, maintenance and upgrading of the existing National Grid assets in the Region are provided for. Transpower considers it important however to ensure that the PNRP makes appropriate allowance for new National Grid assets in line with the policy direction provided in the NPSET.

Policy P12 – *Benefits of regionally significant infrastructure and renewable electricity generation facilities*, is supported insofar as it recognises the benefits of regionally significant infrastructure, and has regard to the operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure. Transpower considers that the policy should specifically reference the National Grid and the constraints imposed from the technical and operational requirements of the network. For example, the design and location of the National Grid needs to be responsive to the location of electricity generation assets, load demand, and the efficient transfer of energy between them. Specific reference to the sustainable, secure and efficient electricity transmission of the National Grid in Policy P12 would recognise such constraints, and acknowledge the national significance of the National Grid, in enabling appropriate use and development to give effect to policies 1 - 4 of the NPSET.

Policy P13 - *Existing regionally significant infrastructure and renewable electricity generation facilities*, is supported as it recognises that the operation, maintenance, and upgrade of existing regionally significant infrastructure is beneficial and generally appropriate for the efficient, secure and sustainable electricity transmission.

Policy P14 – *Incompatible activities adjacent to regionally significant infrastructure and renewable electricity generation activities*, is supported in part, in that it protects regionally significant infrastructure from incompatible activities. However, some amendments are suggested so that the ongoing use, maintenance, and upgrade of regionally significant infrastructure is protected from incompatible or inappropriate activities, in line with the NPSET.

Transpower considers it important to ensure that the PNRP makes appropriate allowance for new National Grid assets in line with the policy direction provided in the NPSET. The current

policy framework recognises the benefits of regionally significant infrastructure and the appropriateness of the use, operation, maintenance, and upgrade of existing infrastructure, but does not contain policy direction specifically relating to the development of new infrastructure associated with the National Grid. A new policy is suggested (Policy P13A) which provides decision-makers with guidance on the consideration of environmental effects for new or major upgrades to the National Grid, in accordance with Policy 4 and Policy 5 of the NPSET.

The generally location-specific or activity specific policies P102, P138, P139, P143, P144, P147 and P148 generally have an “avoidance” or “restrictive” directive to protect mana whenua sites, coastal sites, coastal habitats and geological features. Transpower supports the exception for activities associated with the “development, operation, maintenance and upgrade of regionally significant infrastructure” in these policies, as this gives appropriate recognition to the benefits, necessity and technical and operational requirements of regionally significant infrastructure, meaning it is not always possible to avoid locating infrastructure within or near sensitive areas.

Policy P134 – *Use and development in the coastal marine area* is generally supported as it recognises that some activities have a functional need to be located in the coastal marine area. However, some amendments are suggested to better reflect the intent of the policy and to reflect the technical and operational requirements of the National Grid.

Firstly, it is suggested that technical requirements (as well as operational requirements) are listed in point (b), as Transpower’s route selection process may traverse the coastal marine area to avoid significant adverse effects elsewhere, which would be considered a technical requirement rather than an operational requirement.

Secondly, point (f) suggests that structures shall be removed once redundant. It is recognised that the removal of structures could only be required by way of a submission on a resource consent for a new structure, however, the practicality and expense associated with the removal of redundant sections of cable once they are redundant is cost prohibitive and may lead to increased disturbance of the seabed.

Thirdly, point (g) suggests that use and development is concentrated in locations where similar use and development already exists where practicable. It is not practicable for the Cook Strait cables to be concentrated in the same location. For example, due to the depth of the ocean (250 metres in parts), when the Cook Strait cables are re-layed after additions or repairs, they almost always end up on a slightly different route. In the case that a new cable is layed in the Cook Strait cable Protection Zone, this would ideally be located 500m distance from existing cables to reduce the risk of damage from contact between cables. Transpower seeks an exemption to points (f) and (g) for the National Grid, or recognition within the policy that within the coastal marine area it is not practicable for cables to be concentrated in locations where similar development already exists.

Transpower seeks that the definition of “National Electricity Grid” is amended to “National Grid” for consistency with the definition in the NPSET. Transpower also seeks that the definition does not specifically list Transpower’s assets which could lead to potential unintentional consequences (e.g. the exclusion of cables from the definition).

Transpower supports the activity based policies in Section 4 as they generally provide appropriate direction for the management of particular activities through the corresponding plan methods and rules in a way which gives effect to the NPSET. The activity policies of particular relevance to Transpower are those which address stormwater and sediment discharges to land and/or water, temporary diversions of water, activities in, on, under or over river and lake beds, the management of contaminated land, and earthworks. These activities

and discharges may all be required to facilitate the development, maintenance, and upgrading of the National Grid (where NESETA does not apply). In practice, the policy direction specifically relating to these activities would be balanced with the policies supporting the operation, maintenance upgrade and development of the National Grid as regionally significant infrastructure.

The following are suggested amendments to Section 4, reflecting the above comments.

#### **Section 4 – Policies to implement the objectives**

**(all amendments shown in italics & underline and deletions shown in strikethrough)**

10. **Retain** Section 4 (in particular the policies referenced below), except as set out below.
11. **Amend** Policy P12, as follows:  
*The national, regional and local benefits of regionally significant infrastructure and renewable electricity generation facilities are recognised and provided for by having regard to:*  
.....  
*(e) the technical and operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure, particularly the National Grid.*
12. **Retain** Policy P13, as drafted:  
*The use, operation, maintenance, and upgrade of existing regionally significant infrastructure and renewable energy generation activities are beneficial and generally appropriate.*
13. **Add** an additional policy as follows (or similar):  
*Policy P13A: Managing environmental effects of new National Grid infrastructure.*  
*When considering the environmental effects of new infrastructure associated with the National Grid, or major upgrades of the existing National Grid, decision-makers shall have regard to:*  
*(a) the benefits of the infrastructure to meet the needs of present and future generations,*  
*(b) the extent to which any adverse environmental effects have been avoided, remedied or mitigated by the route, site and method selection; and*  
*(c) the constraints imposed by the technical and operational requirements of the National Grid.*
14. **Amend** Policy P14, as follows:  
*~~Incompatible activities adjacent to~~ Protection of regionally significant infrastructure and renewable electricity generation activities.*  
*The ongoing use, maintenance, and upgrade of regionally significant infrastructure and renewable energy generation activities shall be protected from new incompatible or inappropriate use and-or development occurring under, over or adjacent to ~~it~~ the infrastructure or activity, by locating and designing any new use and development to avoid, remedy or mitigate any reverse sensitivity effects.*
15. **Retain** Policy P102, as drafted:

*The reclamation or drainage of the beds of lakes and rivers and natural wetlands shall be avoided except where the reclamation or drainage is:*  
*(c) Necessary to enable to development, operation, maintenance, and upgrade of regionally significant infrastructure.*

16. **Amend** Policy P132, as follows:

*Use and development in the coastal marine area shall:*

*(a) have a functional need, or*

*(b) have an technical or operational requirement to locate within the coastal marine area, and no reasonable or practicable alternative to locating in the coastal marine area, or*

*(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):*

*(d) only use the minimum area necessary, and*

*(e) be made available for public or multiple use where appropriate, and*

*Except in relation to the National Grid, shall:*

*(f) result in the removal of structures once redundant, and*

*(g) concentrate in locations where similar use and development already exists where practicable.*

17. **Retain** Policy P138, as drafted

*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:*

*(c) It is necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure.*

18. **Retain** Policy P139, as drafted:

*The construction of a new seawall is inappropriate except where the seawall is requirement to protect:*

*(b) new regionally significant infrastructure.*

19. **Retain** Policy P143, as drafted:

*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 (geological features) shall be avoided except where:*

*(f) It is necessary to enable the efficient development, operation, maintenance and upgrade of regionally significant infrastructure.*

20. **Retain** P144, as drafted:

*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:*

*(a) It is necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure, and*

*(b) There are no practicable alternative methods of providing for the activity.*

21. **Retain** Policy P147, as drafted:

*District and city councils may restrict the use of motor vehicles on the foreshore, with the exception of vehicles associated with:*

*(a) The development, operation, maintenance and upgrade of regionally significant infrastructure.*

22. **Retain** Policy P148, as drafted:

*The use of motor vehicles on the foreshore in a site identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F2c (birds-coastal), Schedule F5 (coastal habitats) shall be avoided, except when required for ... or regionally significant infrastructure purposes.*

23. **Amend** definition of Regionally Significant Infrastructure, as follows:

*Regionally significant infrastructure includes:*

*(a) pipelines for the distribution or transmission of natural or manufactured gas or petroleum*

*(b) strategic facilities to the telecommunication network, as defined in section 5 of the Telecommunications Act 2001*

*(c) strategic facilities to the radio communications network, as defined in section 2(1) of the Radio Communications Act 1989*

*(d) the National ~~electricity~~ Grid*

*(e) facilities for the generation and transmission of electricity where it is supplied to the electricity distribution network, including the National Grid*

*(f) the local authority water supply network and water treatments plants*

*(g) the local authority wastewater and stormwater networks, systems and wastewater treatment plants*

*(h) the Strategic Transport Network*

*(i) Wellington City bus terminal and Wellington Railway Station terminus*

*(j) Wellington International Airport*

*(k) Masterton Hood Aerodrome*

*(l) Paraparaumu Airport*

*(m) Commercial Port Area within Wellington Harbour (Port Nicholson) and adjacent land used in association with the movement of cargo and passengers and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines.*

24. Amend the definition of National Electricity Grid to National ~~Electricity~~ Grid, as follows:

*National ~~electricity~~ Grid means the assets used or owned by Transpower New Zealand Limited, including:*

*(a) ~~transmission lines, and~~*

*(b) ~~electricity substations.~~*

25. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

## 5.0 SECTION 5 - REGIONAL RULES AND DEFINITIONS

Transpower generally supports the proposed rules in Section 5. While the NESETA provides a nationally consistent framework of rules for activities on the existing National Grid (i.e. those built prior to 14 January 2010), the PNRP needs to provide for the effective operation, maintenance, and upgrading of any new infrastructure associated with the National Grid, as well as the activities not covered by the NESETA.

The NESETA does not apply to the construction or use of a bridge or culvert for access, and earthworks where subject to a regional rule. Transpower may need to undertake earthworks and/or install culverts or fords for access to lines for maintenance and upgrading activities. The PNRP therefore also needs to appropriately provide for these activities.

The PNRP also needs to ensure the National Grid is protected from the effects of other activities which fall within the auspices of the PNRP, such as dust emissions, or other activities in the beds of rivers and lakes. Further detail on specific rules supported or suggested to be amended is provided as follows.

## 5.1 AIR QUALITY

Rule R26: abrasive blasting outside an enclosed area – permitted activity is supported.

Abrasive blasting is part of Transpower's routine maintenance activities, using a water blasting pump to wash towers with high pressure water to remove any debris and salt from the galvanising, prior to painting. This routine maintenance helps to protect steel towers and pole structures (supporting transmission lines) from corrosion and ensure they continue to provide a reliable service over their expected lifetimes.

It is noted that Regulations 25 and 26 of the NESETA regulate discharges from blasting and applying protective coatings to existing transmission lines. An advice note or exemption to the relevant rules in Section 5.1 Air Quality is sought by Transpower to provide certainty that the rules would not apply for the National Grid lines existing at 14 January 2010.

Transpower's substations and any towers for new transmission lines would not be covered by the NESETA, therefore abrasive blasting would need to comply with Rule R26. Transpower's assets often include multiple towers (five or more) on one freehold title which would be considered "one property" under the PNRP definition. It is generally more efficient and cost effective for Transpower to undertake abrasive blasting on all towers within one property within a year (12 month period). On average, it takes 3-4 days to blast a tower in preparation for painting, which means Transpower would be unable to comply with condition R26(b) *the operation of a mobile abrasive blasting unit at one property is no more than 10 days in any 12 month period*. An exemption to the National Grid is sought for condition (b), to appropriately allow for Transpower's routine maintenance activities, which would be consistent with the policy direction of the NPSET.

Rule R41: All other discharges – discretionary activity is opposed by Transpower in that all contaminants which are not permitted, controlled, discretionary, non-complying or prohibited are a discretionary activity. As drafted, this "catch all" rule applies to all discharges of contaminants to air, and there is no permitted activity for "minor discharges" (similar to rule R42 for discharges to water). This means that minor contaminants including dust and other contaminants which are not included in other PNRP rules, would require resource consent. Transpower understands that this may not be the intention but as currently drafted, Rule R41 provides uncertainty and is not the most efficient or effective way to manage contaminants to air. Transpower seeks that this issue is remedied, by either:

- Rule R41 is amended to specifically reference the types of contaminants that should be captured by the rule (e.g. those that cannot meet the conditions as a permitted or controlled activity, or those that are not listed as a non-complying activity), or
- A new rule is added for "minor discharges of contaminants to air", similar to Rule R42 for minor discharges to water (which permits all contaminants provided certain conditions are met).

In general, Transpower considers the discretionary activity status as the default rule for activities that cannot comply with permitted activity conditions is generally considered appropriate.



The following outlines the relief sought by Transpower, reflecting the above comments.

**Rules - Dust generating activities (Section 5.1.7 of the PNRP)**

**(all amendments shown in italics & underline and deletions shown in strikethrough)**

26. **Amend** Section 5.1.7, to provide specific references to Regulations 25 and 26 of the NESETA. Such reference could be inserted as notes to the relevant rule/s, or specific amendment to the relevant rules, as follows:

*The rules in Section 5.1 relating to abrasive blasting, do not apply to the discharge of contaminants in relation to an existing National Grid line (existing at 14 January 2010) that forms part of the National Grid. These activities are covered by Rules 25 and 26 of the Resource Management (National Environmental Standards for Electricity Transmission Activities).*

27. **Amend** Rule R26, as follows:

*Rule R26: Abrasive blasting outside an enclosed area – permitted activity*

*The discharge of contaminants into air from dry or wet abrasive blasting outside an enclosed area is a permitted activity, provided the following conditions are 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, and*

*(b) the operation of a mobile abrasive blasting unit used at one property is no more than 10 days in any 12 month period (except for abrasive blasting of the National Grid), and*

*(c) abrasive blasting shall only be undertaken when it is impracticable to remove or dismantle or transport a fixed object or structure to be cleaned in an abrasive blasting booth, and*

*(d) if the blasting is dry abrasive blasting, the blasting materials shall only be garnet, sodium bicarbonate, crushed glass, or agricultural materials including crushed corn cobs or walnuts, and*

*(e) if the blasting is wet abrasive blasting, the blasting shall only use water, and*

*(f) the free silica content of a sample of the blasting material shall not exceed 5% by weight, and*

*(g) all work areas and surrounding areas are kept clean and substantially free of accumulations of deposited material and other debris.*

28. **Amend** Rule R41, as follows (or similar):

*Rule R41: All other discharges – discretionary activity*

*The discharge of contaminants into air that are not permitted by Rules R1-R4, R7-R12, R14-R21, R25-R28, R32, R33, R36, R37, or R38, or controlled by Rule R40, discretionary or non-complying by Rule R13, or prohibited by Rules R5 or R6 is a discretionary activity.*

**OR**

29. **Add** a new rule for “Minor discharges of contaminants to air” (similar to R42 for Minor discharges to water – permitted activity provided that certain baseline conditions are met).

30. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

## 5.2 DISCHARGES TO WATER

### Water discharges

*R42: Minor discharges – permitted activity and R43: Water to water – permitted activity, including proposed conditions which set minimum standards for water quality in receiving surface water bodies are supported by Transpower.*

As discussed above, Regulations 28 and 29 of the NESETA regulate the discharge of contaminants to water, in relation to an existing National Grid line (existing at 14 January 2010) that forms part of the National Grid. An advice note or exemption to the relevant rules in Section 5.2 Discharges to Water is sought by Transpower to provide certainty that the rules would not apply to existing National Grid lines at 14 January 2010.

The following outlines the relief sought by Transpower, reflecting the above comments.

#### **Rules – Water Discharges (Section 5.2.2 of the PNRP)**

**(all amendments shown in italics & underline and deletions shown in strikethrough)**

31. **Amend** Section 5.2 to provide specific references to Regulations 28 and 29 of the NESETA. Such reference could be inserted as notes to the relevant rules, or specific amendment to the relevant rules, as follows:

*The rules in Section 5.2 relating to the discharge of contaminants to water, do not apply to the discharge of contaminants to water in relation to an existing National Grid line (existing at 14 January 2010) that forms part of the National Grid. These activities are covered by Rules 28 and 29 of the Resource Management (National Environmental Standards for Electricity Transmission Activities).*

32. **Retain** Rule R42, as drafted:

*Rule R42: Minor discharges – permitted activity*

*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) where the discharge may enter groundwater, the discharge is not located within 50m of a bore used for water abstraction for potable supply or stock water, and*

*(b) where the discharge enters a surface water body or coastal water, the concentration of total suspended solids in the discharge shall not exceed:*

*(i) 50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule F1 (rivers/lakes), Schedule F3 (significant wetlands), or Schedule F4 (coastal sites), except when the background total suspended solids concentration in the receiving water is greater than 50g/m<sup>3</sup> in which case the decrease in water clarity after the zone of reasonable mixing shall not exceed 20%, or*

- (ii) 100g/m<sup>3</sup> where the discharge enters any other water, except when the background total suspended solids concentration in the receiving water is greater than 100g/m<sup>3</sup> in which case the decrease in water clarity after the zone of reasonable mixing shall not exceed 33%, and
- (c) if the discharge is from dewatering, the discharge is not from contaminated land, and
- (d) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and
- (e) the discharge shall not give rise to the following effects after the zone of reasonable mixing:
  - (i) a change in the pH of  $\pm 0.5$  pH unit, or
  - (ii) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
  - (iii) any conspicuous change in the colour or visual clarity, or
  - (iv) any emission of objectionable odour, or
  - (v) the fresh water is unsuitable for consumption by farm animals, or
  - (vi) any significant adverse effects on aquatic life.

33. **Retain** Rule R43, as drafted:

*Rule R43: Water to water – permitted activity*

*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 more than 2°C in the receiving water after the zone of reasonable mixing, and
- (d) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area.

34. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

## Stormwater Discharges

*Rule R48 Stormwater from an individual property – permitted activity* to surface water bodies, and *Rule R49 – Stormwater to Land – permitted activity* into or onto land where it may enter groundwater are supported in principle, on the basis that Transpower's substations are not considered "contaminated land" under conditions R48(b) and R49(a) respectively. Conditions R48(b) and R49(a) require that the stormwater discharge is not from, onto or into "Contaminated Land".

Transpower understands that the PNRP partially adopts the RMA definition of "contaminated land" being:

- Contaminated land means land that has a hazardous substance in or on it that –*
- (a) *has significant adverse effects on the environment; or*
  - (b) *is reasonably likely to have significant adverse effects on the environment.*

The PNRP definition also contains the following note:

*Note: Contaminated Land means the same as Category III – Contamination confirmed land in the Selected Land Use Register for the Wellington Region.*

Transpower supports this definition in principle as its substations are considered to be within *Category I - Verified History of Hazardous Activity or Industry in the Selected Land Use Register for the Wellington Region*, and would not be considered "Contaminated Land" in the PNRP, therefore stormwater discharges from its substations could comply with the rules as currently drafted.

Albeit in relation to a separate rule, Page 16 of the Section 32 report: Contaminated land and hazardous substances, confirms this interpretation of the definition:

*Proposed Rule R55 only applies to contaminated land – this is defined in the proposed Plan to be land that is category III in the SLUR register. The register as at 30 June 2014 had 105 confirmed contaminated sites in category III.*

This interpretation of the definition was also confirmed with Council officers during the drafting of this submission.

Transpower supports the definition of Contaminated Land in principle, but considers that as currently drafted, it is subjective and uncertain in nature. Transpower contends that the definition could be more clearly expressed to provide clarity that only land that is Category III in the SLUR fits within this definition. To fit within Category III – Contamination confirmed in the SLUR, the site needs to have evidence that hazardous substances exist above background concentrations AND "it is likely that adverse effects on human health or the environment will occur". As drafted, it is unclear how Council intends to measure "adverse effects on human health".

The Ministry for the Environment *User's Guide for the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health* (NESCS), suggests that upper thresholds (exceeding health-based trigger values) can pose a risk to human health. The lower threshold under the NESCS (i.e. background concentrations), still triggers the need for resource consent under the NESCS, but from MfE guidance, it is understood that it is not anticipated to pose a risk to human health. Transpower seeks clarity on how "adverse effects on human health" will be measured in practice. If it essentially means soil that exceeds the upper threshold in the NESCS, this should be stated in the definition.

*Rule R53: All other stormwater – discretionary activity*, is supported by Transpower as any activities not meeting permitted activity conditions would default to discretionary activity status. Discretionary activity status is appropriate so that the merits and all adverse effects of an activity can be considered on a case-by-case basis.

The following outlines the relief sought by Transpower, reflecting the above comments.

**Rules – Stormwater Discharges (Section 5.2.3 of the PNRP)**

**(all amendments shown in italics & underline and deletions shown in strikethrough)**

35. **Retain** Rule R48, as drafted:

*Rule R48: Stormwater from an individual property – permitted activity*

*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:*

*(a) the discharge is not into a site identified in Schedule A (outstanding water bodies), and*

*(b) the discharge is not from, onto or into contaminated land, and*

(c) the discharge is not from a local authority stormwater network, a port, airport or state highway, and

(d) the discharge shall not contain wastewater, and

(e) the concentration of total suspended solids in the discharge shall not exceed:

(i) 50g/m<sup>3</sup> where the discharge enters a site or habitat identified in Schedule F1 (rivers/lakes), Schedule F3 (significant wetlands), or Schedule F4 (coastal sites), except when the background total suspended solids in the receiving water is greater than 50g/m<sup>3</sup>, in which case the decrease in water clarity after the zone of reasonable mixing shall not exceed 20%, or

(ii) 100g/m<sup>3</sup> where the discharge enters any other fresh or coastal water, except when the background total suspended solids in the receiving water is greater than 100g/m<sup>3</sup> in which case the decrease in water clarity after the zone of reasonable mixing shall not exceed 33%, and

(f) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and

(g) the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:

(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or

(ii) any conspicuous change in the colour or visual clarity, or

(iii) any emission of objectionable odour, or

(iv) the fresh water is unsuitable for consumption by farm animals, or

(v) any significant adverse effects on aquatic life.

36. **Retain** Rule R49, as drafted:

*Rule R49: Stormwater to land – permitted activity*

*The discharge of stormwater onto or into land, including where contaminants may enter groundwater, from an individual property is a permitted activity provided the following conditions are met:*

(a) the discharge is not from, onto or into contaminated land, and

(b) the discharge shall not cause or exacerbate the flooding of any other property.

37. **Amend** definition of **Contaminated Land**, as follows:

*Contaminated Land: Land that has a hazardous substance in or on it that - is within Category III – Contamination Confirmed land in the Selected Land Use Register for the Wellington Region.*

*Note: Land within Category III is considered to meet the definition of contaminated land in the RMA, in that it:*

(a) has significant adverse effects on the environment

(b) is reasonably likely to have significant adverse effects on the environment.

~~*Note: Contaminated land means the same as Category III – Contamination Confirmed land in the Selected Land Use Register for the Wellington Region.*~~

Also add a guidance note clarifying the intent of how "adverse effects on human health" in the SLUR definition of Category III is measured (i.e. whether the intent is that contaminants in soil exceeding the upper threshold in the NES for Assessing and Managing Contaminants in Soil to Protect Human Health are "adverse effects on human health").

38. **Retain** Rule R53, as drafted:

*Rule R53: All other stormwater – discretionary activity*

*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 Rules R51 or R52, is a discretionary activity.*

39. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

## Contaminated Land and Hazardous Substances

*Rule R54: Site investigation – permitted activity* and *R55: Discharges from contaminated land – permitted activity* are supported in principle by Transpower. Although Transpower's substations and assets would not be considered "Contaminated Land" in the PNRP (as explained above), Transpower routinely undertakes detailed site investigations for project works to test for presence of any elevated levels of contaminants, to determine if consent is required under the NESCS, and/or to determine the appropriate disposal arrangement for disposal of any surplus soil.

Rule R55 for the discharge of contaminants into or onto land from contaminated land where the discharge may enter water, as a permitted activity, requires in condition (a) that a site investigation report has been completed in accordance with Rule R54, and that it concludes that the concentration of contaminants in groundwater, comply with the following standards/guidelines:

- *Drinking Water Standards New Zealand 2005 (revised 2008)*
- *Australian and New Zealand Environment Council (ANZECCO Guidelines for Fresh and Marine Water Quality (2000) for the protection of 95% of species.*

Although provisions may not be specifically relevant to Transpower's activities, Transpower considers that it would be more certain, efficient and effective to reference the specific maximum acceptable standards for water quality that need to be complied with in the third party documents, either by including the specific standards in the PNRP itself (if possible) or by referencing the appropriate section of the standard. For example, the majority of standards in the NZ Drinking Water Standards appear to relate to specific contaminants in drinking water leaving a treatment plant, which could be irrelevant for discharges of contaminants into or onto land from contaminated land covered by Rule R55. In a general sense, it would be preferable if the permitted activity conditions were clear, certain and able to be readily interpreted in association with the results of an investigation report. Transpower also understands that the Australia New Zealand guidelines for fresh and marine water quality are currently being reviewed, and questions whether it is good practice to reference a standard which may soon be superseded.

*Rule R56: Discharges from contaminated land – discretionary activity*, and *Rule R57: Discharge of hazardous substances – non-complying activity* are generally supported by Transpower as these activities have the potential to generate significant adverse effects on the environment and should be assessed comprehensively.

The following outlines the relief sought by Transpower, reflecting the above comments.

### **Rules – Contaminated Land and Hazardous Substances (Section 5.2.4 of the PNRP)**

**(all amendments shown in italics & underline and deletions shown in strikethrough)**

40. **Retain Rule R54, as drafted:**

*Rule R54: Site investigation – permitted activity*

*The use of land to assess the concentration of hazardous substances that may be present in the soil and any associated discharge into air is a permitted activity, provided the following conditions are met:*

*(a) the assessment is undertaken in accordance with Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (2011), and*

*(b) the assessment is reported in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Land (2011), and*

*(c) a copy of the report is provided to the Wellington Regional Council two months after the completion of the assessment.*

41. **Amend Rule R55, as follows (or similar):**

*Rule R55: Discharges from contaminated land – permitted activity*

*The discharge of contaminants onto or into land from contaminated land where the discharge may enter water is a permitted activity provided the following conditions are met:*

*(a) a site investigation has been completed in accordance with Rule R54 with a copy of the report provided to the Wellington Regional Council within two years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and*

*(b) the site investigation report concludes that:*

*(i) the concentration of contaminants in groundwater meets [the maximum acceptable values and guideline values set out in Tables XX of] the Drinking-Water Standards New Zealand 2005 (Revised 2008) for potable water for 90% of species, and*

*(ii) the concentration of contaminants in groundwater, at the property boundary, or at the location of existing bores, or at any point where the groundwater exits to the surface meets [the maximum acceptable values set out in Section XX] of the Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for the protection of 95% of species.*

**OR**

*Specifically reference the maximum acceptable values/guidelines/standards within the PNRP itself (by way of an appendix or within Rule R55).*

42. **Retain Rule R56, as drafted:**

*Rule R56: Discharges from contaminated land – discretionary activity*

*The use 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.*

43. **Retain Rule R57, as drafted:**

*Rule R57: Discharge of hazardous substances – non-complying activity*

*The discharge of a hazardous substance into water or onto or into land where it may enter water that is not permitted by Rule R36, Rule R37, Rule R42, Rule R46 and Rule R87 or controlled under Rule R47 and Rule R87 or Rule R88 or discretionary under Rule R38 and Rule R93 is a non-complying activity.*

44. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

### All other discharges

*Rule R67: Discharges inside Sites of Significance – non-complying activity* is supported in that non-complying activity status is only triggered if the permitted activity conditions cannot be complied with under Rules R42 (minor discharges), or R43 (water to water). The National Grid traverses (but no support structures are located within) some rivers/lakes identified on Schedule F1 (e.g. Otaki River, Waikanae River) and some significant wetlands identified on Schedule F3 (e.g. Wairongomai Road Swamp, Whakatikei Head Water Swamp, Peka Peka Road Swamp, Pylon Swamp, Te Hapua Road Swamp). However the discharges from Transpower's operation, maintenance, and upgrading activities within these sites would either be covered by the regulations for discharges in the NESETA, or if not, would not be anticipated to decrease water quality below the permitted activity standards (and therefore be permitted under Rule R42 and R43) and would not be likely to require resource consent under this rule.

*Rule R68: All other discharges – discretionary activity*, is supported for discharges of water or contaminants to water that are not covered by the NESETA and cannot comply with other rules in the PNRP. Transpower considers that a discretionary activity status by default for these types of activities is generally appropriate.

The following outlines the relief sought by Transpower, reflecting the above comments.

#### **Rules – All other discharges (Section 5.2.8 of the PNRP)**

**(all amendments shown in italics & underline and deletions shown in strikethrough)**

45. **Retain** Rule R67 as drafted:

*Rule R67: Discharges inside sites of significance – non complying activity*

*The discharge of water or contaminants into water, or onto or into land where it may enter water:*

*(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*

*(b) that is not permitted by Rules R42, R43, R44 or R45 is a non-complying activity.*

46. **Retain** Rule R68 as drafted:

*Rule R68: All other discharges – discretionary activity*

*The discharge of water or contaminants into water, or onto or into land where it may enter water, that is not:*

*(a) permitted by Rules R42, R43, R44 or R45, and*

*(b) is not provided for by Rule R67 or any other rule in this Plan is a discretionary activity.*

47. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.



### 5.3 DISCHARGES TO LAND

#### Discharges of Contaminants

Rule R69: *Minor contaminants – permitted activity*, Rule R74: *Existing on-site wastewater systems – permitted activity*, and Rule R75: *New or upgraded on-site wastewater systems - permitted activity*, are supported. The majority of Transpower's substations are unmanned in remote areas, and are located some distance from community wastewater connections. These sites contain on-site wastewater holding tanks, and are only used when the substations are visited for inspection, maintenance, and repair or upgrade activities.

It is noted that an on-site domestic wastewater treatment and discharge system is defined as "a treatment and discharge system which receives, treats and applies wastewater to a land application system or holding tank on the same property that produces the wastewater". Transpower supports this definition as its unmanned substations in remote areas would fit within this definition, and would be likely to comply with permitted activity conditions of Rule R74 or Rule R75. Transpower notes that the environmental effects of these on-site wastewater systems would be much less than a domestic wastewater system.

The following outlines the relief sought by Transpower, reflecting the above comments.

#### **Rules – Discharges of Contaminants (Section 5.3.2 of the PNRP)**

**(all amendments shown in italics & underline and deletions shown in strikethrough)**

48. **Retain** Rule R69, as drafted:

*Rule R69: Minor contaminants – permitted activity*

*The discharge of contaminants onto or into land that is not permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited under any other rule in this Plan is a permitted activity provided the following conditions are met:*

- (a) the contaminant shall not enter water, and*
- (b) the contaminant shall not cause an adverse effect beyond the boundary of the property, and*
- (c) the contaminant is not a hazardous substance.*

49. **Retain** Rule R74, as drafted:

*Rule R74: Existing on-site wastewater systems – permitted activity*

*The discharge of domestic wastewater onto or into land and the associated discharge of odour from an on-site domestic wastewater treatment and discharge system that exists at the date of public notification of the Proposed Natural Resources Plan (31.07.2015) is a permitted activity provided the following conditions are met:*

- (a) the on-site domestic wastewater treatment and discharge system has not been altered or modified from that established at the time the system was constructed, other than through routine maintenance or building consent approvals for the system or related changes to the connected dwelling, and*
- (b) the volume of the discharge has not been increased beyond that approved as a result of the addition of buildings, an alteration of an existing building, or a change in use of a building that is connected to the system, and*
- (c) the on-site domestic wastewater treatment and discharge system is:*

- (i) operated and maintained in accordance with the system design specification for maintenance or, if there is no design specification, Section 6.3 and Appendices T and U of the New Zealand Standard AS/NZS 1547:2012 – On-site Domestic Wastewater Management, and
- (ii) the system is performing effectively, including the sludge and scum layers not occupying more than one half of the system primary tank volume, and
- (d) the volume of domestic wastewater to be discharged from any one system shall not exceed 1,300L/day (calculated as a weekly average), and
- (e) there is no direct discharge to groundwater, a surface water body or above ground level, and
- (f) the discharge of odour is not offensive or objectionable beyond the boundary of the property.

50. **Retain Rule R75, as drafted:**

*Rule R75: New or upgraded on-site wastewater systems – permitted activity*  
*The discharge of domestic wastewater onto or into land and the associated discharge of odour from a new or upgraded on-site domestic wastewater treatment and discharge system is a permitted activity provided the following conditions are met:*

- (a) the discharge shall occur within the boundary of the property, and
- (b) the on-site domestic wastewater treatment and discharge system design shall meet the requirements of AS/NZS 1547:2012 – On-site Domestic Wastewater Management, and
- (c) the flow allowance used to calculate the system design flow must be no less than 145L per person per day where the water supply is provided by roof water collection, or no less than 180L per person per day for other sources of water supply, and
- (d) the discharge shall consist only of contaminants normally associated with domestic sewage, and
- (e) the discharge is not located within:
  - (i) 20m of a surface water body, coastal marine area, gully or bore used for water abstraction for potable supply, or
  - (ii) 20m of the boundary of the property unless the land application system consists of a pressure compensating drip irrigation system where the boundary set-back is 5m, or
  - (iii) 0.1m of the soil surface unless it is covered permanently with a minimum of 0.1m of mulch or similar cover material, or
  - (iv) a community drinking water supply protection area as shown on Map 26, Map 27a, Map 27b or Map 27c, and
- (f) the on-site domestic wastewater treatment and discharge system is operated and maintained in accordance with the system design specification for maintenance or, if there is no design specification, Section 6.3 and Appendices T and U of AS/NSZ 1547:2012 – On-Site Domestic Wastewater Management, and
- (g) the discharge shall not exceed 14,000L/week or a maximum daily volume of 2,000L, and
- (h) the wastewater is discharged evenly to the entire filtration surface of the discharge field and shall not cause ponding or surface runoff from the discharge area, and
- (i) the system is performing effectively, including the sludge and scum layers not occupying more than one half of the system primary tank volume, and
- (j) the following reserve areas shall be provided:
  - (i) for primary treatment systems using a discharge field basal loading rate, the reserve area allocation must be not less than 100% of the discharge field, or

- (ii) for pressure compensating drip irrigation systems, no reserve area is required, or
- (iii) for all other systems, the reserve area must be not less than 50% of the discharge field, and
- (k) the discharge of odour is not offensive or objectionable beyond the boundary of the property.

51. **Retain** definition of on-site domestic wastewater treatment and discharge system, as drafted:

*A treatment and discharge system which receives, treats and applies wastewater to a land application system or holding tank on the same property that produces the wastewater.*

52. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

## Treated wastewater

*Rule R79: Discharge of treated wastewater – controlled activity* is supported. Most of Transpower's substations have control buildings which have toilets, hand basins and in some cases showers. Most wastewater from these facilities is discharged into septic tanks, but in some urban areas will discharge into Council's sewers. Where there are septic tanks, discharge will normally be to land, and would be likely to comply with the conditions in Rule R79 for a controlled activity.

The following outlines the relief sought by Transpower, reflecting the above comments.

### **Rules – Treated wastewater (Section 5.3.4 of the PNRP)**

**(all amendments shown in italics & underline and deletions shown in strikethrough)**

53. **Retain** Rule R79, as drafted:

*Rule R79: Discharge of treated wastewater – controlled activity*

*The discharge of treated wastewater onto or into land, and the associated discharge of odour is a controlled activity, provided the following conditions are met:*

- (a) *the discharge is not located within a community drinking water supply protection area as shown on Map 26, Map 27a, Map 27b, or Map 27c, and*
- (b) *the discharge shall contain no more than 10% trade wastes based on daily dry weather flow, averaged over a calendar year, and*
- (c) *the discharge shall meet the following criteria:*
  - (i) *the concentration of soluble carbonaceous five day biochemical oxygen demand shall not exceed 30mg/L in more than eight out of 12 consecutive samples, or exceed 50mg/L in more than two out of 12 consecutive samples, and*
  - (ii) *the concentration of total suspended solids shall not exceed 50mg/L for more than eight out of 12 consecutive samples, or exceed 80mg/L in more than two out of 12 consecutive samples, and*
  - (d) *the pathogen concentration in wastewater shall have been reduced to a level commensurate with its having been treated to a tertiary level before discharge for surface application and secondary level for subsurface*

irrigation, and shall not exceed an *Escherichia coli* (*E.coli*) concentration of 2,000cfu/100mL, and

(e) the application method is either a subsurface or surface drip irrigation or low pressure spray irrigation system less than or equal to 1.5m above ground surface, and

(f) the hydraulic loading rate shall not exceed 5mm/hr or 15mm per application event and can only occur when soil moisture deficit is greater than the application event, and

(g) the distribution uniformity of the spray irrigation system shall be greater than or equal to 80%, with drip irrigation emitters at a minimum spacing of 0.6m x 1m, and

(h) the application shall not result in significant ponding (areas of ponded effluent on the ground surface greater than 10m<sup>2</sup> for a period greater than 12 hours) or runoff (visible overland flow); and

(i) the nitrogen loading rate of the wastewater applied shall not exceed the following limits for the specified land uses:

(i) 150kg N/ha/year if mown without grass removal, or grazed, or

(ii) 300kg N/ha/year if cut, harvested and removed, and

(j) the phosphorus loading rate of the wastewater applied shall not exceed the following limits for the specified land uses:

(i) 30kg P/ha/year if mown without grass removal, or grazed, or

(ii) 50kg P/ha/year if cut, harvested and removed, and

(k) the application must be onto actively growing vegetation which is not dormant. Application shall not be onto fallow land or areas that have no vegetative growth, and

(l) for spray irrigation, the discharge is not located within:

(i) 50m of a surface water body, coastal marine area or property boundary, or

(ii) 150m of any marae, schools, shops, playgrounds, bore used for water abstraction for potable supply, places of work or residential dwellings not on the application property; and

(m) for surface and subsurface drip irrigation, the discharge is not located within:

(i) 5m of a surface water body, coastal marine area or property boundary, or

(ii) 150m of a bore used for water abstraction for potable supply, and

(n) there shall be a minimum depth to groundwater of at least 1m below the point of application, and

(o) a deficit irrigation regime is used for the application of treated wastewater to land, and

(p) the application of wastewater to land by spray irrigation shall have automated shut off controls so that there shall be no irrigation when the wind speed 10 minute average exceeds 6m/s, and

(q) the normal droplet size delivered by wastewater irrigation shall not have a volume median diameter less than 1,700µm or an equivalent volume mean diameter, and

(r) the discharge of odour is not offensive or objectionable beyond the boundary of the property.

54. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

## All other discharges

*Rule R93: All other discharges – discretionary activity*, is supported for discharge of contaminants onto or into land that cannot comply with other rules in the PNRP. Transpower considers that a discretionary activity status by default for these types of activities is generally appropriate.

The following outlines the relief sought by Transpower, reflecting the above comments.

### Rules – All other discharges (Section 5.3.9 in the PNRP)

(all amendments shown in italics & underline and deletions shown in strikethrough)

55. **Retain** Rule R93 as drafted:

*Rule R93: All other discharges to land – discretionary activity*

*The discharge of contaminants onto or into land that are not permitted, controlled, restricted discretionary, or non-complying is a discretionary activity.*

56. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

## 5.4 LAND USE

### Earthworks and Vegetation clearance

*R99: Earthworks – permitted activity* of a contiguous area up to 3,000m<sup>2</sup> per property is supported insofar that the earthworks only apply to a contiguous area of 3,000m<sup>2</sup>, or more. Transpower occasionally undertakes maintenance works on its access tracks, to ensure that they remain fit for purpose, for means of access to towers and poles located on private land. Sometimes Transpower sets up temporary access tracks which also may involve earthworks, and potentially some vegetation clearance. Transpower understands that the definition of earthworks includes the disturbance of land from the time that soil is first disturbed on a site until the time the site is stabilised. The definition of earthworks excludes the following activities:

*(c) Thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance.*

*(d)(ii) The construction, repair and maintenance of electricity lines, and*

*(e) Repair and maintenance of existing roads and tracks.*

Furthermore the definition of "stabilised" is as follows:

*The process of having made an area of disturbed soil resistant to erosion. This may be achieved by using indurated rock or through the application of base course, or grassing a surface that is not otherwise resistant to erosion. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once 80% vegetative ground cover has been established over the entire area.*

Transpower considers that earthworks activities for its access tracks to facilitate the ongoing operation, maintenance and upgrade of its assets are generally provided for in the proposed

provisions particularly as earthworks for access tracks are almost immediately stabilised and would not result in a contiguous area of 3,000m<sup>2</sup> of earthwork that is prone to erosion (i.e. not stabilised). However, Transpower seeks some amendments to ensure that its activities to facilitate the ongoing effective and efficient operation of the National Grid are not unduly restricted by the proposed earthworks provisions.

Transpower seeks that the definition of earthworks should also exclude the upgrade of existing tracks, and the upgrade of electricity lines and support structures, particularly as the definition of upgrade relates to the "*use and development to bring existing structures or facilities up to current standards provided that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity*" and generally would not result in additional environmental effects.

This suggested amendment would clarify that the laying of top soil or gravel on existing access tracks to ensure that the access tracks, and the National Grid remain fit for purpose is not considered "earthworks" in the definition and provided the effects of the activity are similar in character to the existing, would be exempt from the rules. Transpower also seeks that earthworks associated with the construction, repair and maintenance of electricity lines, including the National Grid, is excluded from the definition of earthworks. If the suggested definition of National Grid is accepted by Council, this would include all assets used or owned by Transpower New Zealand. By nature, any earthworks surrounding support structures or other National Grid assets need to be small in scale to protect the stability of the infrastructure and would not result in significant adverse environmental effects.

Transpower considers that any earthworks associated with the operation, maintenance, upgrade and development of the National Grid are generally appropriate, necessary for the effective functioning of the network and present a low risk for instability or contamination of streams or groundwater. Furthermore, any discharge to water or groundwater as a result of earthworks would be managed through the need to comply with the permitted activity conditions in the PNRP rules or the NESETA for discharges to land and/or water.

*Rule R100: Vegetation clearance on erosion prone land – permitted activity* is supported in that it allows vegetation clearance of a contiguous area up to 2ha in area, subject to conditions. Rule R101 provides a default discretionary activity status for any discharges to land or water not specified in earlier rules. Such an activity status is supported.

The following outlines the relief sought by Transpower, reflecting the above comments.

**Rules – Earthworks and vegetation clearance (Section 5.4.4 of the PNRP)**

**(all amendments shown in italics & underline and deletions shown in strikethrough)**

57. **Retain** Rule R99, as drafted:

*Rule R99: Earthworks– permitted activity*

*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:*

*(a) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and*

*(b) earthworks will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the property where the earthworks occurs, and*

(c) work areas are stabilised within six months after the completion of the earthworks.

(d) any earthworks shall not, after the zone of reasonable mixing, result in any of the following effects in receiving waters:

(i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or

(ii) any conspicuous change in colour or visual clarity, or

(iii) any emission of objectionable odour, or

(iv) the rendering of fresh water unsuitable for consumption by animals, or

(v) any significant adverse effect on aquatic life.

**Retain** Rule R100, as drafted:

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:

(a) any soil or debris from the vegetation clearance is not placed where it can enter a surface water body or the coastal marine area, and

(b) any soil disturbances associated with the vegetation clearance shall not after the zone of reasonable mixing, result in any of the following effects in receiving waters:

(i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or

(ii) any conspicuous change in colour or visual clarity, or

(iii) any emission of objectionable odour, or

(iv) the rendering of fresh water unsuitable for consumption by animals, or

(v) any significant adverse effect on aquatic life.

58. **Retain** Rule 101, as drafted:

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.

59. **Amend** definition of **Earthworks**, as follows:

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) cultivation of the soil for the establishment of crops or pasture, and

(b) the harvesting of crops, and

(c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and

(d) the construction, repair, upgrade or maintenance of:

(i) pipelines, and

(ii) electricity lines including the National Grid, and

(iii) telecommunication structures or lines, and

(iv) radio communication structures, and

(v) firebreaks or fence lines

(e) upgrade, repair or maintenance of existing roads and tracks, and

(f) maintenance of orchards and shelterbelts, and

(g) domestic gardening, and

(h) repair, sealing or resealing of a road, footpath or driveway.

60. **Retain** definition of **Stabilised**, as drafted:

*The process of having made an area of disturbed soil resistant to erosion. This may be achieved by using indurated rock or through the application of base course, or grassing a surface that is not otherwise resistant to erosion. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once 80% vegetative ground cover has been established over the entire area.*

61. **Retain** definition of **Upgrade**, as drafted:

*Use and development to bring existing structures or facilities up to current standards provided that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity.*

62. **Retain** definition of **Erosion Prone Land**, as drafted:

*The pre-existing slope of the land exceeds 20 degrees.*

63. **Retain** definition of **Vegetation clearance**, as drafted:

*The clearance or destruction of woody vegetation (exotic or native) by mechanical or chemical means, including felling vegetation, spraying of vegetation by hand or aerial means, hand clearance, and the burning of vegetation.*

64. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

## 5.5 WETLANDS AND BEDS OF LAKES AND RIVERS

The National Grid traverses a large majority of the Wellington Region to provide efficient and effective electricity transmission servicing the community.

The existing National Grid traverses or is located in close proximity to the following identified wetlands with outstanding indigenous biodiversity values, identified on Schedule A3:

- Te Hapua Swamp Complex A (traversed by transmission lines, but no structures located within the identified outstanding wetland).
- Pauatahanui Saltmarsh (located approximately 450 metres from Pauatahanui substation).

The existing National Grid traverses the following significant natural wetlands identified on Schedule F3:

- Wairongomai Road Swamp.
- Pylon Swamps.
- Whakatikei Headwater Swamp.
- Nga Manu Swamp (Nga Manu Sanctuary Swamp).
- Peka Peka Road Swamp.
- Te Hapua Road Swamp.

Transpower notes that there are existing support structures within the Te Hapua Road Swamp and the Pylon Swamps. Other identified significant natural wetlands in close proximity to (but not traversed by) the existing National Grid includes Whareroa Stream, Simcox Swamp, and Huritini Swamp.



Transpower understands that Rules R104, R107 and R108, relating to activities in natural wetlands and significant natural wetlands also applies to all unidentified wetlands that meet the definition of "natural wetland" or "significant natural wetland" if it meets one or more of criteria (a) to (d) listed in Policy 23 of the Regional Policy Statement 2013 being: representativeness; rarity; diversity; ecological context. Therefore, there may be other unidentified natural wetlands which are traversed by or in close proximity to the existing National Grid.

In principle, Transpower supports the protection of wetlands with outstanding indigenous biodiversity values, and significant natural wetlands. Transpower acknowledges Wellington Regional Council's responsibility to preserve the natural character of wetlands and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna as matters of national importance under the RMA. However, Transpower considers that the protection and preservation of wetlands should be balanced with appropriate provision for the efficient operation, maintenance and upgrade of the National Grid to give effect to the NPSET.

Transpower acknowledges within natural wetlands and significant natural wetlands, the operation, maintenance and upgrade of existing structures would be a permitted activity under *Rule R104: Structures in natural wetlands and significant natural wetlands*, provided permitted activity conditions were complied with. The placement of all new structures, or the discharge of contaminants not complying with *Rule R42: Minor discharges* associated with the National Grid would be a discretionary activity under Rule R107.

Transpower supports that the rules for activities within natural wetlands are all encompassing in that they include associated disturbance, deposition, damage, diversion and discharge of sediment associated with activity in question.

Transpower considers that structures associated with the operation, maintenance, upgrade and development of the National Grid should be provided for as a permitted activity in Rule R104, up to 10m<sup>2</sup> in area (similar to maimai or jetties). These structures would need to be "hand-held machinery" within the area of the natural wetland under R104(f), and would generally be temporary structures necessary to undertake routine maintenance work (e.g. ladders). For practical and safety reasons, it may not always be possible to locate these temporary structures outside of wetlands. Furthermore the potential effects would be managed by compliance with the wetlands general conditions in Section 5.5.2 to (e.g. maintaining fish passage, no discharge of contaminants, removing machinery from the natural wetland during the night).

Acknowledging that Transpower currently has no support structures located within the outstanding wetlands identified in Schedule A3, Transpower supports the maintenance, repair or replacement of existing structures, and the removal of existing structures within wetlands with outstanding indigenous biodiversity values as a discretionary activity in Rule R109. However, non-complying activity status would apply to the placement of new structures in outstanding wetlands under Rule R110. Similar to above, Transpower considers that structures up to 10m<sup>2</sup> for the purpose of the development, operation, maintenance and upgrade of the National Grid should be provided for as a discretionary activity, particularly where it may not be possible to avoid locating structures within outstanding wetlands due to technical or operational requirements. Transpower acknowledges that a non-complying activity status would apply for any new structures over 10m<sup>2</sup> in area, however seeks discretionary activity status for small structures in outstanding wetlands, as this would more appropriately implement the policy direction of the PNRP in recognising the technical and operational requirements of the National Grid.

The following outlines the relief sought by Transpower, reflecting the above comments.

**Rules – Activities in Wetlands (Section 5.5.3 of the PNRP)**

(all amendments shown in italics & underline and deletions shown in strikethrough)

65. **Amend** Rule R104, as follows (or similar):

*Rule R104: Structures in natural wetlands and significant natural wetlands – permitted activity*

*The following activities within a natural wetland or significant natural wetland (including those listed on Schedule F3):*

*(a) maintenance, repair, addition, alteration, or replacement (like for like) of an existing structure, ~~and or~~*

*(b) the placement of a new structure with a footprint of of an area less than 10m<sup>2</sup> for; the purpose of hunting and recreation (including maimai and jetties); or for the purpose of the development, operation, maintenance or upgrade of the National Grid, and or*

*(c) the removal of an existing structure ~~in a natural wetland or significant natural wetland, including any associated:~~*

*(a) disturbance of a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and*

*(b) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and*

*(c) damage to a part of the foreshore or seabed that forms part of a natural wetland, and*

*(d) diversion of water, and*

*(e) discharge of sediment to water*

*is a permitted activity, provided the following conditions are met:*

*(f) only hand-held machinery is used in any area of the natural wetland, and*

*(g) the activity shall comply with the wetland general conditions for activities in natural wetlands, significant natural wetlands and outstanding natural wetlands specified above in Section 5.5.2.*

*are permitted activities.*

66. **Amend** Rule R107, as follows:

*Rule R107: Activities in natural wetlands and significant natural wetlands – discretionary activity*

*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:*

*(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); or for the purpose of the development, operation, maintenance or upgrade of the National Grid, or all other structures,*

*(b) the discharge of water or contaminants not permitted by Rule R42,*

*(c) the clearance of indigenous wetland vegetation, (excluding the removal of pest plants under Rule R105),*

*(d) activities not meeting the conditions of Rules R104 or R105, including any associated:*

*(e) disturbance of a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and*

*(f) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and*

*(g) damage to a part of the foreshore or seabed that forms part of a natural wetland, and*

*(h) diversion of water, and*

*(i) discharge of sediment to water are discretionary activities.*

67. **Amend** Rule R109, as follows:

*Rule R109: Activities in outstanding natural wetlands – discretionary activity*

*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:*

*(a) the maintenance, repair or replacement (like for like) of existing structures, (b) the placement of new structures with a footprint of an area less than 10m<sup>2</sup> for the purpose of hunting and recreation (including maimai and jetties), or for the purpose of the development, operation, maintenance or upgrade of the National Grid.*

*(c) the removal of existing structures,*

*(d) removal of pest plants that are not permitted by Rule R105 are discretionary activities.*

68. **Amend** Rule R110, as follows:

*Rule R110: Activities in outstanding natural wetlands – non-complying activity*

*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:*

*(a) the discharge of water or contaminants,*

*(b) take, use, damming or diverting water into, within, or from the wetland,*

*(c) the placement of new structures with a footprint an area 10m<sup>2</sup> or greater for the purpose of hunting and recreation (including maimai and jetties), or for the purpose of the development, operation, maintenance or upgrade of the National Grid, or and all other structures,*

*(d) land disturbance including excavation and deposition,*

*(e) vegetation clearance, excluding the removal of pest plants under Rule R105,*

*(f) other activities that are not discretionary under Rule R109 or prohibited by Rule R111.*

69. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

## **Activities in Beds of Lakes and Rivers**

Transpower occasionally undertakes activities in the beds of lakes and rivers such as the installation, upgrade or extension of culverts or bridges, associated with access tracks to service the existing National Grid. Transpower generally supports the relatively permissive rules in Section 5.5.5 for activities in beds of lakes and rivers, but seeks the following amendments to better provide for the operation, maintenance, upgrading and development of the National Grid.

The general conditions for activities in the beds of lakes and rivers set out in Section 5.5.4 includes a condition (e), which restricts bed disturbance, diversions of water or sediment discharges between 1 March and 31 May in any part of a river identified in Schedule F1 for inanga spawning habitat.

The National Grid traverses some rivers/lakes identified on Schedule F1 (e.g. Otaki River, Waikanae River) which may require works within these months especially emergency works due to power failures in extreme weather conditions. Transpower has an obligation to maintain the National Grid in an operational state even after a natural hazard event, and is concerned that these restrictions may inhibit emergency works, which could potentially constrain the effective functioning of the National Grid.

In addition, condition 5.5.4(l) requires that any structure shall not alter the natural course of the river including any diversion of water from the natural course during floods. Some of the permitted activities in Section 5.5.5 necessarily alter the natural course of a river or stream (e.g. fords, pipes) and would be unable to comply with this condition as currently drafted. Rule R115(e) for culverts exempts culverts from complying with this condition, but the inability and impracticality of complying with this condition has not been considered for other river crossing structures. Transpower seeks an exemption to condition 5.5.4(l) for activities such as river crossing structures which ultimately, by their nature, alter the natural course of a river.

In principle, Transpower is supportive of recognising and identifying sites of significance to mana whenua in the PNRP. Transpower notes that the existing National Grid traverses the following identified sites of significance to mana whenua in Schedule C of the PNRP:

Sites of significance to Ngā Hāpu o Ōtaki (Schedule C1):

- Ngawhakangutu Wetland (Te Hapua wetland complex A)
- Otaki River – SH1 road bridge to river mouth
- Ngatoko Stream – Rekereke
- Te Puka Stream
- Whareroa Stream

Sites of significance to Te Ātiawa ki Whakarongotai (Schedule C2)

- Waikanae River – Waimahoe
- Waimahoe wetland
- Maungakotukutuku Stream – East

Sites of significance to Ngāti Toa Rangatira (Schedule C3)

- Oteranga Bay

Sites of significance to Taranaki Whānui ki te Upoko o te Ika Maui (Schedule C4):

- Te Awa Kairanga/Hutt River – Maraenuku Pa

Sites of significance to Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa (Schedule C5):

- Papawai Stream

As currently drafted, Rules R114 (river crossing structures), and R115 (culverts) restrict any works from occurring in a site identified in Schedule C as a permitted activity, meaning a restricted discretionary activity status applies under Rule R125.

Transpower acknowledges that recognising and providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga is a matter of national importance in the RMA. However, the national, regional and local benefits of regionally significant infrastructure and any minor streamworks required for access to facilitate the operation, maintenance and upgrade of the National Grid should also be appropriately provided for in the PNRP. The potential environmental effects of Transpower's activities within streams can be managed through permitted activity conditions. Transpower seeks that streamworks that comply with all of the conditions/standards for a permitted activity,

associated with the operation, maintenance or upgrade of the National Grid are exempt from Rule R125. This would provide certainty to iwi that their sites of significance are protected from potential environmental effects, and would appropriately give effect to the NPSET.

Transpower also seeks an amendment to Rule R120 for minor sand and gravel extraction to be setback more than 50 metres upstream or downstream from a National Grid support structure (in addition to network utility pylons or poles which are already included in the rule). This would assist in protecting existing support structures from potential damage.

Rule R127 applies to the reclamation of the beds of rivers or lakes as a non-complying activity, including reclamation associated with the piping of a stream, or in a site identified in Schedule C (mana whenua). The PNRP does not define reclamation in relation to a stream or river, and it is unclear whether this rule would apply to the "reclamation" or a stream associated with culverts and pipes to enable vehicle access to the National Grid. Policy P102 contains the following advice note:

*For the purpose of (policy P102) the piping or covering of a stream for a distance greater than required to form a reasonable crossing point is considered to be reclamation of the river bed.*

Transpower's culverts and pipes would generally not cover a stream for a distance greater than required to form a reasonable crossing point. As currently drafted, without a definition of reclamation in relation to streams and rivers, this rule is uncertain and ambiguous. It would appear that non-complying activity status applies to reclamation associated with all new culverts or pipes in streams, which is considered to be overly restrictive and inconsistent with the permissive rules for culverts and other river crossings throughout the PNRP. Transpower seeks that the term "reclamation" in relation to Rule R127 is clarified and defined to avoid misinterpretation, and assurance that this rule only applies when reclamation of a stream covers a distance greater than necessary to form a reasonable crossing point.

In general, Transpower is supportive of maintaining a generally permissive approach to culverts and river crossings that maintain water flow and fish passage (evident in Rules R114 and R115) subject to permitted activity conditions to manage potential environmental effects.

Rule R129 provides a default discretionary activity status for any other activities in the beds of lakes or rivers not specified in earlier rules. Rule R131 also provides a default discretionary activity status for the damming or diverting of water within or from rivers as a discretionary activity. Such an activity status for these types of activities is supported.

The following outlines the relief sought by Transpower, reflecting the above comments.

**Rules – Activities in beds of lakes and rivers (Sections 5.5.4 and 5.5.5 of the PNRP)**

**(all amendments shown in italics & underline and deletions shown in strikethrough)**

70. **Amend** condition 5.5.4(e) as follows (or similar):

*(e) Except for emergency works in streams/rivers that are necessary for the ongoing use, operation or maintenance of the National Grid, in any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), no bed disturbance, diversions of water or sediment discharge shall occur between 1 March and 31 May, and*

71. **Retain** Rule R112, as follows:

*Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates) – permitted activity*

*The maintenance, repair, replacement, upgrade or use of a structure or a part of a structure (excluding the Barrage Gates) that is fixed in, on, under, or over the bed of a river or lake, including any associated:*

- (a) disturbance of the river or lake bed, and*
- (b) deposition on the river or lake bed, and*
- (c) diversion of water, and*
- (d) discharge of sediment to water*

*is a permitted activity, provided the following conditions are met:*

*(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4 except condition (l) (not altering the natural course of the river), and*

*(f) the resulting structure is contained within the form of the existing structure, or*

*(g) the resulting structure, excluding any cable, pipe or duct and including any deposition, adds no more to the existing structure than whichever is the lesser of:*

*(i) 5% of the plan or cross-sectional area of the structure in the river or lake bed, or*

*(ii) 1m in horizontal projection and 1m in vertical projection measured from the structure as it was on the date of public notification of the Proposed Natural Resources Plan (31.07.2015) in the river or lake bed.*

**72. Amend Rule R114, as follows:**

*Rule R114: River crossing structures – permitted activity*

*The placement or use 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:*

- (a) disturbance of the river or lake bed, and*
- (b) deposition on the river or lake bed, and*
- (c) diversion of water, and*
- (d) discharge of sediment to water*

*is a permitted activity, provided the following conditions are met:*

*(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in section 5.5.4 except condition (l) (not altering the natural course of the river), and*

*(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:*

*(i) 200ha in any catchment in the region on the eastern side of the Ruamāhanga River, or*

*(ii) 50ha in any catchment in the region on the western side of the Ruamāhanga River, and*

*(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*

*(h) Except for river crossing structures associated with the operation, maintenance or upgrade of the National Grid, the activity does not occur within a site identified in Schedule C (mana whenua).*

**73. Amend Rule R115, as follows:**

*Rule R115: Culverts – permitted activity*

*The placement or use of a culvert that is fixed in, or on, the bed of a river including any associated:*

- (a) disturbance of the river or lake bed, and
  - (b) deposition on the river or lake bed, and
  - (c) diversion of water, and
  - (d) discharge of sediment to water
- is a permitted activity, provided the following conditions are met:
- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except condition (l) (not altering the natural course of the river), and
  - (f) Except for culverts associated with the operation, maintenance or upgrade of the National Grid the activity does not occur within a site identified in Schedule C (mana whenua), and
  - (g) where multiple culverts are placed side by side, the total cross-sectional area of the multiple culverts shall not be less than that of a single culvert which complies with this rule, and
  - (h) the culvert, associated fill and culvert placement shall comply with the following dimensions:
    - (i) a maximum culvert length of 20m, and
    - (ii) for circular culverts a culvert diameter of 0.3m to 1.2m (inclusive), and
    - (iii) for non-circular culverts a width and height of 0.3m to 1.2m each (inclusive), and
    - (iv) a culvert diameter, or width that is at least as wide as the river bed at the point at which the culvert is installed (and which complies with (h)(ii) and (h)(iii) above)
    - (v) a maximum fill height of 2m above the top of the culvert unless a spillway is constructed to enable the passage of a 5% annual exceedence probability (20 year return period) flood event without the fill being overtopped, and
    - (i) a minimum culvert installation depth below the bed of 20% of the width of the culvert, and
    - (j) the culvert shall be positioned so that its alignment and gradient are the same as the river, and
    - (k) the culvert shall be constructed to allow:
      - (i) the flow from a 5% annual exceedence probability (20 year return period) flood event without overtopping, unless the overtopping flows to a specifically designed spillway, and
      - (ii) the flow from a two year return period flood event without any flow impediment, and
      - (l) the culvert inlet and outlet shall be protected against erosion, and
      - (m) all practicable steps shall be taken to minimise the release of sediment during construction, and
      - (n) the culvert shall be constructed and maintained to avoid any aggradation or erosion of the bed, including any erosion at the inlet and outlet of the culvert, and
      - (o) the culvert shall be constructed and maintained to avoid causing any flooding on any neighbouring properties.

**74. Amend Rule R117, as follows:**

*Rule 117 – New structures – permitted activity*

*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, 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:*

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and

(c) diversion of water, and  
(d) discharge of sediment to water  
is a permitted activity, provided the following conditions are met:  
(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4 except condition (l) (not altering the natural course of the river), and  
(f) Except for river crossing structures associated with the operation, maintenance or upgrade of the National Grid, the activity does not occur within a site identified in Schedule C (mana whenua), excluding adding pipes or cables to an existing structure and  
(g) in any part of a river bed identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) the structure shall not be constructed during the critical period identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) if the named birds are identified at the construction site, and  
(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 protection, or a pipe, duct, fence or cable which is located over or under the bed where no bed occupancy limits apply, and  
(i) the catchment upstream of any sediment retention weir is not greater than 200ha, and  
(j) the height of any sediment retention weir from the upstream base to the crest of the weir shall be no more than 0.5m, and  
(k) any water monitoring equipment may divert up to 30m<sup>3</sup> of water per day for the purpose of measuring water quality or quantity provided the water is returned to the water body within 50m of the diversion point, and the quality of the water where it is returned to the water body is the same or better than the receiving water body.

75. **Retain** Rule R118, as drafted:

*Rule R118: Removing or demolishing structures – permitted activity*  
*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:*  
(a) disturbance of the river or lake bed, and  
(b) deposition on the river or lake bed, and  
(c) diversion of water, and  
(d) discharge of sediment to water  
is a permitted activity, provided the following conditions are met:  
(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and  
(f) the removal or demolition of the structure disturbs less than 10m<sup>3</sup> of the bed of the river or lake, and  
(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  
(i) the removal or deposition shall not result in the diversion of water from a natural wetland.

76. **Amend** Rule R120, as follows:

*Rule R120: Minor sand and gravel extraction – permitted activity*  
*The excavation or other disturbance of the bed of a river for the purpose of extracting gravel or other bed material, including any associated:*  
(a) deposition on the river or lake bed  
Is a permitted activity, provided the following conditions are met:  
....



(h) the extraction site shall be set back more than 150m upstream from any established water level recorder, more than 50m upstream or downstream from any established weir, ford, culvert, bridge, dam, surface water intake structure or National Grid support structure, network utility pole or pylon, and more than 50m upstream or downstream from any existing flood control structures located in the bed of the river, and

...

77. **Retain** Rule R122, as drafted:

*Rule R122: Removing vegetation – permitted activity*

*The trimming or removal of vegetation (including weeds) from the bed of any river or lake, and any associated sediment or bed material attached to the roots of the vegetation being removed, including any associated:*

- (a) disturbance of the lake or river bed, and*
- (b) deposition on the lake or river bed, and*
- (c) diversion of water, and*
- (d) discharge of sediment to water*

*is a permitted activity, provided the following conditions are met:*

- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and*
- (f) in any part of a river bed identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) vegetation removal shall not occur during the critical period identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) if the named birds are identified at the work site, and*
- (g) the activity shall not cause any increase in flooding on neighbouring properties, and*
- (h) if mechanically clearing aquatic vegetation from an area of river or lake bed covered in water, the machinery must use a weed bucket with a curved flat base and a slatted back that permits the easy drainage of water and fish, and*
- (i) any fish (except pest species) and koura removed from the river or lake bed during works shall be returned to the river or lake as soon as practicable, and no later than one hour after removal, and*
- (j) floating debris and plant material shall be prevented from drifting away and causing obstructions to the river or lake bed, or spreading pest plants (as listed in the Greater Wellington Regional Pest Management Strategy 2002-2022), and*
- (k) where the activity involves the removal of an area of contiguous woody vegetation from the banks of a river, that extends for a length of river bed of greater than 100m, either:*
  - (i) a length of river bed of 10m shall be left with intact woody vegetation as a refuge area for every 200m of cleared river bed. The vegetation in the refuge area must be left for at least three months following completion of the main works, or*
  - (ii) where there is contiguous woody vegetation on both sides of the banks of the river, vegetation is only removed from one side of the river, and the vegetation is not removed from the opposite for a period of 12 months,*
- (l) where the activity involves the mechanical clearance of aquatic vegetation from a river, either:*
  - (i) only one side of the river shall be cleared at any one time, and the other side may only be cleared three months following completion of the initial works, or*
  - (ii) only the middle of the river shall be cleared, and an uncleared margin of at least 30% of the width, but no less than 0.3m, shall be left uncleared on each side, and*

(m) any clearance works in the bed of a river or lake shall not remove any woody debris with a diameter greater than 0.2m unless it is causing, or has the potential to cause a flood or erosion threat, or a threat to infrastructure, and

(n) no excavation of the bed, or widening or deepening of the bed is permitted by this rule.

78. **Amend** Rule R125, as follows (or similar):

*Rule R125: Structures within a site identified in Schedule C (mana whenua) – restricted discretionary activity*

Except for activities associated with the operation, maintenance or upgrade of the National Grid as provided for as a permitted activity in Rules R114, R115 or R117, the placement of a river crossing structure, a culvert, new small dam, or other small structure that that is fixed in, on or under the bed of a river within a site identified in Schedule C (mana whenua), including any associated:

(a) disturbance of the river or lake bed, and

(b) deposition on the river or lake bed, and

(c) diversion of water, and

(d) damming of water, and

(e) discharge of sediment to water, and

(f) reclamation associated with the dam structure, and

(g) the damming of water outside the bed of a lake or river by a dam structure is a restricted discretionary activity, provided the following conditions are met:

(h) any small river crossing (other than a culvert) must meet the conditions of Rule R114, except condition (h), and

(i) any culvert must meet the conditions of Rule R115, except condition (f), and

(j) any new small dam structure, must meet the conditions of Rule R116, except condition (i), and

(k) any other small new structure must meet the conditions of Rule R117 except condition (f).

79. If Rule R127 is to be retained, **Add** a new definition for **Reclamation** (in relation to Rule R127) (or similar):

Reclamation (in relation to Rule R127) means the piping or covering of a stream for a distance greater than required to form a reasonable crossing point is considered to be reclamation of the river bed.

80. **Retain** R130, as drafted:

*Rule R130: Diversion of groundwater – permitted activity*

*Diversion of groundwater is a permitted activity, provided the following conditions are met:*

(a) there shall be no flooding or erosion of any neighbouring property, and

(b) there shall be no lowering of water levels in any river, lake, or natural wetland, and

(c) there shall be no lowering of groundwater levels on any neighbouring property.

81. **Retain** Rule R131, as drafted:

*Rule R131: Damming or diverting water within or from rivers – discretionary activity*

*The damming or diverting of water within or from a river that does not meet Rules R112, R114, R115, R116, R117, R118, R119, R121, R122 and R123*

*and R140 is a discretionary activity, provided the following conditions are met:*

*(a) the damming or diverting of water shall not result in river flows falling below minimum flows in chapters 7 to 11 of the Plan, and*

*(b) the damming or diverting of water is not in any outstanding river identified in Schedule A1 (outstanding rivers).*

82. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

## 5.6. WATER ALLOCATION

### Take and Use of Water

Transpower generally supports the rules in Section 5.6.2 of the PNRP relating to the take and use of water, particularly Rules R136 (take and use of water), R140 (dewatering), R141 (take and use of water), and R142 (all other take and use), as it appropriately allows for Transpower's activities in relation to the operation, maintenance and upgrade of the National Grid. However, the use of the term "potentially contaminated land" in Rule R140 is ambiguous as it is not currently defined. Transpower considers that Rule R140 condition (b) should not include "potentially" contaminated land and should only capture "contaminated land" which is defined as land confirmed as Category III in the SLUR. Transpower seeks that R140 condition (b) is amended to delete reference to "potentially contaminated land". In addition, If council accepts Transpower's relief sought to clarify definition of Contaminated Land (submission point 37), including how "adverse effects on human health" are to be measured, any dewatering of Transpower's sites would be likely to comply with Rule R140 as a permitted activity.

The following outlines the relief sought by Transpower, reflecting the above comments.

#### **Rules – Take and use of water, and bore construction or alteration (Sections 5.6.2 and 5.6.4 of the PNRP)**

**(all amendments shown in italics & underline and deletions shown in strikethrough)**

83. **Amend** Rule R140, as follows:

*The take of water and the associated diversion and discharge of that water for the purpose of dewatering a site, including but not limited to, maintenance, excavation, construction or geotechnical testing, is a permitted activity, provided the following conditions are met:*

*(a) the take continues only for the time required to carry out the work but does not exceed one month, and*

*(b) the take and diversion and discharge is not from, onto or into contaminated land ~~or potentially contaminated land~~, and*

*(c) the take does not cause ground subsidence, and*

*(d) the take does not deplete water in a water body, and*

*(e) there is no flooding beyond the boundary of the property.*

84. Any consequential amendments as a result of the above relief sought.

## Bore construction or alteration

Transpower supports *Rule R146: Geotechnical investigation bores – permitted activity* as it occasionally needs to undertake geotechnical investigations for tower relocations or at substations for compliance monitoring.

The following outlines the relief sought by Transpower, reflecting the above comments.

### **Rules – Take and use of water, and bore construction or alteration (Sections 5.6.2 and 5.6.4 of the PNRP)**

**(all amendments shown in italics & underline and deletions shown in strikethrough)**

**85. Retain Rule R136, as drafted:**

*Rule R136: Take and use of water – permitted activity*

*The take and use of water from a surface water body (other than a water race that is permitted by Rule R138) or groundwater is a permitted activity, provided the following conditions are met:*

*(a) the total take and use per property shall not exceed the following rates and volumes, and*

<i>Property size</i>	<i>Rate</i>	<i>Volume per day</i>
----------------------	-------------	-----------------------

<i>Greater than 20ha</i>	<i>2.5L/s</i>	<i>20m<sup>3</sup></i>
--------------------------	---------------	------------------------

<i>Less than 20ha</i>	<i>2.5L/s</i>	<i>10m<sup>3</sup></i>
-----------------------	---------------	------------------------

*(b) the take of groundwater does not adversely affect reliability of supply from properly constructed, efficient and fully functioning nearby bores, and*

*(c) fish are prevented from entering the water intake, and*

*(d) the water is not taken from a natural wetland, or from within 50m of a natural wetland, and*

*(e) no water shall run to waste, and*

*(f) at the written request of the Wellington Regional Council a water meter is installed and daily water use records are kept and provided to the Wellington Regional Council.*

**86. Amend Rule R140, as drafted:**

*Rule R140: Dewatering – permitted activity*

*The take of water and the associated diversion and discharge of that water for the purpose of dewatering a site, including but not limited to, maintenance, excavation, construction or geotechnical testing, is a permitted activity, provided the following conditions are met:*

*(a) the take continues only for the time required to carry out the work but does not exceed one month, and*

*(b) the take and diversion and discharge is not from, onto or into contaminated land ~~or potentially contaminated land~~, and*

*(c) the take does not cause ground subsidence, and*

*(d) the take does not deplete water in a water body, and*

*(e) there is no flooding beyond the boundary of the property.*

**87. Retain Rule R141, as drafted:**

*Rule R141: Take and use of water – controlled activity*

*The take and use of water from a surface water body or groundwater is a controlled activity, provided the following conditions are met:*

- (a) the take and use was in existence on a property less than 20ha in size at the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and*
- (b) the total take and use per property, in combination with permitted activity Rule R136, shall not exceed 20m<sup>3</sup> at a rate of no more than 2.5L/s, and*
- (c) the take of groundwater does not adversely affect reliability of supply from properly constructed, efficient and fully functioning nearby bores, and*
- (d) fish are prevented from entering the water intake, and*
- (e) the water is not taken from a natural wetland or within 50m of a natural wetland, and*
- (f) no water shall run to waste.*

88. **Retain** Rule R142, as drafted:

*Rule R142: All other take and use – discretionary activity*

*The take and use of water that would otherwise contravene sections 14(2) or 14(3) of the Resource Management Act 1991 and is not a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity is a discretionary activity.*

89. **Retain** Rule R146, as drafted:

*Rule R146: Geotechnical investigation bores – permitted activity*

*The use of land and the associated diversion and discharge of water or contaminants for the drilling, construction or alteration of a geotechnical investigation bore is a permitted activity, provided the following conditions are met:*

- (a) the bore is not located within a community drinking water supply protection area shown on Map 26, Map 27a, Map 27b, or Map 27c, and*
- (b) there is compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and*
- (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*
- (d) there is no flooding beyond the boundary of the property.*

90. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

## 5.7 COASTAL MANAGEMENT

As mentioned above, Transpower has nationally and regionally significant infrastructure traversing the Coastal Marine Area, particularly the Cook Strait cables, which transport electricity between the North Island and South Island. Transpower considers that the PNRP should enable the use, operation, maintenance, or upgrading of the National Grid within the Coastal Marine Area, to give effect to the NPSET.

To provide context, the first of the Cook Strait cables were laid in 1964, and an Act of Parliament was passed in 1966 to protect them. In 1996, the Submarine Cables and Pipelines Protection Act was updated to substantially increase penalties for damaging a cable or carrying out illegal activities within the protected area specified for the Cook Strait cables. This followed several instances of damage to cables, a sharp increase in fishing in the Cook Strait area and evidence of illegal fishing activity. An associated piece of legislation, the Submarine Cables and Pipeline Protection Order 2009, has since identified an area between Wellington

and the Marlborough Sounds – the Cook Strait Cable Protection Zone (or CPZ) – to provide for the protection of the cables. With one minor exception, all fishing and anchoring is illegal within the Cook Strait CPZ as these activities may lead to damage of the cables. The exception is that crayfishing, the taking of paua and kina and the use of set nets are permitted only within 200 metres of the shore (low water mark) and outside the yellow warning signs located at either side of Oteranga Bay and Fighting Bay (in Marlborough).

The Cook Strait Cable is shown in Figure 1 of this submission, and in Map 52 of the PNRP.

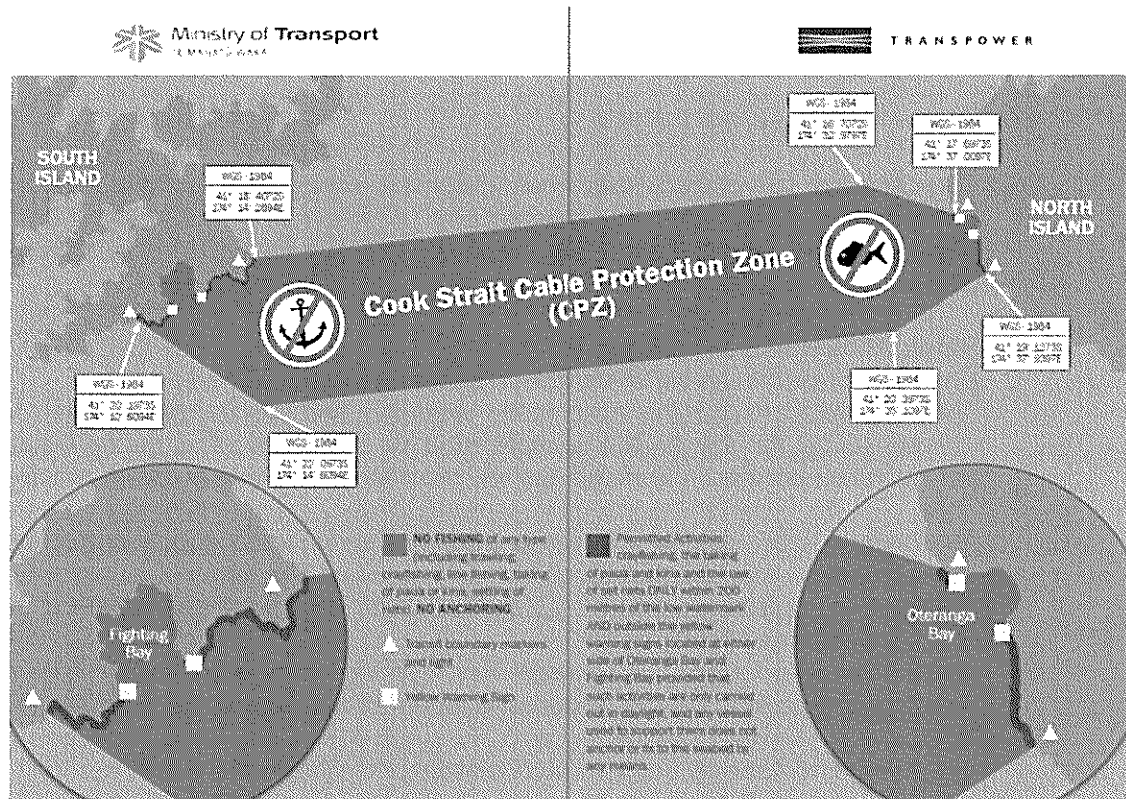


Figure 1 Cook Strait Cable Protection Zone



Figure 2 Oteranga Bay Site of Significance to Ngāti Toa (source: GWRC GIS viewer)

As already mentioned above, Oteranga Bay is identified in Schedule C3 as a site of significance to Ngāti Toa Rangatira for the following values: urupā, pā, kāinga, mahinga kai, wāhi tapu values. Cook Strait is also recognised as Raukawa Moana in Schedule B (Ngā Taonga a Kiwa) for the following values:

Ngā Mahi a ngā Tūpuna:

- *Raukawa Moana is the area now known as Cook Strait. This is the highway for Te Ātiawa/Taranaki Whānui in Te Upoko o Te Ika to our close kin in Tōtaranui and Picton in the Marlborough Sounds. Raukawa Moana features in the Kupe story and his battles with Te Wheke.*

Te Mahi Kai:

- *Raukawa Moana is a supply house for kai moana and the peoples of the pā on the south coast fished and lived on its often harsh shores. It is known for the rich nutrients that move in its busy waters and support the hoki fishery as they breed and deposit their eggs to grow in the large trenches close offshore. It is a route for many whale species.*

Wāhi Whakarite:

- *There are sites of significance again around the story of Kupe and they are named by him and his people relating to events that occurred in his travels through this area. The harbour is recognised because of its size and extensive support for all iwi who have lived and worked in and on it and have used rituals for all their day to day activities.*

Te Mana o te Tangata:

- *Raukawa Moana as the iwi highway especially for the Pounamu trail is well recognized by other iwi.*

Te Manawaroa o te Wai:

- *Restoration is a complex topic for this significant strait but the key is to ensure the water bodies that enter these waters should be in the best condition they can be so the fish stocks can have the best chance to be maintained.*

*Te Mana o te Wai:*

- *Raukawa Moana is essential to the mana of Te Ātiawa/Taranaki Whānui and has been traversed and used in its establishment on both sides of the strait.*

*Wāhi Mahara:*

- *Without doubt the place of many histories and iwi identity. A place of learning and place of healing.*

Transpower acknowledges the significance of the Oteranga Bay to Ngāti Toa, and of the Cook Strait as Ngā Taonga a Kiwa (i.e. heritage Pacific), and does not oppose the inclusion of these sites and their significant values within the PNRP. Transpower recognises that providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga is a matter of national importance in the RMA. However, the national, regional and local benefits of regionally significant infrastructure and any activities required to facilitate the efficient and effective operation and functioning of the National Grid should not be unduly restricted by provisions in the PNRP.

In relation to the Coastal management general conditions within Section 5.7.2, Transpower is not opposed overall to the conditions but seeks clarification as to the intent of condition 5.7.2(b) "any disturbance of the foreshore or seabed is removed in 48 hours" in that it is not clear as to what is to be removed given the permitted rules allow for the associated disturbance of the foreshore or seabed.

Transpower generally supports the permissive rules for the maintenance, repair, alterations, and additions to structures in the Coastal Marine Area (Rules R149, R150 and R151), and for the occupation of space by a structure owned by a network utility operator (Rule R182 and rule R183). However, some of the rules as currently drafted unduly restrict Transpower from undertaking routine maintenance or upgrading of the Cook Strait cables, for example:

- New and replacement structures (including temporary structures) are restricted in sites or habitats identified in Schedule C (mana whenua) in Rule R154.
- New structures and disturbance associated with motor vehicles inside the Cook Strait Cable Protection Zone and mana whenua sites of significance are a Discretionary activity in Rule R160.
- New structures, additions or alterations to structures inside sites of significance in Schedule C (mana whenua) are a non-complying activity in Rule R162.
- Motorised excavation machinery that disturbs or removes sand, shingle, shell or other natural material is restricted in Rule R188(i).
- Disturbance or damage of the foreshore or seabed inside sites of significance in Schedule C (mana whenua) are a non-complying activity in Rule R195.

The rules, as currently drafted, are vague in relation to activities associated with the Cook Strait cables (with only one rule for a discretionary activity relating to new structures and associated motor vehicles), meaning Transpower would require resource consent for a non-complying activity to maintain or upgrade the Cook Strait cables (as maintenance would not be a new structure). While it is presumed the intent of Rule R160 is to restrict third party structures and activities within the Cook Strait Cable Protection Zone, the effect is that Transpower activities are restricted. This unduly restricts the effective and efficient operation of the National Grid, and fails to provide appropriate provision for the ongoing operation and maintenance, development and upgrade of the National Grid.



Also, the rules as drafted would unduly restrict Transpower's day-to-day activities of patrolling the Cook Strait Cable Protection Zone in a vessel (i.e. monitoring of and intercepting offenders who are illegally fishing or anchoring in the Cook Strait Cable Protection Zone). The rules as drafted, fail to give effect to the policy direction of the NPSET and the Regional Policy Statement (recognising that there is a functional need for the cables to be located within the Coastal Marine Area, and the associated activities to ensure their ongoing operation) The rules also present a disparity between the proposed objectives and policy direction included in the PNRP.

As such there are essentially two issues for Transpower; the first being rules to enable Transpower to provide for the ongoing operation and maintenance, development and upgrade of the National Grid; and the second being to ensure other third party activities within the Cook Strait Cable Protection Zone do not compromise the ongoing operation and maintenance, development and upgrade of the National Grid.

To address these two issues, Transpower seeks a specific rule (R156A) providing for activities associated with the use, operation, maintenance, upgrade or development of the Cook Strait cables within the Cook Strait Protection Zone, as a permitted activity subject to the conditions (including the conditions for general coastal management in Section 5.7.2). Suggested conditions restricting the use of explosives and the area of disturbance have been included to manage potential environmental effects, and are consistent with the policy direction of the PNRP as drafted, particularly Policy P132 which requires works in the Coastal Marine Area to (d) *only use the minimum area necessary*. A suggested condition for written notice to be provided to Ngati Toa Rangitira prior to works occurring in Oteranga Bay recognises the cultural significance of the area and provides an opportunity for Ngati Toa to comment on or observe the proposed works should they see fit.

Related to the above, Transpower seeks a new Rule R160A to capture (as a discretionary activity) all activities associated with the use, operation, maintenance, upgrade or development of the Cook Strait cables within the Cook Strait Cable Protection Zone which are not permitted activities under the suggested Rule 156A. Discretionary activity status for activities that cannot comply with the suggested conditions is generally appropriate as it would allow a comprehensive assessment of all environmental effects, balanced with the merits of a proposal.

To address the second issue (being to ensure other third party activities within the Cook Strait Cable Protection Zone do not compromise the ongoing operation and maintenance, development and upgrade of the National Grid), Transpower seeks the retention of Rule 160 but amendment to apply the rule to any new structures or disturbance of the seabed or foreshore within the Protection Zone (to align with the Cook Strait Cable Protection Zone as provided under the Submarine Cables and Pipelines Protection Act 1996), and that the National Grid be excluded from the rule as it would be covered under new Rules 156A and 160A. Transpower notes that the PNRP contains rules on surface water and foreshore activities and therefore these activities are not addressed in amended Rule R160. However, Transpower seeks an advice note within Section 5.7.11 of the PNRP to alert plan users to the regulations in the Submarine Cables and Pipeline Protection Order 2009 to protect the Cook Strait cables from damage.

Transpower also seeks amendments to various rules noted below to ensure that activities associated with the Cook Strait cables (which would be covered by the suggested Rule R156A, and R160A) are exempt from other rules in the PNRP. In particular, an exemption is sought from Rules R182 (occupation of space by a structure owned by a network utility operator) and Rule R183 (Renewal of existing resource consents for occupation of space by

structures, as a control activity) for the occupation of space of the Cook Strait Cables within the common marine and coastal area, as this occupation of space would now be covered by the suggested new rules.

The following outlines the relief sought by Transpower, reflecting the above comments.

**Rules – Coastal Management (Section 5.7 of the PNRP)**

(all amendments shown in italics & underline and deletions shown in strikethrough)

91. **Retain** section 5.7, except as follows:

92. **Retain** the coastal management general conditions specified in Section 5.7.2 except as follows:

93. **Amend** or **remove** standard (b) to clarify what is the intent of the standard, as follows;

~~Standard (b) any disturbance of the foreshore or seabed is removed in 48 hours.~~

94. **Add** an additional rule as follows (or similar):

Rule R156A: Activities associated with the National Grid on the foreshore and in the Cook Strait Cable Protection Zone, including those within Schedule C (mana whenua sites of significance) – permitted activity

The following activities associated with the use, operation, maintenance, upgrade or development of the Cook Strait cables within the Cook Strait Cable Protection Zone, including within sites of significance listed in Schedule C (mana whenua).

(a) New or replacement structures (including temporary structures)

(b) Inspection, surveying, maintenance, repair, additions or alterations to existing structures

(c) Removal or demolition of structures

(d) Use of motor vehicles and

(e) General surface water and foreshore activities (including launching, retrieving or temporary mooring of vessels)

Including any associated:

(f) Occupation of space in the common marine and coastal area

(g) Disturbance of the foreshore and seabed (including any removal of sand, shingle, shell or other natural material)

(h) Deposition in, on or under the foreshore or seabed.

(i) Discharge of contaminants

(j) Diversion of open coastal water

Is a permitted activity, provided the following conditions are met:

(k) The structure shall not cause a hazard to navigation.

(l) Any motor vehicles 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

(m) Any disturbance to the foreshore and seabed shall be the minimum area necessary for the proposed activity.

(n) No explosives shall be used in the removal or demolition.

(o) Except for structures used for maintenance, inspection and survey, for any new structures, written notice detailing the scale and location of the structure, and the timing of construction and removal shall be given five working days before work commences to:

- the Wellington Regional Council Harbourmaster, and

- Maritime New Zealand, and
- For activities within the Oterongo (Oteranga) Bay area listed on Schedule C (mana whenua), Ngāti Toa Rangatira.

(p) The activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

95. **Amend** Rule R160, as follows (or similar):

*Rule R160:*

~~New structures and or disturbance associated with motor vehicles inside of the foreshore or seabed in the Cook Strait Cable Protection Zone and mana whenua sites of significance, — discretionary activity~~

~~A new structure and the associated use of the structure and or disturbance associated with motor vehicles of the foreshore or seabed in the coastal marine area related to the Cook Strait Cable within the Cook Strait Cable Protection Zone shown on Map 52, including any associated:~~

- ~~(a) occupation of the common marine and coastal area, and~~
- ~~(b) disturbance of the foreshore or seabed, and~~
- ~~(c) deposition in, on or under the foreshore or seabed, and~~
- ~~(d) discharge of contaminants, and~~
- ~~(e) diversion of open coastal water~~

~~that is not permitted under Rule 156A, controlled by Rule R157, or a non-complying activity, is a discretionary activity.~~

96. **Add** an additional Rule R160A, as follows (or similar):

*Rule R160A:*

Activities associated with the National Grid on the foreshore or in Cook Strait Cable Protection Zone, including those within Schedule C (mana whenua sites of significance) – discretionary activity

Activities associated with the use, operation, maintenance, upgrade or development of the Cook Strait cable on the foreshore or in the Cook Strait Cable Protection Zone, including within sites of significance listed in Schedule C (mana whenua), including any associated:

- (a) occupation of the common marine and coastal area, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not permitted by Rule R156A is a discretionary activity.

97. **Amend** Rules R151, R152, R155, R157, R161, R162, R164, R182, R183, R186, R187, R188, R195, R196, R197, R198, R204, R204, R205, R209, and R214 to ensure that activities covered by new Rules R165A and R160A are exempt from these rules, as follows (or similar):

.. That is not permitted by Rule R156A, or a discretionary activity under Rule R160A, is a permitted activity, provided the following conditions are met..

98. Rule R183, as follows:

*Rule R183: Renewal of existing resource consents for occupation of space by structures – controlled activity*

Except as provided for in Rule R156A or R160A, 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*

1. *Effects on public access*
2. *Effects on public open space and visual amenity*

*Notification*

*In respect of Rule R183, applications are precluded from public notification (unless special circumstances exist).*

99. **Add** an advice note to Section 5.7.2 and/or to 5.7.11, as follows (or similar):

*Advice Note: Any activities which disturb the foreshore or seabed within the Cook Strait Cable Protection Zone (shown in Map 52), including anchoring and fishing, has the potential to damage the Cook Strait Cables, and is required to comply with the Submarine Cables and Pipeline Protection Order 2009.*

100. **Retain** the definition of Reclamation (in the coastal marine area), as drafted:

**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

101. **Amend** Rule R215, as follows:

*Rule R215: Reclamation and drainage – non-complying activity*

*Reclamation and drainage in the coastal marine area, including any associated: occupation of space in the common marine and coastal area, and*

- (a) *destruction of the foreshore or seabed, and*
- (b) *disturbance of the foreshore or seabed, and*
- (c) *deposition in, on or under the foreshore or seabed, and*
- (d) *discharge of contaminants*
- (e) *diversion of open coastal water*

*that is not a discretionary activity under Rule R160A or Rule R214 is a non-complying activity.*

102. **Amend** Rule R216:

*Rule R216: Destruction – non-complying activity*

*Except as provided for in Rules R156A and R160A, the destruction of the foreshore or seabed in the coastal marine area including any associated:*

- (a) *disturbance of the foreshore or seabed, and*
  - (b) *deposition in, on or under the foreshore or seabed, and*
  - (c) *discharge of contaminants, and*
  - (d) *diversion of open coastal water*
- is a non-complying activity.*

103. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

## 6.0 CONCLUSIONS

The National Grid is recognised as a nationally significant physical resource, of critical importance to New Zealand. As a significant physical resource, it must be sustainably managed under the RMA. Having reviewed the PNRP, Transpower is generally supportive and satisfied with the provisions, however has set out in this submission, a number of amendments are sought to ensure that the NPSET is given effect to, appropriate recognition

is given to the provisions of the NESETA, and as a result of this appropriate provision is made for the ongoing operation, maintenance, upgrading and development of the National Grid.

Transpower thanks the Council for the opportunity to submit on the PNRP and welcomes any opportunity to discuss these submission points further with the Council.

DATED 25 September 2015.

Signature for and on behalf of  
Transpower New Zealand Limited:



Pauline Whitney  
Senior Planner: Associate Principal

Address for Service:            Boffa Miskell Limited  
   Po Box 11 340  
   Level 4, Huddart Parker Building  
   1 Post Office Square  
   WELLINGTON 6142  
   Attn: Pauline Whitney

Tel: 04 901 4290  
Email: [pauline.whitney@boffamiskell.co.nz](mailto:pauline.whitney@boffamiskell.co.nz)

## Attachment 1: National Grid Assets







Proposed Natural Resources Plan:

Submitter:

**Bob Stewart Family Trust**

Submitter Number:

**S166**





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

Or email regionalplan@gw.govt.nz

Your details

Full name: Dr Bob Stewart  
 Organisation name: Bob Stewart Family Trust  
 (if applicable)  
 Address for Service: 118 Clifton Terrace, Fitzherbert,  
Palmerston North, ~~Fitzherbert~~ 4410

Telephone no's: Work: 06-355-5736 Home: 06-355-5736 Cell:

Contact person: Dr Bob Stewart

Address and telephone no (if different from above):  
(Note: Bob Stewart Family Trust owns property at  
245 Manly Street, Paraparaumu Beach)

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: stewart @ sbp-journal. 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):	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" type="checkbox"/> I oppose the provision <input type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	Attached
	I seek the following decision from WRC (give precise details): →	Oppose & seek amendment

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):	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input checked="" 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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/section number):	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/section number):	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): →	

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: Bob Stewart, Trustee Date: 16/09/2015  
 [Person making submission or person authorised to sign on behalf of person making submission. NB. Not required if making an electronic submission]

Bob Stewart Family Trust  
(Owner of 245 Manly St., Paraparaumu Beach)  
 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.

## Attachment

The specific provisions of the Proposed Natural Resources Plan (PNRP) that this submission relates to

The whole PNRP.

Submission on the provisions

Oppose and seek amendment.

## Reasons for the submission

The whole PNRP, including the objectives, policies, rules, methods, schedules, maps and definitions, does not appropriately address and enable coastal hazard mitigation (including protection) measures including, in particular, for areas of significant existing development.

This applies both in the coastal marine area and in other areas, including beds of rivers and streams.

Appropriate coastal hazard mitigation (including protection) activities should be provided for as permitted or controlled activities.

Coastal hazard mitigation (including protection) activities should, at worst, be discretionary activities and, where resource consent is required, there should be provisions in the objectives and policies that would support consent being obtained, not provisions that would hinder consent being obtained.

The PNRP should clarify that, in contrast to risk management, hazard identification/risk assessment is an objective process and that any scientific or expert reports should be scientific and objective (not policy-based or precautionary) and report not only likely estimates but also their uncertainties, to enable submitters to participate in an informed way and to enable decision-makers to make informed decisions. This is important to avoid the coastal hazard risk assessment and risk management problems that have occurred in Kapiti and that are occurring elsewhere in New Zealand.

The PNRP is not in accordance with the Resource Management Act 1991, including s 32, and sound resource management practice. The PNRP fails to give effect to the New Zealand Coastal Policy Statement 2010 and the Regional Policy Statement for the Wellington region.

Adequate and appropriate s 32 RMA evaluations and reports have not been undertaken or regarded.

The reasons in the submission of Coastal Ratepayers United Inc. are supported and adopted.

**Decision sought:**

Revise the whole PNRP, including the objectives, policies, rules, methods, schedules, maps and definitions, to appropriately address and enable coastal hazard mitigation (including protection) activities in the coastal marine area and other areas (including beds of rivers and streams), including especially for areas of significant existing development.

When making the revisions, pay particular attention to enabling coastal hazard mitigation (including protection) activities in areas of significant existing development.

Include objectives and policies that recognise the importance and benefits of coastal hazard mitigation (including protection) activities, especially in areas of significant existing development.

Include objectives and policies that, if a resource consent is required, support that consent being obtained, not provisions that would hinder consent being obtained.

Provide for appropriate coastal hazard mitigation (including protection) activities to be permitted or controlled activities.

Provide for coastal hazard mitigation (including protection) activities to be, at worst, discretionary activities and ensure that none of them is (or could become due to other rules) a non-complying or prohibited activity.

Revise the PNRP to clarify that, in contrast to risk management, hazard identification/risk assessment is an objective process and that any scientific or expert reports are to be scientific and objective (not policy-based or precautionary) and report not only likely estimates but also their uncertainties, to enable submitters to participate in an informed way and to enable decision-makers to make informed decisions.

Ensure that the provisions of the PNRP comply with the Resource Management Act 1991, including that they give effect to the New Zealand Coastal Policy Statement 2010 and the Regional Policy Statement for the Wellington region.

Undertake appropriate s 32 evaluations and prepare revised s 32 reports, having proper regard to s 32 matters, including in relation to the implications of the PNRP for coastal hazard mitigation (including protection) activities. Have regard to those revised reports.

The decisions sought in the submission of Coastal Ratepayers United Inc. are supported and adopted in this submission.

RAC (Bob) Stewart  
Trustee  
Bob Stewart Family Trust  
(owner of 245 Mauly St  
Paraparauu)  
16/09/2015





Proposed Natural Resources Plan:

Submitter:

**Sustainable Wairarapa Inc**

Submitter Number:

**S167**





# 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

## Your details

Full name: **Don Bell (Sustainable Wairarapa Inc Convenor)**

Organisation name (if applicable): **Sustainable Wairarapa Inc**

Address for service:  
**114 Cornwall Street  
Masterton 5810**

Telephone no's:  
Work: **027 555 2885**  
Home: **06 377 1884**  
Cell: **027 555 2885**

Contact person: **Don Bell, Convenor, Sustainable Wairarapa Inc**

## 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.  
Email address: [bellhouse@xtra.co.nz](mailto:bellhouse@xtra.co.nz); [ray@bagend.nz](mailto:ray@bagend.nz)

## Trade competition

I/we **could not** gain an advantage in trade competition through this submission *[If you ticked this box, delete the rest of this section and go straight to 'Your submission']*

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:  
**Sustainable Wairarapa Inc (SWI) submission on GWRC's Proposed Natural Resource Plan.**

### SWI general:

- **3.6, 4.5:** Wetland (current) restoration management plans – how is progress being measured? Are wetland restoration plans incorporated into flood management plans? Is there provision to restore/recreate wetlands?
- **3.6, 4.5:** Does the plan ensure that all remaining wetland habitats are protected as s6(c) RMA habitats?

- **3.13, 4.4, 4.5, 4.6:** While DOC is responsible for marine reserves, how can GWRC work with DOC to identify and coordinate these within the plan? What are the rules for estuaries?
- **3.13, 4.4, 4.5, 4.6:** A point has been made with regard to coastal areas and how the NZCPS refers specifically to the coastal environment which has broad implications for the wider coastal environment, but GWRC's Proposed NRP uses only coastal marine areas which has a much more narrow definition. Is the NRP required to give effect to the NZCPS and does GWRC feel it has done so? The question of motor vehicles on foreshores has also been raised.
- **3.8, 4.7:** Masterton's Air Quality 'plan' was authorised a few weeks ago, but given the overlap with MDC how do GWRC propose to ensure MDC meet the 2020 deadline?
- **3.6, 4.8:** Stormwater issues are an important consideration in MDC's flood control plans; how has GWRC addressed this in their flood plan options for Masterton?
- **3.4:** While GWRC has a separate climate change Strategy how has climate change been incorporated in the environmental management outcomes of the NRP?
- **3, 4:** There are many open-ended timelines in this document; noting that the NRP is 'technically' (the current plan is into its seventeenth year) a ten year plan, nonetheless progressive timeline objectives, regular review dates and/or fixed dates need to be added.
- **3, 4:** It has been suggested that Forest & Bird's submission on the National Environmental Standard on Plantation Forestry be appended to GWRC's proposed natural resource plan as it raises in that context erosion risks and consequences, sedimentation and water quality, coastal environment, wetlands, riparian vegetation and SNA's, native fish, native fauna, wilding conifers, genetically modified organisms, etc. (A copy can be forwarded if required.)
- **3.5, 4.8:** How is GWRC going to ensure that the freshwater objectives are met? There is nothing in the plan that ensures the freshwater objectives can be met, e.g. in the form of a resource consent. This is of particular concern to cumulative impacts of agriculture rather than point source discharge.
- **4.8:** How does GWRC intend to achieve the PNRP Freshwater Objectives, given the apparent lack of any provisions to ensure that farming in the region is sustainably managed?
- **3.6, 4.5:** Why does the plan not include key freshwater parameters to provide for life supporting capacity and ecosystem health, including DIN and DRP, dissolved oxygen, deposited sediment, or natural character (NCI)? Why was the list originally proposed to be included in the plan subsequently removed?
- **4.1:** How has it been determined that the provisions in the BRL (beds of rivers and lakes) section of the plan are the most efficient and effective means of achieving the plans objectives, given that no section 32 analysis has been undertaken for the BRL sections?
- **3.6, 4.5:** Does the plan ensure that minimum flows, and core allocations safeguard the life supporting capacity, ecological processes, and natural character (hydrological regime) of freshwater and freshwater habitats? The core allocation of 50% MALF (mean annual low flow) is of concern especially as many of the Wairarapa rivers flow at low flow for prolonged periods of time (flat-lining occurs).
- **3.6, 4.2:** Does the plan ensure that rivers are sustainably managed by flood protection and river management activities? How does the plan ensure that the natural character of rivers in relation to their form and function are protected?

**Provision Code Number: 1.1**

**Title:** Overview of the Wellington Region

**Reason for Feedback:** Table 1.1: values: Why the focus on water? What about the values associated with the other forms of natural capital?

**Changes Sought:** *Include and revise tables to identify values associated with soil and minerals, biodiversity, the atmosphere*

**1.4.2**

**Identifying issues – community views, scientific and technical information**

**Recognise the value of "human capital" - see "Growing for Good" - the knowledge skills, competencies and attributes of community residents. Ensure they receive an appropriate formal status.**

*Give formal status to people with local knowledge, expertise, competencies etc when considering submissions to plans and consent applications*

**2.2.78**

## Drain

### I note reference to "Tile drains" in some sections

*There are various forms of sub-surface drains which need better definition. The plan is silent on discharge from tile drains; are they a 'point source' discharge? Is sediment as well as nutrients assessed as part of the discharge from tile drains? There is a need to work with the community to raise awareness and establish good practice to mitigate effects of tile drains.*

### 5.4.3

#### LW.R92

Rule LW.R92: Access to the beds of Category 3 surface water bodies by livestock – permitted activity

Land managers need clarity in order to decide which rule(s) apply to their particular streams and wetlands.

A landowner risks wrongly identifying the rule(s) which apply to their particular surface water bodies - it is very difficult having to wade through the definitions, whether ephemeral or outstanding, what category, mana whenua value (what iwi) schedules, maps, websites etc. and be sure you have it correct

*Consider including table(s) which name streams and wetlands (or parts thereof) and listing which rule(s) apply*

#### LW.R94

Rule LW.R94: Access, up until seven years after the date of notification of this plan as proposed, to the beds of Category 2 surface water bodies by cattle (including dairy cows), farmed deer and farmed pigs – permitted activity  
There is a long introductory period before Rule LW R94 applies. In some cases this is allowing landowners to continue with bad practices. Where communities have invested much time and money in stream restoration projects, such activities jeopardise the investment downstream.

*Provide for communities to apply for a special category to be granted to restoration projects. Make provision for the effects of stock access to be controlled as for Rules LWR97 and 98*

### 5.5.3 LW.R111: Reclamation of outstanding natural wetlands – prohibited activity

Amend

This rule has a condition to meet the general conditions for wetlands. The conditions do not take into account the fact that there are a number of large wetlands within the Wairarapa Moana space and so the requirement to remove machinery every night is impractical when the machinery may have to be moved more than a kilometre.

*Make provision for machinery to be parked on elevated ground within the wetland overnight. Accepted that this could be worked into a restoration and management plan*

### 5.5.3 LW.R104: Structures in natural wetlands and significant natural wetlands – permitted activity

Amend

The rule only allows hand held machinery to be used. Again within some of the larger wetlands this is not practical.

*Make provision for machinery to be utilised where there are existing access tracks within both large and small sized wetlands. Can a stop bank be removed under this permitted rule?*

### 5.5.3 LW.R105: Planting and pest plant control in natural wetlands, significant natural wetlands and outstanding natural wetlands – permitted activity

Amend

In any large scale planting jobs machinery may be the most practical option.

*Allow the use of machinery on large scale planting jobs.*

### 5.5.3 LW.R106: Restoration of natural wetlands, significant natural wetlands and outstanding natural wetlands – controlled activity

Amend

The current requirement for land owners to fund resource consent for restoration purposes is a deterrent to the landowners becoming active in restoration projects on their property.

*Strongly support the waiver of resource consent fees – linked to all plans.*

### 5.5.3 LW.R106: Restoration of natural wetlands, significant natural wetlands and outstanding natural wetlands – controlled activity

Amend

Restoration management plans will take some years to be introduced to the Wairarapa Moana wetland owners.

*I'd like to see a transitional arrangement in the interim. For example, the initial phase of the Freshstart for Freshwater Cleanup Fund is winding down however there are still works to be completed within significant wetlands. A requirement to develop a restoration and management plan will significantly delay these works.*

**5.5.3 LW.R107: Activities in natural wetlands and significant natural wetlands – discretionary activity**

Amend

As for rule 106 plus the ability to waive resource consent fees.

*Transitional arrangement plus the use of waiving resource consent fees to encourage restoration of wetlands.*

**5.5.3 LW.R108: Activities in natural wetlands and significant natural wetlands – non-complying activity**

Amend as for Rule 107

**5.5.3 LW.R109: Activities in outstanding natural wetlands – discretionary activity**

Amend as for Rule 107

**5.5.3 LW.R110: Activities in outstanding natural wetlands – non-complying activity**

Amend as for Rule 107

**5.5.3 LW.R111: Reclamation of outstanding natural wetlands – prohibited activity**

Amend as for Rule 107

**5.5.5 LW.R121: Maintenance of drains – permitted activity**

Amend

The rule as written is impractical. Drains or long wetlands can be wide or narrow, gravel or sand based, fenced off, have a developed riparian margin, have no riparian margin, have noxious plants in abundance, have a steep or gentle batter slope, are part of a pumped or gravity drainage system sometimes closed from the downstream catchment and are therefore maintained for a variety of reasons. Within the Wairarapa Moana catchment the network is extensive exceeding 1300 kilometres in length. The rules as currently written provide one prescription for the maintenance of this extremely diverse drainage network and they stifle innovative solutions to their management.

*1. Amend section f to allow drains to be changed from the classic U shape to a V or benched batter slope.*

*2. Amend section g. The following is a comment from a farmer "A slotted bucket will let some of the eels get back in to the water but also a percentage of the material that you are trying to get out.*

*Meaning a larger amount of silt falling back in the water requiring a second attempt to remove it.*

*Slotted buckets by their design are much weaker and require more maintenance*

*Many contractors use a standard wide bucket with large circular holes on the back and sides of the bucket what is wrong with this.*

*I'm not sure about the price of a weed bucket but \$5000 sounds about right as you have to get them made you cannot buy them off the shelf.*

*HireMax said to me they would sell me a standard wide bucket and they could modify it to whatever I wanted."*

*3. Amend section h attached comment from a farmer "If I see a FISH in a bucket full I lift out, I stop and put it back in the water straight away if I wait an hour it will be dead*

*If I see a perch, rudd, goldfish, tench, etc, etc do I get brownie points for everyone I leave out of the water.*

*Many eels don't come out of the mud or weed within an hour I usually walk back up the cleanings every couple of hours when I have a break.*

*If I see an eel heading off in the wrong direction from a bucket of cleanings I usually stop and chuck it back in the water at the time.*

*(It will only be a matter of time before we are required to have someone walk behind a digger sorting out what comes out of the drain)*

*I try to put the cleanings in a position that naturally lets them find their own way back in the water.*

*In the middle of summer an eel out in the sun might not last an hour.*

*During spring, autumn, and winter or if the ground is wet they can last for days. "*

*4. Amend section j again a comment from a farmer "Many drains are only as wide as a bucket on a digger so how do you clean only one third of it.*

*There are dozens of different types of drains all requiring a different approach." "I don't always carry around a weed bucket in my back pocket (about 1 and a half tons) so if I am going from one part of my farm to another with my*

wide bucket on, (which I usually do) and see something blocking the creek, a branch of willow, or a big clump of weed I would take it out as I go past, so what's wrong with that." There needs to be a reference to the scale of the maintenance relative to the drainage network within a landowner's property. Over the years there have been a small number of operators who have been found to have killed native fish perhaps it needs to be recognised that 80% or perhaps more are diligent operators who care about the environment.

5. Amend section k again a responsible farmer responds "The most confusing thing I notice is that they say start work from upstream working down but if you do that you cannot see what you are doing because the water is cloudy so you will miss some areas or will have to take several buckets full to check that you have got it all."

6. Allow the placement of sediment traps, rocks (to increase diversity in fish habitat), and drums for the same purpose. In time there could be the creation of such fish "shelters" throughout the drainage network reducing prescriptive rules.

7. Consider carefully the guidelines/code of practise developed by Environment Canterbury which allows flexibility dependant on the conditions on site.

#### 5.5.5 LW.R122: Removing vegetation – permitted activity

Amend

As for rule 121 there are issues regarding practicality regarding bucket type, return of native fish.

Amend the appropriate sections after discussion with the farming community.


---

#### 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).]

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Signature:

Date: **October 9, 2015, 15:00hrs.**

[Person making submission or person authorised to sign on behalf of person making submission. NB. Not required if making an electronic submission] Signed on behalf of SWI for Don Bell by Ray Stewart.

---

**Ray & Karen Stewart**

'Bag End', Upperplainshire,

611A, Upper Plain Road, RD 8, Masterton, 5888, New Zealand.

Telephone: (64-6) 3788681. Mobile: 027 2499242.

Email: [ray@bagend.nz](mailto:ray@bagend.nz)

---

#### 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.



# 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

## Your details

Full name: **Don Bell (Sustainable Wairarapa Inc Convenor)**

Organisation name (if applicable): **Sustainable Wairarapa Inc**

Address for service:  
**114 Cornwall Street  
Masterton 5810**

Telephone no's:  
Work: **027 555 2885**  
Home: **06 377 1884**  
Cell: **027 555 2885**

Contact person: **Don Bell, Convenor, Sustainable Wairarapa Inc**

## 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.

Email address: [bellhouse@xtra.co.nz](mailto:bellhouse@xtra.co.nz); [ray@bagend.nz](mailto:ray@bagend.nz)

## Trade competition

I/we **could not** gain an advantage in trade competition through this submission *[If you ticked this box, delete the rest of this section and go straight to 'Your submission']*

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:

## **Sustainable Wairarapa Inc (SWI) submission on GWRC's Proposed Natural Resource Plan.**

### **SWI general:**

- **3.6, 4.5:** Wetland (current) restoration management plans – how is progress being measured? Are wetland restoration plans incorporated into flood management plans? Is there provision to restore/recreate wetlands?
- **3.6, 4.5:** Does the plan ensure that all remaining wetland habitats are protected as s6(c) RMA habitats?
- **3.13, 4.4, 4.5, 4.6:** While DOC is responsible for marine reserves, how can GWRC work with DOC to identify and coordinate these within the plan? What are the rules for estuaries?
- **3.13, 4.4, 4.5, 4.6:** A point has been made with regard to coastal areas and how the NZCPS refers specifically to the coastal environment which has broad implications for the wider coastal environment, but GWRC's Proposed NRP uses only coastal marine areas which has a much more narrow definition. Is the NRP required to give effect to the NZCPS and does GWRC feel it has done so? The question of motor vehicles on foreshores has also been raised.
- **3.8, 4.7:** Masterton's Air Quality 'plan' was authorised a few weeks ago, but given the overlap with MDC how do GWRC propose to ensure MDC meet the 2020 deadline?
- **3.6, 4.8:** Stormwater issues are an important consideration in MDC's flood control plans; how has GWRC addressed this in their flood plan options for Masterton?
- **3.4:** While GWRC has a separate climate change Strategy how has climate change been incorporated in the environmental management outcomes of the NRP?
- **3, 4:** There are many open-ended timelines in this document; noting that the NRP is 'technically' (the current plan is into its seventeenth year) a ten year plan, nonetheless progressive timeline objectives, regular review dates and/or fixed dates need to be added.
- **3, 4:** It has been suggested that Forest & Bird's submission on the National Environmental Standard on Plantation Forestry be appended to GWRC's proposed natural resource plan as it raises in that context erosion risks and consequences, sedimentation and water quality, coastal environment, wetlands, riparian vegetation and SNA's, native fish, native fauna, wilding conifers, genetically modified organisms, etc. (A copy can be forwarded if required.)
- **3.5, 4.8:** How is GWRC going to ensure that the freshwater objectives are met? There is nothing in the plan that ensures the freshwater objectives can be met, e.g. in the form of a resource consent. This is of particular concern to cumulative impacts of agriculture rather than point source discharge.
- **4.8:** How does GWRC intend to achieve the PNRP Freshwater Objectives, given the apparent lack of any provisions to ensure that farming in the region is sustainably managed?
- **3.6, 4.5:** Why does the plan not include key freshwater parameters to provide for life supporting capacity and ecosystem health, including DIN and DRP, dissolved oxygen, deposited sediment, or natural character (NCI)? Why was the list originally proposed to be included in the plan subsequently removed?
- **4.1:** How has it been determined that the provisions in the BRL (beds of rivers and lakes) section of the plan are the most efficient and effective means of achieving the plans objectives, given that no section 32 analysis has been undertaken for the BRL sections?
- **3.6, 4.5:** Does the plan ensure that minimum flows, and core allocations safeguard the life supporting capacity, ecological processes, and natural character (hydrological regime) of

freshwater and freshwater habitats? The core allocation of 50% MALF (mean annual low flow) is of concern especially as many of the Wairarapa rivers flow at low flow for prolonged periods of time (flat-lining occurs).

- **3.6, 4.2:** Does the plan ensure that rivers are sustainably managed by flood protection and river management activities? How does the plan ensure that the natural character of rivers in relation to their form and function are protected?

**Provision Code Number: 1.1**

**Title:** Overview of the Wellington Region

**Reason for Feedback:** Table 1.1: values: Why the focus on water? What about the values associated with the other forms of natural capital?

**Changes Sought:** *Include and revise tables to identify values associated with soil and minerals, biodiversity, the atmosphere*

**1.4.2**

**Identifying issues – community views, scientific and technical information**

**Recognise the value of "human capital" - see "Growing for Good" - the knowledge skills, competencies and attributes of community residents. Ensure they receive an appropriate formal status.**

*Give formal status to people with local knowledge, expertise, competencies etc when considering submissions to plans and consent applications*

**2.2.78**

**Drain**

**I note reference to "Tile drains" in some sections**

*There are various forms of sub-surface drains which need better definition. The plan is silent on discharge from tile drains; are they a 'point source' discharge? Is sediment as well as nutrients assessed as part of the discharge from tile drains? There is a need to work with the community to raise awareness and establish good practice to mitigate effects of tile drains.*

**5.4.3**

**LW.R92**

Rule LW.R92: Access to the beds of Category 3 surface water bodies by livestock – permitted activity  
Land managers need clarity in order to decide which rule(s) apply to their particular streams and wetlands.

A landowner risks wrongly identifying the rule(s) which apply to their particular surface water bodies - it is very difficult having to wade through the definitions, whether ephemeral or outstanding, what category, mana whenua value (what iwi) schedules, maps, websites etc. and be sure you have it correct

*Consider including table(s) which name streams and wetlands (or parts thereof) and listing which rule(s) apply*

**LW.R94**

Rule LW.R94: Access, up until seven years after the date of notification of this plan as proposed, to the beds of Category 2 surface water bodies by cattle (including dairy cows), farmed deer and farmed pigs – permitted activity

There is a long introductory period before Rule LW R94 applies. In some cases this is allowing landowners to continue with bad practices. Where communities have invested much time and money in stream restoration projects, such activities jeopardise the investment downstream.

*Provide for communities to apply for a special category to be granted to restoration projects. Make provision for the effects of stock access to be controlled as for Rules LWR97 and 98*

**5.5.3 LW.R111:** Reclamation of outstanding natural wetlands – prohibited activity

Amend

This rule has a condition to meet the general conditions for wetlands. The conditions do not take into account the fact that there are a number of large wetlands within the Wairarapa Moana space and so the requirement to remove machinery every night is impractical when the machinery may have to be moved more than a kilometre.

*Make provision for machinery to be parked on elevated ground within the wetland overnight.*

*Accepted that this could be worked into a restoration and management plan*

**5.5.3 LW.R104:** Structures in natural wetlands and significant natural wetlands – permitted activity

Amend

The rule only allows hand held machinery to be used. Again within some of the larger wetlands this is not practical.

*Make provision for machinery to be utilised where there are existing access tracks within both large and small sized wetlands. Can a stop bank be removed under this permitted rule?*

**5.5.3 LW.R105:** Planting and pest plant control in natural wetlands, significant natural wetlands and outstanding natural wetlands – permitted activity

Amend

In any large scale planting jobs machinery may be the most practical option.

*Allow the use of machinery on large scale planting jobs.*

**5.5.3 LW.R106:** Restoration of natural wetlands, significant natural wetlands and outstanding natural wetlands – controlled activity

Amend

The current requirement for land owners to fund resource consent for restoration purposes is a deterrent to the landowners becoming active in restoration projects on their property.

*Strongly support the waiver of resource consent fees – linked to all plans.*

**5.5.3 LW.R106:** Restoration of natural wetlands, significant natural wetlands and outstanding natural wetlands – controlled activity

Amend

Restoration management plans will take some years to be introduced to the Wairarapa Moana wetland owners.

*I'd like to see a transitional arrangement in the interim. For example, the initial phase of the Freshstart for Freshwater Cleanup Fund is winding down however there are still works to be completed within significant wetlands. A requirement to develop a restoration and management plan will significantly delay these works.*

**5.5.3 LW.R107:** Activities in natural wetlands and significant natural wetlands – discretionary activity

Amend

As for rule 106 plus the ability to waive resource consent fees.

*Transitional arrangement plus the use of waiving resource consent fees to encourage restoration of wetlands.*

**5.5.3 LW.R108:** Activities in natural wetlands and significant natural wetlands – non-complying activity

*Amend as for Rule 107*

**5.5.3 LW.R109:** Activities in outstanding natural wetlands – discretionary activity

*Amend as for Rule 107*

**5.5.3 LW.R110: Activities in outstanding natural wetlands – non-complying activity**

*Amend as for Rule 107*

**5.5.3 LW.R111: Reclamation of outstanding natural wetlands – prohibited activity**

*Amend as for Rule 107*

**5.5.5 LW.R121: Maintenance of drains – permitted activity**

*Amend*

The rule as written is impractical. Drains or long wetlands can be wide or narrow, gravel or sand based, fenced off, have a developed riparian margin, have no riparian margin, have noxious plants in abundance, have a steep or gentle batter slope, are part of a pumped or gravity drainage system sometimes closed from the downstream catchment and are therefore maintained for a variety of reasons. Within the Wairarapa Moana catchment the network is extensive exceeding 1300 kilometres in length. The rules as currently written provide one prescription for the maintenance of this extremely diverse drainage network and they stifle innovative solutions to their management.

*1. Amend section f to allow drains to be changed from the classic U shape to a V or benched batter slope.*

*2. Amend section g. The following is a comment from a farmer "A slotted bucket will let some of the eels get back in to the water but also a percentage of the material that you are trying to get out.*

*Meaning a larger amount of silt falling back in the water requiring a second attempt to remove it.*

*Slotted buckets by their design are much weaker and require more maintenance*

*Many contractors use a standard wide bucket with large circular holes on the back and sides of the bucket what is wrong with this.*

*I'm not sure about the price of a weed bucket but \$5000 sounds about right as you have to get them made you cannot buy them off the shelf.*

*HireMax said to me they would sell me a standard wide bucket and they could modify it to whatever I wanted."*

*3. Amend section h attached comment from a farmer "If I see a FISH in a bucket full I lift out, I stop and put it back in the water straight away if I wait an hour it will be dead*

*If I see a perch, rudd, goldfish, tench, etc, etc do I get brownie points for everyone I leave out of the water.*

*Many eels don't come out of the mud or weed within an hour I usually walk back up the cleanings every couple of hours when I have a break.*

*If I see an eel heading off in the wrong direction from a bucket of cleanings I usually stop and chuck it back in the water at the time.*

*(It will only be a matter of time before we are required to have someone walk behind a digger sorting out what comes out of the drain)*

*I try to put the cleanings in a position that naturally lets them find their own way back in the water.*

*In the middle of summer an eel out in the sun might not last an hour.*

*During spring, autumn, and winter or if the ground is wet they can last for days. "*

*4. Amend section j again a comment from a farmer "Many drains are only as wide as a bucket on a digger so how do you clean only one third of it.*

*There are dozens of different types of drains all requiring a different approach." "I don't always carry around a weed bucket in my back pocket (about 1 and a half tons) so if I am going from one part of my farm to another with my wide bucket on, (which I usually do) and see something blocking the creek, a branch of willow, or a big clump of weed I would take it out as I go past, so what's wrong with that." There needs to be a reference to the scale of the maintenance relative to the drainage network within a landowner's property. Over the years there have been a small number of operators*

who have been found to have killed native fish perhaps it needs to be recognised that 80% or perhaps more are diligent operators who care about the environment.

5. Amend section k again a responsible farmer responds "The most confusing thing I notice is that they say start work from upstream working down but if you do that you cannot see what you are doing because the water is cloudy so you will miss some areas or will have to take several buckets full to check that you have got it all."

6. Allow the placement of sediment traps, rocks (to increase diversity in fish habitat), and drums for the same purpose. In time there could be the creation of such fish "shelters" throughout the drainage network reducing prescriptive rules.

7. Consider carefully the guidelines/code of practise developed by Environment Canterbury which allows flexibility dependant on the conditions on site.

#### 5.5.5 LW.R122: Removing vegetation – permitted activity

Amend

As for rule 121 there are issues regarding practicality regarding bucket type, return of native fish. Amend the appropriate sections after discussion with the farming community.

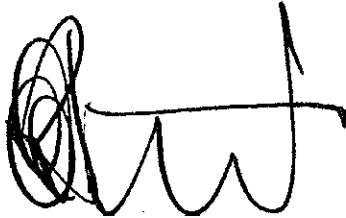
---

#### 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).]

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Signature:

Date: **October 9, 2015, 15:00hrs.**

[Person making submission or person authorised to sign on behalf of person making submission. NB. Not required if making an electronic submission] Signed on behalf of SWI for Don Bell by Ray Stewart.

---

**Ray & Karen Stewart**

'Bag End', Upperplainshire,

611A, Upper Plain Road, RD 8, Masterton, 5888, New Zealand.

Telephone: (64-6) 3788681. Mobile: 027 2499242.

Email: [ray@bagend.nz](mailto:ray@bagend.nz)

---

#### 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.

Proposed Natural Resources Plan:

Submitter:

**Strait Shipping Limited**

Submitter Number:

**S168**







This email has been protected by YAC (Yet Another Cleaner) [www.yac.mx](http://www.yac.mx)

**ATTENTION:** This correspondence is confidential and intended for the named recipient(s) only. If you are not the named recipient and receive this correspondence in error, you must not copy, distribute or take any action in reliance on it and you should delete it from your system and notify the sender immediately. Unless otherwise stated, any views or opinions expressed are solely those of the author, and do not represent those of the organisation.

---

The content of this e-mail (including any attachments) is strictly confidential and may be commercially sensitive. If you are not, or believe you may not be, the intended recipient, please advise the sender immediately by return e-mail, delete this e-mail and destroy any copies.

---

The content of this e-mail (including any attachments) is strictly confidential and may be commercially sensitive. If you are not, or believe you may not be, the intended recipient, please advise the sender immediately by return e-mail, delete this e-mail and destroy any copies.



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 3155  
 Wellington Regional Council  
 PO Box 11046  
 Wellington 6142

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

Your details

Full name: Sheryl Ellison

Organisation name:  
 (If applicable) Strait Shipping Limited

Address for Service: Level 5, 120 Featherston Street, Wellington 6011; PO Box 1144, Wellington 6140

Telephone no's: Work: (04) 473 7289 Home: Cell: 027 4594639

Contact person: Sheryl Ellison

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: [sheryle@strait.co.nz](mailto:sheryle@strait.co.nz)

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):	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
Map 32: Commercial Port, Lambton Harbour Area & noise control lines – Lambton Harbour	Reasons for my submission: →	The Inter-Island Wharf and Waterloo Wharf areas are zoned Commercial Port Area under the Operative Regional Coastal Plan (2000), as shown on Planning Map 4A.  The Proposed Natural Resources Plan 2015 changes the zoning of this area from Commercial Port Area to Lambton Harbour Area (Northern Zone), as shown on Planning Map 32.  Strait Shipping Limited is concerned the proposed new Lambton Harbour

		<p>(Northern Area) zoning and associated plan provisions could compromise existing and future port operations including their own, for activities both within the proposed Lambton Harbour Area and the remaining Commercial Port Area.</p> <p>It is of note that the Lambton Harbour Area provisions are intended to provide for public access and recreation, aligned with the Wellington City Council landward zoning. Whilst public access to the harbour is supported in principle, this needs to be carefully considered in the vicinity of the Port and how this impacts on the commercial port and vital strategic infrastructure. Likewise the effects of Port activity on such areas is a consideration.</p> <p>Strait Shipping Limited only recently became aware of the change in zoning and has not had time to fully analyse the implications of this change on our operations. This submission therefore seeks to ensure our interests as a port occupant are considered in decision making alongside all other potentially affected and interested parties.</p>
	<p>I seek the following decision from WRC (give precise details): →</p>	<p>Amend Map 32 to rezone the Lambton Harbour Area (Northern Zone) comprising of the Inter-Island and Waterloo Wharves as Commercial Port Area; or</p> <p>Any alternative relief to ensure Strait Shipping Limited's operations are not significantly affected or constrained by the proposed change of zoning.</p>

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):	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	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): →	

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: \_\_\_\_\_

Date: 9 October 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.



Proposed Natural Resources Plan:

Submitter:

**David and Michael Keeling**

Submitter Number:

**S169**





## **Submission on the Proposed Natural Resources Plan for the Wellington Region**

**Date:** 18<sup>th</sup> October 2015 (as per extension granted)

**Name:** David Keeling and Michael Keeling

**Farm Name:** Takapu Farm

**Physical Address:** 194 Takapu Road, RD 31, Levin NZ, 5573

**Postal Address:** 194 Takapu Road, RD 31, Levin NZ, 5573

170 Takapu Road, RD 31, Levin NZ, 5573

**Phone Number:** David Keeling: 021 173 5095

Michael Keeling: 021 025 05633

**Email Address:** David Keeling: [thekeelings@farmside.co.nz](mailto:thekeelings@farmside.co.nz)

Michael Keeling: [topnotchfarming@gmail.com](mailto:topnotchfarming@gmail.com)

We wish to be heard in support of the submission, and will consider jointly appearing with other submitters.

We support Wairarapa Federated Farmers submission.

---

### **Interpretation**

#### **Definition of Natural Wetlands**

We submit that the definition of natural wetlands be amended to exclude intermittent and ephemeral water bodies, and clarify these do not include hill country seeps or paddocks subject to irregular ponding. The definition should not encompass areas dominated by cultivated pasture, whether or not associated with sedge, raupo or rush species.

Other concerns with definitions are noted throughout our submission.

#### **Schedule F3: Mapping of Significant Wetlands**

We have a number of significant natural wetlands identified on our property, or that we border. These include Lake Kopureherehe, Lake Kaitawa & Keelings Bush and Pylon Swamp.

Firstly, Lake Kaitawa has an inaccuracy in its title and should be corrected to Lake Waitawa.

We are supportive of the inclusion of Lake Waitawa & Keelings Bush, and Lake Kopureherehe. The lakes and the bush have been in our family for many generations, and the fact that the indigenous vegetation remains on our dairy farm as a treasured area is not by accident. In fact, this has taken continued efforts on our behalf to protect the sites for many years. This says to us that they do not need to necessarily be identified in a District or Regional Plan to be protected. In summary, we are supportive of the inclusion of those three significant natural wetlands, because we know they are special areas and we would like them to retain their significance.

We are however perplexed by the inclusion of Pylon Swamp as an identified significant natural wetland. Pylon swamp sits within a paddock on our property, and is on most occasions simply a boggy paddock. Depending on the water table level it ranges between dry and firm or wet. It is more often than not dry. It supports no fish, it does not drain anywhere and it doesn't grow any rare plant species. Pylon swamp is also an important part of our grazing area, and has been grazed for many years. In short it is nothing at all like the other identified areas.

We have looked to the Plan for clarification on why this site has been included.

Schedule F3 presents nearly 200 sites, arranged by District Council. The schedule is not supported by any statements as to criteria and process for selection. Looking at the Boffa Miskell report that was undertaken in 2010, as a desktop assessment of 292 wetlands, we note that:

- 37 sites were found to be of very high or high value, proposed to be regionally significant
- 62 sites of moderate value, some requiring further investigation
- 116 sites of low value, not warranting further investigation
- 77 sites of very low value, also not warranting further investigation

We have looked closely at how Pylon Swamp fared in this exercise compared with the other wetlands on our property that we know are significant and seek to protect.

Lake Kopureherehe and Lake Waitawa and Keelings Bush both score a 4 within the Boffa Miskell report, therefore they are considered wetlands of national or regional importance. We support this finding. However both indicate it is difficult to identify the extent of the wetland area, indicating more field analysis is needed before these areas are mapped.

The Pylon Swamp was used as a reference site for those scoring 2 on a scale of 1 (lowest) – 5 (highest). It notes that those scoring 2 are "only limited elements that are typical of the natural diversity of an ecological district". By the end of the study, Pylon Swamp was found to score a 3. This indicates it is significant at the District Level however is unlikely to be significant at the regional level, and notes that no further investigation is required. The study also found that additional field work is required to delineate, that is the study

was unsure of the wetland extent and had trouble confidently identifying the wet and dry boundaries.

Given these findings, we are unsure how Pylon Swamp can be included in the Regional Plan as an identified significant natural wetland. We believe that the best outcome for biodiversity in the region is to identify the highest biodiversity value systems and protect existing areas of highest value. We believe efforts should be focused on where biodiversity outcomes can be achieved effectively and efficiently.

Council needs to further establish a complete set of data, and reprioritise Schedule F3 to include the highest value sites for biodiversity. Pylon Swamp, and other wetlands that have little significance should be removed from the list.

The minimum size identified should be 1.0 ha not 0.1ha.

Finally, we are unsure why both District and Regional Council is dictating activities and designation for wetlands. This is clearly a role for the Regional Council. However at present it is requiring our efforts to deal with both territorial and regional authorities. We would hope that Regional Council advocate to Kapiti Coast District Council that the role for wetlands remains with one body, not duplicating and confusing landowners by both trying to work in this space. Any non-regulatory approach to wetlands going forward we ask work in collaboration with the District Council, should both maintain a regulatory role.

## **Chapter 5: Rules**

### **Rule R36: Agrichemicals – permitted activity**

We note the requirement for a spray plan to be developed that requires notifying neighbours, seeking written agreement from neighbours and also supplying a copy of the plan at least 24 hours prior to application to the owner or occupiers of sensitive areas or those likely to be affected. The spraying of agrichemicals is done when weather conditions are right. Aerial application is wind dependent not time frame dependent. We consider that those direct neighbours whom indicate their interest in being notified prior to spraying should be advised. However the indications to supply spray plans to all of those in sensitive areas at least 24 hours prior is impractical and does not reflect the nature of spraying. Also in a region such as Greater Wellington, for us to notify all of our neighbours that includes multiple lifestyle blocks would be a significant task. We understand that Horizons has a rule that says if the spraying is not occurring within 50m of the boundary, notification is not required. We think this would be a useful standard to include in the permitted activity standards. Condition g) must be amended to more reasonably reflect practicalities and risks.

**Rule R82: Application of fertiliser from ground-based or aerial applications – permitted activity**

We note that during the application of fertiliser, the fertiliser is not permitted to move beyond the boundary of the property, including as a result of wind drift. This is unrealistic when the variables of weather and wind are taken into account. While all practical steps may be made to reduce the likelihood of fertiliser drifting into or onto a surface water body, or beyond the boundary of the property, where the variables are considered at times there may be unintentional drift. This of course is further exacerbated when fertiliser is applied as an aerial application.

The application of fertiliser is a usual farming practice, and therefore our neighbours that live beyond the boundary of the property and have moved here in recent years should expect that on an infrequent occasion, fertiliser will be applied. This activity is required for the carrying out of our farming activity.

**Rule R83: Discharge of collected animal effluent onto or into land – controlled activity**

While our effluent pond has been recently sealed, this was at a significant expense to our business. It was also a choice we made. We are concerned for other farmers who may not have budgeted for their ponds to be sealed, and will now be facing an immediate cost burden. Further, in the current economic climate dairy farmers have little excess money to be spending on non-necessary items. Therefore we would hope that before this rule is included in the Regional Plan, adequate research has been done on the cost benefit of the activity, and transitional timeframes are provided for the work to be completed. We would consider that reasonable timeframes and a stepped approach for installation would be more appropriate – such as 3 to 5 years. Council needs to undertake a more rigorous regional cost benefit analysis of pond storage and sealing requirements prior to the hearing to support proper consideration by the Hearing Commissioners.

The definition of ponding needs clarification. It cannot include extreme weather events, and breakdowns that occur outside of the manager's control. Matters of control need to be removed from the permitted activity standards. We believe that the permitted activity standards will be sufficient to manage issues, and the matters of control are not necessary.

Again, in this rule requires that the discharge of odour is not offensive or objectionable beyond the boundary of the property. While we take all practical steps to reduce the likelihood of this occurring, odour can occur in certain weather conditions. Therefore we ask that the rule is amended to note that all practical steps will be taken to ensure that odour is not offensive or objectionable beyond the boundary.

We submit that discharge of animal effluent onto land should be a permitted activity.

#### **Rule R89: Farm refuse dumps – permitted activity**

Our farm is comprised of multiple titles, with a number of different generations of the one family owning the land. We are unclear whether a farm dump on the dairy platform would meet the above permitted activity rules. Our farm has both a run off and a dairy platform area, the run off is separated by a road. It is unrealistic to operate two farm dumps in this sort of set up. We seek certainty that one farm dump can be used for a dairy platform and a run off where they are in common ownership. The permitted activity standards need to allow for contents on the farm dump to be moved from the run off to the dairy platform, without being captured by this rule.

Often gullies are made into farm dumps, as dry gullies are ideal places for a farm dump. The use of gullies means that less excavation is required of the soil. We are unsure what is trying to be achieved or needs protecting by preventing the use of gullies for a farm dump. This will mean farmers resort to using more productive areas of their land and requiring earthworks to excavate soil.

The permitted activity standards encourage farm dumps to be built on silty or clay soils. This also encourages the use of productive land to be taken out of farming. Sandy soils are less productive and therefore can serve as a farm dump without impacting on the operation.

We are unclear as to the purpose of no burning, when often vegetative matter can be placed in the dump and burnt. We seek certainty that these rules only apply to new farm dumps, not existing activities on farm. We submit that the permitted activity standards are reduced so to clearly focus on clear effects.

#### **Rule R90: Manufacture and storage of silage and compost – permitted activity**

We note the permitted activity standards require the walls and floor of a silage storage area to have an impermeable lining able to withstand corrosion. The nature of moving silage with a tractor bucket, means that any lining such as plastic would be scooped up and then distributed around the paddock with the silage, creating a greater issue to be managed. Therefore this rule in effect leaves the only option for a farmer to concrete their silage pit, at a significant cost. The concrete silage pit on our farm cost in excess of \$50, 000 for a ten by twenty metres pit. This is a significant investment.

This then precludes the opportunity to make silage when the opportunity arises, for example when decent rain has produced good pasture growth and means we have excess grass. Good farming practice in this case is to cut the pasture growth and store it as silage for times when feed is in deficiency. Baleage is not always a suitable alternative, as baleage is more expensive to produce and also requires management of the plastic wrap in a sustainable

manner. In times of surplus to store, will cause a lot of people to wrap it in plastic.

We submit that the requirements for silage pits delete the requirement for an impermeable lining, while retaining the condition that there be no discharge to water. This would render the need for the requirement for the location not allowed within 20m of a surface water body, which should be deleted.

We seek certainty that the definition of silage does not include balage. The definition should be amended to exclude balage.

#### **Rule R91: Offal pit – permitted activity**

These standards appear to have been written that everybody disposes of offal in one central spot. We need certainty that these conditions do not apply to a single animal burial. We suggest this is provided by ensuring the definition of single animal burial includes the addition: *Does not include in-situ burial of single carcasses*. At present animals that perish on our farm are buried in a suitable place, when they are found, and this must remain an ability of farmers to assess the situation. It is not possible or practical to GPS every deceased stock that has been buried on our farm. We are also uncertain why there are limitations to the choice of soils used for burying stock, when as described above, sandy soils are often suitable places to bury animals. We are unsure what is trying to be protected here.

#### **Rule R94: Cultivation or tilling of land – permitted activity**

We note the permitted activity standards do not allow cultivation to occur within 5m of a surface water body. We are unsure what this set back is trying to achieve, or what effects are being mitigated? Is the purpose of the rule to avoid sediment going into the water body? There are already other provisions, notably clause c, which states that sediment laden surface water resulting from cultivation does not flow into a surface water body. We would see this as suitable rule to cover the sediment issue. It must be acknowledged however that during extreme weather events, the deposition of sediment laden surface water into a waterbody cannot be avoided despite all efforts from the farmer to manage sediment issues on their farm.

It would be current practice for cultivation to be about a half metre from a fence and a fence to be another half a metre from a farm drain giving a non cultivated strip of about 1 metre from a farm drain. To create a rule demanding a restriction of productivity from a further 4 metres of land is unnecessarily draconian and costly to the land owner.

We submit that the requirement to avoid cultivation within 5m of a surface water body is removed, and the adverse weather events acknowledged. .

#### **Rule R96: Breakfeeding – permitted activity**

We note the permitted activity standards do not allow breakfeeding within 5m of a waterbody. Where fencing of water bodies has occurred, fences are not

located 5 metres from water body. The crop or pasture grows up to a waterbody. We are unsure what effect this rule is trying to manage. We are unsure whether the perceived risk is sediment or effluent. For 5m to be allowed for would require additional fencing cost, and would then mean the area between the water body and the fence would need to be managed for weeds. This would require spraying of chemicals near the water body. The required setback needs to be removed from the rule.

As noted above, the provision on sediment laden surface water must acknowledge the impact of adverse events.

**Rule R97: Access to the beds of surface water bodies by livestock – permitted activity**

We have a number of wetlands mapped on our farm. A number of these are nothing more than a wet paddock, in times of a once in ten year rainfall. What have been mapped as significant natural wetlands are in fact areas of our paddocks, which we use as important grazing land for stock during the summer months.

The permitted activity standard will mean that by 2018, we will no longer be able to graze stock in a significant portion of some of our paddocks. While we support the exclusion of stock where wetlands are truly significant natural wetlands, we are not supportive of reducing large amounts of our grazing land for areas that a damp area in times of high rainfall.

In the case of natural wetlands that are truly significant, we are supportive of the inclusion of transitional timeframes to allow for measures to limit stock access to be established. Five years, as opposed to three years, would be a more suitable time frame following public notification of the plan for Category One waterbodies. In the case of the wetlands identified, that will include efforts to budget for the provision of fencing. It will also mean a significant reduction in grazing area.

In regards to other provisions for stock access, we seek that sheep can remain with access to Category One waterbodies. We also submit that water races and drains are excluded from the need to comply with Category Two provisions. The requirement for dairy cow exclusion from hill country rivers greater than one metre should be deleted. Stock exclusion from spawning sites should be only limited during the spawning season. We also submit that stock drinking points must be allowed for. Alternative stock water supplies must be available and the rules cannot be applied until they are.

**Rule R99: Earthworks– permitted activity**

We seek clarity on the volume limits. If the volume is per property, does that mean we have the same entitlement on the run off. What is considered contiguous and non-contiguous? There needs to be certainty for a farmer picking up the plan to know whether he is engaging in an activity that is

permitted or not. We are supportive of enabling provisions. Farmers need certainty around farm tracks. The definition of earthworks needs to be amended to include farm tracks as a permitted activity, along with maintenance. Horizon Regional Council, which we are familiar with as part of our farm is in the Horizons Region, uses the approach of a trigger to a controlled activity. This consent is then completed in the field for earthworks that are in the farm environment. We believe that Greater Wellington should consider an option such as this.

**Rule R100: Vegetation clearance on erosion prone land – permitted activity**

We are concerned that the definition for erosion prone land will encompass a large amount of our farm, as a dairy farm that takes in sand dunes behind Waikawa Beach. Even though we don't have what we would consider erosion prone land, as there is in the hill country, the 20 degrees encompasses many of our dunes. The definition of erosion prone needs to increase the slope and exclude stable substrate such as greywacke.

The definition of vegetation clearance must be amended to exclude hand clearance, hand or aerial spraying and roller crushing. The clearance of gorse, Manuka, kanuka and tuhini should be a permitted activity on existing pastoral land.

Earthworks and vegetation clearance activities that do not meet the permitted activity standards should be classed as a controlled or restricted discretionary activity, not a discretionary activity.

**Rule R104: Structures in natural wetlands and significant natural wetlands – permitted activity**

We note that the permitted activity standards for structures in natural wetlands and significant natural wetlands only allow for hand held machines. All machines should be allowed not just hand held machines.

**Rule R105: Planting and pest plant control in natural wetlands, significant natural wetlands and outstanding natural wetlands – permitted activity**

As indicated, all machines should be allowed to be used, not just hand held machines, where work is being undertaken for the benefit of the ecosystem. Machines can be required to assist with fencing, and this is important for the ongoing protection of the area. Fencing is required for wetlands – needs to allow for post rammer and post whole digger. Fencing of wetlands needs to be permitted activity standard. Further, we are unsure why there is a limitation on the use of indigenous wetland species. At times, introduced species can be useful for the creation of an environment that attracts ducks and bees.



**Rule R106: Restoration of natural wetlands, significant natural wetlands and outstanding natural wetlands – controlled activity**

We are unsure why a consent needs to be applied for to undertake restoration. While we are supportive of the waiver of consent fees to support the restoration of wetlands, this is an activity that should be encouraged. The best way to encourage this activity would be through a non-regulatory partnership between Council and the landowner, through the provision of a plan. The restoration or enhancement of wetlands should be a permitted activity, and with little cost imposed on the landowner. This will enable the resources that the landowner does have to be applied to the development of habitats on their land.

**Rule R121: Maintenance of drains – permitted activity**

As a farmer, the provisions for the maintenance of drains are impractical. The key areas that we identify as impractical are the need to return fish to the drain within one hour, that only one side of the drain can be cleared at one time and the remainder three months later at a minimum. Further, there are specific rules around the clearance of the middle of the drain, and also the permitted activity standards state that the activity should commence at the most upstream point.

To have a contractor out to clean one side of a drain, and then have him return a few months later is impractical and will double the cost of the work required.

These two proposals are totally unsuited to a farm drain situation. All machine cleaning operations start at the downstream point and work up against the water flow to allow the water to clear as the machine goes. Any attempt to work downstream will quickly result in the job becoming impractical because of the extra water around the machine. Any sediment released will soon settle to the bottom of the drain.

We submit that the definition of a highly modified river or stream include all streams that have been modified by human activity, whether by straightening, deepening, channeling. We ask that high resolution maps are provided in the plan, clearly showing drains and highly modified streams that are covered by Rule 121. This is required before the hearing to see the scale of the issue. As a farmer, we seek certainty as to whether the drains on our farm will be captured by Rule 121. We also seek direction about the type of waterways on our land. It is often difficult to understand how a waterway will be defined by Council. We know of other farmers who have sought clarification from Council and struggle to have a clear understanding about their responsibilities and those of the Council, particularly with regard to drains on the Kapiti Coast.

We believe that it is imperative that industry can work with Council to develop agreed good practice for drain cleaning to inform the Hearing Commissioners consideration of the proposed rules. The timeframe for the implementation of the new conditions need to be extended from 2017 to 2020.



Proposed Natural Resources Plan:

Submitter:

**Chris Engel**

Submitter Number:

**S170**



**SUBMISSION on the proposed Natural Resources Plan for the Wellington Region**

To: [regionalplan@gw.govt.nz](mailto:regionalplan@gw.govt.nz) OR Freepost 3156, GWRC, PO Box 11646, Wellington 6142

GREYSON WELLS  
REGIONAL COUNCIL

19 OCT 2015

Name	Chris Engel.	RECEIVED
Farm Name	Engel Dairy Farm Ltd.	
Physical Address	Waihakeke Rd, R112, Carterton	
Phone Number	063798560	
Email Address	waihakeke@xtra.co.nz	

Communication from GWRC: I prefer ~~email~~ OR hardmail – choose one

Trade competition: I could not gain an advantage in trade competition through the submission

Hearing: I wish to be heard and would consider ~~jointly appearing with other submitters,~~

Support: I support Wairarapa Federated Farmers submission

**INTRODUCTION – Key Points about farm/business**

Farm Type	e.g. Sheep, Beef, Arable, Dairy, agricultural business Dairy
Farm size (area)	200 hectares
Main Waterways	Waiohine River on boundary
GW Soil plan or Farm Plan	Yes <input checked="" type="radio"/> No
Environmental investments	
QE2 or Retirement Blocks	
General Comments	e.g. if you like the partnership approach with council staff on the ground, say so

## STOCK EXCLUSION

### Specific Provisions that my submission relates to are:

Definition of Category Two waterbodies, including water races and drains > 1 metre

Schedule I and Map 22: important trout spawning habitat

Rule 97: access to the beds of surface waterbodies by livestock

- Stock exclusion from Category One waterbodies by July 2018
- Stock exclusion from Category Two waterbodies by July 2022
- Stock access to Category Three waterbodies – permitted subject to conditions, e.g. crossings

My submission is: ~~support~~/oppose

### I seek the following changes:

Extend the timeframes, e.g. Category One by 2020, Category Two by 2025

Exclude sheep from Category One

Exclude water races and drains from Category Two

Delete requirement for dairy cow exclusion from hill country rivers > 1 metre

Specify that stock exclusion from spawning sites – inanga or trout – is during the spawning season.

Specify criteria for "important" trout spawning rivers; delete those that don't meet the criteria

Amend the definitions of stock crossing to match hill country practicalities and effects

Allow for stock drinking points

Ensure that alternative stock water supplies are available and rules don't apply until they are.

### **Stock Exclusion Comments and Reasons**

*Specific to your farm, e.g. discussion on costs, practicalities, stock water; attach/include photos*

*For Category One sites, would it be reasonable to exclude sheep where there is agreement between landowner, council and iwi as part of Council funded management plan?*

## WETLANDS

### Specific Provisions that my submission relates to are:

Interpretation: definition of natural wetland and significant natural wetlands

Schedule F3: significant wetlands

Rule 105: Planting in wetlands - approved native plants only

Rule 106: Restoration of natural or significant wetlands – controlled if Wetland Management Plan

Rule 107: Activities in natural or significant wetlands – discretionary

Rule 108: Activities in wetlands - non-complying, including diversion of water into a natural wetland

**My submission is: ~~support~~/oppose**

### I seek the following changes:

Natural wetlands: Natural wetlands: amend to exclude intermittent and ephemeral water bodies, and clarify these do not include hill country seeps or paddocks subject to regular ponding, dominated by cultivated pasture, whether or not associated with sedge, raupo or rush species.

Significant wetlands: re-prioritise to focus efforts on the highest value sites; change minimum size from 0.1ha to 1.0ha

Rule 104: allow use of machines rather than just hand held

Rule 105: allow for planting introduced species for bees or ducks

Rule 106, 107: amend to provide for restoration or enhancement of wetlands to be a permitted activity, with plans prepared as a non-regulatory partnership.

Rule 108: Allow diversion of water as part of a restoration plan

### **Wetlands Comments and Reasons**

*e.g. If you have been advised of a significant wetland on your farm – and you question it – state the name of the wetland and your reasoning (size, condition, man-made, etc)  
Mention if you have an interest in constructing or extending wetlands.*

## FARM EFFLUENT

### Specific Provisions that my submission relates to are:

Rule 83: Discharge of collected animal effluent to land – controlled

Rule 93: effluent to land in supply protection area – discretionary

Map 27: groundwater community drinking water supply protection areas

My submission is: ~~support~~/oppose

### I seek the following changes:

Undertake more rigorous regional cost-benefit analysis of pond storage and sealing requirements prior to the hearing to support proper consideration by the Hearing Commissioners.

Provide reasonable timeframes and a stepped approach for the installation of storage (e.g. 3-5 years)

Clarify the definition of ponding; and exclude extreme weather events, breakdowns occurring out of manager's control, be consistent with urban conditions.

In groundwater protection areas, undertake a risk analysis prior to the hearing to support appropriate conditions being established in a controlled rule, rather than discretionary.

Extend the consent timeframe to 20 years to reflect the investment made

#### Effluent Comment and Reasons

*e.g. are they over-estimating the risks and under-estimating the costs?*

*If you already have ponds, is it reasonable to up the ante on storage and sealing?*

*The use of existing ponds should not be subject to new rules.*



## SILAGE

Specific Provisions that my submission relates to are:

Definition: a fermented high moisture stored fodder

Rule R90: manufacture and storage of silage and compost, including

- Condition a) the manufacture and storage area shall not be located within 20m of a surface water body ( stream, drain, water race and intermittently flowing streams)
- Condition d) the walls and floor of a silage storage area shall have an impermeable lining able to withstand corrosion, and there shall be no discharge of leachate to water

My submission is: ~~support~~/oppose

I seek the following changes:

Delete the requirement for impermeable lining; retain the condition that there be no discharge to water

Delete the requirement for location not allowed within 20m of a surface water body (not needed due to no discharge condition above)

Change the definition to specify this does not include baleage

### **Silage Comments and Reasons**

*e.g. low risk from wilted silage; costs for impermeable lining – estimate the costs if you can  
Cost Benefit analysis has not included any clear evidence of the benefits outweighing the costs.  
Difficulty in dealing with surplus years – filled up the main stack but still have extra. This rule will  
make us turn to baleage that is twice as expensive and has the plastic disposal issues.*

## CULTIVATION & BREAKFEEDING

Specific Provisions that my submission relates to are:

Rule 94: Cultivation & Rule 95: Break feeding

- Cultivation/ break feeding shall not occur within 5m of a surface waterbody, including open drains and water races

My submission is: ~~support~~/oppose

I seek the following changes:

Delete the conditions requiring 5m setbacks

### **Cultivation/Breakfeeding Comments and Reasons**

*e.g. costs, practicalities, timing, lay of the land*

*Add a statement in about what you normally do when cultivating or breakfeeding*

## DRAIN CLEANING

Specific Provisions that my submission relates to are:

Definition of highly modified watercourse:

- Modified and channeled to the extent it has the characteristics of a drain, including that: the channel is a single flow, straight, no curves, mechanically formed with straight or steep banks, maintained to keep the watertable at least 0.3m below the pasture root zone, and it exhibits these characteristics for the entire length of the property

Rule 121: Maintenance of drains and highly modified streams; *and*

Rule 122: Removing vegetation from the bed of any river; *same conditions for both*

- any fish shall be returned no later than one hour
- only one side shall be cleared at any one time, and the other side three months later; or, only the middle shall be cleared, leaving no less than 0.3m each side
  - for drains and highly modified streams, this condition applies from July 2017

Method M14: Maintenance of drains

- GWRC will develop an education programme in collaboration with industry and other stakeholders to support implementation of Rule 121

My submission is: ~~support~~/oppose

I seek the following changes:

Change the definition of highly modified stream to include all streams that have been modified by human activity – straightening, deepening, channeling.

Provide high resolution maps in the plan, clearly showing drains and highly modified streams that are covered by Rule 121. This is required before the hearing to see the scale of the issue.

Provide direction to landowners about the type of waterways on their land.

Fast-forward Method 14 to develop agreed good practice for drain cleaning to inform the Hearing Commissioners consideration of the proposed rules.

Extend the timeframe for the implementation of the new conditions from 2017 to 2020

### ***Drain Cleaning Comments and Reasons***

*e.g. costs, practicalities, historical modification not recognized*

## **EARTHWORKS**

**Specific Provisions that my submission relates to are:**

Definition of earthworks

Rule R99: earthworks of a contiguous area up to 3000m<sup>2</sup> per property per 12 months – permitted

Rule 101: earthworks that doesn't meet permitted conditions - discretionary

**My submission is: ~~support~~/oppose**

**I seek the following changes:**

Amend the definition and Rule 99 to allow construction of farm tracks as a permitted activity, as well as maintenance.

Change Rule 101 to controlled or restricted discretionary with clear conditions

### **Earthworks comments and reasons**

*e.g. operational and farm safety aspects*

*Note the word "contiguous" is important in thinking about impact*

## VEGETATION CLEARANCE on Erosion-Prone Land

Specific Provisions that my submission relates to are:

Definition of erosion-prone: slope >20 degrees

Definition of vegetation clearance: clearance of woody vegetation (exotic or native) by mechanical or chemical means including felling, spraying by hand or aerial means, hand clearance and burning

Rule R100: vegetation clearance on erosion-prone land

- contiguous area up to 2ha per property per 12 months– permitted

Rule 101: vegetation clearance that doesn't meet permitted conditions - discretionary

My submission is: ~~support~~/oppose

I seek the following changes:

Change definition of erosion prone to increase the slope, and exclude stable substrate, e.g. greywacke

Change definition of vegetation clearance to exclude hand clearance, hand or aerial spraying and roller crushing

Change Rule 101 to controlled or restricted discretionary with clear conditions

### Vegetation Clearance comments and reasons

*e.g. confusion with different slope triggers.*

*Add a statement in about what you normally do, e.g. leave an area unsprayed*

*Note the word "contiguous" is important in thinking about impact*

## CULVERTS & BRIDGES

### Specific Provisions that my submission relates to are:

Rule R114: weirs, fords, small bridges – permitted if

- not >20m<sup>2</sup> in size / footprint
- catchment not >50ha west of the Ruamahanga, 200ha east of the Ruamahanga

Rule R115: culverts – permitted if

- not >20m length and not >0.3m-1.2m diameter

Rule 125: small river crossings, dams, structures in a mana whenua site – restricted discretionary

**My submission is: ~~support~~/oppose**

**I seek the following changes:**

Rule R114: Change the 50ha catchment restriction to 200ha (or clarify rationale for the difference)

- Increase the size for fords and bridges (20m<sup>2</sup> too small)

Rule R115: delete the condition restricting culvert diameter; retain condition that the culvert be constructed to allow for 20 year flood event.

- Provide advice to landowner of appropriate culvert sizes to achieve the above condition

Mana whenua sites: undertake proper assessment of restrictions proposed for mana whenua sites within the plan itself – not leaving this to a consent process at landowner cost

### **Culverts/Bridges comments and reasons**

*e.g. fords/crossings good alternative method to constructing structures especially where use is infrequent or risks of structure outweigh the impact of a ford.*

## OFFAL PITS, FARM REFUSE DUMPS

Specific Provisions that my submission relates to are:

Rule 89: Farm Refuse Dumps – 15 conditions

Rule 91: Offal Pit – 9 conditions

My submission is: ~~support~~/oppose

I seek the following changes:

Rule 89: Farm Refuse Dumps

- increase size from 50m<sup>3</sup> to 100m<sup>3</sup>
- heavily prune the fourteen other conditions to focus on clear effects

Rule 91: Offal Pits

- retain condition a) re only containing dead matter from the property; and condition h) odour is not offensive beyond the boundary
- heavily prune the other seven conditions to focus on effects

### Offal Pits/Refuse Dumps Comments and Reasons

*e.g. these are an existing activity on farms and do not cause adverse effects so do not need multiple conditions.*

## AGRI-CHEMICALS

### Specific Provisions that my submission relates to are:

Rule 36: Agrichemicals – permitted activity conditions relating to aerial and vehicle based spraying

- (e) no discharge within a community drinking water supply protection area
- (g) spray plan must be prepared once pa
  - identify sensitive areas (dwelling house, schools, amenity areas, non-target crops sensitive to agchem, organically certified properties, surface water bodies including natural wetlands and associated riparian vegetation, and significant and outstanding water bodies)
  - notify neighbours the spray plan is available on request
  - get written agreement from adjoining neighbours that notification is not required
  - supply a copy of the spray plan at least 24 hours prior to application, to the owner/occupier of sensitive areas or likely to be directly affected, or requests a copy

My submission is: ~~support~~/oppose

I seek the following changes:

Change condition g) to more reasonably reflect practicalities and risks

In water supply protection areas, undertake a risk analysis prior to the hearing to support appropriate conditions being established in a controlled rule, rather than discretionary.

#### Agri-chemicals Comments and Reasons

*e.g. provides a level of protection that is not associated with the risk, demands undue notification requirements when neighbours might not be affected*



## FERTILISER

Specific Provisions that my submission relates to are:

Rule 82: Application of fertilizer – permitted activity, provided

Condition a) not into or onto a surface water body or beyond the boundary, including as a result of wind drift

My submission is: ~~support~~/oppose

I seek the following changes:

Amend condition a) to reflect the practicalities of aerial fertiliser application

### Fertiliser Application Comments and Reasons

*e.g. It is impossible to miss all intermittent surface waterbodies when using a plane or helicopter. Technology is being developed to allow this but it is not commercially available. Condition a) will cause a health and safety risk to the operation of aerial fertilizer application.*

## STORM WATER

### Specific Provisions that my submission relates to are:

Rule R48: storm water from individual property permitted, except

- the discharge is not into an outstanding waterbody (e.g. Lake Wairarapa)
- concentration of total suspended solids does not exceed specified concentrations
  - 50g - 100g/m<sup>3</sup> or 20-33% change depending on "significance" of site

**My submission is: ~~support~~/oppose**

### I seek the following changes:

Rule R48: delete condition (a): no discharge into outstanding waterbodies

Delete condition (e) specifying suspended solid concentrations, retain condition (g) requiring no conspicuous films, scum, floatables etc

### Stormwater comments and reasons

*e.g. impracticality, costs, low risk. Would it require a consultants report to get consent?*

**Any other areas of concern – just copy format above**

**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

**Your details**

Full name: Chris Engel.

Organisation name: (if applicable) Engel Dairy Farm Ltd

Address for Service: 24 Borlase Rd, A112  
 Carterton.

Telephone no's: Work: \_\_\_\_\_ Home: 063798560 Cell: 0211835899

Contact person: Chris Engel.

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: waihakere@xtra.co.nz.

**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): <u>Whole Plan</u>	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	I support the submission of the Wairarapa Water Users Society Inc as a member of that organisation.
	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:**

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	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:**

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	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:**

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	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): →	


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:**  \_\_\_\_\_ **Date:** 13/10/15

[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.

#1530376

**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

GREATER WELLINGTON REGIONAL COUNCIL

**Your details**

21 OCT 2015

Full name: Leo Vollebregt

RECEIVED

Organisation name (if applicable): Wairarapa Water User's Inc. Society

4.10 PM

Address for service: Leo Vollebregt

235 Pahautea Road, RD1,

Featherston

Telephone no's: Work: 063088405 Home: 063088405 Cell: 0272588405

Contact person: Leo Vollebregt

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: lvoll@xtra.co.nz

**Trade competition**

**yes**  I/we could not gain an advantage in trade competition through this submission [if you ticked this box, delete the rest of this section and 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:

Please continue on separate sheet(s) - an excel spreadsheet of all of the proposed plan provisions is available online [www.gw.govt.nz/regional-plan-review](http://www.gw.govt.nz/regional-plan-review)

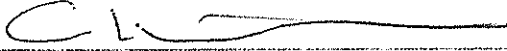
The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):  .....	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input type="checkbox"/>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

---

**Attendance and wish to be heard at hearing(s)**

- YES** 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: \_\_\_\_\_



Date: \_\_\_\_\_

20/10/2015

[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.

Wairarapa Water User's Inc. Society,  
c/- Leo Vollebregt,  
235 Pahautea Road,  
RD1,  
Featherston.

Wellington Regional Council  
Wellington

21<sup>st</sup> October 2015

Dear Sir/Madam

Please find enclosed our submission on the Proposed Natural Resources Plan for the Greater Wellington Region.

This replaces the interim submission we put in before the 25<sup>th</sup> of September.

Also enclosed are the submissions of 49 of our members some of whom have added extra comments.

Our society and it's members were granted an extension of the submission deadline to the 23<sup>rd</sup> of October 2015.

Yours sincerely



Leo Vollebregt

Chairman

List of submitters;

Wairarapa Water User's Inc. Society

Graeme Tulloch

Peter Vollebregt

Willy and Sally Bosch

Bernard George

Jim Hedley

Richard and Carolyn Stevenson

Andrew Patrick

Gary and Ann Daysh

A and A Webster	Chris Engel
Sandra Shivas	Andrew Harvey
Shane Gray	John Barton
George Ritchie	Mike Warren
Stephen Hammond	Mike Moran
Gerard Vollebregt	Simon Campbell
Bryan Tucker	Matt Honeysett
Rod Sutherland	David Holmes
Bob Tosswill	Mike Slater
Richard Kershaw	Ray Craig
Shaun Rose	Mark Guscott
Willem Stolte	Ed Handyside
Richard Osborne	Brad Gooding
Blair Roberts	Daniel George
Hayden Thurston	Neville Davies
Brian Bosch	Gary Svenson
Stewart Weatherstone	Ann Gray
Owen Butcher	Sandy Bidwill
Donald McCreary	Lewis Herrick
Leo and Rebecca Vollebregt	John Petrie
Kurt Simmonds	



**Wairarapa Water User's Inc. Society**

**Submission on the**

**Proposed Natural Resources Plan**

Provision	Text	Support/ Oppose/ Amend	Reasons	Relief sought
Definitions	<p>Groundwater directly connected to surface water at the locations generally shown in Figures 7.2, 7.5, 7.6, 7.7, 7.8 and 7.9 in chapter 7; Figures 8.1 and 8.2 in chapter 8; and Figure 10.1 and 10.2 in chapter 10. Taking water from <b>Category A groundwater</b> is considered to be surface water allocation.</p> <p>Groundwater not classified as either <b>category A groundwater</b> or <b>category C groundwater</b> and which is defined as being directly connected to surface water through applying the tests in Schedule Q (efficient use). <b>Category B groundwater (directly connected)</b> is at the locations generally described in Tables 7.3 and 7.4 in chapter 7, Table 8.2 chapter 8 and Table 10.2 in chapter 10. Taking water from <b>category B groundwater (directly connected)</b> is considered to be surface water allocation.</p> <p>Groundwater not classified as either <b>category A groundwater</b> or <b>category C groundwater</b> and which is defined as being not directly connected to surface water through applying the tests in Schedule Q (efficient use). <b>Category B groundwater (not directly connected)</b> is at the locations generally described in Table 7.5 in chapter 7, Table 8.3 in chapter 8 and Table 10.3 in chapter 10. Taking water from <b>category B groundwater (not directly connected)</b> is considered to be groundwater allocation.</p> <p>Groundwater not directly connected to surface water at the locations generally shown in Figures 7.2-7.9 in chapter 7.</p>	amend	<p>The categorisation of groundwater needs clarification in the definitions. The connectivity between various ground water takes has not been verified and amongst the users there is significant doubt. Expecting users to individually verify as consents are renewed is expensive and potential use of water is restricted unnecessarily impacting on farm businesses severely.</p> <p>The definitions of Category A, B and C groundwater need to be robust, and a mechanism or process must be provided for identifying which Category aquifer a particular abstraction may be tapping. Since any conditions must be related to the 'effects', it would seem that Category A (i.e. direct connection) should be able to demonstrate a strong and consistent relationship between daily river levels and daily groundwater levels. If not then conditions linked to low flows will have no relevance. There should also be a clear and quantifiable difference between Category A &amp; B. at present the 'management approach' appears to be the same even though the two aquifers are demonstrably different in their response to river levels.</p> <p>In February 2015 work undertaken in the river bed by the Waihenga river level recorder interfered with readings so that consent holders unknowingly resumed taking water even though the river had reached minimum flow. Observers working by the river reported no adverse</p>	Ground water will be categorised A or B or C once GW has field verified its connectivity with surface water and performed an empirical calibration of the model

<p>groundwater directly connected to surface water regionally significant infrastructure*</p>	<p>Figures 8.1-8.2 in chapter 8, and Figure 10.1 in chapter 10. Taking water from category C groundwater is considered to be groundwater allocation.</p>	<p>amend</p>	<p>effects to this take at low flows indicating poor relation of the takes to the river.</p>	<p>Ground water in the bore is at the same level as the water in the river and moves up and down with the level of the river</p>
<p>groundwater directly connected to surface water regionally significant infrastructure*</p>	<p>Category A groundwater and the component of category B groundwater that is directly connected to surface water and part of the surface water allocation amount.</p> <ul style="list-style-type: none"> <li>the local authority wastewater and stormwater networks, systems and wastewater treatment plants</li> </ul>	<p>amend</p>	<p>There is no definition of what directly connected means.</p> <p>Water race networks are vital community assets as are the many investments farmers and orchardists have made to use water</p>	<p>Add after treatment plants ... water race networks and facilities for the irrigation of pasture and crops</p>
<p>Unused water</p>	<p>Where more than 25% of the maximum daily amount of water allocated to a person for use on a property they own or have an interest in, but not including water that is transferred for use at another location by means of a transfer permit, is demonstrated to not be used over a period of two consecutive years.</p>	<p>support</p>	<p>retain</p>	<p>retain</p>
<p>Objective O8</p>	<p>The social, economic, cultural and environmental benefits of taking and using water are recognised and provided for within the Plan's allocation framework.</p>	<p>amend</p>	<p>Objective does not give enough value to the use and potential use of water.</p>	<p>the social, agricultural, industrial, cultural and environmental benefits of taking and using water for current uses and also for future needs are recognised and provided for within the Plan's allocation framework"</p>
<p>Objective O25 (c)</p>	<p>To safeguard aquatic ecosystem health and mahinga kai in fresh water bodies and coastal marine area:</p> <p>(c) where an objective in Tables 3.4, 3.5, 3.6, 3.7 or 3.8 is not met, a fresh water body or coastal marine area is</p>	<p>Oppose</p>	<p>Objective (c) aims to meet certain standards -this objective should not be giving guidance to the Waitua before current water quality levels are known</p>	<p>Remove</p>

<p>able 3.6 groundwater directly connected to surface water</p>	<p>improved over time to meet that objective.</p> <p>Nitrate concentrations do not cause unacceptable effects on groundwater-dependent ecosystems or on aquatic plants, invertebrate or fish communities in connected surface water bodies</p>	<p>amend</p>	<p>Unrealistic and non defined The actual numerical amount needs to be stated</p>	<p>nitrate in groundwater should not exceed human drinking water standards, i.e. 11.3</p>
<p>Objective O52</p>	<p>The efficiency of allocation and use of water is improved and maximised through time, including by means of:</p> <ul style="list-style-type: none"> <li>(a) efficient infrastructure, and</li> <li>(b) good management practice, including irrigation, domestic municipal and industry practices, and</li> <li>(c) maximising reuse, recovery and recycling of water and contaminants, and</li> <li>(d) enabling water to be transferred between users, and</li> <li>(e) enabling water storage outside river beds.</li> </ul>	<p>amend</p>	<p>Increasing water allocation allows for growth.</p> <p>(a) to (e) are good means to the objective.</p> <p>There needs to be the possibility of storage in stream</p>	<p>the efficiency of allocation and use of water is improved and maximised the amount is increased through time, including by means of: (a) to (e) are good means to the objective. Add (f) enabling storage within the bed of a river</p>
<p>Policy P6: Synchronised expiry and review dates</p>	<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> </ul>	<p>Support/ amend</p>	<p>We support a good consistent and integrated approach i.e. in line with other consent periods in the region – 25 years Due to the significant investment in infrastructure a long consent is necessary.</p>	<p>Retain Add (c) consents will run for a period of 25 years</p>

	(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.			
Policy P7: Uses of and water (b) and (h)	(b) treatment, dilution and disposal of wastewater and stormwater, and  (h) irrigation and stock water, and	Amend  support	(b) recognises the use of water for diluting wastewater and stormwater. Diffuse contaminants need to be included.  We are pleased to see irrigation get a special mention.	Add <u>diffuse contaminants to</u> (b)  retain
Policy P11: In-stream water storage	The benefits associated with the damming and storing of water within the bed of a river are recognised when:  (c) there are significant social and economic benefits for the region, and  (d) water remains available for multiple in-stream and out of stream uses concurrently, and  (e) the reliability of water supply improves as a result, and  (f) the damming and storage of water contributes to the	support		retain

	<p><b>efficient allocation and use of water.</b></p>		
<p>Policy P107: framework for taking and using water</p>	<p>The framework for the take and use of water recognises:</p> <ul style="list-style-type: none"> <li>(a) groundwater connectivity to surface water shall be managed as described in Schedule P (groundwater connectivity), and</li> <li>(b) the take and use of water does not exceed allocation amounts provided for in the Plan, and</li> <li>(c) minimum flows or water levels are managed in accordance with the Plan provisions.</li> </ul>	<p>amend</p>	<p>(a) the groundwater connectivity described in schedule P needs verifying and GW have significant part to play in establishing the evidence  <u>Insert (d) when schedule P changes: -ve effect on consent holders – 10 year lead in time to reflect cost. +ve effect - the water availability should be released immediately.</u></p>
<p>Policy P109: Lapse dates affecting water takes</p>	<p>Resource consents to take and use water shall be given effect to within three years of the commencement date unless a longer lapse date is justified due to the scale or complexity of the activity. For the purpose of this policy, "given effect to" includes the installation of infrastructure, water meter or flow measuring device or the use of the water in accordance with the purpose of the resource consent.</p>	<p>support</p>	<p>The connectivity between various ground water takes has not been verified and amongst the users there is significant doubt.          Expecting users to individually verify as consents are renewed is expensive and potential use of water is restricted unnecessarily impacting on farm businesses and the district and regional economies severely and unnecessarily. An empirical calibration is necessary.</p>
<p>Policy P111: Water takes at minimum</p>	<p>The take and use of water shall not occur when flows or water levels fall below minimum flows or water levels in the <u>whaitua</u> chapters (chapters 7-</p>	<p>Amend</p>	<p>We support the use of water</p>
			<p>Category A groundwater which shall be required to reduce take by 50% of the amount consented</p>

<p>flows and water levels</p> <p>Policy P115: authorising takes below minimum flows and lake levels</p> <p>(d) and (c) i</p>	<p>11), with the exception that water is available below <b>minimum flows</b>:</p> <p>(c) as authorised by resource consents in accordance with Policy P108.</p> <p>(d) <b>category A groundwater</b> which shall be required to reduce the take by 50% of the amount consented above <b>minimum flows</b>, and</p> <p>(c) permanent horticultural or viticultural root crops (excluding pasture species, animal fodder crops and maize) for the sole purpose of avoiding their death provided:</p> <p>(i) the water shall only be available five days (120 hours) after <b>minimum flow</b> cessation take restrictions are imposed and where no practical alternative sources of water are available or accessible, and</p>	<p>takes below minimum flows and lake levels)(d) on restrictions should be changed to reflect the delayed interference with surface water and the likelihood of aquifer storage and infiltration rate at different distances from the surface water. A practical time lag should be allowed before take is reduced by 50%.</p> <p>As above</p> <p>The section 32 analysis for moving from a cease take position to 50% reduction in takes needs to be extrapolated to the effects of moving from no restrictions to 50% reduction in takes.</p> <p>Unrealistic to believe that only 5 days of additional water after minimum flows are reached will be enough to keep rootstock alive during prolonged low water levels</p>	<p>above minimum flows following a period of 10 days of continuous river levels at minimum flow</p> <p>As above</p> <p>Delete (c) (i)</p>
	<p>Amend</p> <p>oppose</p>		

<p>Policy P116: Reallocating water</p>	<p>Support</p>	<p>Water that becomes available from resource consents that are surrendered, lapsed, cancelled or not replaced, and by existing resource consents that are replaced for a lesser amount shall not be reallocated if the core allocation identified in Rules R.R1, WH.R1 and K.R1 in the whatua chapters of the Plan (chapters 7, 8 and 10) is exceeded.</p>	<p>Retain</p>
<p>Policy P117: Supplementary allocation amounts at flows above the median flow</p>	<p>support</p>	<p>In addition to core allocation, water is available from rivers at flows above the median flow provided flushing flows and a portion of flow above the median flow remains in the river to meet Objective O25.</p>	<p>retain</p>
<p>Policy P118: Reasonable and efficient use</p>	<p>amend</p>	<p>The amount of water taken or diverted through resource consents shall be reasonable and used efficiently, including consideration of:</p> <p>(a) applying the reasonable and efficient use criteria identified in Schedule Q (efficient use) to new users immediately, while existing users replacing existing resource consents have a period of four years from the date of the plan being made</p>	<p>(a) while existing users replacing existing resource consents have a period of 4 years from the date of the plan-being-made-operative <u>renewal of consent to meet the criteria"</u></p>
	<p>The investment in infrastructure is considerable and time is required to implement changes</p>		



	operative to meet the criteria, and	Support	Retain
<p>Policy P119: unused water</p>	<p>Unused water allocated to an existing resource consent may be re-allocated to the same user when the existing resource consent is replaced, or the abstraction rate is changed, only if the consent holder can demonstrate how the unused water will be used within four years, including by means of:</p> <ul style="list-style-type: none"> <li>(a) a capital expenditure programme linked to the purpose water is used for, and</li> <li>(b) satisfying the reasonable and efficient use criteria identified in Schedule Q (efficient use).</li> </ul>	Support	Retain
<p>Policy P120: taking water for storage</p>	<p>The taking of water for storage outside a river bed at flows above the median flow is appropriate provided Policy P117 is satisfied.</p>	Support	Retain
<p>Policy P128: transfer of resource consents</p>	<p>The temporary or permanent transfer of the whole or part of the amount allocated by a resource consent(s) to take and use water shall be enabled, provided:</p> <ul style="list-style-type: none"> <li>(a) the adverse effects of the take and use of transferred water are the same or less, and</li> </ul>	Support	retain

	<p>(b) the transfer occurs within the same catchment management unit, and</p> <p>(c) the same or a lesser amount of water is being taken or used, and</p> <p>(d) measuring and reporting the use of transferred water is no less than in the parent resource consent, and</p> <p>(e) the transferee's water take and use is reasonable and efficient for the intended use, including meeting the reasonable and efficient use criteria identified in Schedule Q (efficient use).</p>			
<p><u>Rules</u></p>			<p>amend</p>	
<p>Rule R135: General rule for taking, use, damming and diverting water – discretionary activity</p>	<p>The damming or diverting of water that would otherwise contravene sections 14(2) or 14(3) of the Resource Management Act 1991 and is not permitted, controlled, restricted discretionary, discretionary, non-complying or a prohibited activity is a discretionary activity.</p>	<p>The investment in infrastructure by users is significant and making this rule restricted discretionary gives consent holders more certainty at the time of consent renewal</p>	<p>amend</p>	<p>Make this rule <u>restricted discretionary</u></p>
<p>Rule R137: Farm dairy washdown</p>	<p>The take and use of water from a surface water body (other than a water race that is permitted by Rule R138) or groundwater for the purpose of</p>		<p>amend</p>	

<p>id milk-cooling ater – permitted :ivity )</p>	<p>farm dairy washdown and milk cooling on a dairy milking platform is a permitted activity, provided the following conditions are met:</p> <p>(b) the total take shall be no more than 70L per day per stock unit based on the maximum herd size on the property at any time during the three years prior to the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and</p> <p>Note Water taken for farm dairy washdown and cooling water may be taken in addition to water taken under Rule R136.</p> <p>In respect of condition (b) the Wellington Regional Council holds a record of the maximum herd size on the property using information obtained from the property owner in compliance with a resource consent obtained under Rule R83.</p>		<p>(b) delete words after "... property." Leaving this in is anti growth and development and not in the best interests of the Wairarapa</p>	<p>(b) the total take shall be no more than 70L per day per stock unit based on the maximum herd size on the property at any time during the three years prior to the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and</p> <p>Note Water taken for farm dairy washdown and cooling water may be taken in addition to water taken under Rule R136.</p> <p>In respect of condition (b) the Wellington Regional Council holds a record of the maximum herd size on the property using information obtained from the property owner in compliance with a resource consent obtained under Rule R83.</p>
<p>Rule R143: emporary water ermit transfers – controlled activity</p>	<p>The transfer of the whole or part of a water permit for the take and use of water to another location for a period of no more than one year is a controlled activity, provided the following conditions are met:</p>	<p>amend</p>	<p>Rule 143 (temporary water permit transfers) – for this rule to serve the objective in a usable and dynamic way transferring water permits needs to be a permitted activity not controlled</p>	<p>Delete Controlled and make this rule a permitted activity</p>
<p>Rule R144: ransferring water ermits – restricted iscretionary activity</p>	<p>The transfer of the whole or part of a water permit for the take and use of water that does not meet the conditions of Rule R143 or that is for a period of more than one year is a restricted discretionary activity, provided the following conditions are met:</p>	<p>support</p>		<p>retain</p>
<p><u>Other methods</u></p>				

<p>Method M13: Wairarapa water races</p>	<p>Wellington Regional Council will work with Wairarapa district councils and landowners to characterise the hydrology, water quality, ecology, and the social, heritage and cultural values of the Wairarapa water races to develop management options for the water race systems by 2017. The management options include, but are not limited to:</p>	<p>amend</p>	<p>The economic values of water races are very important to land owners who have them. They were put in place so that the surrounding land could be farmed.</p>	<p>In opening paragraph insert after cultural values and <u>economic values</u> of the Wairarapa water races...</p>
<p>Method M18: Water use groups</p>	<p>Wellington Regional Council will:</p> <ul style="list-style-type: none"> <li>(a) support water user groups, or voluntary agreements between water users, to share takes and manage allocations, and</li> <li>(b) support water user groups to assist with water sharing during times of restrictions or when the catchment is fully allocated, and</li> <li>(c) provide, where available, accurate technical information to assist user groups.</li> </ul>	<p>Support</p>	<p>Method 18 (water user groups) will work well but transferring water needs to be a permitted activity.</p>	<p>retain</p>
<p>Method M19: Water management (d)</p>	<ul style="list-style-type: none"> <li>(d) promoting alternatives to the use of water races, and</li> </ul>	<p>amend</p>	<p>Costs of change will be substantial for some landowners. Access to power and underground water as well as maintenance of fenced off races are issues.</p>	<p>Change wording of (d) to <u>quantify costs and benefits of water races and explore alternatives</u></p>
<p>Method M28: Development of good management practice guidelines.</p>	<p>Wellington Regional Council will continue to develop practices, procedures and tools (including rules) in collaboration with industry, other relevant organisations and stakeholders to support the</p>	<p>support</p>	<p>good method esp. the use of the words "collaboration with industry"</p>	<p>retain</p>

	<p>implementation of policies which rely on good management practice to achieve desired environmental outcomes.</p>		<p>positive move which will have farmers moving forward in their practices with the reg. council??</p>
<p><u>kuamahanga</u> <u>Whaitua</u></p> <p>Policy R.P3: Cumulative effects of river reaches of allocating water</p>	<p>When allocating river water or groundwater directly connected to surface water, regard shall be given to cumulative adverse effects on aquatic ecosystems in downstream river reaches as a result of flow depletion from loss of river water to groundwater.</p>	<p>amend</p>	<p>Important that the effects are measured, not just modelled.</p> <p>Insert after - adverse effects – that are measured on aquatic ...</p>
<p>Figures 7.3 – 7.8</p>	<p>Water allocation amounts</p>	<p>Oppose</p>	<p>Do not include figures 7.3 – 7.8 in the plan until categories have been verified</p>
<p>Tables 7.3 – 7.5</p>	<p>Surface and groundwater allocation amounts</p>	<p>Oppose</p>	<p>Change the allocation amounts to what is currently allocated or more if spare water has been identified</p>

Again the categories need empirical verifying. Too big an impact and too little evidence of benefit to the environment to ignore.

As a community we need to verify categories and as this occurs the amounts in these tables may change significantly

The allocation amount should reflect the current consented allocation amount. Some of the allocation amounts are considerably lower than the allocation currently consented. Consideration of consent applications has confirmed the amounts of allocation that are sustainable.

Setting an allocation limit which is inconsistent with consented and sustainable allocations creates an unrealistic community expectation of the level of abstraction which can occur from the water sources.

<p><u>chedules</u></p> <p>chedule P: assifying and anaging oundwater and urface water nnectivity</p>		oppose	<p>Needs <u>empirical</u> calibration by GW</p> <p>The connectivity between various ground water takes and surface water has not been verified and amongst the users there is significant doubt.</p> <p>Expecting users to individually verify as consents are renewed is expensive and potential use of water is restricted unnecessarily impacting on farm businesses severely.</p>	<p><u>Needs empirical calibration by GW</u></p>
<p>chedule Q: easonable and fficient use criteria</p>	<p>Irrigation</p> <p>A resource consent application to take water for irrigation purposes shall include an assessment using a field validated model that considers land use, crop water use requirements, on-site physical factors such as soil water holding capacity, and climatic factors such as rainfall variability and potential evapo-transpiration. The model must reliably predict annual irrigation volume within an accuracy of 15%. The annual volume calculated using the model shall meet with the following criteria:</p> <p>(a) an irrigation application efficiency of 80%, and</p> <p>(b) demand conditions that occur in nine out of 10 years.</p>	Amend	<p>Remove sentence "the model must reliably predict annual irrigation volume within an accuracy of 15%." Unreasonable for the Wairarapa because of dramatic seasonal weather variations.</p> <p>Wairarapa conditions differ from the rest of the country. This needs to be recognised.</p> <p>More consultation with affected parties is required.</p> <p>irrigators with lower efficiency may be more suitable for specific crops and farming situations. Case by case systems need to be assessed</p>	<p>Remove sentence <del>the model must reliably predict annual irrigation volume within an accuracy of 15%</del></p> <p>Add after field validated model – for <u>Wairarapa conditions</u></p> <p>(a) add after 80% - <u>where practicable.</u></p>

<p>Schedule R: guideline for stepdown allocations</p>	<p>When river flows are low, stepdown allocations may be included as conditions of resource consent when rivers approach <b>minimum flows</b>. Stepdown allocations may require a take to cease or be reduced. Taking water that is not for the health needs of people may be required to cease or be reduced as flows approach minimum river flows. Typically, the reduction in water take that may be required will be half the consented amount. Stepdown allocations for specific rivers are identified in Table R1 unless otherwise agreed by a water user group. In other rivers, stepdown allocations may be agreed by a water user group, or in the absence of agreement or such a group, may be implemented by the Wellington Regional Council.</p>	<p>Support with amendments</p>	<p>Schedule R – guideline for stepdown allocations – good schedule and good use of user groups  However needs of stock drinking water and rootstock protection needs acknowledged  However more and more appropriate management points e.g. further south of Waihenga are required. GW to establish in consultation with water users.  As water is cleaned up the minimum flow requirement for dilution is lower.  The effects of low flows needs to demonstrated as are the effects of restrictions  There also needs to be room for the Whaitua to have their input</p>	<p>Add after health needs of people - <u>stock drinking water and rootstock protection</u>  Table R1 is interim GW to consult with water users</p>
---	--	--------------------------------	---	--

Table R1: Stepdown allocations for rivers in the Ruamāhanga River catchment

River	Minimum flow (L/sec)	Flow at which takes shall cease other than for the health needs of people or stock drinking water (water races) (L/sec)	Flow at which takes shall reduce (L/sec)	Management point
Waipoua River	250		300	Mikimiki Bridge
Waingawa River	1100	1700	1900	Kaituna
Parkvale Stream	100		120	Renalls Weir Recorder
Mangatarere Stream	[upper reach] 240		[upper reach] 330	Gorge Recorder
	[lower reach] 200		[lower reach] 240	Gorge Recorder
Waiohine River	2300	3040		Gorge Recorder
Upper Ruamāhanga River	2400		2700	Wardells
Tauherenikau River	1100	1300		Gorge Recorder
Lower Ruamāhanga River	8500		9200	Waihenga Recorder

We are concerned that the extent of section 32 reports in relation to water allocation do not identify the effects of proposed changes on our members in enough detail.



Proposed Natural Resources Plan:

Submitter:

**Stuart Woodman**

Submitter Number:

**S171**



3171

#1529433

Wellington Regional Council

19 OCT 2015

**SUBMISSION on the proposed Natural Resources Plan for the Wellington Region**To: [regionalplan@gw.govt.nz](mailto:regionalplan@gw.govt.nz) OR Freepost 3156, GWRC, PO Box 11646, Wellington 6142

Name	STUART WOODMAN
Farm Name	WOODMAN'S FARM
Physical Address	282 TARAPU ROAD, TAKAPU VALLEY, TAWHANGATU.
Phone Number	04 232 5282
Email Address	N/A

Communication from GWRC: I prefer email OR hardmail - choose one

Trade competition: I could not gain an advantage in trade competition through the submission

Hearing: I wish to be heard and would consider jointly appearing with other submittersSupport: I support Wairarapa Federated Farmers submission**INTRODUCTION – Key Points about farm/business**

Farm Type	e.g. Sheep, Beef, Arable, Dairy, agricultural business <u>SHEEP/BEEF</u>
Farm size (area)	92.8200 hectares
Main Waterways	
GW Soil plan or Farm Plan	Yes <u>(No)</u>
Environmental investments	FOUR GENERATIONS!
QE2 or Retirement Blocks	?
General Comments	e.g. if you like the partnership approach with council staff on the ground, say so

## STOCK EXCLUSION

### Specific Provisions that my submission relates to are:

Definition of Category Two waterbodies, including water races and drains > 1 metre

Schedule I and Map 22: important trout spawning habitat

Rule 97: access to the beds of surface waterbodies by livestock

- Stock exclusion from Category One waterbodies by July 2018
- Stock exclusion from Category Two waterbodies by July 2022
- Stock access to Category Three waterbodies – permitted subject to conditions, e.g. crossings

**My submission is: ~~support~~/oppose**

### I seek the following changes:

Extend the timeframes, e.g. Category One by 2020, Category Two by 2025

Exclude sheep from Category One

Exclude water races and drains from Category Two

Delete requirement for dairy cow exclusion from hill country rivers > 1 metre

Specify that stock exclusion from spawning sites – inanga or trout – is during the spawning season.

Specify criteria for “important” trout spawning rivers; delete those that don’t meet the criteria

Amend the definitions of stock crossing to match hill country practicalities and effects

Allow for stock drinking points

Ensure that alternative stock water supplies are available and rules don’t apply until they are.

### **Stock Exclusion Comments and Reasons**

*Specific to your farm, e.g. discussion on costs, practicalities, stock water; attach/include photos  
For Category One sites, would it be reasonable to exclude sheep where there is agreement between  
landowner, council and iwi as part of Council funded management plan?*

N/A

## WETLANDS

### Specific Provisions that my submission relates to are:

Interpretation: definition of natural wetland and significant natural wetlands

Schedule F3: significant wetlands

Rule 105: Planting in wetlands - approved native plants only

Rule 106: Restoration of natural or significant wetlands – controlled if Wetland Management Plan

Rule 107: Activities in natural or significant wetlands – discretionary

Rule 108: Activities in wetlands - non-complying, including diversion of water into a natural wetland

**My submission is: support/oppose**

### I seek the following changes:

Natural wetlands: Natural wetlands: amend to exclude intermittent and ephemeral water bodies, and clarify these do not include hill country seeps or paddocks subject to regular ponding, dominated by cultivated pasture, whether or not associated with sedge, raupo or rush species.

Significant wetlands: re-prioritise to focus efforts on the highest value sites; change minimum size from 0.1ha to 1.0ha

Rule 104: allow use of machines rather than just hand held

Rule 105: allow for planting introduced species for bees or ducks

Rule 106, 107: amend to provide for restoration or enhancement of wetlands to be a permitted activity, with plans prepared as a non-regulatory partnership.

Rule 108: Allow diversion of water as part of a restoration plan

### **Wetlands Comments and Reasons**

*e.g. If you have been advised of a significant wetland on your farm – and you question it – state the name of the wetland and your reasoning (size, condition, man-made, etc)  
Mention if you have an interest in constructing or extending wetlands.*

N/A

## FARM EFFLUENT

### Specific Provisions that my submission relates to are:

Rule 83: Discharge of collected animal effluent to land – controlled

Rule 93: effluent to land in supply protection area – discretionary

Map 27: groundwater community drinking water supply protection areas

**My submission is: ~~support~~/oppose**

### I seek the following changes:

Undertake more rigorous regional cost-benefit analysis of pond storage and sealing requirements prior to the hearing to support proper consideration by the Hearing Commissioners.

Provide reasonable timeframes and a stepped approach for the installation of storage (e.g. 3-5 years)

Clarify the definition of ponding; and exclude extreme weather events, breakdowns occurring out of manager's control, be consistent with urban conditions.

In groundwater protection areas, undertake a risk analysis prior to the hearing to support appropriate conditions being established in a controlled rule, rather than discretionary.

Extend the consent timeframe to 20 years to reflect the investment made

### Effluent Comment and Reasons

*e.g. are they over-estimating the risks and under-estimating the costs?*

*If you already have ponds, is it reasonable to up the ante on storage and sealing?*

N/A

**SILAGE**

**Specific Provisions that my submission relates to are:**

Definition: a fermented high moisture stored fodder

Rule R90: manufacture and storage of silage and compost, including

- Condition a) the manufacture and storage area shall not be located within 20m of a surface water body ( stream, drain, water race and intermittently flowing streams)
- Condition d) the walls and floor of a silage storage area shall have an impermeable lining able to withstand corrosion, and there shall be no discharge of leachate to water

**My submission is: support/oppose**

**I seek the following changes:**

Delete the requirement for impermeable lining; retain the condition that there be no discharge to water

Delete the requirement for location not allowed within 20m of a surface water body (not needed due to no discharge condition above)

Change the definition to specify this does not include baleage

**Silage Comments and Reasons**

*e.g. low risk from wilted silage; costs for impermeable lining – estimate the costs if you can  
Cost Benefit analysis has not included any clear evidence of the benefits outweighing the costs.  
Difficulty in dealing with surplus years – filled up the main stack but still have extra. This rule will make us turn to baleage that is twice as expensive and has the plastic disposal issues.*

N/A

## CULTIVATION & BREAKFEEDING

**Specific Provisions that my submission relates to are:**

Rule 94: Cultivation & Rule 95: Break feeding

- Cultivation/ break feeding shall not occur within 5m of a surface waterbody, including open drains and water races

**My submission is: ~~support~~/oppose**

**I seek the following changes:**

Delete the conditions requiring 5m setbacks

### **Cultivation/Breakfeeding Comments and Reasons**

*e.g. costs, practicalities, timing, lay of the land*

*Add a statement in about what you normally do when cultivating or breakfeeding*

N/A



## DRAIN CLEANING

### Specific Provisions that my submission relates to are:

Definition of highly modified watercourse:

- Modified and channeled to the extent it has the characteristics of a drain, including that: the channel is a single flow, straight, no curves, mechanically formed with straight or steep banks, maintained to keep the watertable at least 0.3m below the pasture root zone, and it exhibits these characteristics for the entire length of the property

Rule 121: Maintenance of drains and highly modified streams; *and*

Rule 122: Removing vegetation from the bed of any river; *same conditions for both*

- any fish shall be returned no later than one hour
- only one side shall be cleared at any one time, and the other side three months later; or, only the middle shall be cleared, leaving no less than 0.3m each side
  - for drains and highly modified streams, this condition applies from July 2017

Method M14: Maintenance of drains

- GWRC will develop an education programme in collaboration with industry and other stakeholders to support implementation of Rule 121

**My submission is: ~~support~~/oppose**

**I seek the following changes:**

Change the definition of highly modified stream to include all streams that have been modified by human activity – straightening, deepening, channeling.

Provide high resolution maps in the plan, clearly showing drains and highly modified streams that are covered by Rule 121. This is required before the hearing to see the scale of the issue.

Provide direction to landowners about the type of waterways on their land.

Fast-forward Method 14 to develop agreed good practice for drain cleaning to inform the Hearing Commissioners consideration of the proposed rules.

Extend the timeframe for the implementation of the new conditions from 2017 to 2020

### ***Drain Cleaning Comments and Reasons***

*e.g. costs, practicalities, historical modification not recognized*

N/A

## EARTHWORKS

### Specific Provisions that my submission relates to are:

Definition of earthworks

Rule R99: earthworks of a contiguous area up to 3000m<sup>2</sup> per property per 12 months – permitted

Rule 101: earthworks that doesn't meet permitted conditions - discretionary

**My submission is: ~~support~~/oppose**

### I seek the following changes:

Amend the definition and Rule 99 to allow construction of farm tracks as a permitted activity, as well as maintenance.

Change Rule 101 to controlled or restricted discretionary with clear conditions

#### **Earthworks comments and reasons**

*e.g. operational and farm safety aspects*

*Note the word "contiguous" is important in thinking about impact*

N/A

## VEGETATION CLEARANCE on Erosion-Prone Land

### Specific Provisions that my submission relates to are:

Definition of erosion-prone: slope >20 degrees

Definition of vegetation clearance: clearance of woody vegetation (exotic or native) by mechanical or chemical means including felling, spraying by hand or aerial means, hand clearance and burning

Rule R100: vegetation clearance on erosion-prone land

- contiguous area up to 2ha per property per 12 months– permitted

Rule 101: vegetation clearance that doesn't meet permitted conditions - discretionary

**My submission is: support/oppose**

**I seek the following changes:**

Change definition of erosion prone to increase the slope, and exclude stable substrate, e.g. greywacke

Change definition of vegetation clearance to exclude hand clearance, hand or aerial spraying and roller crushing

Change Rule 101 to controlled or restricted discretionary with clear conditions

### Vegetation Clearance comments and reasons

*e.g. confusion with different slope triggers.*

*Add a statement in about what you normally do, e.g. leave an area unsprayed*

*Note the word "contiguous" is important in thinking about impact*

N/A

## CULVERTS & BRIDGES

### Specific Provisions that my submission relates to are:

Rule R114: weirs, fords, small bridges – permitted if

- not >20m<sup>2</sup> in size / footprint
- catchment not >50ha west of the Ruamahanga, 200ha east of the Ruamahanga

Rule R115: culverts – permitted if

- not >20m length and not >0.3m-1.2m diameter

Rule 125: small river crossings, dams, structures in a mana whenua site – restricted discretionary

**My submission is: support/oppose**

**I seek the following changes:**

Rule R114: Change the 50ha catchment restriction to 200ha (or clarify rationale for the difference)

- Increase the size for fords and bridges (20m<sup>2</sup> too small)

Rule R115: delete the condition restricting culvert diameter; retain condition that the culvert be constructed to allow for 20 year flood event.

- Provide advice to landowner of appropriate culvert sizes to achieve the above condition

Mana whenua sites: undertake proper assessment of restrictions proposed for mana whenua sites within the plan itself – not leaving this to a consent process at landowner cost

### **Culverts/Bridges comments and reasons**

*e.g. fords/crossings good alternative method to constructing structures especially where use is infrequent or risks of structure outweigh the impact of a ford.*

N/A

## OFFAL PITS, FARM REFUSE DUMPS

Specific Provisions that my submission relates to are:

Rule 89: Farm Refuse Dumps – 15 conditions

Rule 91: Offal Pit – 9 conditions

My submission is: ~~support~~/oppose

I seek the following changes:

Rule 89: Farm Refuse Dumps

- increase size from 50m<sup>3</sup> to 100m<sup>3</sup>
- heavily prune the fourteen other conditions to focus on clear effects

Rule 91: Offal Pits

- retain condition a) re only containing dead matter from the property; and condition h) odour is not offensive beyond the boundary
- heavily prune the other seven conditions to focus on effects

### Offal Pits/Refuse Dumps Comments and Reasons

*e.g. these are an existing activity on farms and do not cause adverse effects so do not need multiple conditions.*

N/A

## AGRI-CHEMICALS

### Specific Provisions that my submission relates to are:

Rule 36: Agrichemicals – permitted activity conditions relating to aerial and vehicle based spraying

- (e) no discharge within a community drinking water supply protection area
- (g) spray plan must be prepared once pa
  - identify sensitive areas (dwelling house, schools, amenity areas, non-target crops sensitive to agchem, organically certified properties, surface water bodies including natural wetlands and associated riparian vegetation, and significant and outstanding water bodies)
  - notify neighbours the spray plan is available on request
  - get written agreement from adjoining neighbours that notification is not required
  - supply a copy of the spray plan at least 24 hours prior to application, to the owner/occupier of sensitive areas or likely to be directly affected, or requests a copy

**My submission is: ~~support~~/oppose**

**I seek the following changes:**

Change condition g) to more reasonably reflect practicalities and risks

In water supply protection areas, undertake a risk analysis prior to the hearing to support appropriate conditions being established in a controlled rule, rather than discretionary.

#### **Agri-chemicals Comments and Reasons**

*e.g. provides a level of protection that is not associated with the risk, demands undue notification requirements when neighbours might not be affected*

N/A

## FERTILISER

### Specific Provisions that my submission relates to are:

Rule 82: Application of fertilizer – permitted activity, provided

Condition a) not into or onto a surface water body or beyond the boundary, including as a result of wind drift

**My submission is: ~~support~~/oppose**

**I seek the following changes:**

Amend condition a) to reflect the practicalities of aerial fertiliser application

### Fertiliser Application Comments and Reasons

*e.g. It is impossible to miss all intermittent surface waterbodies when using a plane or helicopter. Technology is being developed to allow this but it is not commercially available. Condition a) will cause a health and safety risk to the operation of aerial fertilizer application.*

N/A

## STORM WATER

### Specific Provisions that my submission relates to are:

Rule R48: storm water from individual property permitted, except

- the discharge is not into an outstanding waterbody (e.g. Lake Wairarapa)
- concentration of total suspended solids does not exceed specified concentrations
  - 50g - 100g/m<sup>3</sup> or 20-33% change depending on "significance" of site

**My submission is: ~~support~~/oppose**

### I seek the following changes:

Rule R48: delete condition (a): no discharge into outstanding waterbodies

Delete condition (e) specifying suspended solid concentrations, retain condition (g) requiring no conspicuous films, scum, floatables etc

### Stormwater comments and reasons

*e.g. impracticality, costs, low risk. Would it require a consultants report to get consent?*

N/A

**Any other areas of concern – just copy format above**



Proposed Natural Resources Plan:

Submitter:

**Royal Port Nicholson Yacht Club**

Submitter Number:

**S172**



**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

**Your details**

Full name: Mark Gordon - Commodore Royal Port Nicholson Yacht Club

Organisation name:  
 (If applicable) Royal Port Nicholson Yacht Club

Address for Service: 115 Oriental Parade, Wellington. PO Box 9674, Wellington 6011

Telephone no's: Work: 04 939 7042 Home: Cell: 021 844 324

Contact person: Jason Reid - Club Manager Royal Port Nicholson Yacht Club

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: admin@rpnyc.org.nz

**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): 18.1	My submission on this provision is: →	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	Reasons for my submission: →	Our club (in conjunction with Lowry Bay Yacht Club) wishes to place moorings for casual use that are outside of the designated mooring areas. These are not intended to be for the permanent mooring of vessels but are for casual, "social" use by Club members to encourage more boating on the Harbour. These would enable newer members an opportunity to visit various parts of the harbour and be able to safely and securely moor their vessel for a short period of time. There have been moorings likes this in the past and we wish to place and maintain new moorings for this purpose. These moorings have not in the past restricted public access to the water and in fact enhanced it so we are unsure why public notification would be

		<p>required.</p> <p>These moorings are constructed to a standard that would make them suitable for a vessel in trouble to use as a point of safety, either by themselves or if placed there by emergency services. We have attached letters of support from the NZ Police and NZ Coastguard.</p> <p>Public notification of a consent for this purpose would push the costs significantly beyond our Club resources and make this type of activity prohibitively expensive and for no environmental or social benefit.</p>
	<p>I seek the following decision from WRC (give precise details):</p> <p>→</p>	<p>We ask that the Public Notification requirement is removed from section 181</p> <p>The decision as to whether it should be publically notified or not should be assessed on a case by case basis.</p>

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

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

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

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

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

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

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: \_\_\_\_\_

Date: \_\_\_\_\_

[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.

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):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

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



10<sup>th</sup> June 2015

Lowry Bay Yacht Club  
Seaview Marina  
Lower Hutt  
Wellington

Dear Gareth,

I write in reply to your letter dated the 3<sup>rd</sup> June 2015.

We are in support of the moorings that were laid at North end Somes Island, South end Somes Island, Kau Bay and Scorching Bay.

When they were still in service we used them on occasions where we had multiple SAR incidents in the harbour. For example, we would place a vessel that was being towed to safety and put them on to a mooring when another, more urgent, job would come in and then return or arrange for that vessel to be dealt with some other way.

The moorings were very good for all boat users of the harbour, providing a safe place for those that weren't experienced in anchoring to moor instead and not become a risk by dragging an anchor.

The moorings provided recreational and some commercial vessels a place to relax and enjoy our harbour any weather conditions. We ourselves would use the moorings to place the Launch in position where we could respond to any situation that might occur on the harbour or south coast.

In conclusion we support any proposed reinstatement of the moorings.

Yours Sincerely

David Houston  
Senior Sergeant  
Wellington Police Maritime Unit.





8 June 2015

Gareth Edwards  
Commodore  
Lowry Bay Yacht Club Inc  
PO Box 30533  
Lower Hutt 5040

Dear Gareth

RE: PROPOSED MOORINGS IN WELLINGTON HARBOUR

The Management Committee of Coastguard Wellington would like to offer our support with your proposal of laying new, robust moorings in Wellington Harbour.  
Not only will these moorings supply your club members with secure facilities, Coastguard also see these as ideal safe moorings for boats we often tow in inclement weather. The proposed positions you have indicated would mean regardless of there being a northerly or a southerly, we could get boats to a safe, sheltered mooring.

We wish you well in your funding application, and we look forward to being able to use these moorings in the near future.

Yours sincerely



Vicki Rowland  
President  
Coastguard Wellington  
Email: [president@coastguardwellington.org.nz](mailto:president@coastguardwellington.org.nz)  
Phone: 022 107 8049





Proposed Natural Resources Plan:

Submitter:

**N & S Terry**

Submitter Number:

**S173**



5173

## Submission on the Proposed Natural Resources Plan for the Wellington R

### INSTRUCTIONS FOR USING THE SUBMISSIONS SPREADSHEET:

Send to: regionalplan@gw.govt.nz

#### Your details:

Full name: N & S Terry  
Company name:  
Address1: Richmond Road  
Address2:  
Address3:  
Address4:  
Town: Carterton  
Postcode:  
Telephone Work: 02 7453 3551  
Telephone Home: 06 379 8258  
Telephone Cell: 02 7453 3551  
Email address: [nol.brock@xtra.co.nz](mailto:nol.brock@xtra.co.nz)

#### Trade competition

Yes I/we could not gain an advantage in trade competition through this submission

No 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 my business 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 my business and does not relate to trade competition or the effects of trade competition.

#### Attendance and wish to be heard at hearing(s)

Yes I/we do wish to be heard in support of my/your 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.]

Yes If other make a similar submission, I will consider presenting a joint case with them at a hearing

Date: 22/10/2015



## Submission on Greater Wellington Proposed Natural Resources Plan

To: Chief Executive, Greater Wellington Regional Council

**1. This is a submission from:**

Submitter Details: Craig Dairy Farm Ltd

This submission is also supported by the following parties;

- Gary James Daysh and Anne Marie Daysh (112 Hururua Rd, Carterton RD 1)
- Lewis Herrich (1513 State Highway 53, Martinborough)
- Blair Percy (36 Masterton Stronvar Road, Masterton)
- Sandra Joy Shivas (28 Mangatarere Rd, Carterton RD 1)
- James and Jane Smallwood (19 Homestead Lane, Greytown)
- N & S Terry (Richmond Road, Carterton)
- Ali Scott & Dion Kilmister (1665 Te Ore Ore Bideford Road, Masterton RD11)
- AB & DE Smith (60 Chester Road, Carterton)
- Beryl Masters Stuart (107 Manuka Street, Masterton 5810)
- Garry Daniell (Te Ore Ore Road)

A contact address sheet is provided for each of these parties as attached to the submission.

Submitter Contact: Ray Craig

Submitter Postal Address: 144 Lincoln Road, Carterton 5713

Address for service: C/- Opus International Consultants Ltd  
PO Box 12 003  
Wellington 6144  
Attention: Nicholas Cooper

Phone: 04-471-7120

[Nicholas.Cooper@opus.co.nz](mailto:Nicholas.Cooper@opus.co.nz)

---

### Trade Competition

I/we **could not** gain an advantage in trade competition through this submission [*If you ticked this box, delete the rest of this section and go straight to 'Your submission'*]

---

### Submission

**2. This is a submission on the Proposed Natural Resource Plan for the Greater Wellington Regional Council**

**3. The specific provisions of the proposal that this submission relates to are:**

The specific provisions of the proposed NRP that the submission relates to are in terms of;

A. Accuracy of nomenclature and identification of the Groundwater community drinking water supply protection areas – Wairarapa Map 27a.

With regard to the Groundwater community drinking water supply protection areas on Map 27a there are a number of concerns identified:

- Map 27a is entitled “Groundwater community drinking water supply protection areas – Wairarapa (incorporates Schedule M2). Within Map 27a there are identified ‘Groundwater supply well’, and ‘Groundwater supply protection area’. Map 27a does not identify ‘community drinking water’ supply protection areas.
- The proposed defaulting of activities (currently permitted) such as the application of agrichemical (rule 36), the discharge of collected animal effluent (rule 83), or farm refuse dumps (rule 89) to discretionary or restricted discretionary activities where on land within an identified community drinking water supply protection area creates an uncertainty for the current landowner or operator in regard to future land use and management options.

Identifying that those uses are not permitted within the ‘groundwater community drink water supply protection area’ unduly penalises those landowners or operators within the protection area without identifying an actual environmental problem or adverse effect to avoided, remedied or mitigated.

- The Proposed NRP Section 32 Report for Discharges to Land in Section 5 “Efficiency and Effectiveness” discusses managing effects on drinking water supplies (5.1), rural waste (5.3), manufacture and storage of silage and compost (5.4), and collected animal effluent (5.5). The only specific data about groundwater for the Wairarapa cited is the region wide study relating to groundwater capture zones by GNS Science (Toews and Donath, 2015). Section 5.1 on page 17 states

*Taking a precautionary approach (in accordance with Policy P3 of the proposed Plan) in protecting sources of community drinking water is generally more effective and less costly than trying to counteract the impacts of contamination after the occurrence. Uncertainty about how well the mapped zones reflect actual contaminant pathways and channel characteristics (and therefore risk), will always be present, and especially so in the vicinity of minor tributaries. However, the extent of the protection zones should be reviewed and refined over time as knowledge and methodologies improve. An external peer review has confirmed that the approach to identifying zones around the drinking water supplies as protection areas, was appropriate and defensible (Potts 2015).*

This approach is based upon Policy 69 which states;

*Policy P69: Human drinking water supplies  
The adverse effects from discharges to land and water on the quality of community drinking water supplies and group drinking water supplies shall be avoided to the extent practicable. Where adverse effects cannot be avoided, the adverse effects shall be managed having particular regard to:*

Further in section 5.1 it is referenced that Policy 69 directs the management of ‘adverse’ effects on human drinking water supplies by

*‘...conditions have been included on rules for specific discharges to land activities including farm refuse dumps, offal pits....’ and,*

*A default protection zone as an ‘alert’ or ‘filtering’ mechanism has been identified. This can be seen in proposed Rules R71-R73 and Rule R89, which include a provision that*



*restricts otherwise permitted activities to occur within a community drinking water supply protection area as identified in Maps 26-27.*

The justification for Policy 69 is in the second to last paragraph of 5.1 where it is stated at the bottom of page 17;

*Proposed Policy P69 is followed by a note explaining that sections 7 and 8 of the NES-Drinking Water limit the ability of a regional council to grant consent to activities within community supply protection areas.*

There are no specific problems regarding water quality, and a link between land use and water quality, has been identified in the area affected by Schedule M2.

Under the discussion relating to rural waste (Section 5.2.2 of the PNRP Section 32 report: Discharges to land) pages 22 it is stated;

*Agriculture plays a role in the economic and social well-being in the Wellington Region, primarily in the Wairarapa but also in the rest of the region. Farming practices produce a variety of waste streams from construction waste (timber and metal) and hazardous wastes (agrichemicals and paints), to household organic food scrap waste and dead animals. It is important to ensure that waste management options are available to enable rural landowners not only to minimise their waste, but also to divert or dispose of it in a sustainable manner.*

In terms of farm rural waste and assessing whether there are adverse environmental effects occurring within the Wairarapa, or the *community supply protection areas* specifically,

*“The volume of waste ending up in farm dumps in the Wellington Region is not known...”*

However in the Section 32 Report it is discussed that using data from a study of farm dump disposal in the Waikato and Bay of Plenty regions suggests that a volume of 65,453 tonnes of rural waste annually (Section 5.3.1, page 24 of Section 32: Discharges to Land) is being disposed of within the region. But there is no quantification by the Section 32 report in terms of environmental problems resulting from farm refuse other than a statement (Section 5.3.1 page 24);

*“WRC incident reporting shows that inappropriate contents and location of farm refuse dumps has led to environmental contamination in a number of cases.”*

This doesn't indicate whether farm refuse dumps are an increasing environment problem or whether the dumps have a problem in relation to groundwater and potable water for a community supply.

This submission questions whether the *community supply protection areas* have been identified adequately to impose restriction upon land users where there is no record established of an adverse effect occurring.

- A report on water quality, the Ministry of Health *Annual Report on Drinking Water Quality (2013-2014)* indicate that there is no problem which requires management.
- The use of a regional-scale model, with inherent assumptions and generalisations, to predict the behaviour at specific bores and locations. While the availability of hydrogeological data may be appropriate to support a regional-scale model, considerable local variation exists. As stated in GNS (2015) *“The models were never calibrated as groundwater transport models”* and *“Because the groundwater models were not calibrated as transport models, the travel times of particle path lines may not be accurate; however, their flow pathways should remain the same.”* Consequently, at specific locations there will be significant differences

between the assumed/modelled conditions and the actual situation. Any default classification, such as schedule M2, therefore must not be overly restrictive.

- There is a lack of empirical calibration or validation of the model. The available data suggests that the model is either inappropriate or that there is no problem to be addressed. In addition: *“The mapped zones in this report (GNS, 2015) are conservative in the sense that their size and shape consider a wide range of uncertainties. The boundaries do not mark absolute boundaries of the CZs and PZs, and as such, may delineate zones that may not contribute groundwater to wells. Some of the uncertainty analysis runs, for instance, may not realistically portray groundwater flow, and as a result would map a zone larger than it should be.”*
- The adoption of conservative, and potentially non-validated capture zones. This is acknowledged within the report upon which the extents of the capture zones are based (GNS, 2015).
- The adoption of the default capture zones, with no empirical support or justification, will place the onus on the landowner to show that they are not causing a problem. The available evidence suggests that there is not actually a problem to be addressed.
- There is no economic assessment of the costs of imposing the proposed capture zones on existing and lawful land use activities. There may be potentially substantial direct and indirect costs and restrictions imposed on landowners. The Section 32 Report has not weighed these against any benefits from ‘managing’ a national issue, rather than quantifying and determining the extent of the potential scale at the issue within Greater Wellington.

B. Rules of the Proposed Natural Resources Plan being;

With regard to farming activities within the Groundwater Supply Protection Areas this submission comments on the following rules of the PNRP

- Rule 36: Agrichemicals – permitted activity
- Rule R83: Discharge of collected animal effluent onto or into land – controlled activity
- Rule R89: Farm refuse dumps – permitted activity
- Rule R90: Manufacture and storage of silage and compost – permitted activity
- Rule 92: All discharges to land within community drinking water supply protection areas – restricted discretionary activity
- Rule R94: Cultivation or tilling of land – permitted activity
- Rule R95: Break-feeding – permitted activity
- Rule R96: Cultivation and break-feeding – discretionary activity
- Rule R121: Maintenance of drains – permitted activity
- Rule R122: Removing vegetation – permitted activity

**4. The submission is:**

The submission is that the rules identified above are to be amended and or deleted as detailed within section 5 below.

**5. The submitter seeks the following decision from Greater Wellington Regional Council:**

Table of Submitter Requested Changes

<b><i>Specific Provision</i></b>	<b><i>Request</i></b>	<b><i>Reason</i></b>
<i>Rule 36: Agrichemicals – permitted activity</i>	<p><u>Relief sought</u> Amend the rule.</p> <p>Remove criterion (e) requiring that there is no discharge within a community drinking water supply protection area.</p>	<p>The inclusion of criteria (e) does not address any known or identified problem. It does not reflect the available information and data on the water quality of Wairarapa potable water supplies (Ministry of Health, 2013-2014). There is no region specific evidence of a risk to community drinking water supply from the activity described by rule 36. The other criteria under the PNRP rule 36 aside from (e), being criteria (g) through to (o) can equally provide for the safe application of agrichemical in a manner that avoids adverse effects upon land within a community drinking water supply area.</p>
<i>Rule R83: Discharge of collected animal effluent onto or into land – controlled activity</i>	<p><u>Relief sought</u> Amend the rule by deleting condition (e)(iii).</p>	<p>Rule R83 is supported in principle as a sensible approach to managing the effects of dairy farm effluent. However, the submitter is concerned that the identification of the community drinking water supply protection area as shown on map 26 and 27a is faulty and therefore landowners are required by condition (e)(iii) to go through a resource consent process even if the activity is outside the protection area.</p>

<b><i>Specific Provision</i></b>	<b><i>Request</i></b>	<b><i>Reason</i></b>
<i>Rule R89: Farm refuse dumps – permitted activity</i>	<p><u>Relief sought</u></p> <p>Amend the rule by deleting condition (d)(iii).</p>	<p>The submitter seeks that rule 89 is amended to remove criterion (d)(iii). The PNRP Section 32 on Discharges to Land report does not have evidence at a regional level that this activity is creating a problem for the Groundwater community drinking water supply protection areas. Policy 69 is basing the implementation of Rule 89 on a precautionary approach but has not quantified the costs of doing so. There is also considerable uncertainty regarding the delineation of the groundwater capture zones based on work undertaken by GNS (Toews and Donarth 2015).</p>
<i>Rule R90: Manufacture and storage of silage and compost – permitted activity</i>	<p><u>Relief sought</u></p> <p>Amend condition (d) of the rule by inserting the word “permanent” in front of ‘silage storage area’ as follows;</p> <p>(d) the walls and floor of a <u>permanent silage</u> storage area shall have an impermeable lining able to withstand corrosion, and there shall be no discharge of leachate to water, and</p> <p>Or any other equivalent change</p>	<p>Condition (d) requiring that all silage areas are lined is not justified. The submitter considers that lining is appropriate for permanent silage storage pits which are used on an ongoing basis. It is not appropriate for temporary silage storage which may only be in use when there is a sufficient additional material for silage that cannot be accommodated by the existing permanent pit. It is suggested that if required, temporary could be defined as being used only once per 4 years (48months). At that frequency of use any silage leachate emanating from a temporary pit would be broken down by biological and chemical soil/ground processes.</p>
<i>Rule 92: All discharges to land within community drinking water supply protection areas – restricted discretionary activity</i>	<p><u>Relief sought</u></p> <p>Request that the rule be deleted.</p> <p>Or any other equivalent</p>	<p>Based upon the information collected for GWRC by GNS Science (Toews and Donath, 2015) and the information collected by the Ministry of Health (Ministry of Health</p>

<b>Specific Provision</b>	<b>Request</b>	<b>Reason</b>
	change	2013-2014) it is not clear that the land discharge activity is a problem for the Groundwater supply wells or that or that the Groundwater community drinking water supply protection areas are defined appropriately. If these points are correct the rule is being unfairly applied without due recognition of the costs imposed on those parties who will have to comply with the rule. This is in terms of what level of evidence would be required for a consent application under rule 92 to determine that any effects on community drinking water supply water quality are not more than minor?
<p><i>Rule R94: Cultivation or tilling of land – permitted activity</i></p>	<p><u>Relief sought</u></p> <p>Amend the rule in relation to condition (a) as follows;</p> <p>(a) cultivation-shall not occur within 5m of a surface water body <u>for those surface water bodies with a wetted channel width of greater than 2m of wetted channel.</u></p> <p>Add new condition as follows;</p> <p><u>(xx) cultivation shall not occur within 2m of a surface water body with a wetted channel width of less than 2m.</u></p> <p>Or any other equivalent change</p>	<p>The intent of the rule is to avoid the contamination of surface water bodies by sediment laden run off occurring as a result of cultivation activity.</p> <p>The use of a 5m setback is just a default provision. The information contained in the PNRP Section 32 report discussing the efficiency and effectiveness for livestock access, break-feeding and cultivation highlights various research (Section 5.3, pages 35-36) on the movement of coarse or fine contaminant particle flows to water, various setback distances and the influence of vegetation.</p>

<b>Specific Provision</b>	<b>Request</b>	<b>Reason</b>
<p><i>Rule R95: Break-feeding – permitted activity</i></p>	<p><u>Relief sought</u></p> <p>Amend the rule in relation to condition (a) as follows;</p> <p>(a)-break-feeding shall not occur within 5m of a surface water body <u>for those surface water bodies with a wetted channel width of greater than 2m of wetted channel.</u></p> <p>Add new condition as follows;</p> <p><u>(xx) break-feeding shall not occur within 2m of a surface water body with a wetted channel width of less than 2m.</u></p> <p>Or any other equivalent change</p>	<p>The submitter considers it is impractical to apply 5m setback to break feeding around small surface water bodies such as farm drains which may completely enclose a fam paddock.</p>
<p><i>Rule R121: Maintenance of drains – permitted activity</i></p>	<p><u>Relief sought</u></p> <p>Amend the rule in terms of inserting a new condition;</p> <p><u>(XX) all tools and mechanical devices used for drain clearing must be inspected and cleaned to remove any pest plants or fragments of pest plants, or pest animals before and after use, to prevent the spread of pests.</u></p> <p>and amend to the following conditions;</p> <p>(g) if mechanically clearing aquatic vegetation, the machinery must use a weed bucket <del>with a curved flat base, and a slatted back</del> that permits the easy drainage of water and fish back into the drain <u>which reduces the likelihood of pest plant</u></p>	<p>Supports in principle Rule R121, which permits the removal of vegetation or bed material and associated sediment from any drain or highly modified river or stream, as this is an appropriate status for these activities.</p> <p>Good practice for managing the control of pest plant and animals species is for all machinery to be inspected and if needed, cleaned before machinery or equipment is used in any waterway, including drains. Cleaning should also take place after use and before moving to another location.</p> <p>Machinery should not allow the return of pest plants to a drain, particularly where maintenance activity results in fragments of pest plants being returned to a drain. Such an activity is likely to cause the spread of pest</p>

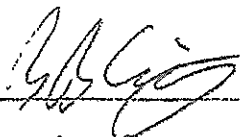
<b>Specific Provision</b>	<b>Request</b>	<b>Reason</b>
	<p><u>material being spread through the drain, and</u></p> <p>(j) floating debris and plant material shall be prevented from drifting away and causing obstructions to the river or lake bed, or spreading pest plants (as listed in the Greater Wellington Regional Pest Management Strategy <del>2002-2022</del> operative at the time, <u>or listed as an Unwanted Organism under the Biosecurity Act 1993</u>), and</p> <p>Or any other equivalent change</p>	<p>plants, and where the pest plants are Unwanted Organisms (UO's) under the Biosecurity Act 1993, this is a breach of the Act. Similarly any actions that cause the spread of pest animals, including pest fish that are UOs is a breach of the Act.</p>
<p><i>Rule R122: Removing vegetation – permitted activity</i></p>	<p><u>Relief sought</u></p> <p>Amend the rule in terms of the changes to the following conditions;</p> <p>(h) if mechanically clearing aquatic vegetation from an area of river or lake bed covered with water, the machinery must use a weed bucket <del>with a curved flat base, and a slatted back</del> that permits the easy drainage of water and fish back into the drain <u>and which reduces the likelihood of pest plant material being spread through the river</u>, and</p> <p>(j) floating debris and plant material shall be prevented from drifting away and causing obstructions to the river or lake bed, or spreading pest plants (as listed in the Greater Wellington Regional Pest Management Strategy <del>2002-2022</del> operative at the time, <u>or listed as an Unwanted</u></p>	<p>Same reason as for Rule 121.</p>

<i>Specific Provision</i>	<i>Request</i>	<i>Reason</i>
	<u>Organism under the Biosecurity Act 1993</u> , and ...  Or any other equivalent change	

6. The submitter wishes ~~/does not wish~~ to be heard in support of its submission

7. If others make a similar submission the submitter does ~~/does not~~ want to present a joint case at a hearing.



Signature of submitter  Date 22 OCTOBER 2015  
RAYMOND BRIAN CRAIG



Proposed Natural Resources Plan:

Submitter:

**Rob Kennedy**

Submitter Number:

**S174**



5: Submission on the Proposed Natural Resources Plan for the Wellington Region  
 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

**Your details**

Full name: Rob Kennedy

Organisation name: \_\_\_\_\_  
 (If applicable)

Address for Service: \_\_\_\_\_  
 22 Dale Road, Raumati South, Paraparaumu

Telephone no's: Work: \_\_\_\_\_ Home: \_\_\_\_\_ Cell: 02108418073

Contact person: \_\_\_\_\_

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: rob@robpix.co.nz

**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):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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: \_\_\_\_\_

Date: \_\_\_\_\_

[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.

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

<p>The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number): I have been involved with environmental research in the Wairarapa for 10 years. I have BSc and BSc with Honours degrees from Victoria University of Wellington and a Masters Degree from the University of Bonn, Germany. My respective majors are Ecology and Biodiversity, Physical Geography, and Geography. My Honours dissertation investigated a groundwater abstraction, which adjoined a remnant stand of mature Kahikatea and mixed native lowland species. My Masters thesis proved the viability of applying tree-ring research methods (dendrochronology) for environmental research using Kahikatea in the Wairarapa.</p> <p>My motivation to submit information in relation to this proposed plan is to provide some perspective that is not widely, certainly publicly acknowledged either by this authority or within the community. I have attended several public engagement meetings, specially the December 2012 public engagement for this plan, the proposed development for the Waiohine Flood Management Scheme in the winter of 2013, various Whaitua meetings from the initial public engagement and then two of the "three question workshops" at Pirinoa and Gladston. Additionally I have taken the time to present the findings of my research to senior GWRC officials.</p>	<p>My submission on this provision is: →</p>	<p><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</p>
<p>For these reasons my views are validated with data, literature and observable evidence. I have personally observed the consultation process and I have little confidence that either the GWRC has the capability or capacity to achieve an improved state of water resource management, or recognises a large proportion of the environmental problems stem from the internal conflicts of interest existing between the branches of that organisation.</p>	<p>Reasons for my submission: →</p>	
<p>Conflicts of interest within the execution of environmental stewardship.</p> <p>The Council has different roles, which must be balanced to avoid one branch of the organisation reducing the capabilities of others. There are several examples of this relating to the philosophy of water resource management where we do not see a landscape process-wide integration of the different management goals and practices. Rather we are seeing goals (e.g. flood management, land-use management, and water quantity management) conflicting, competing and being compromised.</p> <p>Flood Protection versus landscape water management</p> <p>Currently hard engineering measures are the dominant strategy. There is a legacy of depending on stop-banks, gravel extraction and river straightening to reduce the potential for flooding. The consequence is that water flows more rapidly down the catchment and makes the lower reaches more flood-prone. In the Wairarapa these developments culminated in the Ruamahanga diversion, which, although effective, is causing a new suite of problems. Further flood engineering schemes must also consider not just the area of interest but both the up and down-stream effects as well.</p> <p>The development of improved flood management to reduce the flood risk for Masterton is a casestudy example of whether the council is aligning management measures with internationally recognised best-case practices or if there will be a return to hard-engineering methods. The key difference between flood management internationally and that in New Zealand is whether you control the flow of water, or expose to the hazard, and these are very different approaches. Recent and frequent flooding shows that constraining large volumes of water is incredibly dangerous and inevitably unsuccessful.</p> <p>Conversely by adopting mixed-method approach a reduction in the stresses on floodbanks are exposed to by widening the river channel, increasing the area defined as floodplain, developing water retention zones, planning such as to remove infrastructure/investment/structures etc from harms way is a method which is less likely to fail. These approaches avoid the levee effect where over-confidence in flood prevention methods has led to disaster when schemes have failed. For the Wairarapa a particular natural hazard is the threat from large instantaneous debris flows stem from landslides in mountainous and steep hill country.</p> <p>It is an error of judgement to design schemes to only the magnitude of 1-in-100-year event. Firstly these data a highly subjective extrapolation and very sensitive to change are more large flows occur. Secondly, large flows can be generated independently from large rainfall events if there is rapid slope run-off (e.g. after a forest is clear cut) or when there is a landslide blocking river flow. Both these types of event can generate an instantaneous flow, which, combined with baseload sediment transport can rapidly deminish the effectiveness of an engineered and floodbanked channel. Also, these types of event are likely to be very strongly felt and confluences.</p> <p>The developed world has a different best-practice paradigm and how they differ from the current methods is important for understanding that a sustainable balance is not achieved from a hierarchy of values. Currently in New Zealand the landscape's ability to store water is minimised by the flood prevention methods. Water is encourage to flow quickly, there are few wetland areas in upper and middle catchments, land is actively drained and the extraction of gravel and raking of riverbeds is reducing the groundwater infiltration capacity and causing the groundwater balance to flow to the rivers. Thus for what is needed infrequently (flood prevention) we are sacrificing what is needed annually (water availability).</p> <p>Rather than focussing on what we can take from the landscape we should learn how to work with landscape processes and to develop water resources intrinsically. To adopt land-use practices which support the landscape ability to hold water; the how, where, why and when. In doing so, we generate better coping capacity against flooding, and more resilience to drought, we rehabilitate our groundwater resources (rather than reticulating irrigation water), and we renaturalise our rivers. These again become places for nature, providing habitat for wild-</p>	<p>I seek the following decision from WRC (give precise details): →</p>	

<p>food, and potentially being commercial resources for timber and other products.</p> <p>If we do not look to protecting our water resources in situ and finding management synergies rather than compromises, we are in danger of developing irrigation reservoirs that become hazardous and progressively unaffordable. We force water users to needing these reservoirs because groundwater is increasingly depleted and we channelise the river between deep stopbanks to avoid the risk of flooding, while further intensifying landuse and increasing nutrient loading etc. Comparing the aerial photographic series between the 1940s and today illustrates how little of the previously braided floodplain still is available for the rivers, which resemble more gravel yards than treasured rivers or beings.</p>		
--	--	--

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):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

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



Proposed Natural Resources Plan:

Submitter:

**Joan Allin and Rob Crozier**

Submitter Number:

**S175**



**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

**Your details**

Full name: Joan Allin and Rob Crozier

Organisation name (if applicable): \_\_\_\_\_

Address for service: 47 Rodney Ave RD1 Otaki 5581

Telephone no's: Work: \_\_\_\_\_ Home: 06 364 2291 Cell: 021 062 9444

Contact person: Joan Allin

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: joan.allin@inspire.net.nz

**Trade competition**

I/we could not gain an advantage in trade competition through this submission *(If you ticked this box, delete the rest of this section and 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:  
 Please continue on separate sheet(s) – an excel spreadsheet of all of the proposed plan provisions is available online  
[www.govt.nz/regional-plan-review](http://www.govt.nz/regional-plan-review)


*Please see the attachment*

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

---

**Attendance and wish to be heard at hearing(s)**

- 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).]
- 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:  Date: 16/10/15

[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.

## **ATTACHMENT TO THE SUBMISSION OF JOAN ALLIN AND ROB CROZIER**

### **INTRODUCTION**

Thank you for extending the time for making this submission to Friday, 16 October 2015. We are grateful for the extension.

We live on the beachfront at Te Horo Beach, which is part of an area of long-term coastal accretion.

While our property was not badly affected by Kapiti Coast District Council's now-withdrawn coastal hazard provisions in its Proposed District Plan, we lived through the coastal erosion fiasco and do not want to have to repeat such an experience. Please see the attached Appendix "Notes on the Kapiti coastal erosion fiasco and problems caused more generally by a number of NZ coastal scientists", a document that Joan prepared in April 2015.

Joan, who is retired now, has been:

- a senior lecturer in law at Victoria University of Wellington;
- a resource management partner at Chapman Tripp;
- an independent hearings commissioner for resource management matters; and
- a judge of the Environment Court - the Principal Environment Judge and then an alternate Environment Judge.

It is important for the Proposed Natural Resources Plan (PNRP) to be written in a way that:

- limits the potential for a fiasco, such as the Kapiti one, to recur; and
- enables appropriate activities to occur.

In this submission, we address:

- some matters that are relevant to us directly (eg gravel extraction from the Otaki River and quality of water in the Mangaone Stream); and
- numerous more general matters.

### **GENERAL AND WHOLE PLAN ISSUES**

**Whole plan** - oppose and seek amendment

**Reasons:** Except where support is expressed, the whole PNRP is opposed, including because it does not appropriately enable and address appropriate use and development, including coastal hazard mitigation (including protection) activities. That is particularly the case in relation to areas of significant existing development.

Please note that when reference is made in this submission to hazard mitigation, that includes protection.

The provisions of the PNRP are not in accordance with the Resource Management Act 1991 (RMA) and sound resource management practice.

The PNRP fails to give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS) and seems to have had little or no regard to the provisions of the NZCPS.

Just by way of example, in contrast to Policy 3 of the NZCPS, Policy P3 in the PNRP fails to recognise that a precautionary approach is not appropriate in the wide-ranging circumstances set out in Policy P3 of the PNRP.

Another example is Policy 27 of the NZCPS. Policy 27 of the NZCPS is entitled "Strategies for protecting significant existing development from coastal hazard risk". It sets out a range of options that should be assessed for "areas of significant existing development likely to be affected by coastal hazards."

The range of options includes, among other things, hard protection structures.

Implicit in Policy 27 is that, having assessed the range of options, appropriate ones should be able to be progressed. The PNRP does not enable this to occur.

The PNRP fails to recognise the benefits from coastal hazard mitigation measures and fails to include appropriate objectives, policies and rules to enable appropriate coastal hazard mitigation activities, especially in areas of significant existing development.

Where activities are not permitted or controlled activities, appropriate support and enabling in the objectives and policies is critical to the ability to obtain consent and the PNRP does not provide that.

Objective 6 of the NZCPS is:

"To enable people and communities to provide for their social, economic, and cultural wellbeing [sic] and their health and safety, through subdivision, use and development, recognising [a number of identified matters]."

In relation to the entire PNRP:

- there have not been adequate or appropriate s 32 evaluations; and
- adequate or appropriate s 32 reports have not been undertaken or regarded.

**Decision sought:** Ensure that the provisions of the PNRP comply with the RMA, including that they give effect to the NZCPS and the Regional Policy Statement for the Wellington region (RPS).

Undertake appropriate s 32 evaluations and prepare revised s 32 reports, having proper regard to s 32 matters, including in relation to the implications of the PNRP for hazard mitigation (including protection) measures. Have regard to those revised reports.

Revise the PNRP to address the concerns expressed throughout this submission.

Reconsider the whole plan, including definitions, objectives, policies, rules, other methods, schedules and maps that relate to use and development and directly or indirectly to climate change, coastal hazards and mitigation (including protection) measures, both within the coastal marine area and otherwise eg in beds of rivers and streams to ensure that:

- the definitions are clear, consistent and appropriate and will allow all relevant activities;
- the definitions (existing or newly-created ones) and other relevant provisions relating to coastal hazard mitigation (including protection) appropriately address the concerns expressed throughout this submission, including the need to distinguish between hazard identification/risk assessment which is science-based and objective (rather than precautionary) and risk management which is policy-based and enables judgements to be exercised;
- the objectives and policies enable and encourage appropriate use and development, including hazard mitigation measures;
- the rules:
  - provide for as many activities as possible as permitted or controlled activities;
  - provide that the rest are restricted discretionary or discretionary activities;
  - do not result in activities becoming non-complying activities by virtue of any other rules, eg rules that refer to the Schedules or rules that refer to vehicles or because rules permitting activities are not appropriately inclusive;
  - do not make any activities non-complying or prohibited; and
- aspects from the whole PNRP including definitions, objectives, policies, rules, other methods, schedules and maps are added, revised or deleted to achieve these outcomes.

In relation to all of the decisions sought in this submission, this submission also seeks such other decisions as would address the concerns expressed. Where specific wording is suggested, that wording is an example of what might be acceptable wording but other wording or outcomes may be preferable and the decisions sought include such other options.

Where a more effective resolution of concerns expressed in the reasons would involve changes to provisions other than those referred to below, that decision is also sought.

Please note that when reference is made in this submission to hazard "mitigation", that includes "protection".

**Whole plan - failure to address a range of matters relating to risk (including the definitions of “risk” and “risk-based approach (natural hazards)”), risk assessment, and risk management, including in relation to climate change and coastal hazard mitigation issues - seek amendment**

**Reasons:** Joan’s attached paper explains that there have been misinterpretations of the NZCPS, which have resulted in problems in Kapiti. Similar problems are occurring elsewhere.

The NZCPS states:

“This NZCPS is to be applied as required by the [RMA] by persons exercising functions and powers under the [RMA].” (page 7).

It is therefore the role of a Council (or the Environment Court) to apply the NZCPS as required by the RMA, not the role of coastal scientists.

Policy 24 states the functions of a Council in relation to the identification of coastal hazards:

**“Policy 24 - Identification of coastal hazards**

- (1) Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to:
- (a) physical drivers and processes that cause coastal change including sea level rise;
  - (b) short-term and long-term natural dynamic fluctuations of erosion and accretion;
  - (c) geomorphological character;
  - (d) the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;
  - (e) cumulative effects of sea level rise, storm surge and wave height under storm conditions;
  - (f) influences that humans have had or are having on the coast;
  - (g) the extent and permanence of built development; and
  - (h) the effects of climate change on:
    - (i) matters (a) to (g) above;
    - (ii) storm frequency, intensity and surges; and
    - (iii) coastal sediment dynamics;
 taking into account national guidance and the best available information on the likely effects of climate change on the region or district.” (emphases added)

Policy 24 is often seen set out incorrectly. The mistake that people make is indenting the words at the end ie “taking into account ... the likely effects of climate change on the region or district” so it looks like those words are part of (h). But they are not part of (h). They form the ending of what is a long sentence that effectively reads:



“Hazard risks, over at least 100 years, are to be assessed having regard to [(a) to (h)] taking into account ... the best available information on the likely effects of climate change on the region or district.”

Setting out Policy 24 incorrectly affects its meaning.

Policy 24 effectively says that a Council's function is to:

“(1) Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to [(a) to (h)] taking into account national guidance and the best available information on the likely effects of climate change on the region or district.” (emphases added)

Risk is defined in the NZCPS as:

“Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence ...”. (emphasis added)

So, to carry out its functions under Policy 24, a Council needs to:

- identify areas potentially affected by coastal hazards, with the hazard risks being assessed taking into account the likely effects of climate change;
- give priority to the identification of areas at high risk of being affected;
- in assessing risk (likelihood x consequences), consider the likelihood of coastal erosion occurring and the consequences.

Policy 25 of the NZCPS deals with “areas potentially affected by coastal hazards”, so “potentially affected” is used on its own there. However, it should be read in the context of Policy 24, which specifically deals with the “[identification of] areas ... potentially affected by coastal hazards” and also refers to the likely effects of climate change (and hazard risks), so that Policy 25 addresses areas identified by Policy 24.

Policy 27 of the NZCPS identifies the range of options a Council should assess for reducing coastal hazard risks in areas of significant existing development likely to be affected by coastal hazards. These areas should also have been identified by a Council during the Policy 24 process, as a subset of the other areas.

The first part of Policy 27 states:

**“Strategies for protecting significant existing development from coastal hazard risk**

In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes: ...” (emphases added)

Providing only “very unlikely” results, as occurred in Kapiti (or in other areas of significant existing development):

- does not provide a Council with the appropriate scientific information that it needs to carry out its tasks;
- does not enable the community to participate in the RMA process with appropriate scientific information; and
- wastes resources as it does not enable a Council to focus attention on the areas where options for reducing coastal hazards are actually needed ie the areas likely to be affected.

Policy 3(2) of the NZCPS states:

“In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:

- (a) avoidable social and economic loss and harm to communities does not occur;
- (b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and
- (c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.”

Some coastal scientists seem to have interpreted this provision as applying to them and therefore think that their scientific assessment of coastal hazards should be precautionary. Indeed, according to Coastal Systems Limited’s website as at March 2015, a number apparently consider that their results should be “very unlikely”.

However:

- Policy 3 is referring to what Councils are to do (not coastal scientists);
- it relates to “use and management of coastal resources” so, planning and resource consent matters, not identification of the hazards which is addressed in Policy 24;
- it uses different wording from Policies 24 to 27 ie “potentially vulnerable” so it is arguable whether it should be read in light of Policy 24 or not which makes it all the more important for coastal experts to prepare assessments based on objective science so that no matter what way the law is interpreted or what specific policies apply, the decision-maker has the relevant scientific basis for the decision;
- it refers to adopting a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that avoidable social and economic loss and harm to communities does not occur. That cuts both ways. Too stringent provisions can cause avoidable social and economic loss and harm to communities as can too lenient provisions.

In short, Policy 3 does not direct that coastal hazard assessments should be precautionary.

Confirmation of that also comes from DOC's Guidance note on Policy 3 that says "The application of the precautionary approach is a risk management approach rather than a risk assessment approach." (page 6)

It is also perhaps relevant to refer to Policy 3(1) of the NZCPS. It states:

"Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse."

While Policy 3(1) is dealing with the effects of proposed activities on the coastal environment, rather than the effect of climate change on activities, the references to "uncertain, unknown, or little understood" and to "potentially significantly adverse" are worth noting. There is a linkage between Policy 3(1) and 3(2) because Policy 3(2) begins "In particular,".

Finally, some coastal experts have taken the reference to "potentially affected" in Policies 24 and 25 to mean "very unlikely", ignoring the fact that Policy 24 refers to the "likely" effects of climate change on the region or district, and misinterpreting Policies 24 and 25.

The joint Australian and New Zealand International Standard on risk management, AS/NZS ISO 31000:2009 "Risk management - Principles and guidelines", is relevant. That Standard supersedes AS/NZS 4360:2004.

In an explanation to Policy 29 (but not in the policy itself), the RPS refers (at page 110) to the superseded Standard, not the current Standard. The current Standard that superseded AS/NZS 4360:2004 is what is now relevant to the PNRP provisions.

AS/NZS ISO 31000:2009 specifically addresses uncertainty and sets out a number of helpful principles. The definitions, objectives, policies and methods of the PNRP currently do not incorporate some of these principles as well as they should.

Some of the principles are:

**"d) Risk management explicitly addresses uncertainty.**

Risk management explicitly takes account of uncertainty, the nature of that uncertainty, and how it can be addressed.

...

**f) Risk management is based on the best available information.**

The inputs to the process of managing risk are based on information sources such as historical data, experience, stakeholder feedback, observation, forecasts and expert judgement. However, decision makers should inform themselves of, and should take into account, any limitations of the data or modelling used or the possibility of divergence among experts.

...

h) **Risk management takes human and cultural factors into account.**

Risk management recognizes the capabilities, perceptions and intentions of external and internal people that can facilitate or hinder achievement of the organization's [organization is a wide-ranging term] objectives.

i) **Risk management is transparent and inclusive.**

Appropriate and timely involvement of stakeholders ... ensures that risk management remains relevant and up-to-date. Involvement also allows stakeholders to be properly represented and to have their views taken into account in determining risk criteria."

The failure of the PNRP to address a number of these matters, including the failure to explicitly take account of uncertainty and the range of likely outcomes, instead of unreasonable, very unlikely outcomes or an inappropriately precautionary approach, needs to be remedied.

As the Standard says, it is relevant to take into account the human factor and recognise the capabilities, perceptions and intentions of external and internal people that can facilitate or hinder achievement of the objectives.

A critical factor relevant to coastal hazards that is currently problematic in New Zealand is the human factor of coastal scientists. Everyone assumes that the property owners are being unreasonable and that the scientists are being scientific. Those assumptions have been proven wrong in Kapiti. Some coastal scientists are misinterpreting both the NZCPS and their role in the legal process, with significant resulting problems and imposition of unreasonable costs and restrictions.

What is needed is transparent, objective, scientific information, including information about the uncertainties and the range of likely outcomes, to enable:

- submitters to participate effectively in the RMA process; and
- decision-makers to exercise their judgement appropriately and make informed decisions.

What is not needed is "precautionary" or "potential" results based on the scientist's misinterpretation of the NZCPS and a one-sided policy approach as to what the scientist considers to be appropriate, misleadingly dressed up as science.

Scientists who provide only unlikely or very unlikely results are not providing information that is appropriate for use in the RMA context.

It would be most unfortunate if GWRC ended up going down the same track as Kapiti Coast District Council relying on scientific information that is not sufficiently robust and that paints an unreasonably negative (indeed very unlikely, as it transpires) picture of outcomes, with all of the negative consequences of that.

The PNRP should clarify that hazard identification/risk assessment is an objective process and that any scientific or expert reports should be scientific and objective (not policy-based or precautionary). That is reinforced in the Department of Conservation's "NZCPS 2010 Guidance Note Policy 3: Precautionary Approach" which states (p.6), "The application of the precautionary approach is a risk management approach rather than a risk assessment approach."

In addition, a critical part of the risk assessment is to report the uncertainty, not hide it in false certainty.

Submitters and decision-makers need the appropriate type of objective hazard identification/risk assessment information to be able to participate in RMA processes in an informed, effective manner. That cannot occur if the hazard identification/risk assessment stage includes hidden (or difficult to disentangle) precautionary adjustments, rather than objective information that appropriately reports the uncertainties.

In contrast to hazard identification/risk assessment, risk management is policy/decision-maker based where decision-makers make judgements based on their assessment as to what, if any, precautionary approach is to be applied.

**Decision sought:** Revise the PNRP to deal with the concerns expressed.

Incorporate relevant aspects of the joint Australian and New Zealand International Standard on risk management AS/NZS ISO 31000:2009 "Risk management - Principles and guidelines" into the PNRP, including (without limiting the breadth of the decision sought) principles d, f, h and i.

Using appropriate language that is consistent with whatever is eventually adopted in the PNRP, include provisions in the PNRP, including definitions, that emphasise the importance of the distinction between:

- hazard identification/risk assessment, which involves an objective scientific approach (not a precautionary approach) as a component part that calls for uncertainty to be reported, not hidden and precautionary assumptions based on inappropriate, one-sided policy considerations to be avoided; and
- risk management being policy/decision-maker based where decision-makers make judgements based on their assessment as to what, if any, precautionary approach is to be applied.

Incorporate relevant aspects of "NZCPS 2010 Guidance Note Policy 3: Precautionary Approach" which records that "The application of the precautionary approach is a risk management approach rather than a risk assessment approach."

Add reference to AS/NZS ISO 31000:2009 "Risk management - Principles and guidelines" in the PNRP.

### **Whole plan - coastal icon - seek amendment**

**Reasons:** It is useful that the coastal icon is used to identify matters relevant to the coastal marine area.

However, it is confusing because the statements in the rules "Provisions relevant to the coastal marine area are identified by his icon ..." infer that the provisions may only be relevant to the coastal marine area but that is not what Section 2.1 states.

Section 2.1 states "Unless otherwise stated, provisions marked with the coastal icon apply to both the coastal marine area and the areas landward of mean high water springs where the regional council has jurisdiction."

**Decision sought:** Clarify the meaning of the coastal icon and make the explanation of it consistent across the PNRP.

### **Whole plan - Lack of consistency of language and drafting throughout the PNRP, including in the objectives, policies, rules, etc - seek amendment**

**Reasons:** There are inappropriate inconsistencies in language in, and across, the PNRP.

Just by way of example:

- in a number of places there is reference to what is "practicable" eg Policies P4, P25, P27, P132(g);
- in other places there is reference to what is "reasonably practicable" eg Policy P47;
- in other places there is reference to what is "reasonable or practicable" eg Policies P132(b) and (c), P139.

It is unacceptable to convey the impression that practicable does not mean what is reasonably practicable or that what is practicable may not be reasonable. These differences in wording must be avoided.

**Decision sought:** Review the use of language and drafting throughout the PNRP. Ensure that terminology is used consistently and appropriately and that combinations of terms are also used consistently and appropriately.

Review all of the references to "practicable", "reasonably practicable", "reasonable or practicable" and any other similar terms (or variations of those or similar terms) and use one form of wording that conveys the concept of reasonableness. "Reasonably practicable" is an option or simply "practicable" (provided that reasonably or reasonable is never used in relation to "practicable" or as an alternative to practicable anywhere throughout the PNRP) as a Court would infer an element of reasonableness (as long as the proviso is given effect to).

Where there are equivalent rules in different parts of the PNRP (or within the same parts of the PNRP), ensure that the rules are drafted in a way that is appropriate, consistent and complete.

Where there are lists of things in different rules (eg activities associated with the main activity dealt with in the rule), ensure that all of the lists within and across the rules are appropriate, consistent and complete.

## CHAPTER 2 - DEFINITIONS

**Reasons:** Please also see the reasons under the heading "GENERAL AND WHOLE PLAN ISSUES".

**Decision sought:** Please see the decisions sought under the heading "GENERAL AND WHOLE PLAN ISSUES".

**Definitions - missing definitions - oppose and seek amendment**

**Reasons:** For the reasons explained elsewhere in this submission, the differences in meaning of "disturbance", "damage" and "destruction", how they relate to each other, and how they relate to "reclamation" and perhaps "drainage" should be identified. It seems that including definitions would be the most appropriate way.

**Decision sought:** Include appropriate definitions of "disturbance", "damage" and "destruction" (or variations of those terms) to identify how they relate to, and differ from, each other and how they relate to and differ from "reclamation" and perhaps "drainage".

**Definitions - "Beach recontouring (beds of rivers)" and "Beach recontouring (coastal marine area)" - seek amendment**

**Reasons:** It seems that cutting river (including stream) mouths is not intended to come within these definitions and, if that is the case, this should be made clear.

If these definitions do cover cutting river (including stream) mouths (and indeed even if they don't), the differences in wording between the two definitions are problematic eg referring to mechanical means in one but not the other. The reference to a "river beach" and "beach" in the first definition also seems problematic and perhaps should also include reference to "bed".

**Decision sought:** Clarify that river (including stream) cutting is not included in these definitions.

Reconsider the differences in the wording of the provisions and make them consistent eg both should include reference to hand or mechanical methods so that provisions in the coastal marine area and in beds of rivers are drafted in a consistent and complete manner eg include reference to mechanical means in both.

Reconsider the use of the terms "river beach" and "beach" in the "beach recontouring (beds of rivers)" definition and consider also including a reference to "bed".

**Definitions - "Earthworks" - seek amendment**

**Reasons:** While the PNRP says the more specific rule applies and while the definition of "Earthworks" refers to "soil", to avoid any potential for misunderstanding, it would be useful for the definition of "Earthworks" to exclude "**Beach recontouring (beds of rivers)**" and "**Beach recontouring (coastal marine area)**" as well as river and stream mouth cutting.

Decision sought: Insert that the definition does not include **Beach recontouring** (beds of rivers) and **Beach recontouring** (coastal marine area) and does not include river (including stream) mouth cutting.

**Definitions - “Functional need” and “Operational requirement”** - seek amendment

**Reasons:** The provisions use these terms in situations where use of the terms does not give effect to the NZCPS and does not enable appropriate hazard mitigation measures that might be able to be located elsewhere but are more efficiently, effectively or cost-effectively located in the particular location.

The focus on need in these terms is too narrow.

**Decision sought:** Reconsider use of the terms “functional need” and “operational requirement” in the rules and either change the rules or the definitions to enable appropriate hazard mitigation measures that might be able to be located elsewhere but are more efficiently, effectively or cost-effectively located in the particular location.

**Definitions - Hazard management strategy** - seek amendment

**Reasons:** The reference to “appropriately qualified agency” is too ambiguous. Does it include eg engineering firms or only government bodies? Depending on its meaning, it could prevent groups of individuals from taking action, leaving them reliant on some “agency” and that would be inappropriate.

The combination of Policy P28 and this definition is problematic in potentially preventing actions being taken in the absence of a hazard management strategy (whatever that might look like or be). Kapiti does not have a hazard management strategy and it could be a long time getting one.

There is also no recognition in the definition that a hazard management strategy should reflect the scale of the work. Again, in light of Policy P28, anything with more than minor effects (and there may well be dispute about the meaning of that) would require a hazard management strategy, but for something relatively minor any hazard management strategy should also be relatively minor.

See also the reasons expressed throughout this submission about hazard risk and coastal hazard management (including protection) matters.

**Decision sought:** Revise the definition to address the concerns expressed and reconsider the relationship between this definition and Policy 28.

Clarify the reference to “appropriately qualified agency” and make it wide enough to ensure that individuals or groups of individuals are not reliant on a local or central government agency for action to occur.

Reconsider the appropriateness of this definition in light of the reasons and decisions sought throughout this submission.



**Definitions - “High hazard areas” - support**

**Reasons:** In light of the current state of knowledge of high hazard areas in the region, the definition seems appropriate and has the benefit of being reasonably certain.

It seems foreseeable that, in the future, other areas may be added as “high hazard areas”. There is therefore a need to ensure that the provisions in the PNRP are appropriate not only for the areas currently defined but for areas that might be added in the future.

**Decision sought:** Retain the definition.

Ensure that the provisions in the PNRP (objectives, policies, rules, etc) are appropriate not only for the areas currently defined but for areas that might be added in the future.

**Definitions - “Risk” - seek amendment**

**Reasons:**

The definition of “risk” is identified as being the same as that in the RPS. However, the RPS was initiated before the NZCPS and AS/NZS ISO 31000:2009 Risk management - Principles and guidelines, November 2009.

The NZCPS includes a somewhat unusual definition of “risk” in that it does not define the precise meaning of the term. Instead, it says that it is often expressed in the manner set out and includes reference to the 2009 AS/NZS risk management standard.

The definition of “risk” in the NZCPS is:

“Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence (AS/NZS ISO 31000:2009 *Risk management - Principles and guidelines*, November 2009).

AS/NZS ISO 31000:2009 Risk management - Principles and guidelines defines risk as:

**2.1  
risk**  
effect of uncertainty on objectives

NOTE 1 An effect is a deviation from the expected - positive and/or negative.

NOTE 2 Objectives can have different aspects (such as financial, health and safety, and environmental goals) and can apply at different levels (such as strategic, organization-wide, project, product and process).

NOTE 3 Risk is often characterized by reference to potential **events** (2.17) and **consequences** (2.18), or a combination of these.

NOTE 4 Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated **likelihood** (2.19) of occurrence.

NOTE 5 Uncertainty is the state, even partial, of deficiency of information related to, understanding or knowledge of an event, its consequence, or likelihood."

Note 1 indicates that the deviation can be positive or negative, which is relevant in terms of considering both positive and negative implications. Note 5 is relevant in that for uncertainty about risks progressing over time (eg uncertainty about the extent and timing of any sea level rise and its consequences in particular areas), time is likely to assist in decreasing the uncertainty. That means that regulating sooner rather than later may not be the optimal approach.

Please also see the earlier comments under the heading "Whole plan - failure to address a range of matters relating to risk (including the definitions of "risk" and "risk-based approach (natural hazards)", risk assessment, and risk management, including in relation to climate change and coastal hazard mitigation issues".

**Decision sought:** Reconsider the definition of "risk" to address the issues raised throughout this submission.

Include reference to uncertainty.

Include reference to AS/NZS ISO 31000:2009 Risk management - Principles and guidelines, November 2009.

**Definitions - "Risk-based approach (natural hazards)" - seek amendment**

**Reasons:** The definition does not appropriately distinguish between:

- hazard identification/risk assessment, which involves an objective scientific approach (not a precautionary approach) as a component part that calls for uncertainty to be reported, not hidden and precautionary assumptions based on inappropriate, one-sided policy considerations to be avoided; and
- risk management being policy/decision-maker based where decision-makers make judgements based on their assessment as to what, if any, precautionary approach is to be applied.

The terminology in the definition conveys too much of a precautionary approach eg "that could potentially affect" and "that could arise".

In terms of the NZCPS and identification of coastal hazards, Policy 24 refers to areas being potentially affected by the likely effects of climate change.

Policy 3 of the NZCPS refers to adopting a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change so that:

"(a) avoidable social and economic loss and harm to communities does not occur".

That cuts both ways. Being too precautionary results in avoidable social and economic harm, just as not being sufficiently precautionary does.

Being too precautionary has adverse effects. This is a point often not recognised by those formulating policy and apparently not recognised at all by a number of coastal experts. The RMA is not a no-risk statute.

The coastal expert in Kapiti, it eventually transpired, had provided "very unlikely" results (although not described in that way in the expert's report). These results were used to formulate hazard zones in the Proposed District Plan, with significant, inappropriate, and unsupportable adverse effects on property owners. The provisions were eventually withdrawn, and there is a need to prepare revised provisions, so the inappropriate precautionary approach had the effect of sabotaging the RMA process.

The definition needs to be revised to provide better guidance as to an appropriate risk-based approach.

Please also see the earlier comments under the heading "Whole plan - failure to address a range of matters relating to risk (including the definitions of "risk" and "risk-based approach (natural hazards)"), risk assessment, and risk management, including in relation to climate change and coastal hazard mitigation issues".

**Decision sought:** See the decisions sought under the heading "Whole plan - failure to address a range of matters relating to risk (including the definitions of "risk" and "risk-based approach (natural hazards)"), risk assessment, and risk management, including in relation to climate change and coastal hazard mitigation issues".

Revise the terminology to address the concerns expressed throughout this submission.

Revise the definition (and/or include new definitions):

- to recast it better as a risk-based approach rather than a precautionary approach; and
- using appropriate language that is consistent with whatever is eventually adopted in the PNRP, include wording that emphasises the importance of the distinction between:
  - hazard identification/risk assessment, which involves an objective scientific approach (not a precautionary approach) as a component part that calls for uncertainty to be reported, not hidden and precautionary assumptions based on inappropriate, one-sided policy considerations to be avoided; and
  - risk management being policy/decision-maker based where decision-makers make judgements based on their assessment as to what, if any, precautionary approach is to be applied.

## **CHAPTER 3 - OBJECTIVES**

### **Objectives - general**

**Reasons:** Please also see the reasons under the heading "GENERAL AND WHOLE PLAN ISSUES", including the reasons relating to the objectives.

**Decision sought:** Please also see the decisions sought under the heading "GENERAL AND WHOLE PLAN ISSUES".

### **All of Chapter 3 - oppose and seek amendment**

**Reasons:** Except where support is expressed, all of Chapter 3 is opposed, including because it does not appropriately enable and address:

- appropriate use and development in general and in the coastal environment in particular; and
- coastal hazard mitigation (including protection) activities, especially in areas of significant existing development.

There should be an objective in respect of appropriate use and development generally and in the coastal environment, in particular.

In relation to the coastal environment, that is important so the PNRP does not inadvertently prevent activities that might otherwise be contemplated by the NZCPS and to enable decision-makers to make appropriate decisions based on all the circumstances of a particular case.

### **Decision sought:**

Revise Chapter 3 and include new objectives to appropriately enable and address:

- appropriate use and development generally and in the coastal environment, in particular; and
- coastal hazard mitigation (including protection) activities, especially in areas of significant existing development.

Develop and include any other objectives to address the concerns expressed throughout this submission.

Ensure that the objectives in Chapter 3 provide decision-makers with sufficient flexibility to make appropriate decisions, based on all of the facts of a case. It is not appropriate to preclude that flexibility.

All of the matters addressed below and any suggested changes to provisions are subject to these general decisions sought.

**Natural character, form and function - Objectives O19 to O22 - seek amendment**

**Reasons:** We have seen the Coastal Ratepayers United Inc (CRU) submission that these objectives be deleted and replaced with wording suggested by CRU.

While we generally agree with the comments that CRU makes, we are doubtful about the specific wording suggested. The wording seems to be Objective 5 from the NZCPS, but changed from referring to coastal hazard risks (in Objective 5 in the NZCPS) to natural hazard risks (in CRU's suggested wording for the PNRP).

It seems inappropriate to take one objective from the NZCPS and insert it into the PRNP. One reason is that the NZCPS objective then loses the context of the other provisions of the NZCPS.

**Decision sought:** Reconsider Objectives O19 to O22 in light of our comments below and all of the comments in our submission.

**Natural character, form and function - Objective O20 - seek amendment**

**Reasons:** Subject to the comments made elsewhere in this submission, a risk-based approach is supported as is the reference to "acceptable" as using the term "acceptable" enables judgements to be made over time, which is appropriate. However, there should be reference to the risk being acceptable to those who need to bear the risk which may, in some circumstances, include the wider community but in other circumstances may be just the people directly affected.

**Decision sought:** Subject to the comments made elsewhere in this submission, retain the objective and, in particular, the term "acceptable". Add at the end of the objective to "to those who need to bear them".

**Natural character, form and function - Objective O22 - seek amendment**

**Reasons:** The objective is too black and white.

The reference to "last practicable option" implies eg that nourishment/erosion mitigation/planting etc has already been undertaken and failed, which will not always be the case (for a number of reasons).

It is inappropriate for an objective to be so black and white, in the absence of the wide range of relevant facts about a particular situation. It also needs to be recognised that this objective applies to management of all natural resources in the region, not just those in coastal areas.

As worded, the objective runs the risk of not enabling decision-makers sufficient flexibility to make appropriate decisions, depending on all of the facts of a case. It is inappropriate to preclude that flexibility in an objective such as this.

A small-scale hard engineering option with limited effects may be more efficient, effective or cost-effective than other options but other options may be "practicable", so the option may not be able to pass the "test" in this objective and that is inappropriate.

In addition, hard engineering may be the preferable option for a range of reasons but other options may be practicable. The wording of this objective could preclude the preferable option.

**Decision sought:** Delete Objective O22.

If that is not done, revise Objective O22 to make it less black and white and to address the concerns expressed above.

Remove the reference to "last practicable option".

**Sites with significant values - Objectives O32 and O38 and all other relevant provisions that rely on proposed or operative district plans - seek amendment**

**Reasons:** The PNRP is relying on proposed and operative district plans for identification of at least some outstanding natural landscapes and special amenity landscapes. In the fullness of time, these objectives run the risk of being inconsistent with the actual proposed or operative district plan provisions and how the provisions are implemented in those plans by the rules. Given the link to various plans of various districts, the provisions need to be kept general in the PNRP.

It is the attributes of a site that create the significant value that needs to be managed and potentially protected, not the site *per se*. The PNRP needs to focus on what constitutes inappropriate use of the site, not on protection regardless.

Referring to "maintained or enhanced" in Objective O38 is too rigid. Special amenity landscapes run along most of the Kapiti coast.

**Decision sought:** Reconsider the appropriateness of the provisions that rely on proposed and operative district plans and how they are best worded to ensure that, both now and in the fullness of time, there is no risk of the provisions being inconsistent with the relevant proposed or operative district plans.

**Sites with significant values - Objective O33 and Schedule C - seek amendment**

**Reasons:** The objective and Schedule C (and related provisions) are too extreme. Schedule C sets out an extensive list of areas with significant mana whenua values with resulting negative implications for activities, including hazard mitigation activities. Corresponding rules inappropriately make a wide range of activities, which would include soft and hard engineering hazard mitigation measures, in these areas non-complying activities. That is inappropriate.

In addition, regardless of the categorisation of coastal hazard mitigation activities, there needs to be appropriate policy support in the PNRP enabling such activities.

As noted above, it is the attributes of a site that create the significant value that needs to be managed and potentially protected, not the site *per se*. The PNRP needs to focus on what constitutes inappropriate use of the site, not on protection regardless.

**Decision sought:** Revise the objective and other relevant provisions in the PNRP to address the concerns expressed.

**Sites with significant values - Objective O35 and Schedule F - seek amendment**

**Reasons:** The objective and Schedule F (and related provisions) are too extreme. Schedule F sets out an extensive list of areas with significant ecosystems and habitats with significant indigenous biodiversity values with resulting negative implications for activities, including hazard mitigation activities.

As noted above, it is the attributes of a site that create the significant value that needs to be managed and potentially protected, not the site *per se*. The PNRP needs to focus on what constitutes inappropriate use of the site, not on protection regardless.

**Decision sought:** Revise the objective and other relevant provisions in the PNRP to address the concerns expressed.

**Sites with significant values - Objective O36 and Schedule J** - seek amendment

**Reasons:** The objective and Schedule J (and related provisions) are too extreme. Schedule J sets out an extensive list of geological features in the coastal marine area, with resulting negative implications for activities, including hazard mitigation activities.

**Decision sought:** Revise the objective and other relevant provisions in the PNRP to address the concerns expressed.

**Sites with significant values - Objectives O38** - seek amendment

**Reasons:** Please see the reasons relating to Objectives O32 and O38, dealt with earlier.

**Decision sought:** Please see the decision sought relating to Objectives O32 and O38, dealt with earlier.

**Coastal management - Objective O53** - oppose and seek amendment

**Reasons:** Objective O53 does not give effect to the NZCPS as the NZCPS does not require that use and development in the coastal marine area has a functional need or operational requirement to be there.

Both the definitions of "functional need" and "operational requirement" convey the message of a need to be in a location.

Objective 5 of the NZCPS refers to ensuring that coastal hazard risks are managed. It states:

"To ensure that coastal hazard risks taking account of climate change, are managed by:

- locating new development away from areas prone to such risks;
- considering responses, including managed retreat, for existing development in this situation; and
- protecting or restoring natural defences to such hazards."

Policy 6(2)(d) of the NZCPS states: "recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there". So need is not required in all situations.

In addition, Policy 27 of the NZCPS specifically addresses a range of options for reducing coastal hazard risk in areas of significant existing development.

The objective fails to address the situation where there is not technically a need/requirement to be in the coastal marine area but the activity is eg more efficiently, effectively or cost-effectively located there. The NZCPS would not preclude such a situation and neither should the PNRP.

**Decision sought:** Revise the objective to address the concerns expressed. Options include inserting “generally” after “area” and adding “or is more efficiently, effectively or cost-effectively located there” at the end of the objective or something along those lines.

**Coastal management - Objective O56 - seek amendment**

**Reasons:** The objective should also recognise the purpose of the new development eg coastal protection works.

**Decision sought:** Revise the objective to also recognise the purpose of the new development. An option is to add “and its purpose” at the end of the objective.

## **CHAPTER 4 - POLICIES**

**Policies - general - seek amendment**

**Reasons:** Please also see the reasons under the heading “GENERAL AND WHOLE PLAN ISSUES”, including the reasons relating to policies.

**Decision sought:** Please also see the decisions sought under the heading “GENERAL AND WHOLE PLAN ISSUES”.

**All of Chapter 4 - oppose and seek amendment**

**Reasons:**

Except where support is expressed, all of Chapter 4 is opposed including because it does not appropriately enable and address:

- appropriate use and development in general and in the coastal environment in particular; and
- coastal hazard mitigation (including protection) activities, especially in areas of significant existing development.

**Decision sought:**

Revise Chapter 4 and include new policies to appropriately enable and address:

- appropriate use and development in general and in the coastal environment in particular; and
- coastal hazard mitigation (including protection) activities, especially in areas of significant existing development.

Develop and include any other policies to address the concerns expressed throughout this submission.



All of the matters addressed below and any suggested changes to provisions are subject to these general decisions sought.

Ensure that the policies in Chapter 4 provide decision-makers with sufficient flexibility to make appropriate decisions, based on all of the facts of a case. It is not appropriate to preclude that flexibility.

**Policy P3: Precautionary approach** - oppose and seek amendment

**Reasons:** A precautionary approach is not needed where the lack of information or uncertainty is not material.

The policy is too blunt and fails to recognise that being too precautionary is just as inappropriate (with inappropriate costs and consequences) as not being precautionary enough. That is recognised in Policy 3 of the NZCPS where it refers to “avoidable social and economic loss and harm to communities does not occur”. Being too precautionary results in avoidable social and economic harm, just as not being sufficiently precautionary does.

In contrast to Policy 3 of the NZCPS, Policy P3 in the PNRP fails to recognise that a precautionary approach is not appropriate in the wide-ranging circumstances set out in Policy P3 of the PNRP.

Please see DOC’s “NZCPS 2010 Guidance note Policy 3: Precautionary approach” where it explains that the NZCPS promotes a precautionary approach to managing activities in the coastal environment when the effects of those activities are uncertain but potentially significantly adverse.

It explains the origins of Policy 3 of the NZCPS, which GWRC should consider more carefully than is demonstrated in Policy P3 of the PNRP.

In relation to comments made elsewhere in this submission about the need for the PNRP to reinforce the distinction between hazard identification/risk assessment vs hazard or risk management (and the proper role of experts in the process), the DOC Guidance note also says (page 6):

“The application of the precautionary approach is a risk management approach rather than a risk assessment approach. It is when the risk of potential significant adverse or irreversible environmental effects cannot be adequately assessed (because of uncertainty about the nature and consequences of human activities or other processes) that a precautionary approach to risk management becomes appropriate.”

That relates to the coastal environment, not the region.

The RPS, in explanations to Policies 29 and 51 (but not in the wording of the policies themselves), refers to precaution. The explanations to the policies refer to a “precautionary, risk-based approach”. The explanation to Policy 29 says (page 110):

“Guidance documents that could be used to assist in the process include:

- Risk Management Standard AS/NZS 4360:2004 ...” (emphasis added).

That Standard has been superseded by the joint Australian and New Zealand International Standard on risk management AS/NZS ISO 31000:2009 "Risk management - Principles and guidelines", discussed earlier.

The Standard does not refer to a precautionary approach.

The 2009 Standard has been discussed earlier under the heading "Whole plan - failure to address a range of matters relating to risk (including the definitions of "risk" and "risk-based approach (natural hazards)"), risk assessment, and risk management, including in relation to climate change and coastal hazard mitigation issues" and in relation to the definition of risk.

The new Standard has a focus on uncertainty.

Outside the coastal environment, there is no justification for referring to a precautionary approach. The approach of the RMA is sufficient and appropriate.

**Decision sought:** Revise the policy to deal with the concerns expressed.

Include something along the lines of "where uncertainty is material to the management of significant risks of use and development".

Limit the policy to the coastal environment.

Include wording to acknowledge that being too precautionary is just as inappropriate (with inappropriate costs and consequences) as not being precautionary enough.

Make it clear that precaution does not apply to hazard identification/risk assessment, as discussed earlier under the heading "Whole plan - failure to address a range of matters relating to risk (including the definitions of "risk" and "risk-based approach (natural hazards)"), risk assessment, and risk management, including in relation to climate change and coastal hazard mitigation issues" and in relation to the definition of "Risk-based approach (natural hazards)".

**Policy P4: Minimising adverse effects** - seek amendment

**Reasons:** It will not always be appropriate to reduce adverse effects to the smallest amount practicable. That is especially the case in light of the extent of the areas referred to in Policy P4(b).

Consideration of the range of matters in Policy P4 will not always be appropriate and may add unnecessarily to the costs of an application.

There is a need for sensible cost/benefit evaluation in the particular circumstances.

**Decision sought:** Delete Policy P4. If that is not done, revise the policy to deal with the concerns expressed.

**Policy P7: Uses of land and water** - oppose and seek amendment

**Reasons:** The list inappropriately “picks winners” (eg aquaculture, gravel extraction, transport). It deals in a lopsided way with many of the matters eg:

- referring to gravel extraction without recognising its effects in reducing the supply of materials to the coast, resulting eg in slowing accretion in areas where continued accretion is needed to deal with ongoing sea level rise;
- referring to transport along, and access to, water bodies without recognising the problems that can be caused by vehicles (although there are also benefits in appropriate circumstances of enabling vehicles) and without recognising that Policy 19 of the NZCPS refers to walking access, not transport access (with Policy 20 of the NZCPS dealing with vehicular access), and seemingly without recognising that the definition of water body in the RMA does not include the coastal marine area.

If the list remains, the benefits of natural hazard mitigation measures should be referred to. There are considerable benefits of natural hazard mitigation measures that should be recognised and that are just as important as the other matters referred to, with no worse effects than many of the activities referred to.

**Decision sought:** Delete Policy P7.

If the policy is not deleted, then:

- reconsider the appropriateness of including each of the items and remove those that should not be there;
- delete (a) aquaculture;
- include reference to the benefits of river (including stream) mouth cutting and protecting against natural hazards by structures. An option is to revise (g) along the following lines “natural hazard mitigation measures including gravel extraction from rivers, river (including) stream mouth cutting, and structures, particularly in areas of significant existing development”. If that is not done, delete (g); and
- revise (k) to remove the word “transport” and reword the policy so it refers to something like “appropriate access to and along water bodies and the coastal marine area”.

**Policy P8(h): Beneficial activities (h)** - support and seek amendment

**Reasons:** Policy P8(h) dealing with existing structures is supported but, given the limited definition of “upgrade”, upgrade should also be included.

**Decision sought:** Include reference to “upgrade” in Policy 8(h).

**Policy P9: Public access to and along the coastal marine area and the beds of lakes and rivers - oppose and seek amendment**

**Reasons:** The policy:

- is too uncertain in its reference to “extent or quality” of public access. Coastal hazard mitigation works might affect the extent or quality of public access but be an appropriate outcome and this policy should not be precluding that. Indeed, they can also improve aspects of public access but that might not be in accordance with this policy;
- is too extreme in referring to “shall be avoided” and “necessary”;
- is too limited in (a) to (c) in that the purposes do not include reference to other beneficial activities eg natural hazard mitigation;
- does not distinguish between vehicular and walking access (Policy 19 of the NZCPS deals with walking access and Policy 20 of the NZCPS deals with vehicular access); and
- could interfere with attempts to limit inappropriate vehicular or pedestrian access (but changing the policy to refer only to walking access would limit appropriate vehicular access and that would be inappropriate).

**Decision sought:** Revise the policy completely to address the concerns that the policy:

- is too uncertain in its reference to “extent or quality” of public access;
- is too extreme in referring to “shall be avoided” and “necessary”;
- is too limited in (a) to (c) in that the purposes do not include reference to other beneficial activities, including in particular natural hazard mitigation measures; and
- fails to distinguish between walking and vehicular access and could interfere with attempts to limit inappropriate pedestrian or vehicular access.

**Policies P15: Flood protection activities and P16: New flood protection and erosion control and the failure to include equivalent provisions for coastal locations - seek amendment**

**Reasons:** The definition of “catchment based flood and erosion risk management activities” refers only to a river management scheme or a flood plain management plan so the policies are not sufficiently wide to cover coastal activities away from rivers. It is inappropriate to fail to recognise the benefits of coastal flood and erosion or other coastal hazard mitigation activities and they should be provided for.

There is no reason to recognise the benefits of river and flood plain protection and fail to recognise the benefits of dealing with flood and erosion matters and other coastal hazard mitigation matters for coastal properties. That is particularly the case as some of the river works have adversely affected the flow of gravel, sand, etc to the coast and therefore benefits those affected by river flooding to the detriment of those potentially affected by reduced supply to the coast.

**Decision sought:** Either widen Policies P15 and P16 to include coastal hazard mitigation activities (using appropriate terminology) or create new policies to deal with those activities.

In addition, given the limited definition of “upgrade” and the importance of the existing activities, upgrade should be included.

**Policy P20: Exercise of kaitiakitanga as well as all other relevant objectives, policies and rules and Schedule C - seek amendment**

**Reasons:** There are problems with the combination of:

- this policy (and possibly other relevant objectives and policies);
- the failure of the PNRP to include objectives and policies enabling appropriate activities generally as well as coastal hazard mitigation activities;
- the extensive areas identified in Schedule C; and
- the fact that the rules make many activities in those areas non-complying activities.

That combination is not appropriate and needs to be revised so that kaitiakitanga can be exercised but also so that appropriate activities do not become non-complying activities because they happen to be in areas identified in Schedule C. Because a non-complying activity can only be granted consent if the effects are minor or the activity is not contrary to the objectives and policies of the plan, the combination is particularly problematic.

**Decision sought:** Reconsider the combination of Policy P20 (and other relevant objectives and policies), the failure of the PNRP to include objectives and policies enabling appropriate activities generally as well as coastal hazard mitigation (including protection) activities, the extensive areas identified in Schedule C, and the fact that the rules make many activities in those areas non-complying activities when discretionary activity status would be more appropriate.

Revise the provisions so that kaitiakitanga can be exercised but also so that appropriate activities, including coastal hazard mitigation activities, do not become non-complying activities because they happen to be in areas identified in Schedule C.

**Policy P24: Outstanding natural character - oppose and seek amendment**

**Reasons:** The policy is too uncertain as the areas of outstanding natural character in the coastal marine area have not been identified in the PNRP.

The policy also does not give effect to the NZCPS in that the areas have not been mapped or otherwise identified in the PNRP (see Policy 13(1)(c) and (d) of the NZCPS).

The references to “preserved” and “avoiding” are too extreme and again do not give effect to the NZCPS. Policy 13 of the NZCPS refers to protecting against inappropriate subdivision, use and development which conveys the meaning that appropriate subdivision, use and development can be acceptable. Omitting the

reference to that part of the Policy conveys a different meaning from that in the NZCPS.

It is also not clear what is meant by "outside the area" in (e).

**Decision sought:** Delete the policy or notify a variation to identify the areas of outstanding natural character in the coastal marine area.

If the policy is not deleted, revise the policy to address the concerns expressed, including by making it less extreme and by giving effect to the NZCPS.

**Policy P25: Natural character** - oppose and seek amendment

**Reasons:** As with the previous policy, this policy is too uncertain as areas with high natural character in the coastal marine area have not been identified in the PNRP. This policy does not give effect to the NZCPS in that the areas have not been mapped or otherwise identified in the PNRP (see Policy 13(1)(c) and (d) of the NZCPS).

The reference to "avoid" is too extreme. It does not give effect to the NZCPS as Policy 13 refers to protecting against inappropriate subdivision, use and development which conveys the meaning that appropriate subdivision, use and development can be acceptable. Putting the reference to inappropriate subdivision, use and development in (d) rather than in the introductory words of the policy conveys a different meaning from the NZCPS.

In d(ii), referring only to functional need is not sufficient or appropriate and does not give effect to the NZCPS. Policy 6 of the NZCPS does not require that there be a functional need for an activity to be located in the coastal marine area (see the reference in Policy 6(2)(d) to "generally"). Reference should also be made to operational requirement and also to activities that are more efficiently, effectively or cost-effectively located there (using appropriate terminology).

**Decision sought:** Delete the policy or notify a variation to identify the areas of natural character and high natural character.

If the policy is not deleted, revise the policy to address the concerns expressed, including by making it less extreme, by giving effect to the NZCPS, and by widening d(ii) as discussed above.

**Policy P27: High hazard areas** - oppose and seek amendment

**Reasons:** In relation to hazard mitigation measures, the policy is inappropriate.

The reference to avoiding hazard mitigation measures is too extreme. Where hazard mitigation measures would be effective, they should be encouraged and there should be a policy that encourages hazard mitigation measures.

The restrictions in (a) are not appropriate because eg there might be a practicable alternative, but the best option would be to locate in the high hazard area and, in that case, that option should be adopted. In addition, an activity may be more efficiently, effectively or cost-effectively located there, in which case it should be able to be located there.

The use of the term “development” in (b) and (c) is confusing if the “development” is actually a hazard mitigation measure. It seems that two different meanings of development are intended.

The reference to “low” in (b) is inappropriate. Consistent with the wording of Objective O20, the word “acceptable” should be used. That wording enables judgements to be made, over time, as to what the community considers is acceptable.

The reference to “potential” in (e) is inappropriate and does not give effect to the NZCPS. The situation in New Zealand in terms of dealing with climate change is getting out of control due, in part, to misinterpretations of the NZCPS and inappropriate work being done by some coastal scientists with unreasonably precautionary approaches being advanced.

In terms of misinterpretation of the NZCPS, please see the discussion under the heading “Whole plan - failure to address a range of matters relating to risk (including the definitions of “risk” and “risk-based approach (natural hazards)”), risk assessment, and risk management, including in relation to climate change and coastal hazard mitigation issues”.

**Decision sought:** Revise this policy to address the concerns expressed and/or create a new policy to deal appropriately with hazard mitigation measures, including by stating that appropriate hazard mitigation measures are encouraged.

Some suggestions for revising the policy (that would also be relevant to creating a new policy) include:

- removing the reference to avoiding hazard mitigation measures;
- adding a statement that appropriate hazard mitigation measures will be encouraged;
- revising (a) to address the concerns referred to in the reasons eg by removing the reference to no practicable alternative and by adding reference to hazard mitigation activities that are more effectively, efficiently or cost-effectively located there (using appropriate terminology);
- reconsidering use of the terms “functional need” and “operational requirement”, including their definitions, and revising them as necessary or using different terminology to enable appropriate hazard mitigation measures that might be able to be located elsewhere but are more efficiently, effectively or cost-effectively located in the particular location;
- reconsidering the confusing use of the term “development” in (b) and (c) and using appropriate terminology;
- changing “potential for” to “likelihood of” and make corresponding wording changes including adding “likely” before movements.

**Policy P28: Hazard mitigation measures** - oppose and seek amendment

**Reasons:** The policy is too black and white and extreme.

As worded, it runs the risk of not enabling decision-makers sufficient flexibility to make appropriate decisions, depending on all of the facts of a case. It is not appropriate to preclude that flexibility.

A hard engineering option may be a good, or the best, option but could be contrary to this policy eg if it is put in place as a prudent preventative measure rather than waiting until there is unacceptable risk.

References to "avoided" and "necessary" are too extreme.

In addition, the wording "and the works ... minor" are problematic. It is not appropriate to require a hazard management strategy in each case where environmental effects are more than minor, particularly in light of the definition of hazard management strategy, which is itself problematic.

Please also see the reasons in relation to the definition of "hazard management strategy".

**Decision sought:** Revise the policy to make it less black and white and extreme and to address the concerns expressed above and elsewhere in this submission in relation to enabling appropriate hazard mitigation measures.

Please see the decision sought in relation to the definition of "hazard management strategy".

**Policy P29: Climate change** - oppose and seek amendment

**Reasons:** This policy fails to give effect to the NZCPS, including Policies 24, 25, 27 and 3, and reflects a misinterpretation of the NZCPS.

In terms of misinterpretation of the NZCPS, please see the discussion under the heading "Whole plan - failure to address a range of matters relating to risk (including the definitions of "risk" and "risk-based approach (natural hazards)"), risk assessment, and risk management, including in relation to climate change and coastal hazard mitigation issues".

As worded, and particularly the use of the word "potential", the policy is likely to result in unreasonable outcomes, as is happening in NZ in relation to problems being caused by inappropriate work being done and actions being taken in relation to climate change, including the failure to consider the uncertainties and the range of likely climate change outcomes. Please see the attached document "Notes on the Kapiti coastal erosion fiasco and problems caused more generally by a number of NZ coastal scientists".

The word "guidance" in (d) is inappropriate and relative sea level rise is more important than sea level rise so what is likely to occur in the particular areas in the region is what is relevant. A generic regional study should not be given prominence.

**Decision sought:** Revise the policy so that it deals appropriately with the range of issues raised throughout this submission.



Revise the policy so that it gives effect to the proper interpretation of the NZCPS.

Replace the words “the potential for” with “the likelihood of” and make corresponding wording changes including changing “that could adversely affect” to “adversely affecting”.

Consider whether (d) should be revised to refer to “relative” sea level rise.

In (d), replace the word “guidance” with “evidence”, and refer to “for the local area within the Wellington Region”.

Include reference to the need to consider the uncertainties and the range of likely outcomes.

**Policies P39, P40, P41, P42, P44, P45 and the areas identified in the relevant schedules, including Schedules A, C, F1, F2, F3, F4, F5 - oppose and seek amendment**

**Reasons:** It is relevant to protect and restore important areas but it is equally relevant not to include policies that effectively would prevent appropriate activities in those areas or make consent for those activities unreasonably difficult or impossible to obtain.

The extent of the areas identified in the relevant schedules is extensive therefore the schedules need to be less extensive and/or the policies need to be less extreme.

The emphasis in the policies should be on the attributes that create the significant values, not the areas *per se*.

Reference to the precautionary approach in Policy P41 is not appropriate as the RMA provisions provide for an appropriate level of “precaution” and for the reasons expressed in relation to Policy P3.

**Decision sought:** Limit the extent of the areas identified in the schedules and/or qualify the schedules (and any relevant defined terms) and revise the policies so that they are less extreme and focus on the attributes of the areas that create the value.

Remove the reference to a precautionary approach in Policy P41 as the RMA provides the appropriate approach.

**Policy P48: Protection of outstanding natural features and landscapes - oppose**

**Reasons:** The heading of the policy does not match the text in that the text does not just deal with outstanding natural features and landscapes.

The policy is too uncertain as the locations of the areas of outstanding and other natural features and landscapes (including seascapes) have not been identified in the PNRP.

If it includes areas identified in the schedules, it is too extreme. In fact, as worded, it seems that it is referring to, basically, all natural features and landscapes (including seascapes) of the coastal marine area, rivers, lakes and their margins and natural wetlands. That is too extreme.

If it is relying in the NZCPS (Policy 15) for the almost identical wording of Policy P48, it is inappropriate to apply that wording beyond the coastal environment and in relation to a wide range of unidentified areas.

In addition, the references to "protected" and "avoiding" are too extreme. The focus should be on the attributes that create the values and balancing other uses against these.

**Decision sought:** Delete the policy or notify a variation to identify the outstanding and other areas of natural features and landscapes (including seascapes) being referred to.

Revise the policy to address the concerns expressed, including by making the policy less extreme, including in relation to the references to "protected" and "avoiding".

Revise the focus to be on the attributes that create the values and to enable balancing of other uses against these.

**Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes - oppose and seek amendment**

**Reasons:** There is a risk of this policy being inconsistent with the policies of the various district plans and how the provisions are implemented in those plans by the rules, both now and over time.

It would be inappropriate eg for more stringent or inappropriately different considerations to occur for activities in the coastal marine area compared with what would be the case if the activity occurred in the actual area identified in the district plan, when relying on a district plan for identification of the area.

In addition, the references to "protected" and "avoiding" are too extreme.

Given the link to district plans of various districts, the policy needs to be kept general in the PNRP.

**Decision sought:** Revise Policy P49 to address the concerns expressed above. An option is to make the policy much more general in referring to district plan provisions.

**Policy P103: Management of gravel extraction and any related rules - oppose and seek amendment**

**Reasons:** The title of the policy does not reflect the wording of the policy as it extends beyond just gravel extraction.

The policy does not adequately address the flow of gravel, sand or rock to the coast and the need to protect coastal areas and properties against excessive and inappropriate extraction from rivers.

Just protecting against coastal erosion is inadequate as effects should not be allowed to get to that stage.

In addition, the flow of gravel, sand or rock to the coast should not be reduced to the extent that it:

- limits the flow of gravel, sand and rock to coastal areas where that gravel, sand and rock protects against sea level rise adverse effects;
- changes a neutral coastline to an eroding one; or
- changes an accreting coastline to a neutral or eroding one.

Along the northern coast of Kapiti, accretion has protected against sea level rise but in some areas the rate of accretion is slowing. Where the flow of gravel, sand or rock to the coast is interrupted, coastal areas may be adversely affected and that is inappropriate.

In relation to (c), if something is needed to address aggradation, the gravel should be moved, not extracted at a rate that exceeds the natural rates of gravel deposition.

**Decision sought:** Revise title of the policy to refer to gravel, sand or rock extraction.

Revise the policy so that it addresses the concerns expressed above, including about the flow of gravel, sand or rock to the coast. Suggestions are:

- at the end of (b), add “, changing a neutral coastline to an eroding one, changing an accreting coastline to a neutral or eroding coastline, or reducing ongoing accretion in areas where continued accretion protects against ongoing sea level rise adverse effects” or something similar after the word “erosion”;
- in (c), change “gravel” to “material” (or another term to capture gravel, sand and rock) and remove “, unless this is required to manage aggradation” and replace it with something along the lines of “unless the material extracted is moved to another location in the river bed”.

Revise any related rules that need revision to put these decisions sought into effect.

**Policy P132: Functional need and efficient use (and other relevant policies) - oppose and seek amendment**

**Reasons:** Earlier, the issue of inappropriate inconsistencies in language in the PNRP was addressed and an example given that:

- in a number of places there is reference to what is “practicable” eg Policies P4, P25, P27, Policy 132(g);
- in other places there is reference to what is “reasonably practicable” eg Policy P47;
- in other places there is reference to what is “reasonable or practicable” eg Policies P132(b) and (c), P139.

Indeed, there is inconsistency within Policy P132 between (b) and (g).

It is unacceptable to convey the impression that practicable does not mean what is reasonably practicable or that what is practicable may not be reasonable or that reasonable and practicable are different ideas when used in these contexts. These differences in wording must be avoided.

In addition, this policy does not cater for the situation where appropriate natural hazard mitigation measures might be able to be located elsewhere but are more efficiently, effectively or cost-effectively located in the coastal marine area.

**Decision sought:** Revise the policy to address the concerns expressed.

Revise the policy so that language that is currently problematically inconsistent across the PNRP is made consistent. A suggestion is to replace "practicable" and "reasonable or practicable" in this policy with "reasonably practicable" and to use that terminology throughout the PNRP.

Revise the policy to enable the situation where appropriate hazard mitigation measures might be able to be located elsewhere but are more efficiently, effectively or cost-effectively located in the coastal marine area.

**Policy P134: Public open space values and visual amenity - seek amendment**

**Reasons:** The coastal environment can be extensive and can include numerous buildings, residential areas, etc extending well inland. In Kapiti, in both the Proposed District Plan and the Submitter Engagement Version, significant built areas are included in the coastal environment. That should be recognised in the policy.

**Decision sought:** Revise the policy to address the concerns expressed.

An option is, in (b), to add "built character," before "natural character".

**Policy P138: Structures in sites with significant values - oppose and seek amendment**

**Reasons:** The policy is inappropriate and too extreme in that it covers extensive areas and the policy says structures are to be avoided except for very limited exceptions.

Hazard mitigation structures or indeed other structures may well be appropriate in these areas and should not be disadvantaged by this policy.

In addition, this policy does not cater for the situation where there may be "practicable alternative methods" (to use the language of the policy) but something in the area would be the best practicable option or the alternative methods are not as efficient, effective or cost-effective as something in the area proposed.

**Decision sought:** Delete the policy or make it less extreme to deal with the concerns expressed. A possible solution is to simply refer to avoiding, remedying or mitigating the effects of structures in the areas and remove "and in respect of (a) to (d): (e) there are no practicable alternative methods of providing for the activity".

**Policy P139: Seawalls - oppose and seek amendment**

**Reasons:** The policy inappropriately asserts that construction of a new seawall is inappropriate except in extremely limited circumstances. It fails to give effect to Policy 27 of the NZCPS and fails to recognise that Policy 27 acknowledges that seawalls may be appropriate for purposes beyond those set out in Policy P139.

Policy 27 of the NZCPS identifies that a range of options for reducing coastal hazard risk should be assessed for protecting areas of significant existing development from coastal hazard risk and specifically recognises the possibility of hard protection structures, which could include seawalls.

Whether a seawall is appropriate or not should be addressed in all the circumstances of a case including eg whether millions or billions of dollars of property would be protected by it, after considering the range of options, not as a policy inappropriately ruling out one option in advance.

**Decision sought:** Delete Policy P139 and replace it with a policy that gives effect to Policy 27 of the NZCPS, including that seawalls may be appropriate to protect areas of significant existing development from natural hazards.

**Policy P143: Deposition in a site of significance - oppose and seek amendment**

**Reasons:** Given the extent of the areas covered by the policy, the policy needs to allow a range of activities, including the activities in (a) to (f), with reasonable efficiency. The need to demonstrate that there are "no practicable alternative methods of providing for the activity" is excessive, costly and unnecessary.

In addition, the reference to "sand, shingle or shell" is unclear in terms of what is meant by "shingle" eg would rocks or rip rap be included and how does one distinguish between rock and shingle? The terminology "sand, shingle or shell" used here is different from that in Policy P103 which refers to "gravel, sand or rock".

In addition, the wording of (b) and (d) is potentially problematic as it might be taken to infer that in coastal areas only renourishment is permitted but not flood protection and/or erosion mitigation. If that is what is intended, that is inappropriate and the policy needs to be revised so there is no potential for dispute. Coastal areas should not be treated differently from other areas.

**Decision sought:** Reconsider the entire policy to deal with the concerns expressed.

Clarify what is meant by "shingle" in "sand, shingle or shell" and ensure that terminology in the PNRP is consistent, keeping in mind that Policy P103 refers to "gravel, sand or rock".

Delete "and in respect of (a) to (f): (g) there are no practicable alternative methods of providing for the activity".

Reconsider (b) and (d) and include reference to coastal hazard mitigation (including protection), using terminology consistent with that developed for the PNRP.

**Policy P145: Reclamation, drainage and destruction** - oppose and seek amendment

**Reasons:** While the definition of "reclamation" excludes coastal or river mouth protection structures, this policy could prevent appropriate coastal hazard mitigation, including protection, works.

What is meant by "destruction" and how it relates to reclamation, disturbance, or damage is not clear.

**Decision sought:** Revise the policy so that appropriate coastal hazard mitigation activities are enabled (using appropriate language that is consistent with that used in the PNRP).

Include definitions of "destruction", "disturbance", and "damage" (or variations of those terms) so that the differences in meaning of the terms, and their relationships with "reclamation", and perhaps "drainage", are clear.

## CHAPTER 5 - RULES

### Rules - general

**Reasons:** Please also see the reasons under the heading "GENERAL AND WHOLE PLAN ISSUES".

**Decision sought:** Please also see the decisions sought under the heading "GENERAL AND WHOLE PLAN ISSUES".

**All of Chapter 5** - oppose and seek amendment

**Reasons:** Except where support is expressed, all of Chapter 5 is opposed, including the rules, general conditions etc.

The rules and conditions do not appropriately:

- reflect risk management approaches; or
- enable and address appropriate uses and activities, including coastal hazard mitigation (including protection) activities, especially for areas of significant existing development.

In terms of remedying the issue of coastal hazard mitigation (including protection) methods, this could include:

- revising individual rules; or
- creating a new section dealing with coastal hazard mitigation (including protection) and including relevant rules in that section.

**Decision sought:** Revise Chapter 5, including the rules, general conditions, etc to appropriately:

- reflect risk management approaches; and
- enable and address appropriate uses and activities, including coastal hazard mitigation (including protection) activities, especially for areas of significant existing development.

Consider the most appropriate option for addressing coastal hazard mitigation (including protection) methods. This could include:

- revising/adding individual rules; or
- creating a new section dealing with coastal hazard mitigation (including protection) and including/adding relevant rules in that section.

All of the matters addressed below and any suggested changes to provisions are subject to these general decisions sought.

**Chapter 5 - Interpretation explanation - if an activity is covered by more than one rule - support and seek amendment**

**Reasons:** At the beginning of the sections containing rules there is an interpretation statement:

“If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource. This does not apply where a proposal includes a number of activities which trigger separate specific rules. In that case, all rules are considered when assessing the proposal.”

It is helpful to identify what should occur if an activity is covered by more than one rule and helpful to limit it to the more specific rule. However, there seems to be room for dispute as to what rules would apply to an activity, especially if there is a specific rule about an activity but also a specific rule about another activity or an area or resource.

On a matter as important as what rule(s) apply, the PNRP needs to be clear and unambiguous.

**Decision sought:** Reconsider the Interpretation statement that deals with the situation where an activity is covered by more than one rule and ascertain if its meaning is beyond dispute so that there is no potential for debate as to what rule(s) apply, especially where there are also specific rules about certain areas or resources.

If its meaning is not beyond dispute, revise it so that its meaning is clear and there will be no dispute about what rules apply to an activity, area or resource when various specific rules might apply. Include the revised statement everywhere that it should be included.

Revise any rules that need to be revised to ensure that there is no dispute about which rule trumps others.

**Chapter 5 - all general conditions and all rules and definitions - seek amendment**

**Reasons:** There are issues about inconsistencies and inappropriate wording throughout Chapter 5 in relation to:

- inconsistencies in the references to discharges and the location of the discharge;
- inconsistencies in general conditions throughout the PNRP;
- general conditions or conditions within rules that inappropriately result in the activity not being a permitted activity;
- lack of clarity in the meaning of the general conditions;
- inconsistencies in associated activities;
- internal inconsistencies within some rules; and
- lack of clarity in terms of the meaning of rules that refer to “disturbance”, “damage”, “destruction” (or variations of those terms), what those words mean (how they differ from each other and “reclamation” and perhaps “drainage”), and the implications of some of those words being missing from a number of the rules.

*Inconsistencies in the references to discharges and the location of the discharge:* In relation to inconsistencies in the references to discharges and the location of the discharge, and just by way of example:

- in section 5.5.2, wetlands general condition (a), there is reference to no discharge of contaminants to water or the bed other than “sediment and other materials inherent to the water or bed”;
- Rule R104 refers to “discharge of sediment to water”, without referring to the other materials referred to above or to any discharge other than to water;
- Rule R42 refers to “discharge of contaminants into water, or onto or into land where it may enter water”;
- Rules R149 and R150 refer to “discharge of contaminants” with no mention of to where the discharge can be;
- in section 5.7.2, coastal management general condition (f) refers to “sediment” but, in contrast to wetlands general condition (a), does not refer to “other materials inherent in the water or bed”.

These differences are inappropriate.



*Inconsistencies in general conditions throughout the PNRP:* In relation to inconsistencies in general conditions throughout the PNRP, there are other significant differences between what are equivalent general condition discharge provisions. For example:

- general condition (a) in section 5.5.2 for wetlands says:
 

“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”; but
- general condition (a) in section 5.5.4 for beds of lakes and rivers says:
 

“except where the discharge is expressly allowed by the activity description of a rule in this chapter 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, in contrast to those two different general conditions
- general condition (e) in section 5.7.2 (coastal management general conditions) uses different terminology again and says:
 

“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.”

It is not clear why there are such differences between these general conditions. The differences are inappropriate and need to be resolved and the wording made consistent throughout the PNRP, the meaning of the conditions needs to be clear, and the conditions need to be such that they do not effectively remove permitted activity status.

*General conditions or conditions within rules that inappropriately result in the activity not being a permitted activity:* In many cases, the conditions referred to above effectively turn the permitted activity into something that is no longer a permitted activity as some discharge of contaminants other than eg just sediment or materials inherent to the bed is likely to occur as a necessary consequence of some of the permitted activities.

*Lack of clarity in the meaning of the general conditions:* In terms of a lack of clarity in the meaning of the general conditions, and just by way of example, the problems with general condition (a) in section 5.5.4 include:

- what is meant by “expressly allowed”?
- does reference to discharges in a rule mean that all discharges are expressly allowed?
- or does the rule need to actually expressly allow a particular type of discharge?

- when eg painting of a structure is permitted, is sanding material from sanding the structure to prepare it for painting or the occasional paint drop permitted or not?
- is painting a structure even permitted in the rules about beds of rivers/streams? Rule R149 (maintenance or repair of a structure in the coastal marine area) includes a note that repainting is permitted but the equivalent Rule R112 for the beds of rivers/streams doesn't and only permits discharge of sediment to water;
- when a structure is repaired or built and there are discharges of eg some sawdust or discharge of whatever is incidental to actually being able to carry out the activity, are the discharges incidental to the activity permitted or not?

The meaning needs to be made clear.

All differences between conditions on the range of matters addressed in general conditions in different chapters of the PNRP, and in rules throughout the PNRP, should be identified and remedied in an appropriately consistent manner and in a manner that does not result in an activity not being a permitted activity because of unfortunate general or other condition wording.

*Inconsistencies in associated activities:* In relation to inconsistencies in associated activities, the rules relating to beds of lakes and rivers and also for wetlands refer only to the associated activity of:

“discharge of sediment to water”;

but the rules for the coastal marine area refer to the associated activity of:

“discharge of contaminants”.

Again, these inconsistencies are inappropriate and, again, the wetlands/beds of lakes and rivers wording can effectively turn a permitted activity into something else as some discharge of contaminants other than just sediment is likely to occur as a necessary consequence of some of the permitted activities.

For the wetland and beds of lakes and rivers wording, there is also no reference to discharge to land in circumstances where a contaminant may enter water, which seems to be a foreseeable possibility in relation to some of the permitted activities.

Furthermore, in terms of inconsistencies in associated activities referred to in rules in different sections of the PRNP, there are also significant differences between equivalent rules. For example, in relation to beach recontouring of the bed of a river (a permitted activity), Rule R119 refers to:

“discharge of sediment to water associated with the clearing of flood debris”, with no mention of anything relating to beach recontouring; but

Rule R192, which deals with beach recontouring for coastal restoration purposes in the coastal marine area (a controlled activity) refers to:

“discharge of contaminants”.

The reason for the difference in the wording of the associated activities is not apparent and neither is the reason for one being a permitted activity and the other being a controlled activity.

There are also inconsistencies in that some associated activities that are included in some rules are not included in others. By way of example, there are a number of rules where reference to diversion of water has not been included as an associated activity but where it would seem to be appropriate to include it eg Rule R178, R192 and some rules dealing with the beds of rivers and lakes/coastal marine areas.

*Internal inconsistencies within some rules:* In relation to some rules being internally inconsistent, by way of example, Rule R105 (in relation to wetlands) in (e) only permits the "discharge of sediment to water" but condition (h) says that only agrichemicals approved by the EPA are to be used. But the activity does not permit discharge of contaminants so no agrichemicals are permitted to be discharged. There is a conflict between the activity and the conditions.

Another example is Rule R207. The rule does not include diversion of water as an associated activity but matter of control 3 refers to the effects of diversion associated with the activity.

*Lack of clarity in terms of the meaning of rules that refer to "disturbance", "damage", "destruction" (or variations of those terms), what those words mean (how they differ from each other and "reclamation" and perhaps "drainage"), and the implications of some of those words being missing from a number of the rules:* A number of rules refer to disturbance but not damage or destruction. There are also rules that refer to "disturbance or damage" (eg Rules R194 and R195) and rules that refer to "destruction, damage or disturbance" (eg Rules R204 and R205). The differences in meaning of those terms, and therefore what the rules cover or do not cover, is unclear. That lack of clarity is particularly problematic for permitted activity rules that only permit "disturbance" if someone could argue that the "disturbance" was also "damage" (whatever that means) or indeed "destruction" (again, whatever that means).

**Decision sought:** Reconsider all the general conditions and rules in Chapter 5 to address the range of concerns expressed.

Resolve the following matters in all of the general conditions, rules and definitions by using appropriate, clear and consistent language across the PNRP:

- inconsistencies in the references to discharges and the location of the discharge;
- inconsistencies in general conditions and conditions throughout the PNRP;
- general conditions or conditions within rules that inappropriately result in the activity not being a permitted activity;
- lack of clarity in the meaning of conditions;
- inconsistencies in associated activities;
- internal inconsistencies within some rules; and

- lack of clarity in terms of the meaning of rules that refer to “disturbance”, “damage”, “destruction” (or variations of those terms), what those words mean (how they differ from each other and “reclamation” and perhaps “drainage”), and the implications of some of those words being missing from a number of the rules.

Identify and remedy all differences between conditions on the range of matters addressed in general conditions in different chapters of the PNRP, and in rules throughout the PNRP:

- in an appropriate and consistent manner; and
- in a manner that does not result in an activity not being a permitted activity (or other type of activity) because of unfortunate omissions or general or other condition wording.

Reconsider all of the references to discharges of various items, make them consistent, appropriate to the circumstances, and complete and clarify to where the discharge can be (eg water or onto or into land where it may enter water) either in each rule or as general interpretation statements that apply to sets of rules.

Whatever wording is adopted should be used consistently across all of the provisions in the PNRP.

Reconsider all rules where there is not reference to diversion of water as an associated activity and add the reference where appropriate.

In all of the rules, reconsider use of the terms “disturbance”, “damage”, “destruction” and make the rules consistent so that there is eg no gap in permitted activity status and/or include definitions of those terms so that what is covered or not covered in each rule is clear.

**Chapter 5 - All rules relating to activities in beds of rivers (including streams) and all rules relating to the coastal marine area - seek amendment**

**Reasons:** At river and stream mouths, some activities will be occurring both in the coastal marine area and in beds of rivers (including streams) eg river and stream cutting.

Currently, there is a mismatch between rules dealing with the coastal marine area and rules dealing with beds of rivers (including streams). Where an activity is occurring in the coastal marine area and the bed of a river, the rules and any relevant definitions should be appropriate and consistent.

Currently, they are not. Consider, eg:

- the rules that apply to cutting river/stream mouths in the coastal marine area vs those for the beds of rivers/stream; and
- the beach recontouring definitions, and therefore the rules, that differ between the coastal marine area and beds of rivers.

**Decision sought:** Reconsider all rules relating to beds of rivers (including streams) and all rules relating to the coastal marine area to address the concerns expressed.

Where an activity may be occurring in the bed of a river (including a stream) and in the coastal marine area eg river (including stream) mouth cutting or beach recontouring or any other such activity, make the rules governing such activities, including any relevant definitions, appropriate and consistent both in the coastal marine area and in the bed of the river.

**5.5.2 - Activities in wetlands general conditions and all relevant rules - seek amendment**

**Reasons:** Please see the reasons above under the heading "Chapter 5 - all general conditions and all rules and definitions - seek amendment".

The definition of "natural wetland" in the PNRP includes areas in the coastal marine area and in beds of lakes and rivers.

The rules provide for a range of activities as permitted activities. General condition (a) runs the risk of effectively precluding some permitted activities or making them unreasonably difficult to comply with by saying that there is no discharge of contaminants "other than sediment and other materials inherent to the water or bed".

In addition, that wording is not consistent with the wording of the actual permitted activity rules, which refer only to "sediment" and make no mention of the ability to discharge "materials inherent to the water or bed".

General condition (a) would seem to be directly contrary to eg Rule R105(h) which refers to agrichemicals being used and therefore presumably permitting some discharge of agrichemicals ie a contaminant into the water. Furthermore, Rule R105(h) seems to be directly contrary to Rule R105(k).

**Decision sought:** Please see the decisions sought above under the heading "Chapter 5 - all general conditions and all rules and definitions - seek amendment".

Revise (a) so that it does not effectively turn permitted activities into something else by the restrictions on the discharge of contaminants and so that its wording is consistent with the wording of the actual rules or vice versa, and consistent with wording to be adopted across the PNRP.

Reconsider the wording of all of the rules relating to wetlands to ensure the above and to ensure that there are not inconsistencies between the rules and the general conditions, or within the rules, or inconsistencies with general conditions or rules in other sections of the PNRP.

**Section 5.5.3 Activities in wetlands - Rules R104 to R111 - oppose and seek amendment**

**Reasons:** The definition of "natural wetland" in the PNRP includes areas in the coastal marine area and in beds of lakes and rivers, is widely defined and so it is not entirely clear what might be considered to be a wetland.

It seems that the intention is that river and stream cutting would override all of these rules. However, there are rules here about specific wetland areas that could potentially mean that cutting of river and stream mouths by GWRC would not be a

permitted activity (eg Rule R108(b) or Rule R110(d)) if river or stream mouth cutting occurs in relevant wetland areas.

The rules also potentially restrict or prohibit appropriate flood or erosion or other hazard mitigation measures.

In addition, there are some problematic drafting issues. Rule R104 and other rules in this section refer to "discharge of sediment to water" but Rules R149 and R150 refer to "discharge of contaminants" with no mention of water or to where the discharge can be. There should be consistency of terminology across the PNRP. Equivalent rules should be worded in equivalent, and appropriate, ways.

In relation to the wetlands rules, wetlands general condition in 5.5.2(a) runs the risk of overriding permitted activities by permitting no discharge of contaminants - rather Shylock-esque. Interestingly, that condition refers to sediment or other materials inherent to the water or bed, but Rule R104 does not include reference to "other materials inherent to the water or bed".

**Decision sought:** Revise the rules or the definitions to ensure that cutting of river (including) stream mouths is a permitted activity and not restricted by any of these rules.

Revise the rules to ensure that appropriate hazard mitigation measures are not captured by the rules and ensure that hazard mitigation measures are not non-complying or prohibited activities.

Reconsider the wording of the rules to address apparent inconsistencies between the general conditions and conditions of some rules, apparent inconsistencies of conditions within rules, and apparent inconsistencies between general conditions and rules in this section and general conditions and rules in other sections.

**Section 5.5.4 Activities in beds of lakes and rivers general conditions and all rules that relate to beds of lakes and rivers - seek amendment**

**Reasons:** Please see the reasons above under the heading "Chapter 5 - all general conditions and all rules and definitions - seek amendment".

As explained earlier, general condition (a) in section 5.5.4 for beds of lakes and rivers says:

"except where the discharge is expressly allowed by the activity description of a rule in this chapter 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".

In contrast, general condition (e) in section 5.7.2 (coastal management general conditions) says:

"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."

It is not clear why there are such differences between general condition (a) in section 5.5.4 and general condition (e) in section 5.7.2. These differences are inappropriate

and need to be resolved and the wording made consistent throughout the PNRP, the meaning of the conditions needs to be clear, and the conditions need to be such that they do not effectively remove permitted activity status.

As already noted, in terms of general condition (a) in section 5.5.4, problems include:

- what is meant by "expressly allowed"?
- does reference to discharges in a rule mean that all discharges are expressly allowed?
- or does the rule need to actually expressly allow a particular type of discharge?
- when eg painting of a structure is permitted, is sanding material from sanding the structure to prepare it for painting or the occasional paint drop permitted or not?
- is painting a structure even permitted in the rules about beds of rivers/streams? Rule R149 (maintenance or repair of a structure in the coastal marine area) includes a note that repainting is permitted but the equivalent Rule R112 for the beds of rivers/streams doesn't and only permits discharge of sediment to water;
- when a structure is repaired or built and there are discharges of eg some sawdust or discharge of whatever is incidental to actually being able to carry out the activity, are the discharges incidental to the activity permitted or not?

The meaning needs to be made clear.

Any other differences between conditions on the range of matters addressed in general conditions in different chapters of the PNRP, and in rules throughout the PNRP, should be identified and remedied in an appropriately consistent manner and in a manner that does not result in an activity not being a permitted activity because of unfortunate general or other condition wording.

In addition, the rules relating to beds of lakes and rivers and also for wetlands (in contrast to rules in the coastal marine area), refer only to the associated activity of:

"discharge of sediment to water".

In many cases, that condition effectively turns the permitted activity into something else as some discharge of contaminants other than just sediment is likely to occur as a necessary consequence of some of the permitted activities.

There are also significant differences between equivalent rules. For example, in relation to beach recontouring of the bed of a river (a permitted activity), Rule R119 refers to:

"discharge of sediment to water associated with the clearing of flood debris", with no mention of anything relating to beach recontouring; but

Rule R192, which deals with beach recontouring for coastal restoration purposes in the coastal marine area (a controlled activity) refers to:

“discharge of contaminants”.

The reason for the difference in the wording of the conditions is not apparent and neither is the reason for one being a permitted activity and the other being a controlled activity.

In addition, some rules are internally inconsistent. Just by way of example, Rule R105 (in relation to wetlands) in (e) only permits the “discharge of sediment to water” but condition (h) says that only agrichemicals approved by the EPA are to be used. But the activity does not permit discharge of contaminants so no agrichemicals are permitted to be discharged.

**Decision sought:** Please see the decisions sought above under the heading “Chapter 5 - all general conditions and all rules and definitions - seek amendment”.

Revise general condition (a) in section 5.5.4 and relevant rules to address the problems discussed above to satisfactorily resolve issues including:

- what is meant by “expressly allowed”?
- does reference to discharges in a rule mean that all discharges are expressly allowed?
- or does the rule need to actually expressly allow a particular type of discharge?
- when eg painting of a structure is permitted, is sanding material from sanding the structure to prepare it for painting or the occasional paint drop permitted or not?
- is painting a structure even permitted in the rules about beds of rivers/streams? Rule R149 (maintenance or repair of a structure in the coastal marine area) includes a note that repainting is permitted but the equivalent Rule R112 for the beds of rivers/streams doesn't and only permits discharge of sediment to water;
- when a structure is repaired or built and there are discharges of eg some sawdust or discharge of whatever is incidental to actually being able to carry out the activity, are the discharges incidental to the activity permitted or not?

Revise the rules and general conditions to deal with the concerns expressed throughout this submission.



**Rule R119: Clearing flood debris and beach recontouring - permitted activity and Rule R192: Beach recontouring for coastal restoration purposes - controlled activity - seek amendment**

**Reasons:** Please see the reasons above under the heading “Chapter 5 - all general conditions and all rules and definitions - seek amendment”.

As noted earlier, there are significant differences between equivalent rules. In relation to beach recontouring of the bed of a river (a permitted activity), Rule R119 refers to:

“discharge of sediment to water associated with the clearing of flood debris”, with no mention of anything relating to beach contouring; but

Rule R192, which deals with beach recontouring for coastal restoration purposes in the coastal marine area (a controlled activity) refers to:

“discharge of contaminants”.

The reason for the difference in the wording of the associated activities is not apparent and neither is the reason for one being a permitted activity and the other being a controlled activity.

**Decision sought:** Please see the decisions sought above under the heading “Chapter 5 - all general conditions and all rules and definitions - seek amendment”.

Reconsider Rules R119 and R192 and make them appropriately consistent.

Reconsider why Rule R119 is a permitted activity but Rule R192 is a controlled activity and make them consistent one way or the other.

Consider whether reference to diverting water should be included in these rules as moving material for the beach grooming could arguably result in diversion of water when the water reaches that area.

**Section 5.7 - Use of the term “open coastal water” throughout this section (and anywhere else in the PNRP) - seek amendment**

**Reasons:** In various places, the term “open coastal water” is used. Given the definition of the term in the RMA, in a number of cases (if not all cases) “open coastal water” is not a correct term to use. By way of example, to use that term in the context of river mouth cutting is inappropriate. Many of the coastal management rules inappropriately refer to diversion of “open coastal water” being permitted when the permitted activity should preferably refer to diversion of “water”.

**Decision sought:** Reconsider all references to “open coastal water” throughout the PNRP and replace them with “water”.

**Section 5.7 - Coastal management general conditions and all of the rules that refer to them - seek amendment**

**Reasons:** Please see the reasons above under the heading "Chapter 5 - all general conditions and all rules and definitions - seek amendment".

There is a confusing interaction between the coastal management general conditions and the rules that refer to them, especially between:

- general condition (e) which says that 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
- the rules in this section that include discharge of contaminants but also refer to complying with the general conditions. Where the activity (eg painting or replacing a structure) can result in the discharge of contaminants other than sediment, the interaction is confusing and potentially results in the activity not being a permitted activity.

**Decision sought:** Please see the decisions sought above under the heading "Chapter 5 - all general conditions and all rules and definitions - seek amendment".

Revise the rules and general conditions to deal with the concerns expressed throughout this submission.

In the rules that permit discharge of contaminants, remove the confusing interaction between the coastal management general conditions and the rules that refer to them, preferably by indicating that general condition (e) does not apply.

**Section 5.7 - All rules relating to structures and all rules relating to seawalls - seek amendment**

**Reasons:** The interaction between the rules about structures and the rules in section 5.7.6 about seawalls is potentially confusing.

In addition, some structures may have associated material deposition that is not part of the structure but that is there to help to protect the structure eg rocks.

It is not clear whether "any associated ... deposition ..." in the rules about structures and seawalls would include that protection material or not. It seems that it would not as loose material separate from the structure or seawall would not come within the definition of structure and presumably is not part of the seawall, but protecting the seawall.

There needs to be provision to allow activities in relation to the associated material eg disturbing the foreshore/seabed by moving the rocks, depositing new rocks, occupation of space by the rocks.

**Decision sought:** Revise the rules to deal with the concerns expressed throughout this submission.

Make it clear that the rules about structures apply to seawalls except for those explicitly different in section 5.7.6 or create new rules in the seawalls section that

deal with matters that are missing in relation to the seawall rules, eg maintenance and repair.

Include a note in the relevant general structure rules referring the reader to the different seawall provision.

For all rules about structures and seawalls (and any other relevant rules), the rules need to be expanded (or new rules created or definitions created) to address associated activities that are not structures eg materials to protect the structures but that are not fixed to the land so do not come within the definition of structures eg disturbing the foreshore/seabed by moving the material, depositing new material, occupation of space by the material.

**Rule R162: New structures, additions or alterations to structures inside sites of significance - non-complying activity and related rules** - oppose and seek amendment

**Reasons:** Given the extent of the areas covered by this rule, it is inappropriate for it to be a non-complying activity for flooding and erosion mitigation structures or other coastal hazard mitigation activities.

The rules relating to dredging for flood and erosion control purposes can be used as an appropriate a guide. Rule R201 makes dredging for flood protection purposes or erosion mitigation inside sites of significance a discretionary activity with dredging outside those sites a controlled activity.

**Decision sought:** Revise the rule and related rules (or create new rules) to address the concerns expressed throughout this submission.

Make coastal hazard mitigation (including protection) structures outside sites of significance a permitted, controlled or restricted discretionary activity with structures inside sites of significance being a discretionary activity.

**Rule R163: Replacement of structures or parts of structures - permitted activity** - seek amendment

**Reasons:** Replacement of structures is supported but the requirement in (f) of a functional need or operational requirement does not give effect to the NZCPS eg Policy 6(2)(d) with its reference to generally and Policy 27. It may be more efficient, effective or cost-effective to replace the structure in the existing location and this should be permitted.

**Decision sought:** Remove condition (f).

**Section 5.7.6 Rules about seawalls Rules R165 to R167** - oppose and seek amendment

**Reasons:** Please see the reasons throughout this submission about the need for appropriate rules for coastal hazard mitigation (including protection) activities, especially for areas of significant existing development.

There is also a need to address the material that may be associated with a seawall but that may not be fixed to the land so would not be a structure within the definition of structure in the RMA eg rocks or rip rap.

Given the extent of the areas covered by Rule 167 and the fact that seawalls would likely be built only to protect significant assets, it is inappropriate for it to be a non-complying activity.

One option (based on the approach to dredging for flood and erosion control purposes) could be to revise the rules to address the concerns expressed throughout this submission and also to move each of these rules down a category of activity for coastal hazard mitigation (including protection) activities.

**Decision sought:** Amend the rules about seawalls to address the concerns expressed throughout this submission, especially in relation to areas of significant existing development.

Amend the rules or create new rules to address eg the deposition of materials that may be associated with a seawall eg rocks or rip rap but that are not fixed to the land so are not a structure, occupation of space in the coastal marine area for such materials, and any other aspects that need to be addressed eg diversion of water, disturbance.

Make coastal hazard mitigation (including protection) structures outside sites of significance a permitted, controlled or restricted discretionary activity with structures inside sites of significance a discretionary activity.

**Rule R192: Beach recontouring for coastal restoration purposes - controlled activity and Rule R119: Clearing flood debris and beach recontouring - permitted activity - seek amendment**

**Reasons:** Please see the reasons above under the heading "Chapter 5 - all general conditions and all rules and definitions - seek amendment".

As noted earlier, there are significant differences between equivalent rules. In relation to beach recontouring of the bed of a river (a permitted activity), Rule R119 refers to:

"discharge of sediment to water associated with the clearing of flood debris", with no mention of anything relating to beach contouring; but

Rule R192, which deals with beach recontouring for coastal restoration purposes in the coastal marine area (a controlled activity) refers to:

"discharge of contaminants".

The reason for the difference in the wording of the associated activities is not apparent and neither is the reason for one being a permitted activity and the other being a controlled activity.

**Decision sought:** Please see the decisions sought above under the headings:

- "Chapter 5 - all general conditions and all and definitions"; and
- "Rule R119: Clearing flood debris and beach recontouring - permitted activity and Rule R192: Beach recontouring for coastal restoration purposes - controlled activity".

**Rule 193: River and stream mouth cutting - permitted activity and the lack of an equivalent rule for rivers and streams - seek amendment**

**Reasons:** It is appropriate to permit river (including stream) mouth cutting and that is supported.

The river (including stream) mouth cutting is not only in the coastal marine area but also in the beds of the rivers and streams. It is inappropriate to have rules with different provisions for the same activity depending on whether it happens to be in the coastal marine area or not. There needs to be an equivalent rule to Rule R193 prepared to permit river (including stream) mouth cutting in beds of rivers and streams.

The definition of river in the RMA includes a stream so the terminology "river and stream" should be reconsidered.

The reference in (c) to "open coastal water" is inappropriate in light of its definition in the RMA.

The list of associated activities includes discharge of contaminants twice. As noted already, there are inconsistencies in the PNRP in terms of references to where the discharge is permitted to be.

**Decision sought:** Change the references from "river and stream" to "river (including stream)" here and anywhere else such terminology occurs in the PNRP.

Change the reference in (c) from "open coastal water" to "water" and anywhere else inappropriate "open coastal water" terminology appears in the PNRP.

Check the list of associated activities, remove the duplicated reference to "discharge of contaminants", consider whether in this rule and in all other rules the location of the discharge of contaminants should be specified rather than being silent (or say, at the beginning of the rules, that where there is silence it means eg to water, or onto or into land in circumstances where it may enter water, or any other appropriate provision), and make the list complete and consistent with equivalent lists in all other rules.

Create a new rule that is the equivalent of Rule 193 but that deals with river and stream mouth cutting in the beds of rivers (including streams) or otherwise ensure that appropriate provision is made for such activities in beds of rivers (including streams).

**Rule R194: Disturbance or damage - discretionary activity and Rule R195: Disturbance or damage inside sites of significance - non-complying activity - seek amendment**

**Reasons:** Given the general nature of this rule, the extent of the areas covered by Rule R195, and the reference to "damage" that is missing from most of the other rules, these general rules are potentially problematic.

The lack of reference to diversion of water seems problematic.

**Decision sought:** Reconsider the relationship between these general rules and all of the other rules, including the reference to "damage" that is missing from most of the other rules.

Revise these and all other rules to address the concerns expressed throughout this submission.

Consider whether diversion of water should be added.

Ensure that any coastal hazard mitigation (including protection) activities, including soft and hard engineering activities, are no worse than discretionary activities.

**Rule R196: Motor vehicles - permitted activity** - oppose and seek amendment

**Reasons:** This rule does not give effect to Policy 20 of the NZCPS.

Motor vehicle are not permitted by cities and districts in certain areas along the coast eg in front of some areas of housing for safety purposes. By way of example, motor vehicle are not permitted in the area in front of the houses on Rodney Avenue, Te Horo Beach and they should not be permitted by this rule.

In those areas, Policies 20(1)(c) and (d) of the NZCPS are particularly relevant

The disturbance of the foreshore and seabed from motor vehicles in those areas should not be a permitted activity. That would deal with safety issues, peaceful enjoyment issues, and would enable any person to take enforcement action, all of which are benefits.

**Decision sought:** Exclude from this rule the areas in districts where motor vehicles are not permitted (and areas seaward of those areas), including the area seaward of the houses on Rodney Avenue, Te Horo Beach.

A suggestion is to create a new schedule and map, identify all of these areas, and exclude these areas from Rule R196 and, with appropriate exceptions, make such an activity a discretionary activity.

**Rule R197 - Motor vehicles for certain purposes - permitted activity** - seek amendment

**Reasons:** The reference to "local authority activities" is not sufficiently clear. The rule needs to cover not only work done by local authorities and but also work done by others (eg contractors) on behalf of local authorities. It also needs to cover activities done by or on behalf of local authorities that arguably might not come within the wording of "local authority activities" (whatever that actually means) eg work commissioned by a local authority but for the benefit of private landowner(s).

There should also be reference to coastal hazard mitigation (including protection) activities as these may not be done by or on behalf of local authorities. They could be done by virtue of a consent obtained by eg an organisation of affected residents rather than by the local authority.

**Decision sought:** Change "local authority activities" here and anywhere else that term (or any similar term) is used in the PNRP to activities carried out "by, or on behalf of, a local authority" or similar wording (wording in Rule R207 is "by, or for, a local authority" but that is less desirable wording) to convey the message that the provision covers not only work done by local authorities and but also work done by others (eg contractors) on behalf of local authorities for a range of purposes.

Include coastal hazard mitigation (including protection) activities (using appropriate terminology) as one of the purposes so that motor vehicles (the PNRP definition includes heavy machinery) for that purpose are permitted activities.

**Rules R200 and R201 - dredging** - support and seek amendment

**Reasons:** The general approach to dredging for flood protection or erosion mitigation measures is supported and should also be adopted for coastal hazard mitigation (including protection) measures generally ie no activity being a non-complying activity.

Please see the concerns expressed elsewhere in this submission.

**Decision sought:** Please see the decisions sought elsewhere in this submission.

**Rules R204 and R205 - Destruction, damage or disturbance and general concerns about terminology throughout the rules** - seek amendment

**Reasons:** It is not clear what activities these rules will deal with and how they relate to other rules. The references to destruction, damage and disturbance differ from some earlier rules which eg only refer to disturbance.

Destruction, damage or disturbance of what should be set out in the rule.

As expressed before, given the extent of the areas in Rule R205, it is not acceptable for activities in those areas to be non-complying activities.

**Decision sought:** Reconsider the terminology used in all of the rules to ensure that it is consistent and appropriate.

Destruction, damage or disturbance of what needs to be set out.

How these rules relate to other rules eg rules that refer to disturbance but not destruction or damage needs to be addressed and remedied.

The meaning of "damage" and "destruction" should be clarified, perhaps by a definition, to clarify what exactly is damage or destruction of the foreshore or seabed and how those terms differ from, and relate to, "disturbance" or "reclamation" or perhaps "drainage".

Make Rule R205 a discretionary activity and revise the category of Rule R204 or otherwise address the concerns expressed throughout this submission.

**Rule R207: Deposition for beach renourishment - controlled activity** - support and seek amendment

**Reasons:** Subject to the reasons expressed, and decisions sought, elsewhere in this submission, making this a controlled activity is supported.

Reference is made in (d) to "by, or for, a local authority" but "by or on behalf of" is preferable.

There should be reference to associated diversion of water, which is not mentioned, despite matter of control 3 referring to the effects of diversion associated with the activity.

**Decision sought:** Please see the decisions sought in the rest of the submission.

Add diversion of water to this rule and to all other relevant rules as deposition may divert water when the water reaches that area.

Change (d) "by, or for, a local authority" to "by, or on behalf of, a local authority" and use that terminology consistently throughout the PNRP when reference is made to things being done by a local authority or local authority activities so it is clear that the work can be done by others who are not part of the local authority and can be done for a variety of purposes.

**Rules R208 and R209 - Deposition - seek amendment**

**Reasons:** Given the extent of the areas covered by this rule, it is inappropriate for deposition to be a non-complying activity for deposition that is for coastal hazard mitigation (including protection) activities.

In relation to structures or seawalls, it is not clear if the activities associated with those rules would cover deposition of eg rock to protect the structure or seawall or if these deposition rules would cover that. It seems that these deposition rules would apply.

Occupation of space of the material does not seem to have been addressed sufficiently.

The existing rules relating to dredging can perhaps be used as an appropriate a guide. Rule R201 makes dredging for flood protection purposes or erosion mitigation inside sites of significance a discretionary activity with dredging outside those sites a controlled activity.

**Decision sought:** Revise the rule and related rules (or create new rules) to address the concerns expressed here and throughout this submission.

Clarify if the structures or seawalls rules cover the deposition of material to protect those structures (where the material is not fixed to the land) or whether these rules apply.

Add reference to associated diversion of water.

Add reference to occupation of space in the coastal marine area for whatever rules do apply to the material used to protect any structures or seawalls or other materials deposited for coastal hazard mitigation (including protection) activities.

In terms of categorisation of the activities, a suggestion is that deposition outside sites of significance should be a permitted, controlled or restricted discretionary activity with deposition inside sites of significance being a discretionary activity.



## CHAPTER 6 - OTHER METHODS

### Other methods - general

**Reasons:** Please also see the reasons under the heading "GENERAL AND WHOLE PLAN ISSUES".

**Decision sought:** Please also see the decisions sought under the heading "GENERAL AND WHOLE PLAN ISSUES".

**Method M3: Wellington regional hazards management strategy - seek amendment**

**Reasons:** Please see relevant comments throughout this submission.

The reference to "work in in partnership with ... stakeholders" lacks clarity in intention, both with respect to the type of participatory process envisioned as well as the determination of stakeholder groups or individuals. Natural hazard management strategies must be developed using a genuinely collaborative process, facilitated by regulators but involving local communities and property owners. In particular, such a strategy development process must proactively seek participation by those property owners likely to be the most directly impacted by a particular natural hazard in order to achieve local support and buy-in for successful implementation.

Please also see the reasons set out below regarding Method M4.

**Decision sought:** Revise the method to address the concerns expressed in relation to Methods M3 and M4.

When expanding on the intention, refer to a "collaborative process" and "local communities or stakeholders, including affected property owners".

**Method M4: Sea level rise - seek amendment**

**Reasons:** Please see the relevant comments throughout this submission.

Given the poor-quality approach by local and central government authorities in New Zealand to dealing with sea level rise and coastal hazard risks as well as problems caused by some experts (see the attached paper "Notes on the Kapiti coastal erosion fiasco and problems caused more generally by a number of NZ coastal scientists"), GWRC should not be developing regional guidance on its own. It needs to do this in partnership with city and district councils and stakeholders, including affected property owners and any such guidance should be made available for public comment before it is produced.

Proper statistical input should be obtained as statistical input was an important recommendation of the Kapiti international coastal panel.

There should be information on the uncertainties (see eg, the joint Australian and New Zealand International Standard on risk management AS/NZS ISO 31000:2009 "Risk management - Principles and guidelines"), including the range of likely sea level rise outcomes over what likely timeframes to enable submitters to participate effectively in any RMA processes.

That Standard has been discussed earlier under the heading “Whole plan - failure to address a range of matters relating to risk (including the definitions of “risk” and “risk-based approach (natural hazards)”), risk assessment, and risk management, including in relation to climate change and coastal hazard mitigation issues”.

The uncertainties should not be exaggerated “to be on the safe side” as appears to be current practice in coastal science. Instead, best estimates of the uncertainties should be provided to enable informed participation in RMA processes and informed judgements to be made by resource management decision-makers as well as individual property owners.

GWRC should be seeking contestable and broad-based expert advice, should explicitly advise any professionals that what is provided should not be tainted by conservative or precautionary considerations, needs to be based on likely, not unlikely impacts of climate change and should not simply be producing a number and purporting to say that it is the sea level rise that should be adopted for the Wellington Region. It should be made clear that the uncertainty needs to be quantified so it can be used in subsequent risk analysis and management.

**Decision sought:** Revise the method to address the concerns above, including the concerns in the attached paper “Notes on the Kapiti coastal erosion fiasco and problems caused more generally by a number of NZ coastal scientists” and the concerns expressed throughout this submission.

Revise Method M4 to say “will work in partnership with city and district councils and stakeholders, including affected property owners to develop...” or something along those lines.

Add reference to using appropriate statistical input, information on the uncertainties, and the range of likely sea level rise outcomes over what likely timeframes.

Add that the purpose is to enable a “consistent, robust and high-quality approach...”

Add reference to draft guidance being provided for public comment.

**Method M10: Water quality investigations and remediation actions (e) and (g) - support and seek amendment**

**Reasons:** Issues with Te Horo groundwater and the poor state of the Mangaone Stream need to be addressed.

**Decision sought:** Retain method M10 (e) regarding Te Horo groundwater and (g) regarding the Mangaone Stream and, if anything, change the dates to being sooner than 2018.

## CHAPTER 10 - KĀPITI COAST WHAITUA

### Kāpiti Coast Whaitua - general

**Reasons:** Please also see the reasons under the heading “GENERAL AND WHOLE PLAN ISSUES”.

**Decision sought:** Please also see the decisions sought under the heading “GENERAL AND WHOLE PLAN ISSUES”.

### Chapter 10 Kapiti Coast Whaitua all provisions relating to taking groundwater - seek amendment

**Reasons:** The provisions in this chapter seem to conflict with Rule R136 that provides that taking groundwater in certain circumstances is a permitted activity. That rule also includes a note drawing the reader’s attention to s 14(1)(b) of the RMA that provides, among other things, for taking water for an individual’s reasonable domestic needs.

**Decision sought:** State in Chapter 10 that Rule R136 and s 14(1)(b) of the RMA override all of the provisions and rules in Chapter 10.

## SCHEDULES

### All of the schedules - oppose and seek amendment

**Reasons:** All of the schedules are opposed for reasons expressed elsewhere in the submission.

**Decision sought:** Revise the schedules to appropriately address the concerns expressed.

Please see the decisions sought elsewhere in this submission about the schedules and also about new schedules, including in relation to identifying areas where motor vehicles are not a permitted activity (subject to appropriate exceptions).

## MAPS

### All of the maps - oppose and seek amendment

**Reasons:** All of the maps are opposed for reasons expressed elsewhere in the submission.

**Decision sought:** Revise the maps to appropriately address the concerns expressed.

Please see the decisions sought elsewhere in this submission about the maps and also about new maps, including in relation to identifying areas where motor vehicles are not a permitted activity (subject to appropriate exceptions).

**CONCLUSION**

The Appendix follows next and we ask that you read it please.

Thank you for considering our submission.

Joan Allin and Rob Crozier  
16 October 2015

## APPENDIX

### Notes on the Kapiti coastal erosion fiasco and problems caused more generally by a number of NZ coastal scientists

1. In these notes, I explain:
  - a. what has happened in the Kapiti coastal erosion fiasco where the exact same results have morphed from:
    - i. "likely"; to
    - ii. "based on a worst case scenario" but worse than what and by how much were not explained; to
    - iii. "very unlikely";
  - b. my reactions to, and some opinions about, what has happened; and
  - c. problems being caused more generally by a number of New Zealand coastal scientists who, in my opinion, are misinterpreting or ignoring the law and misunderstanding their role in the context of the Resource Management Act 1991 (RMA) and the New Zealand Coastal Policy Statement 2010 (NZCPS 2010 or in full).
  
2. I address:
  - a. Kapiti long-term erosion/accretion;
  - b. Kapiti reports/documents on coastal erosion;
  - c. the problems that the independent panel of international and NZ coastal experts and a statistician (Coastal Panel)<sup>1</sup> engaged by Kapiti Coast District Council (KCDC) identified with the Coastal Systems Limited (CSL) reports;
  - d. the practice of ignoring accretion, which is contrary to Policy 24(1)(b) of the NZCPS 2010;
  - e. what KCDC has done in response to the Coastal Panel's report and an independent planning/legal report;
  - f. the morphing information as to Kapiti results, where the exact same results have gone from:
    - i. "likely"; to
    - ii. "based on a worst case scenario" but worse than what and by how much were not explained; to
    - iii. "very unlikely";
  - g. some relevant statutory, and related, provisions;
  - h. how some NZ coastal scientists interpret the law and approach their role;
  - i. some hints to the contrary from the Environment Court;

---

<sup>1</sup> Dr Paul Komar (USA), Mr James Carley (Australia), Dr Paul Kench (NZ) and Dr Robert Davies (NZ statistician).

- j. the problems with providing only very unlikely results or overstating results;
  - k. risk management and uncertainty - AS/NZS ISO 31000:2009 *Risk management - Principles and guidelines*; and
  - l. in conclusion, NZCPS 2010 provisions, the recommendations of the Coastal Panel vs conventional practice of NZ coastal experts, and what, in my opinion, submitters and decision-makers are entitled to expect from scientific reports and coastal experts.
3. By way of background, our property was not affected by CSL's 50 year lines. The 100 year line touched the seaward side of our house. We were not concerned when we received the letter from KCDC advising us of this "likely" outcome. The concerns that I have are professional rather than personal.
  4. During my career<sup>2</sup>, I have encountered many well-meaning, but ultimately misguided, concerned citizens. I have read and evaluated many scientific and technical reports and dealt with expert evidence. I did not even intend to read the CSL reports as I assumed that the reports were validly prepared and that the residents were misguided. However, due to the ongoing controversy over the reports, I eventually felt that I should at least read CSL's 2012 Update to satisfy myself that it was valid. I was stunned (and not in a good way) by what I read and ultimately discovered.
  5. It has been difficult to get to the bottom of the nature of the CSL results. It has taken me far too many hours, and several years, to uncover that the CSL results are not:
    - a. "likely" as initially described by KCDC; or
    - b. "precautionary" or "conservative", terms used in the 2008 and 2012 reports; or
    - c. "based on a worst case scenario" as later described by KCDC; but
    - d. "very unlikely" as described on CSL's own website in March 2015.
  6. Over time, I have also developed concerns about what other NZ coastal experts are doing. It seems that a number of them consider that it is appropriate in the RMA/NZCPS 2010 context to provide only results that are very unlikely, or overstated. That does not accord with my view of the nature of scientific results that coastal experts should be providing. In my opinion, providing only very unlikely or overstated scientific results undermines (and in the Kapiti case sabotaged) the RMA/NZCPS 2010 process.

---

<sup>2</sup> Senior lecturer in law at Victoria University, resource management partner at Chapman Tripp, independent hearings commissioner, Principal Environment Judge (ie the chief judge) and an alternate Environment Judge of the Environment Court. Retired now.

### **Kapiti long-term erosion/accretion**

7. The southern part of the Kapiti coast has been affected by long-term erosion (although some predictions of erosion made in the past have not occurred).
8. The net effect of coastal processes (including the ongoing long-term sea level rise) on the central and northern parts of the Kapiti coast has not been erosion, but accretion.
9. A positive outcome of the CSL reports was demonstrating the areas of longer-term erosion and accretion, and that the trends are not linear.

### **Kapiti reports/documents on coastal erosion**

10. The various reports/documents (including my comments on some of them) have been:
  - a. 2003 Lumsden report on coastal erosion.
  - b. 2005 Coastal Systems Limited (CSL<sup>3</sup>) review of Lumsden report which found it wanting.
  - c. CSL 2008 (March 2008) Open Coast report<sup>4</sup> and Inlets report<sup>5</sup>:
    - i. 50 years;
    - ii. references to "precautionary" and "conservative";
    - iii. KCDC puts process on hold pending updated New Zealand Coastal Policy Statement.
  - d. CSL 2012 Update<sup>6</sup> (August 2012) to take account of the New Zealand Coastal Policy Statement 2010:
    - i. 50 and 100 years;
    - ii. accretion not included where report says progradation (accretion) is "expected" ie generally the central and northern parts of the Kapiti coast;
    - iii. under Policy 24(1)(b) NZCPS 2010, the Council is to have regard to the "short-term and long-term natural dynamic fluctuations of erosion and accretion";
    - iv. numerous references to "precautionary" and some to "conservative" strike me as unusual for a scientific report;
    - v. precautionary assumption added to precautionary assumption added to precautionary assumption;
    - vi. peer review of 2012 Update is 1 page "Overview comments" (Appendix H), which refers to results being "necessarily conservative (precautionary)", purportedly to comply with the 2008 MFE Guidance Manual;
    - vii. flashing lights to me saying "investigate further";
    - viii. and then I read the 2007 peer reviewer report.

<sup>3</sup> The author of all of the CSL reports that I refer to is Dr Roger Shand.

<sup>4</sup> Available at [http://www.kapiticoast.govt.nz/Documents/Downloads/District-Plan-Review/coastal-hazards/Kapiti\\_Coast-Erosion\\_Hazard\\_Assessment\\_Part1\\_Open\\_Coast.pdf](http://www.kapiticoast.govt.nz/Documents/Downloads/District-Plan-Review/coastal-hazards/Kapiti_Coast-Erosion_Hazard_Assessment_Part1_Open_Coast.pdf).

<sup>5</sup> Available at [http://www.kapiticoast.govt.nz/Documents/Downloads/District-Plan-Review/coastal-hazards/Kapiti\\_Coast\\_Erosion\\_Hazard\\_Assessment\\_Part2\\_Inlets.pdf](http://www.kapiticoast.govt.nz/Documents/Downloads/District-Plan-Review/coastal-hazards/Kapiti_Coast_Erosion_Hazard_Assessment_Part2_Inlets.pdf).

<sup>6</sup> Available at [http://www.kapiticoast.govt.nz/Documents/Downloads/District-Plan-Review/coastal-hazards/Kapiti\\_Coast\\_Erosion\\_Hazard\\_Assessment\\_2012\\_Update.pdf](http://www.kapiticoast.govt.nz/Documents/Downloads/District-Plan-Review/coastal-hazards/Kapiti_Coast_Erosion_Hazard_Assessment_2012_Update.pdf).

- e. 2007 CSL "Summary of Peer Reviewer comments on the KCDC Open Coast Erosion Hazard Report"<sup>7</sup>, February 2007 (2007 Compilation) - 50 years. The following quotes are from the author of the CSL reports:

"Given the conservative manner in which all the components have been derived, coupled with the extrapolation uncertainty noted above, it is recommended that the 50 yr values be used be adopted [sic], with an understanding that they are [sic] can be applied to a 50 to 100 yr period if a hazard review is undertaken at 10 yr intervals." (page 20)

"In an effort to simplify the computation method - thereby facilitating hazard update by future council staff, the method of combining hazard components has now been modified. All positive (accretionary) [sic] long-term rates of change have been set to 0. This practice is becoming more common in hazard assessment. The approach also remove [sic] the models [sic] reliance on trend continuity. This approach has effectively doubled the hazard distances along the north coast." (underlining is original, page 23)

So:

- the components are so conservative that the 50 year results could be used for 100 years, with reviews;
- with \$1 billion+ of property affected, to simplify the computation method "thereby facilitating hazard update by future council staff", all accretionary long-term rates of change are set to 0; and
- the effect of putting accretion at 0 is to double the hazard distances along the north coast.

That's all rather startling.

This February 2007 compilation (over a year before the March 2008 reports were finished), the 3 page "Peer Review" of the 2008 Inlets report and the 1 page "Overview comments" in the 2012 Update are the only peer review documentation available and, in my opinion, demonstrate the superficiality of the peer review.

- f. 29 November 2012 - KCDC Proposed District Plan notified under the RMA:
- i. will eventually replace the operative District Plan (does not just deal with coastal erosion);
  - ii. CSL reports are used as the basis for no-build and relocatable zones.

---

<sup>7</sup> Not currently available on KCDC's website but I understand that KCDC may add it to the website.



- g. September 2013 - CSL report on the northern shore of the Waimeha Inlet<sup>8</sup> produces different results:
  - i. "The 1973 and 1988 aerial photo-based inlet shorelines used for the previous assessments were of poor quality so improved imagery was acquired, processed and shorelines abstracted." (page 6);
  - ii. lines moved substantially seaward, if not completely off, the property of the landowner.
  
- h. November 2013 - CSL draft (but not released<sup>9</sup>) report for the Mangaone Inlet produces different results:
  - i. original reports - "it was not considered necessary to carry out a separate hazard assessment for a managed inlet scenario" (2008 Inlets report page 27, see also the 2012 Update page 36) for the Mangaone Inlet. That was despite the inlet being managed, the 2008 report identifying the management regime<sup>10</sup>, the 2012 Update referring to the stream mouth cutting<sup>11</sup> and KCDC's terms of reference for CSL stating that managed and unmanaged scenarios should be done;
  - ii. revised outcome (now providing a managed scenario) = 2 or 3 properties affected, not around 30<sup>12</sup>.
  
- i. January 2014 - CSL report for the Waikanae estuary in the vicinity of Kotuku Parks subdivision<sup>13</sup> produces different results:
  - i. "Both the managed and unmanaged lines are now seaward of the Kotuku Parks boundary by about 40 m with the managed line adjustment increasing up to about 65 m in the northern sector" (page 7).

---

<sup>8</sup> Available at <http://www.kapiticoast.govt.nz/Documents/Downloads/District-Plan-Review/coastal-hazards/reports/Erosion-Hazard-Reassessment-northern-shoreline-of-Waimeha-Inlet.pdf>.

<sup>9</sup> The version that KCDC has is labelled "DRAFT" and "NOTE this is a DRAFT assessment for professional review. This document is not to be forwarded without the authors [sic] permission." It is not on KCDC's website.

<sup>10</sup> Page 27 of the 2008 Inlets report, section 3.4.1 states: "More recently, erosion and flood prevention management has been carried out when formal trigger conditions defined in the Wellington Regional Coastal Plan are exceeded. In particular, *stream mouth cutting is carried out when the channel outlet within the coastal marine area migrates either 100 m south or 300 m north of Te Horo Beach Road .....*, or when the water level increases 300 mm or more above its normal level at Sims Road." (emphasis original).

<sup>11</sup> The 2012 Update records "... more recently, stream mouth cutting has been carried out to prevent lateral migration of the channel." (page 36).

<sup>12</sup> In the draft managed scenario report, our property is not affected at all.

<sup>13</sup> Not currently available on KCDC's website but I understand that KCDC may add it to the website.

- j. mid 2013 - June 2014 - KCDC appoints independent Coastal Panel - 2 international coastal experts (USA<sup>14</sup> & Australia<sup>15</sup>), 1 New Zealand coastal expert<sup>16</sup> and 1 statistician<sup>17</sup> to review the CSL reports. The Coastal Panel's report<sup>18</sup>:
  - i. identifies numerous problems with the CSL reports;
  - ii. ironically, rejects CSL's approach to the short-term component in favour of Lumsden's, but subject to qualifications;
  - iii. concludes "... the hazard lines recommended by CSL are not sufficiently robust to be incorporated into the Proposed District Plan ...". (section ES.1 Overview, see also page 51).
- k. December 2013 - June 2014 - KCDC appoints Richard Fowler QC and senior planner Sylvia Allan to review the Proposed District Plan (PDP). Their report<sup>19</sup>:
  - i. has significant recommendations regarding the PDP generally, but not that it be totally withdrawn;
  - ii. recommends that all of the coastal hazard provisions be removed from the PDP.

### **Coastal Panel - problems with the CSL reports**

11. The Coastal Panel identified a number of problems in the CSL reports, including:
- a. intentionally double-counting the recession caused by sea level rise - "Purposely double counting is a decidedly unconventional approach, and should not be followed ..." (page 34);
  - b. concern that there may also be double counting when the "catch up" term is applied to some areas where a sea wall is lost or removed (page 29). "In the modelling of the "remove sea-walls" scenario the "catch-up" term in the 100-year projection appears to be incorrectly handled. It is doubled ... It should be left as is." (page 45);
  - c. inappropriate approach to the short-term component - "the CSL assessments of the short-term hazards cannot be viewed as being robust ...". "It is the recommendation of this Panel that the analysis methodologies applied by Lumsden (2003) be adopted ...", subject to qualifications (section ES.4 see also pages 37-39);

---

<sup>14</sup> Dr Paul D Komar, Emeritus Professor of Oceanography, Oregon State University, USA.

<sup>15</sup> Mr James T Carley, Principal Coastal Engineer, Water Research Laboratory, UNSW, Australia.

<sup>16</sup> Dr Paul S Kench, Professor and Head of Department, School of Environment, University of Auckland.

<sup>17</sup> Dr Robert B Davies, Statistician, Statistics Research Associates Limited, Wellington.

<sup>18</sup> Available at [http://www.kapiticoast.govt.nz/Documents/Downloads/District-Plan-Review/Proposed-District-Plan/Independent-review/Coastal\\_Erosion\\_Hazard\\_Assessment\\_Review\\_of\\_the\\_science\\_and\\_assessments\\_undertaken\\_for\\_the\\_PDP.pdf](http://www.kapiticoast.govt.nz/Documents/Downloads/District-Plan-Review/Proposed-District-Plan/Independent-review/Coastal_Erosion_Hazard_Assessment_Review_of_the_science_and_assessments_undertaken_for_the_PDP.pdf).

<sup>19</sup> Available at [http://www.kapiticoast.govt.nz/Documents/Downloads/District-Plan-Review/Proposed-District-Plan/Independent-review/Independent\\_Review\\_of\\_the\\_Kapiti\\_Coast\\_PDP.pdf](http://www.kapiticoast.govt.nz/Documents/Downloads/District-Plan-Review/Proposed-District-Plan/Independent-review/Independent_Review_of_the_Kapiti_Coast_PDP.pdf).

- d. failure to include accretion where it exists -
  - i. "The Panel recognises that CSL is correct in this [setting accretion at 0 in accreting coasts] being a common practice ... although in the case of the [Kapiti] Coast it represents a rather extreme assumption that future rates of rising sea levels will overcome the positive balance provided by the sediment budget. The question of this being a valid assumption, that the cusped foreland would soon disappear under rising sea levels, could be addressed by an evaluation of the sediment budget ..." (page 30). (CSL did not do a sediment budget).
  - ii. "Along with revised open coast assessments, scenarios of change [for inlets] under accretionary coast conditions should be considered" (section ES.5, see also pages 44 and 53);
- e. in relation to the dune stability component, "More elevated portions of the coast (south of about Raumati) are subject to more complex slope stability processes than the simple dune stability model used in CSL (2008a). Issues include (but may not be limited to) the sand grain size adopted and the assumption of dry sand. It is recommended that specialist geotechnical engineering advice be sought regarding slope stability in these areas" (page 40);
- f. the inlets reports produced a "first approximation" of inlet erosion hazards (repeated several times on pages 43 and 44 of the Coastal Panel's report, although neither the CSL 2008 Inlets report nor the 2012 Update described the inlets approach as a "first approximation"). Weaknesses in the inlets approach include a number of matters (see pages 43, 53 and section ES.5) including:
  - i. the approach masks the variability in the alongshore dynamics of inlet entrances;
  - ii. the approach assumes that the lagoon shorelines will migrate landward, which ignores the likely primary control on such shorelines;
  - iii. it assumed the coast will be erosional/recessionary, despite evidence that some parts of the coast and inlets have been in net accretion in the past; and
  - iv. how the inlet and open coast hazard zones are merged should be reconsidered and a transparent procedure invoked;
- g. a number of statistical technique issues (page 45):
  - i. "It is recommended that studies such as these involve an experienced statistician, preferably one familiar with time-series analysis. There seems to have been only limited involvement of a statistician in the CSL analyses";
  - ii. "...the simple regression analysis, linear or not, used in the CSL analyses is likely to be inappropriate for the data sets considered here.";

- iii. "From a statistical perspective, it is recommended that "best estimates" rather than precautionary values be adopted, with margins of error or factors of safety kept separate from the estimates and added at the end if appropriate. Alternatively, one could give several scenarios based on best, worst and mid-way cases.";
  - iv. "An economic assessment of the consequences of planning restrictions needs to be undertaken before imposing them, since the restrictions may have been made on the basis of calculations which may be excessively precautionary. One needs to balance the cost to property owners of any restrictions with the actual risk (and its time scale) and one can't do this if there are hidden "precautionary" adjustments."
12. As already noted, the Coastal Panel concluded:
- "... the hazard lines recommended by CSL are not sufficiently robust to be incorporated into the Proposed District Plan ...". (section ES.1 Overview, see also page 51).
13. The Coastal Panel also said (page 47):
- a. "Adaptive management provides a realistic alternative to excess speculation regarding definitive future coastal hazards."; and
  - b. "The assessment of coastal hazard zones should consider a range of plausible scenarios (e.g. low, mid, high, or best estimate and extremes)."

**Practice of ignoring accretion is contrary to Policy 24(1)(b) of the NZCPS 2010**

14. I return to the Coastal Panel's comment that:
- "The Panel recognises that CSL is correct in this [setting accretion at 0 in accreting coasts] being a common practice ... although in the case of the [Kapiti] Coast it represents a rather extreme assumption that future rates of rising sea levels will overcome the positive balance provided by the sediment budget."
15. It may be that a practice of ignoring accretion has developed over time among New Zealand and/or overseas coastal experts. However, such a practice cannot override the express provision introduced in New Zealand in Policy 24(1)(b) of the NZCPS 2010 that a Council is to assess hazard risks having regard to:
- "short-term and long-term natural dynamic fluctuations of erosion and accretion" (emphasis added).
16. If coastal scientists in New Zealand had developed a practice of ignoring accretion, such a practice should have stopped as of 3 December 2010 to enable Councils to fulfil their obligations under the NZCPS 2010.

### What KCDC has done in response to the Coastal Panel and the Planning/Legal reports

17. KCDC has:

- a. withdrawn the coastal hazard provisions of the PDP;
- b. put a disclaimer, outlined in red, on the CSL reports on the KCDC website:
 

“Disclaimer: before reading this report you need to be aware that an independent panel of coastal experts has found that the information contained in this report is not appropriate for planning purposes. A further independent planning report has subsequently recommended that the Council withdraw from the Proposed District Plan the coastal hazard management areas associated with this report and undertake further work in regard to the underlying methodologies for use in relation to future planning for the [Kapiti] District. The information contained in this report should not therefore be relied upon.”;
- c. removed the projected shorelines maps from KCDC's website;
- d. withdrawn the information on the LIMs but included a general comment about coastal erosion;
- e. stopped using the CSL reports as a basis for putting a notice on a property title under the Building Act if a building consent is granted for construction of a building, or major alterations to a building, on land that is subject or is likely to be subject to coastal erosion. KCDC's letter dated 19 December 2013 to property owners said that the endorsements that had been put on title would be reviewed and, where necessary, removed at no cost to the owner. Further building consents are being dealt with under the operative District Plan or on a case-by-case basis, not the PDP or CSL reports;
- f. started reviewing all of the PDP and taking steps for further relevant coastal erosion work to be done;
- g. written to CSL about misleading statements on the CSL website. The letter dated 12 February 2015 said:

“... For the record the Council does not accept that the independent panel identified “very few issues” and that the CSL report is “fit for purpose”...

It is therefore difficult to see how any reasonable person could conclude that the CSL report is “fit for purpose”... The Council will not hesitate to make its views known to any person making inquiries about the work CSL carried out for the Council on coastal hazards...

The Council wishes to make it quite clear to you that it disassociates itself from the statements made on the CSL website regarding the Kapiti erosion assessments.”

18. As of March 2015 (the website records that the page was updated 15 March 2015), the information in the Kapiti Erosion Hazard Assessments tab on the CSL website became more misleading further to KCDC's letter, not less. The CSL assertions are misleading, contain errors of law and fact, and should not be relied upon.

#### **Morphing information as to Kapiti results**

19. Over time, the CSL results have morphed from:
- a. "likely" and "likely risk of significant erosion or inundation" (KCDC letter of 25 August 2012 to affected residents); to
  - b. "based on a worst case scenario" (KCDC letter of 18 January 2013 to affected residents) - worse than what and by how much were not explained; to
  - c. "Very unlikely" (CSL website March 2015).

20. 25 August 2012 letter to affected residents - the coastal hazard assessment:

"... predicts where the shoreline is likely to be along [Kapiti] Coast within 50 and 100 years...

Around 1,800 properties - including most beachfront properties in the district - are at likely risk of significant erosion or inundation (flooding) within 100 years. Up to 1,000 of these may be affected within 50 years." (emphases added)

21. 3 September 2012 - the then Mayor's column "A Moment with our Mayor" in the *Kapiti Observer*:

"Around 1800 coastal properties in Kapiti are likely to be at significant risk of coastal erosion within the next 100 years and up to 1000 of these within the next 50 years.

...

We have also been briefing a number of other significant stakeholders including local real estate agents, lawyers and valuers.

At this point it is not known what effect this will have on property values, although an economic study in Whakatane District shows this information did not have a long term impact.

Council's current policy is to maintain and protect roads and public health infrastructure (water supply, stormwater and sewerage) in the short term. However, we will progressively move public infrastructure away from areas of high risk.

I completely empathise with residents who are anxious about this new direction and encourage you to visit our website ...

Have a good week." (emphasis added)

22. KCDC was obviously under the impression that the CSL reports were providing information as to what was likely to occur. Busy telling real estate agents, lawyers and valuers. Considering what to do about infrastructure. Considering the effect on property values. Empathising with affected residents.
23. 5 months later, on 18 January 2013, - KCDC letter to affected residents - the assessment is:
- “based on a worst case scenario”
- but worse than what and by how much were not identified.
24. March 2015 - CSL website’s newly-created key to the Kapiti projected shorelines maps describes the results as:
- “Very unlikely”.
25. So, between August 2012 and March 2015, the exact same results have morphed from likely to very unlikely. In my opinion, that is appalling.

**Some relevant statutory, and related, provisions**

26. The CSL reports were prepared for RMA purposes, including the NZPCS and district plans. Under s 75(3)(b) of the RMA, a district plan must give effect to the NZCPS 2010.
27. The NZCPS 2010 states:
- “This NZCPS is to be applied as required by the [RMA] by persons exercising functions and powers under the [RMA].” (page 7).
28. It is therefore the role of the Council (or the Environment Court) to apply the NZCPS 2010 as required by the RMA, not the role of coastal scientists.

29. Policy 24 states the functions of the Council in relation to the identification of coastal hazards:

**“Policy 24 - Identification of coastal hazards**

- (1) Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to:
- (a) physical drivers and processes that cause coastal change including sea level rise;
  - (b) short-term and long-term natural dynamic fluctuations of erosion and accretion;
  - (c) geomorphological character;
  - (d) the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;
  - (e) cumulative effects of sea level rise, storm surge and wave height under storm conditions;
  - (f) influences that humans have had or are having on the coast;
  - (g) the extent and permanence of built development; and
  - (h) the effects of climate change on:
    - (i) matters (a) to (g) above;
    - (ii) storm frequency, intensity and surges; and
    - (iii) coastal sediment dynamics;
 taking into account national guidance and the best available information on the likely effects of climate change on the region or district.” (emphases added)

30. I have often seen Policy 24 set out incorrectly. The mistake that people make is indenting the words at the end ie “taking into account ... the likely effects of climate change on the region or district” so it looks like those words are part of (h). But they are not part of (h). They form the ending of what is a long sentence that effectively reads:

“Hazard risks, over at least 100 years, are to be assessed having regard to [(a) to (h)] taking into account ... the best available information on the likely effects of climate change on the region or district.”

31. Setting out Policy 24 incorrectly affects its meaning.
32. Policy 24 effectively says that the Council’s function is to:

- “(1) Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to [(a) to (h)] taking into account national guidance and the best available information on the likely effects of climate change on the region or district.” (emphases added)



33. Risk is defined in the NZCPS 2010 as:
- “Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence ...”. (emphasis added)
34. So, to carry out its functions under Policy 24, a Council needs to:
- a. identify areas potentially affected by coastal hazards, with the hazard risks being assessed taking into account the likely effects of climate change;
  - b. give priority to the identification of areas at high risk of being affected;
  - c. in assessing risk (likelihood x consequences), consider the likelihood of coastal erosion occurring and the consequences.
35. Policy 25 of the NZCPS 2010 deals with “areas potentially affected by coastal hazards”, so “potentially affected” is used on its own there. However, it is my view that it should be read in the context of Policy 24, which specifically deals with the “[identification of] areas ... potentially affected by coastal hazards” and also refers to the likely effects of climate change (and hazard risks), so that Policy 25 addresses areas identified by Policy 24.
36. Policy 27 of the NZCPS 2010 identifies the range of options the Council should assess for reducing coastal hazard risks in areas of significant existing development likely to be affected by coastal hazards. These areas should also have been identified by the Council during the Policy 24 process, as a subset of the other areas.
37. The first part of Policy 27 states:
- “Strategies for protecting significant existing development from coastal hazard risk**
- (1) In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes: ...”  
(emphases added)
38. Affected Kapiti properties = \$1 billion+.
39. Providing only “very unlikely” results, especially in Kapiti (or in other areas of significant existing development):
- a. does not provide KCDC (or any Council) with the appropriate scientific information that it needs to carry out its tasks;
  - b. does not enable the community to participate in the RMA process with appropriate scientific information; and
  - c. wastes resources as it does not enable the Council to focus attention on the areas where options for reducing coastal hazards are actually needed ie the areas likely to be affected.

40. Policy 3(2) of the NZCPS 2010 states:
- “In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:
- (a) avoidable social and economic loss and harm to communities does not occur;
  - (b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and
  - (c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.”
41. Some coastal scientists seem to have interpreted this provision as applying to them and therefore think that their scientific assessment of coastal hazards should be precautionary. Indeed, according to CSL’s website as at March 2015, a number apparently consider that their results should be “very unlikely”.
42. I have had a coastal expert (not any expert referred to on the CSL website) confidently tell me to my face that they need to provide precautionary results, and look at me like I was an idiot for thinking otherwise.
43. However:
- a. the provision is referring to what Councils are to do (not coastal scientists);
  - b. it relates to “use and management of coastal resources” so, planning and resource consent matters, not identification of the hazards which is addressed in Policy 24;
  - c. it uses different wording from Policies 24 to 27 ie “potentially vulnerable” so it is arguable whether it should be read in light of Policy 24 or not which makes it all the more important for coastal experts to prepare assessments based on objective science so that no matter what way the law is interpreted or what specific policies apply, the decision-maker has the relevant scientific basis for the decision;
  - d. it refers to adopting a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that avoidable social and economic loss and harm to communities does not occur. In my view, that reads both ways. Too stringent provisions can cause avoidable social and economic loss and harm to communities as can too lenient provisions.
44. In short, Policy 3 does not direct that coastal hazard assessments should be precautionary.
45. Confirmation of that also comes from DOC’s Guidance note on Policy 3 that says “The application of the precautionary approach is a risk management approach rather than a risk assessment approach.” (page 6)

46. Other relevant statutes for different purposes:

- a. Section 44A(2)(a) Local Government Official Information and Meetings Act 1987 different - matters to be included in a land information memorandum (LIM) are:

“information identifying each (if any) special feature or characteristic of the land concerned, including but not limited to potential erosion, ... [that] ... is not apparent from ... a district plan under the [RMA]” (emphasis added).

Potential erosion is referred to on its own without qualifications. The provision ceases to apply when the district plan deals with the matter so limited effect. The reference to the district plan is relevant in that a Council would not normally expect to receive a report in the nature of CSL's reports, identifying only very unlikely results, for district plan purposes.

This is the provision the *Weir v KCDC* High Court judicial review case was about [2013] NZHC 3522 and [2015] NZHC 43.

- b. Sections 71-74 Building Act 2004 - relevant to notices on title for building consents - s 71(1)(a) refers to land which:

“is subject or is likely to be subject” (emphases added) to natural hazards.

If a person obtains a building consent for construction of a new building, or major alterations to a building, on land that is subject or is likely to be subject to a natural hazard, a notice goes on the property title about the hazard. A coastal hazard assessment that doesn't identify land that is subject or is likely to be subject to coastal erosion jeopardises Council's use of the Building Act, as has happened in Kapiti.

#### **How some NZ coastal scientists interpret the law and approach their role**

47. One wonders how the exact same results can morph from:

- a. “likely”; to  
 b. “based on a worst case scenario” (but worse than what and by how much were not explained); to  
 c. “very unlikely”.

48. It seems extraordinary for that to be able to occur. How could such a thing happen, with \$1 billion+ of property affected?

49. If I hadn't lived through it myself I would have found it difficult to believe that such a thing could happen.

50. My view is that it has occurred because some coastal scientists are:
- a. misinterpreting or ignoring the law;
  - b. misunderstanding their proper role in the RMA process;
  - c. providing only very unlikely results (or results of that ilk);
  - d. failing to explain clearly the nature of such results (instead, referring to precautionary, conservative, potential) thereby camouflaging the very unlikely nature of the results;
  - e. failing to get proper statistical input;
  - f. failing to report the uncertainties;
  - g. providing false certainty of overstated results; and
  - h. unintentionally undermining, or indeed sabotaging, the RMA processes.
51. I have already noted that the district plan must give effect to the NZCPS 2010. I have set out some elements of Policies 3, 24, 25 and 27 and discussed the relevant wording. All of the provisions of the NZCPS 2010 are relevant, including the objectives and policies.
52. It is the Council's role (not coastal scientists) to give effect to the NZCPS 2010 in the district plan.
53. It is the role of the coastal scientist to provide appropriate objective, scientific information:
- a. to enable submitters to participate in the RMA process; and
  - b. decision-makers to make appropriate decisions,
- in an informed manner.
54. Some NZ coastal scientists seem to be usurping the decision-maker's role in deciding that only "precautionary" or "conservative" or "potential" results should be provided without clarifying how precautionary or conservative the results are or what the coastal scientist means by potential - and compared to what. Some are providing only results that are very unlikely.
55. The Supreme Court in *Sustain our Sounds Inc v The New Zealand King Salmon Company Ltd* [2014] NZSC 40 said:
- "[157] We accept that public participation is a key tenet of decision making under the RMA with many public participatory processes... As noted by Keith J in *Discount Brands Ltd v Westfield (New Zealand) Ltd*, the purpose of these processes is to recognise and protect the particular rights of those who are affected and to enhance the quality of the decision making."

56. The extract below is from the CSL website under the tab Kapiti Erosion Hazard Assessments (the website indicates that the page was updated on 15 March 2015). The extract is interesting (though troubling) in its failure to understand the difference between the High Court judicial review LIM statutory context and the NZCPS 2010/RMA context, and in what it says about how coastal practitioners interpret their role:

“The 2008 assessment had been carried out conservatively enough to meet the “potential” hazard (risk) level specifically stipulated in the NZCPS 2010, along with additional requirements to allow for increased uncertainty associated with predicted climate change. It is noted that “potential erosion” is typically interpreted by practitioners as erosion occurring under an extreme set of circumstances and as such is “very unlikely” to occur. It is noted that the High Court has recently defined potential erosion as a “reasonably possible worst case scenario... i.e. a worst case scenario objectively determined and evidentially based” (CIV-2012-485-2577 [2015] NZHC 43). Such definitions are entirely appropriate as developers, prospective purchasers and insurers want to know that in the future their property of interest will be virtually free of erosion hazard.” (emphasis added)

57. The newly-created key (as of March 2015) for the Kapiti projected shorelines maps on CSL’s website identifies that CSL’s Kapiti results are “Very unlikely”.
58. So, the extract and the newly-created key are saying that, in the RMA context and according to the NZCPS 2010, coastal practitioners consider that their proper role is to provide only very unlikely results.
59. It becomes particularly problematic if coastal scientists consider it their role to provide only very unlikely results, but label them in ambiguous ways such as precautionary, conservative, or potential, thus camouflaging the fact that they are providing results that are, in fact, “very unlikely”.
60. It is relevant to note that there is no reference in the CSL 2008 reports or the 2012 Update to the results being a worst case scenario, let alone a reasonably possible one. The language about a worst case scenario started with KCDC’s letter to affected residents in January 2013.
61. Instead, the CSL 2008 and 2012 reports use the terms “precautionary” or “conservative”, but just how precautionary or conservative, or precautionary or conservative compared to what, is not explained.
62. Kapiti has many areas of significant existing development. KCDC obviously considered that it was being given results that were likely, not very unlikely.
63. Using ambiguous language to describe “very unlikely” results is not helpful.
64. In addition, the idea that it is the role of coastal scientists to provide only “very unlikely” results in the RMA and NZCPS 2010 context:
- a. ignores the difference between s 44A of the Local Government Official Information and Meetings Act (where the word “potential” erosion is used on its own) and the RMA and Policies 24, 25 and 27 of the

NZCPS 2010 where it is not<sup>20</sup>, as has already been discussed;

- b. ignores the difference between judicial review of LIMs where there is a low threshold for assuming the validity of results and the RMA process where the "science and the reliability of his 50 and 100 year lines will be put to the test", as noted by the High Court in para [35] of the interim judgment;
  - c. fails to understand that it is the role of the coastal scientist to provide objective, scientific results to enable submitters to participate, and decision-maker to make decisions, based on results that are fit for purpose;
  - d. fails to understand that it is the role of the Council (or the Environment Court) to apply the Policy 3 precautionary approach, not the coastal scientist.
65. I refer to the point in b in the preceding paragraph about ignoring the difference between judicial review of LIMs where there is a low threshold for assuming the validity of results and the RMA process where the "science and the reliability of his 50 and 100 year lines will be put to the test". In the final judgment, the High Court said:

[7] The panel has since found, I am advised, that the Shand lines were not sufficiently robust to warrant their inclusion in the District Plan. With that finding in hand, the Council has now resolved to remove the lines from all LIMs because, according to Mr Stephens, they do not now meet the criteria for mandatory disclosure in s 44A(2). There remains on the LIMs some precautionary wording about coastal erosion, the terms of which have been agreed between the parties...

[17] ... In truth, the review panel undertook its work in the context of the Council's consideration of the proposed District Plan. That is evidence that the system works as it was designed to work. As I said at [53] of the interim judgment:

I am satisfied that Mr [sic] Shand's science is sufficiently robust to satisfy that relatively low threshold requirement [i.e. a reasonable possibility of erosion]. Of course I say nothing at all about whether the Shand Report and the Shand lines should survive a more rigorous merit-based review through the District Plan Review process under the Resource Management Act 1991. That is not my arena. [the square brackets in the quote are the Court's]

[18] The merits of the Shand lines were tested and found wanting...".

---

<sup>20</sup> As already noted, Policy 25 of the NZCPS 2010 deals with "areas potentially affected by coastal hazards", so "potentially affected" is used on its own there. However, it is my view that it should be read in the context of Policy 24, which specifically deals with the "[identification of] areas ... potentially affected by coastal hazards" and also refers to the likely effects of climate change (and hazard risks), so that Policy 25 addresses areas identified by Policy 24.

66. KCDC had affidavits from 4 coastal scientists in the *Weir v KCDC* case. The interim judgment includes statements that, in my view, demonstrate that coastal scientists are misunderstanding their role:

[47] It is also reflected, Mr Stephens argued, in the Ministry for the Environment's Coastal Hazards and Climate Change Guidelines ...:

Coastal erosion, on the other hand, at present tends not to be expressed probabilistically. As it is an ongoing process (a creeping hazard) it is usually defined as the expected position of the coast at a certain future point in time. [emphasis added]

[48] The thrust of the evidence of scientists for KCDC was that the lines provide a sound worst case prediction over the assessment period using orthodox and up-to-date methods, together with an appropriately precautionary approach as required by the NZCPS. (emphases added)

67. The coastal scientists have apparently:
- a. failed to consider that the MFE Guidelines refer to the "expected position" of the coast, not the worst case or very unlikely position;
  - b. failed to consider the reference in Policy 24 to the "likely effects" of climate change, the definition of risk which requires consideration of the likelihood of the event, and the reference in Policy 27 to areas of significant existing development "likely" to be affected;
  - c. failed to realise that it is not the role of coastal scientists to apply a "precautionary approach" to hazard identification. As already noted, Policy 3(2) refers to use and management of coastal resources. Application of the precautionary approach is the role of the Council (or the Environment Court), not the coastal scientists.
68. In addition, the evidence demonstrates the misleading nature of the CSL reports. Nowhere do the reports identify that the results are a worst case. Instead, they are precautionary or conservative, conveying a different meaning. Indeed, we know now that the results are in fact very unlikely.
69. In summary, my view is that a number of coastal experts have the wrong end of the stick in terms of their interpretation of the relevant legal provisions and their appropriate role in the process. That is causing a lot of trouble and undermines both the RMA and the NZCPS 2010.
70. The recommendations of the independent Coastal Panel engaged by KCDC are instructive.
71. The Coastal Panel said:
- "It is recommended that studies such as these involve an experienced statistician, preferably one familiar with time-series analysis. There seems to have been only limited involvement of a statistician in the CSL analyses" (page 45);

“From a statistical perspective, it is recommended that “best estimates” rather than precautionary values be adopted, with margins of error or factors of safety kept separate from the estimates and added at the end if appropriate. Alternatively, one could give several scenarios based on best, worst and mid-way cases.” (page 45); and

“An economic assessment of the consequences of planning restrictions needs to be undertaken before imposing them, since the restrictions may have been made on the basis of calculations which may be excessively precautionary. One needs to balance the cost to property owners of any restrictions with the actual risk (and its time scale) and one can’t do this if there are hidden “precautionary” adjustments” (page 45).

72. From a legal perspective, I generally endorse what the Coastal Panel has said about these matters, but many coastal experts do not provide either:
- a. “best estimates” rather than precautionary values, with margins of error or factors of safety kept separate from the estimates and added at the end if appropriate; or
  - b. several scenarios based on best, worst and mid-way cases.
73. Doing what the Coastal Panel recommends from a statistical perspective would enable everyone in the RMA process to participate effectively.
74. Risk management and effective decision-making requires an understanding of the uncertainties. Providing only very unlikely results (and/or describing them in ambiguous terms) does not assist submitters to participate effectively in the RMA process or enable Councils and the Environment Court to make informed decisions.
75. Interestingly, the Coastal Panel also said:
- “Where no factor of safety is adopted, conventional practice has been to adopt conservative/precautionary values. While it is appropriate to include a safety margin, this needs to be done in a transparent way and after taking account of the uncertainties involved in the estimates.” (page 40)
76. So conventional practice developed among coastal experts, presumably without considering:
- a. the appropriateness of the “best estimates” statistical perspective; and
  - b. the need for transparent information to be provided in the RMA legal process both for submitters and decision-makers
- may be a large part of the problem.
77. It is my view that variability in results should be reported and the uncertainties explicitly identified.
78. Just by way of example, if there is variability along a coast in relation to different components relevant to modelling, my view is that such variability



should also be reported rather than adopting precautionary/conservative values to each component as the “conventional practice” apparently supports.

79. The regrettable result of the “conventional practice” is that one ends up with precautionary assumption, added to precautionary assumption, added to precautionary assumption for each component of the model. The effect of those precautionary assumptions remains hidden and the cumulative effect can be significant.
80. As the Coastal Panel noted, from a statistical perspective “best estimates” are appropriate with margins of error or factors of safety kept separate from the estimates and added at the end if appropriate.
81. In my view, the same applies from a legal perspective. It enables properly-informed participation and decision-making in the RMA processes.
82. The approach of a number of New Zealand coastal scientists in providing only very unlikely results (and describing them in ambiguous terms) is, in my view, highly problematic.
83. It is particularly problematic as it is difficult to get to the bottom of what the coastal experts are actually doing. Over time, I have developed suspicions about what some might be doing. But it has taken me far too many hours, and several years, to uncover that the CSL results are not:
  - a. “likely” as initially described by KCDC; or
  - b. “precautionary” or “conservative”, terms used in the 2008 and 2012 reports; or
  - c. “based on a worst case scenario” as later described by KCDC; but
  - d. “very unlikely” as described on CSL’s own website in March 2015.
84. In the next section, I deal with some recent New Zealand cases that give an indication of what the Environment Court may be thinking in relation to these aspects as well.

#### **Hints from the Environment Court**

85. There may be some hints from the Environment Court about appropriate approaches, but I don’t want to overstate what the Court may be inferring.
86. It is relevant to recall the Coastal Panel’s comment about adopting “best estimates” rather than precautionary values, with margins of error or factors of safety kept separate from the estimates and added at the end if appropriate. Or several scenarios based on best, worst and mid-way cases.
87. *Gallagher v Tasman District Council* [2014] NZEnvC 245 was a plan change hearing mainly about inundation from sea level rise rather than coastal erosion.

88. At para [95], the Court said:

“The coastal witnesses all agreed that a conservative approach should be adopted in assessing the hazard risk from coastal inundation induced flooding on the Gallagher property ... we have decided that [a specified overtopping rate] should be adopted as the *best fit* from all of the evidence which we heard. We consider that it is a realistic possibility.” (emphasis is the Court’s)

89. In the end, it was not determinative, but:

- a. it is interesting that all of the coastal witnesses agreed that a conservative - there’s that word again - approach should be adopted; but
- b. the Court seems to be saying it is adopting the rate because it is the “best fit”, rather than because it is a conservative approach.

90. It is also relevant to note the Court’s reference to a “realistic” possibility.

91. At para [73], the Court said:

“During the hearing there was extensive questioning of the witnesses on a number of key parameters ... for which there were significant differences of opinion... Despite this questioning, for the most part we were left little the wiser.”

92. A problem if coastal experts are not careful, explicit and transparent about what they are doing is that it makes it unnecessarily difficult for the decision-maker.

93. *Mahanga E Tu Inc v Hawkes Bay Regional Council and Wairoa District Council* [2014] NZEnvC 83 is a case about a resource consent for a new subdivision in quite particular facts, not a case about provisions in a plan.

94. But it’s interesting, and troubling, to see the differences in the predictions of the experts and interesting to see the comments of the Court.

95. The Environment Court identified that the property would be affected by erosion (at para [16]):

“The Council submits, we think correctly, that the proposal cannot *avoid* the effects of coastal erosion over either 50 or 100 year periods. The best that can be done is to *mitigate* those effects through the process of managed retreat once the shoreline retracts to the chosen trigger point.” (emphases are the Court’s)

96. The Court said at para [35]:

“It became evident from the different approaches by the coastal scientists dealing with essentially the same set of facts, that the preparation of accurate long term predictions for the behaviour of complex natural systems at a very small site is fraught with difficulty.”

97. The erosion rates from the three experts, and the relevant paragraph references from the case, are:
- Mr Moynihan = - 0.14 m/yr (the long-term erosion rate will reduce or reach zero but some potential for no more than -0.14) (para [29]);
  - Mr Reinen-Hamill = - 0.9 m/yr (para [30]); and
  - Dr Roger Shand = - 1.2 m/yr (para [31]).
98. So after, say, 50 years, the differences in the predicted erosion at the site would be:
- Mr Moynihan = 7 m;
  - Mr Reinen-Hamill = 45 m; and
  - Dr Roger Shand = 60 m.
99. The Council in that case considered that 100 years was the appropriate planning period.
100. After 100 years, the differences would be even more dramatic:
- Mr Moynihan = 14 m;
  - Mr Reinen-Hamill = 90 m; and
  - Dr Roger Shand = 120 m.
101. So, what initially seem to be relatively small differences become enormous when multiplied by 50 or 100 years. In the special circumstances of that case, the Environment Court decided to use 20 years.
102. Both Dr Shand and Mr Reinen-Hamill had applied a 30% “factor of safety” to their predictions, a point that was criticised by Mr Moynihan (para [34]).
103. In relation to Dr Shand’s prediction, the Court said:
- “[32] Dr Shand acknowledged that his analysis focused on the *potential* erosion hazard at the site over the 100 year planning period. He agreed that the *most likely* outcome was somewhat less than the potential hazard he identified, and would be around the predictions of Mr Reinen-Hamill.” (emphases are the Court’s)
104. The Environment Court did not accept the predictions of either Dr Shand or Mr Reinen-Hamill, referred to “a likely average rate of retreat of the shoreline at the site of around -0.4 m/yr”, and decided to use 20 years as a relevant timeframe in the special circumstances of that case. The Court said:
- “[36] ... we are more inclined to the rather more pragmatic approach of Mr Moynihan. In simple terms, there is an observed rate of long-term erosion ... of less than -0.2 m/yr. If the influence of sea level rise in the future that is greater than that already observed in the long term rate is factored in, this could double the rate of long term erosion.
- [37] For the purpose of this decision, this would indicate a likely average rate of retreat of the shoreline at the site of around -0.4 m/yr ...

[38] We have not found it necessary to determine a precise time frame based on erosion rate predictions beyond the *most likely* scenario described above in order to answer the core question...”  
[emphasis is the Court’s]...

[84] When the coastal issues are explored, and the proposed mitigation accepted, there really is no reason, on the evidence, to decline the necessary consents. The appeal is declined and the grant of subdivision and resource consents by both Councils is confirmed.”

105. An additional interesting factor about overstating results is that the Court explained that Mr Moynihan based his erosion rate predictions for the earlier Commissioners’ hearing on the 2005 and 2007 analyses by Dr Jeremy Gibb (since retired and not available to give evidence at the Environment Court hearing). Various factors involved Mr Moynihan revisiting the erosion predictions. The Court said (at para [28]):
- “... Mr Moynihan noted that the observed rate of erosion at the site was far less than predicted by Dr Gibb in his coastal hazard assessment. This led to the conclusion that other processes (not accounted for in the model used by Dr Gibb ...) were influencing the actual rate of erosion.”
106. Again, without wishing to push things too far, interesting aspects of the *Mahanga E Tu Inc* case are:
- a. the vast difference in the experts’ predictions for coastal erosion for 50 years (7 m vs 45 m and 60 m) and 100 years (14 m vs 90 m and 120 m);
  - b. the Court not accepting the two more extreme predictions;
  - c. Dr Shand apparently referring to his results as “potential”;
  - d. the difficulties the Court faced;
  - e. the Court referring to the most likely scenario and basing its decision on that; and
  - f. the Court indicating the difficulties of predictions at a small site.
107. From the opposite, and more general perspective, the vast difference in the predictions in this case (and the fact that observations had shown that earlier erosion predictions were in fact overstated) helps to demonstrate the potential perils of drawing lines on maps out 50 or 100 years, purporting to convey some measure of certainty, in what is an uncertain science, even when one is looking at specific facts at a specific site.

#### **Problems with providing only very unlikely results or overstating results**

108. A number of coastal experts apparently consider it their role to provide unlikely or very unlikely results, but label them in ambiguous ways such as precautionary, conservative, or potential.

109. A fundamental problem with providing only very unlikely results, or overstating results, is that it completely undermines the legal process that has been designed to enable informed participation and decision-making.
110. Proper expert information, including the uncertainties, is needed for informed participation and informed decision-making.
111. Decision-makers need to be able to consider all of the relevant factors that go into the mix and make their decisions based on informed judgement. Society ends up with sub-optimal decision-making when experts fail to provide the requisite information, including the uncertainties and any variability in any elements.
112. For as long as coastal scientists produce results that are not transparent and for as long as reports overstate the situation, conflicts between parties will continue and time and money will be wasted.
113. As already noted, to carry out its functions under Policy 24, the Council needs to:
  - a. identify areas potentially affected by coastal hazards, with the hazard risks being assessed taking into account the likely effects of climate change;
  - b. give priority to the identification of areas at high risk of being affected;
  - c. in assessing risk (likelihood x consequences), consider the likelihood of coastal erosion occurring and the consequences.
114. In addition, Policy 24(1)(b) says that hazard risks are to be assessed having regard to "short-term and long-term natural dynamic fluctuations of erosion and accretion".
115. If coastal scientists in New Zealand had developed a practice of ignoring accretion, it should have stopped in New Zealand in December 2010 to enable Councils to fulfil their obligations under the NZCPS 2010.
116. Policy 27 sets out the range of options that KCDC (or any Council) should assess for reducing coastal hazard risk in areas of significant existing development likely to be affected by coastal hazards.
117. Providing only very unlikely results fails to recognise that for KCDC (or any Council) to consider a range of options for reducing coastal hazards in the areas of significant existing development that are very unlikely to be affected is:
  - a. contrary to what Policy 27 says;
  - b. a highly inefficient use of time and money; and
  - c. perhaps most seriously, a distraction from the areas likely to be affected where the real focus, time and money should occur to identify options for reducing coastal erosion hazard risk.

118. Some of the troubling aspects about providing only very unlikely or overstated results, or not reporting the uncertainties, include:

- a. coastal practitioners, rather than lawyers, purporting to interpret the law;
- b. failing to realise the relevance and importance of the wording of the actual NZCPS 2010 provisions;
- c. failing to appreciate that “developers, prospective purchasers and insurers [wanting] to know that in the future their property of interest will be virtually free of erosion hazard” is not an appropriate approach in the context of the RMA and the NZCPS 2010. Someone might well ask for such an assessment if that is what they want to achieve in a particular set of circumstances. But that is not what the wording (or the intent) of the NZCPS 2010 or the RMA contemplates and that is not what submitters and decision-makers in the RMA process need to participate effectively and to make informed decisions;
- d. scientists providing policy results based on their own one-sided understanding of what they think people want rather than objective, scientific results based on the applicable law;
- e. failing to realise that there are costs if restrictions are too precautionary, just as there are costs if restrictions are not sufficiently precautionary. It is for others ie the Council or the Environment Court to make the appropriate judgement, not coastal scientists;
- f. failing to appreciate that the courts have said that the RMA is not a no-risk statute;
- g. failing to appreciate that the role of a scientist is to provide the appropriate type of objective, scientific information, including the uncertainties, to enable KCDC (or any Council and, ultimately, the Environment Court) to make a decision on the basis of reliable and relevant scientific information and for submitters to participate effectively in the RMA process;
- h. failing to understand that a coastal scientist should be providing objective, scientific results that are able to be used for the intended purpose. As the Coastal Panel said:

“From a statistical perspective, it is recommended that “best estimates” rather than precautionary values be adopted, with margins of error or factors of safety kept separate from the estimates and added at the end if appropriate. Alternatively, one could give several scenarios based on best, worst and mid-way cases.” (page 45)

“The assessment of coastal hazard zones should consider a range of plausible scenarios (e.g. low, mid, high, or best estimate and extremes).” (ES.7 and page 47);

- i. failing to appreciate that KCDC or any Council needs to assess the costs and benefits of any regulatory approaches (although it is required to give effect to the NZCPS 2010<sup>21</sup>). It is not for the coastal expert to decide to provide only results that show that properties will “in the future ... be virtually free of erosion hazard” based on very unlikely results or for the coastal scientist to apply their own idea of acceptable policy. As the Coastal Panel said;

“An economic assessment of the consequences of planning restrictions needs to be undertaken before imposing them, since the restrictions may have been made on the basis of calculations which may be excessively precautionary. One needs to balance the cost to property owners of any restrictions with the actual risk (and its time scale) and one can't do this if there are hidden “precautionary” adjustments” (page 45);

- j. failing to describe the results in the CSL reports (or other experts' reports) as “very unlikely”, instead using words like “precautionary” or “conservative” (others also use such terms, as well as “potential”), not identifying what is meant by those terms, and masking the true nature of the results being provided;
- k. failing to appreciate that providing only very unlikely results, and doing that without explicitly stating that the results are very unlikely (instead of using ambiguous terms like “precautionary”, “conservative” or “potential”), sabotages the legal process. There is not proper, objective, scientific information, including the uncertainties, to enable submitters to participate in an informed manner and to enable KCDC or any Council to carry out its functions.

119. Many people assume:

- a. that residents will react negatively if provided with good information about risks to their property;
- b. that in Kapiti it is the residents who are unreasonably rejecting steps that the Council is trying to take; and
- c. if only people would listen to the coastal scientists everything would work out well.

120. Some residents may react negatively, but many want to know if their properties are exposed to risk and over what timeframe.

121. What Kapiti residents objected to was:

- a. no consultation;
- b. misrepresentation of the results;
- c. lack of compliance with the law; and

---

<sup>21</sup> *Environmental Defence Society Inc v The NZ King Salmon Co Ltd* [2014] NZSC 38.

- d. precautionary assumption added to precautionary assumption added to precautionary assumption resulting in unreasonable, and now “very unlikely”, results.
122. CSL’s own subsequent reports for specific areas demonstrated that its own 2008 and 2012 reports considerably overstate the situation. In:
  - a. the northern part of the Waimeha inlet report, the lines were moved substantially seaward, if not completely off, the property of the landowner;
  - b. the Waikanae estuary in the vicinity of Kotuku Parks subdivision report, the lines were moved off the property. “Both the managed and unmanaged lines are now seaward of the Kotuku Parks boundary by about 40 m with the managed line adjustment increasing up to about 65 m in the northern sector” (page 7); and
  - c. the draft (but not released) managed scenario report for the Mangaone Inlet resulted in 2 or 3 properties being affected, not about 30.
123. Ultimately, it has been proven that the Kapiti residents were right. The results are not sufficiently robust to be used for the Proposed District Plan (Coastal Panel), should not be relied upon (KCDC’s website), and are very unlikely (CSL’s website).
124. But what a terrible waste of time, money, energy and emotion. And little or no progress in assessing the range of options for the areas that are truly at risk of erosion.
125. It is counterproductive to overstate the problem for many other reasons including:
  - a. it causes people to react negatively to the overstatements;
  - b. focusses attention on the overstatements rather than the main messages or solutions;
  - c. does not focus attention on areas truly at risk and assist in dealing with the issues faced by those in the areas at risk;
  - d. unfairly affects those not at risk;
  - e. wastes resources on areas not at risk;
  - f. does not enable the RMA process to proceed efficiently and effectively, with appropriate information for the submitters and the decision-maker.



**Risk management and uncertainty - AS/NZS ISO 31000:2009 Risk management - Principles and guidelines**

126. The definition of risk in the NZCPS 2010 refers to AS/NZS ISO 31000:2009 *Risk management - Principles and guidelines*. That Standard supersedes AS/NZS 4360:2004.
127. While the Standard may not legally be directly applicable, it is perhaps worth noting some of the principles from the Standard:
- "d) **Risk management explicitly addresses uncertainty.**
- Risk management explicitly takes account of uncertainty, the nature of that uncertainty, and how it can be addressed.
- ...
- f) **Risk management is based on the best available information.**
- The inputs to the process of managing risk are based on information sources such as historical data, experience, stakeholder feedback, observation, forecasts and expert judgement. However, decision makers should inform themselves of, and should take into account, any limitations of the data or modelling used or the possibility of divergence among experts.
- ...
- h) **Risk management takes human and cultural factors into account.**
- Risk management recognizes the capabilities, perceptions and intentions of external and internal people that can facilitate or hinder achievement of the organization's [organization is a wide-ranging term] objectives.
- ii) **Risk management is transparent and inclusive.**
- Appropriate and timely involvement of stakeholders and, in particular, decision makers at all levels of the organization, ensures that risk management remains relevant and up-to-date. Involvement also allows stakeholders to be properly represented and to have their views taken into account in determining risk criteria."
128. Providing only very unlikely results, overstated results, or results with hidden (or difficult to untangle) precautionary adjustments:
- a. does not explicitly take account of uncertainty;
  - b. does not provide the best available information;
  - c. perhaps demonstrates that a human factor currently being ignored is the human factor of the coastal scientists. Everyone assumes that

property owners are being unreasonable and that the scientists are being objective and scientific. That was my view of the Kapiti situation for a long time, before I eventually read the scientific reports; and

- d. is not transparent and does not enable appropriate involvement of stakeholders. There is not the appropriate range and type of transparent, objective information to enable informed participation by submitters, or decision-makers, in the RMA process.

**NZCPS 2010 provisions, the recommendations of the Coastal Panel vs conventional practice of NZ coastal experts, and what submitters and decision-makers are entitled to expect from scientific reports and coastal experts**

129. In conclusion, I:

- a. repeat what I said earlier about the wording of Policies 24, 25 and 27;
- b. repeat some of the recommendations of the Coastal Panel;
- c. consider the apparent conventional practice of NZ coastal experts; and
- d. set out what, in my opinion, submitters and decision-makers are entitled to expect from scientific reports and coastal experts.

130. Policy 24 effectively says that the Council's function is to:

"(1) Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunamis), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to [(a) to (h)] taking into account national guidance and the best available information on the likely effects of climate change on the region or district." (emphases added)

131. Risk is defined in the NZCPS 2010 as:

"Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence ...". (emphasis added)

132. So, to carry out its functions under Policy 24, a Council needs to:

- a. identify areas potentially affected by coastal hazards, with the hazard risks being assessed taking into account the likely effects of climate change;
- b. give priority to the identification of areas at high risk of being affected;
- c. in assessing risk (likelihood x consequences), consider the likelihood of coastal erosion occurring and the consequences.

133. Policy 25 of the NZCPS 2010 deals with “areas potentially affected by coastal hazards”, so “potentially affected” is used on its own there. However, it is my view that it should be read in the context of Policy 24, which specifically deals with the “[identification of] areas ... potentially affected by coastal hazards” and also refers to the likely effects of climate change (and hazard risks), so that Policy 25 addresses areas identified by Policy 24.
134. Policy 27 of the NZCPS 2010 identifies the range of options the Council should assess for reducing coastal hazard risk in areas of significant existing development likely to be affected by coastal hazards. These areas should also have been identified by the Council during the Policy 24 process, as a subset of the other areas.
135. So producing only very unlikely or overstated results is not helpful. Nor are results where there are hidden precautionary adjustments or precautionary assumptions that cannot be readily untangled.
136. I repeat some of the recommendations of the Coastal Panel:
- “It is recommended that studies such as these involve an experienced statistician, preferably one familiar with time-series analysis. There seems to have been only limited involvement of a statistician in the CSL analyses” (page 45);
- “From a statistical perspective, it is recommended that “best estimates” rather than precautionary values be adopted, with margins of error or factors of safety kept separate from the estimates and added at the end if appropriate. Alternatively, one could give several scenarios based on best, worst and mid-way cases.” (page 45);
- “An economic assessment of the consequences of planning restrictions needs to be undertaken before imposing them, since the restrictions may have been made on the basis of calculations which may be excessively precautionary. One needs to balance the cost to property owners of any restrictions with the actual risk (and its time scale) and one can’t do this if there are hidden “precautionary” adjustments.” (page 45)
- “Adaptive management provides a realistic alternative to excess speculation regarding definitive future coastal hazards.” (page 47)
- “The assessment of coastal hazard zones should consider a range of plausible scenarios (e.g. low, mid, high, or best estimate and extremes).” (page 47)
137. From a legal perspective, I particularly agree with the statement that:
- “From a statistical perspective, it is recommended that “best estimates” rather than precautionary values be adopted, with margins of error or factors of safety kept separate from the estimates and added at the end if appropriate.”
138. That is generally what I would have expected coastal experts to be doing. Doing that enables submitters and decision-makers to have access to transparent information about the assessment. I certainly did not expect to

uncover results based on precautionary assumption added to precautionary assumption added to precautionary assumption.

139. However, it is apparent that at least some coastal experts consider it their role to provide only very unlikely or overstated results.

140. The Coastal Panel said:

“Where no factor of safety is adopted, conventional practice has been to adopt conservative/precautionary values. While it is appropriate to include a safety margin, this needs to be done in a transparent way and after taking account of the uncertainties involved in the estimates.” (page 40)

141. So part of the problem may be this “conventional practice” that has apparently developed, presumably without considering:

- a. the appropriateness of the “best estimates” statistical approach; and
- b. the need for transparent information to be provided in the RMA legal process to enable submitters to participate, and decision-makers to make well-informed decisions, based on appropriate scientific information.

142. As already noted, the Supreme Court in *Sustain our Sounds Inc v The New Zealand King Salmon Company Ltd* [2014] NZSC 40 said:

“[157] We accept that public participation is a key tenet of decision making under the RMA with many public participatory processes... As noted by Keith J in *Discount Brands Ltd v Westfield (New Zealand) Ltd*, the purpose of these processes is to recognise and protect the particular rights of those who are affected and to enhance the quality of the decision making.”

143. The Coastal Panel said “One needs to balance the cost to property owners of any restrictions with the actual risk (and its time scale) and one can’t do this if there are hidden “precautionary” adjustments”.

144. I would comment that one cannot make informed decisions of any type, or properly give effect to the NZCPS 2010, if there are hidden precautionary adjustments and/or if coastal experts are providing only very unlikely or overstated results.

145. It is made worse if the results are described ambiguously as precautionary, conservative or potential.

146. In my opinion, submitters and decision-makers are entitled to expect that scientific reports:

- a. convey objective, scientific, transparent information;
- b. are fit for purpose;
- c. have regard to the “short-term and long-term natural dynamic fluctuations of erosion and accretion” as set out in Policy 24(1)(b) and

to other scientific matters referred to in Policy 24 to enable the Council to perform its functions;

- d. are based on sound statistics, involving statisticians with appropriate statistical expertise;
  - e. state all assumptions, and state the implications of the assumptions (as far as possible), clearly;
  - f. not contain hidden precautionary adjustments (or precautionary adjustments that cannot readily be untangled from the results);
  - g. not add precautionary assumption, to precautionary assumption to precautionary assumption;
  - h. use, as the Coastal Panel recommends from a statistical perspective (and also recalling the *Gallagher* case, where the Environment Court selected the specified overtopping rate because it was the "best fit"), "best estimates" rather than precautionary values, with margins of error or factors of safety kept separate from the estimates and added at the end if appropriate;
  - i. not provide very unlikely results (unless for some reason they have been specifically told to do so and then the results will be described as very unlikely);
  - j. not describe results using ambiguous terms such as precautionary, conservative, or potential (or, if that is done, identify precautionary or conservative or potential compared to what, and by how much, so that submitters and decision-makers can understand what the coastal scientist actually means when they use those terms); and
  - k. identify the uncertainties eg by, as the Coastal Panel recommends, considering a range of plausible scenarios (e.g. low, mid, high, or best estimate and extremes).
147. From my perspective, if that is done (and especially in areas where there is significant existing development), some of the difficulties with the current RMA processes may at least diminish.
148. If the CSL results had been reasonable in the first place, I certainly would not have troubled myself with what has become the Kapiti coastal erosion fiasco. There are other things I would rather be doing with my life.

Joan Allin  
April 2015



Proposed Natural Resources Plan:

Submitter:

**Ian Jensen**

Submitter Number:

**S176**





September 25, 2015

Proposed Natural Resources Plan.

GWRC:

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

**Submission:**

Ian Jensen

182 Te Hapua Road,

RD1

Otaki 5581

Email: [iandesign@xtra.co.nz](mailto:iandesign@xtra.co.nz) – 06 3643263 – 0274 436517.

I previously submitted on the Draft Natural Resources Plan on November 30, 2014.

I wish to be heard in relation to my Submission.

I will give consideration to joining with others who have similar Submissions.

I make this Submission in the capacity as a private landowner and believe that I will not gain a professional economic advantage of doing so.

**Aspects covered in the Submission**

- 1) My alliance with the sites generally covered, but not limited by this Submission.  
Previous meetings with GWRC staff.
  - 2) Section 32 Report.
  - 3) Objectives.
  - 4) Policies.
  - 5) Rules.
  - 6) Methods.
  - 7) Reasonable access/use, in part within & adjacent to ecological sites.
  - 8) Restoration and Management plans.
  - 9) Mapping.
  - 10) Overview.
- 
- 
-

---

## 1 Site alliance

- 1.1 I have had an association with all of the Te Hapua (Ngawhakangutu) and associated Wetlands on adjoining properties to immediately to the North and the South of more than 55 years and have owned, lived, restored and maintained a part of the Te Hapua Wetland for over 25 years.
- 1.2 I am familiar with parts of the eastern shore of Lake Wairarapa (Wairarapa Moana Wetlands) in the vicinity of Judd and Parera Roads, 'Pearce Wetlands' and 'Wario Wetlands'.
- 1.3 I have carried out and assisted former landowners of parts of the Te Hapua Wetlands in Wetland Restoration projects on at least six wetland areas that make up the now, 'Outstanding', 'Significant' and 'Natural' wetlands in the Te Hapua wetland area.
- 1.4 I have been involved with Wetland restoration in the 'Wario Wetland' area of Lake Wairarapa.

### 1.5 Previous Meetings attended.

- 1) Paraparaumu Library 2-9-13
- 2) Paraparaumu Community Centre 14-4-2014
- 3) Waikanae Community Centre 5-8-14
- 4) Paraparaumu Library 2-10-14

#### **Points of note from those meetings;**

- 1.5.1 a) Restoration of Wetland areas should be simple.
- 1.5.2 b (Sites of significance) We think this place is special and the Regional Council would like to work with you to protect its values.
- c) Rigorous criteria have been used to ensure that the values of a place are indeed significant.
- d) Listing of a site does not provide an automatic right of public entry.
- e) Need to confer with landowners where places are on plan.
- f) Iwi representative – Values that Tanga Whenua hold, check all site info is correct.
- g) Encourage Wetland Restoration.  
(Subsequently Map 3 from "Wakahuia Carkeek's" Book, from the 'Mangone stream in the north to south of the Hadfield/Te Kowhai steam was provided.
- 1.5.3 h) Management / Restoration Plans.
- i) GWRC & KCDC to look at Eco site boundaries for consistency.
- j) Iwi agreed to name special areas.  
Fact Sheet;

- k) "The primary tool will be the "Restoration and Management Plan".
- l) "Outstanding Wetlands" GWRC will work with landowners and others to develop a plan to restore (where necessary) and manage the water and biodiversity of the Wetlands.

1.5.4

- m) Key environmental management outcomes.

## **2. – Section 32 Report.**

2.1 While there is an underlying theme for the restoration, rehabilitation for wetlands in the report,

*Page 6 – to enhance ecology of wetlands, improve recreational and economic opportunities for everyone.*

*Page 9 – WRC has identified the maintenance of ecosystem health and function as a priority.*

*Page 15 – direct restoration and rehabilitation.*

*Page 16 – rehabilitate and restore natural character –*

*Page 20 – control use of land to maintain and enhance wetland ecosystems.*

*Page 23 – Policy 4.2.27 encourages the restoration or rehabilitation of fresh water including the establishment, - The creation of new wetlands is described as "highly desirable".*

*Page 26 – 6.1.3 Preferred Objectives - the inappropriateness of doing nothing – protection of Outstanding natural wetlands.*

Equally the report lists that degradation occurs when,

*Page 7 - supply of water is altered from its natural state – Areas of wetland are dug-out to create open water where open water does not normally occur- degraded wetlands provide poor quality habitat for indigenous flora and fauna.*

I believe that the report errs in a general sense in its assumption that degradation occurs due to excavation, as in the restorative work of my involvement, in all cases, were set against excavation to provide a critical climate for the re-introduction of indigenous biodiversity and re-instatement of water levels due to the reduced ground water levels as a result of historical drainage, seemingly supported by Councils as a status quo as a result of historical drainage and when new road culverts have been Consented.

## **3. Objectives.**

3.1 I support the following Objectives.

Objective 09, 028, 031, 035

## **4. Policies.**

### **4.1 Policy P4: Minimising adverse effects.**

This Policy is supported as it clearly sets down a possible practicable path to follow as it is recognised, that in some cases the avoiding of an activity may not be a practicable outcome.

The long term economic potential of the land coupled with restoration activities and or off-setting, that when initiated and complete will have a positive flow on effect on the surrounding features that are being considered, that in most cases there is already a modified environment and not with-standing the actual use and development of a large portion of the feature is not envisaged, just a relaxation to a level that would allow a land owner reasonable use and economic value of the surrounding land that may otherwise be excluded.

### **4.2 Policies P36, P37 and P38, are supported.**

### **4.3 Policy P39**

While in a true sense the thrust of this Policy can be understood, if in fact all of the Te Hapua Wetland complex 'A' , or the areas of the eastern shore of the Wairarapa Moana, as previously tabled are actually, 'Outstanding Water Bodies'.

The reference here to the significant values as identified in schedule 'A' do not recognise the inherent irregularities within the designated sites, that large parts of these areas at best could be only designated as a 'Natural Wetland', with some of the designated areas clearly rough pasture and or grazing land.

#### **Relief sought:**

There is a high need for re-evaluation of these sites, that the boundaries be clearly defined.

### **4.4 Policy P42 ( c )**

There needs to be consideration of adequate buffers.

#### **Relief sought:**

Have a determination as to how an adequate buffer is determined.

## **5. Rules**

### **5.1 Rules R 107 & 109**

The listed controls are above those necessary to ensure an acceptable level is attained.

That restoration needs to be simple for Land Owners to even consider undertaking such activities. With controls set too high as an initial thrust, this will possibly stymie progress well before the consideration of a 'Restoration Management Plan' is undertaken.

#### **Relief sought:**

Reduce from 'Discretionary' status to 'Restricted Discretionary' status.

### **5.2 Rules R108 & R110**

The listed controls are above those necessary to ensure an acceptable level is attained.

The very activities that are described as 'Non-Complying' are activities that have contributed a large input to the restoration of these wetlands.

That Landowners looking at the possibility of carrying out restorative work will not proceed on a 'Non- Complying' activity, therefore the level of proposed control in my view will have a potential long term negative effect.

#### **Relief sought:**

Reduce from 'Non Complying' status to 'Discretionary'

### **5.3 Rule 110 (b, c & d)**

The listed controls are above those necessary to ensure an acceptable level is attained.

The very activities (b & d) that are described as 'Non- Complying' are activities that have contributed a large input to the restoration of these wetlands.

Activity (c) needs to be assessed on an individual basis, in some cases a 5m<sup>2</sup> structure could possibly be inappropriate and in other cases a 30m<sup>2</sup> structure could be an appropriate activity for both the use and the site location.

#### **Relief sought:**

Reduce the requirement for (b, c & d) from 'Non – Complying' status to 'Discretionary'.

### **5.4 Rule 121 (j [i & ii], k & l)**

These are impracticable rules.

#### **Relief sought:**

Remove these rules.

## **6 Methods**

### **6.1 Method M20: Wetlands.**

All aspects of this method are supported.

## **7 Reasonable access/ use, in part within & adjacent to ecological sites.**

### **7.1**

Where reasonable access is denied by the presence of a Natural, Significant , Outstanding Wetland or an Ecological site, either in part or in whole, for economic sustainability of the land there is a need, coupled with a positive outcome for the particular site to allow for off-setting as the case may be.

#### **Relief sought:**

#### **New Rule:**

Provide reasonable access to parts of a site that may be denied by the presence of a Natural, Significant, Outstanding Wetland, or an Ecological Site, using the principals of Policy P4 and in particular (a, b & e). –‘Discretionary Activity’

- (a) Consider how other points of access may be implemented.
- (b) Minimise the parts of the site that may be affected.
- (c) Position the access if possible to the margins of the site.
- (d) Allow for areas of ‘Off-setting’ that firstly can be undertaken on the site and secondly off site but as close as practicable to the site.
- (e) That the Off-Set’ areas are equal to a minimum 150% of the affected part of the site.

## **8 Restoration and Management Plans.**

### **8.1**

I support the thrust that is laid out within the documents for the restoration and management of all wetland sites, it is clear that the intention is that they will be worked through with the land owner

In achieving this however, there is a need to set guide lines that will provide incentives for land owners to approach this activity with confidence, they must be set so it is clear for both Landowners Consultants, along with GW staff as to how these Plans may be approached.

## 8.2

To date within the documents there are multiple points where activities are *'appropriate if they are undertaken as part of a restoration management plan ,'* but it is not clear in the proposed plan how this will be implemented.

The setting of levels of appropriateness, so that clear determinations can provide certainty to give landowners and consultants a clear guide line as to requirements.

## 9 – Mapping

### 9.1

Site determinations of the current Wetland site boundaries, it is noted that there are numerous areas where it appears that the ecological site/Outstanding Wetland site boundaries do not fit the actual site, both positively and negatively.

There is an urgent need to have accurate delineated boundaries

#### **Relief sought;**

Have mapping that reflects a true site boundary.

Have determinations to all ecological site boundaries.

### 9.2

There are anomalies within the documents in regards to provided co-ordinates.

Te Hapua Wetland Complex A 'Outstanding significant wetland', in part is also classified as Te Hapua Swamp Complex D, 'Significant natural Wetland.

## 10 - Over View.

Thank you for the opportunity to provide input to this very important document. I look forward to continuing my involvement with GWRC towards a conclusion that not only meets the needs of the environment and the wider wetland in general but also the economic well- being of the land owners along with managers of the very diverse land structures involved.

Yours sincerely,

Ian Jensen.





Proposed Natural Resources Plan:

Submitter:

**Mana Cruising Club**

Submitter Number:

**S177**



## 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

### Your details

Full name: \_\_\_\_\_

Organisation name:  
(If applicable)

Mana Cruising Club

Address for Service: \_\_\_\_\_

PO Box 57045 Mana Porirua 5247

Telephone no's: \_\_\_\_\_

Work: 233 1578

Home: \_\_\_\_\_

Cell: \_\_\_\_\_

Contact person: Peter Gorman

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

105 Kahu Road Paremata Porirua 5024

Phone 029 894 0388

### 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: pgorman105@gmail.com9

### 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): 18.1	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input checked="" type="checkbox"/> I wish to have the specific provision <b>amended</b>
	Reasons for my submission: →	Our club currently has moorings for casual use that are outside of the designated mooring areas. These are not intended to be for the permanent mooring of vessels but are for casual use by Club members, and also allow a safe place to wait for tide or weather conditions on the Mana bar to improve before attempting a crossing. This makes them an important safety measure for our area. These moorings have been in use for many years. These moorings are constructed to a standard that would make them suitable for a vessel in trouble to use as a point of safety, either by themselves or if placed there by emergency services. Public notification to renew our consents for these moorings would

		significantly stretch our financial resources and we would have to question whether we could afford to keep them in place. This would not be good from a safety perspective in our area.
	I seek the following decision from WRC (give precise details): →	We ask that the Public Notification requirement is removed from section 181 The decision as to whether it should be publically notified or not should be assessed on a case by case basis.

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):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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: Peter Gorman (Mana Cruising Club Moorings Committee)

Date: 8 October 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.

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):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

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

Proposed Natural Resources Plan:

Submitter:

**Wellington Volunteer Coastguard**

Submitter Number:

**S178**





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

Or email: regionalplan@gw.govt.nz

### Your details

Full name: Vicki Rowland  
 Organisation name: Wellington Volunteer Coastguard  
 (If applicable)  
 Address for Service: Evans Bay Parade  
 Wellington

Telephone no's: Work: 021673447 Home: 4783282 Cell: 0221078049

Contact person: Vicki Rowland

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: president@coastguardwellington.org.nz

### 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): 181	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input checked="" type="checkbox"/> I wish to have the specific provision <b>amended</b>
	Reasons for my submission: →	There are currently moorings placed around Wellington Harbour and adjacent to Mana Island that are not in the designated mooring areas, these are not for the permanent mooring of vessels but for occasional use. They are of benefit to us as they provide a secure mooring that vessels in trouble or distress can be directed too or placed on if we have multiple vessels to attend too. These are put in place and maintained by a variety of organisations, but often boating and yacht clubs. We understand that under the proposed changes to this plan the costs for the consents for these moorings will dramatically increase due to the need for public notification. We would prefer that the consents can be assessed on a case by case basis

		as to whether they may need public notification and that the clubs could spend their funds on maintenance rather than in fees for the consent, if indeed they would continue to keep these moorings. These moorings have not caused any issues in the past in terms of public access to the water and would arguably improve it..
	I seek the following decision from WRC (give precise details): ➔	We ask that the Public Notification requirement is removed from section 18.1 The decision as to whether it should be publically notified or not should be assessed on a case by case basis.

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):	My submission on this provision is: ➔	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: ➔	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: ➔	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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: \_\_\_\_\_

Date: 9 October 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.

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):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

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

Proposed Natural Resources Plan:

Submitter:

**Lowry Bay Yacht Club**

Submitter Number:

**S179**



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

Or email: regionalplan@gw.govt.nz

### Your details

Full name: Gareth Thomas Edwards  
 Organisation name: (If applicable) Lowry Bay Yacht Club  
 Address for Service: PO Box 30533, Lower Hutt 5040

Telephone no's: Work: 439 7749 Home: 586 8918 Cell: 021 062 7755  
 Contact person: Gareth Edwards (Commodore)  
 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: gandw@xtra.co.nz

### 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): Rule 181	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input checked="" type="checkbox"/> I wish to have the specific provision <b>amended</b>
	Reasons for my submission: →	Our club (in conjunction with Royal Port Nicholson Yacht Club) wishes to place moorings for casual use that are outside of the designated mooring areas. These are not intended to be for the permanent mooring of vessels but are for casual, "social" use by Club members to encourage more recreational boating on the Harbour. Our clubs previously laid moorings like this in the 1990s and we wish to place and maintain new morings to give our newer members an opportunity to visit various parts of the harbour and be able to safely and securely moor their vessel for a short period of time. These moorings have not in the past restricted public access to the water and in fact have enhanced it so we are unsure why public notification would

		be required. The moorings are constructed to a standard that would make them suitable for a vessel in trouble to use as a point of safety, either by themselves or if placed there by emergency services. We have attached letters of support from the NZ Police and the Coastguard. Public notification of a consent for this purpose would push the costs significantly beyond our Club resources and make this type of activity prohibitively expensive and for no environmental or social benefit.
	I seek the following decision from WRC (give precise details): ➔	We ask that the Public Notification requirement is removed from Rule 181. The decision as to whether it should be publically notified or not should be assessed on a case by case basis.

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):	My submission on this provision is: ➔	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: ➔	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: ➔	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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: \_\_\_\_\_

Date: \_\_\_\_\_

[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.

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):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):	My submission on this provision is: →	<input type="checkbox"/> I <b>support</b> the provision <input type="checkbox"/> I <b>oppose</b> the provision <input type="checkbox"/> I wish to have the specific provision <b>amended</b>
	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:

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

8 June 2015

Gareth Edwards  
Commodore  
Lowry Bay Yacht Club Inc  
PO Box 30533  
Lower Hutt 5040

Dear Gareth

RE: PROPOSED MOORINGS IN WELLINGTON HARBOUR

The Management Committee of Coastguard Wellington would like to offer our support with your proposal of laying new, robust moorings in Wellington Harbour. Not only will these moorings supply your club members with secure facilities, Coastguard also see these as ideal safe moorings for boats we often tow in inclement weather. The proposed positions you have indicated would mean regardless of there being a northerly or a southerly, we could get boats to a safe, sheltered mooring.

We wish you well in your funding application, and we look forward to being able to use these moorings in the near future.

Yours sincerely



Vicki Rowland  
President  
Coastguard Wellington  
Email: [president@coastguardwellington.org.nz](mailto:president@coastguardwellington.org.nz)  
Phone: 022 107 8049







10<sup>th</sup> June 2015

Lowry Bay Yacht Club  
Seaview Marina  
Lower Hutt  
Wellington

Dear Gareth,

I write in reply to your letter dated the 3<sup>rd</sup> June 2015.

We are in support of the moorings that were laid at North end Somes Island, South end Somes Island, Kau Bay and Scorching Bay.

When they were still in service we used them on occasions where we had multiple SAR incidents in the harbour. For example, we would place a vessel that was being towed to safety and put them on to a mooring when another, more urgent, job would come in and then return or arrange for that vessel to be dealt with some other way.

The moorings were very good for all boat users of the harbour, providing a safe place for those that weren't experienced in anchoring to moor instead and not become a risk by dragging an anchor.

The moorings provided recreational and some commercial vessels a place to relax and enjoy our harbour any weather conditions. We ourselves would use the moorings to place the Launch in position where we could respond to any situation that might occur on the harbour or south coast.

In conclusion we support any proposed reinstatement of the moorings.

Yours Sincerely

David Houston  
Senior Sergeant  
Wellington Police Maritime Unit.



Proposed Natural Resources Plan:

Submitter:

**Donna Zimmerman**

Submitter Number:

**S180**





# Motor Vehicle Prohibition - Boat Sheds - Boat Launching

## Titahi Bay Beach (Except Surf Lifesaving etc)



### Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: Donna Zimmerman Phone: 027 2367743

Address for Service: 62 Matahuro St Email: .....

Titahi Bay Post Code: 5022

I/we could not gain an advantage in trade competition through this submission

#### Submission

- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

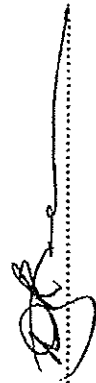
The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitters can make further submission and be able to serve you with a copy of it.

Email/Deliver Submission to: tbra@clear.net.nz

Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736

Titahi Bay Residents Assn Inc

37 Terrace Rd, Titahi Bay, Porirua 5022

Signature:  Date: 20-9-15



Proposed Natural Resources Plan:

Submitter:

**Stephen Warren**

Submitter Number:

**S181**



# Motor Vehicle Prohibition - Boat Sheds - Boat Launching

## Titahi Bay Beach (Except Surf Lifesaving etc)



### Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: STEPHAN FRANK JOHANNSEN Phone: 2365037 0274437289

Address for Service: 15 Leavelle Rd Titahi Bay Email: s.f.johannsen@xtra.co.nz

Post Code: 5022

I/we could not gain an advantage in trade competition through this submission

### Submission

- I/we ~~oppose~~ oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- I/we ~~authorise~~ authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitters can make further submission and be able to serve you with a copy of it.

Email/Deliver Submission to: [thra@clear.net.nz](mailto:thra@clear.net.nz)

Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736

Titahi Bay Residents Assn Inc  
37 Terrace Rd, Titahi Bay, Porirua 5022

Signature:  Date: 24-9-15



Proposed Natural Resources Plan:

Submitter:

**Sandy Jennings**

Submitter Number:

**S182**





# Titahi Bay Beach (Except Surf Lifesaving etc)

## Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

This is a submission on the Proposed Natural Resources Plan for Wellington Region pursuant to Clause 6 Schedule 1 Resource Management Act 1991

Name/Organisation: Sandy Tennings Phone: 04 236 8318

Address for Service: 2 Tams Rd Titahi Bay Email:

Post Code: 5022

I/we could not gain an advantage in trade competition through this submission

### Submission

- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitters make further submission and be able to serve you with a copy of it.

Email/Deliver Submission to: tbra@clear.net.nz

Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736

Titahi Bay Residents Assn Inc  
37 Terrace Rd, Titahi Bay, Porirua 5

Signature:  Date: 22.9.15



Proposed Natural Resources Plan:

Submitter:

**Reeva Williams**

Submitter Number:

**S184**



# Titahi Bay Beach (Except Surf Lifesaving etc)

## Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: Reeva Williams Phone: 236 8528  
Address for Service: 41 Kapiti Cres Titahi Bay Email: montana0306@live.com  
Post Code: 5022

I/we could not gain an advantage in trade competition through this submission

### Submission

- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- I/we authorise Titahi Bay Residents Assn Inc to present ~~my~~four case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitter make further submission and be able to serve you with a copy of it.

Email/Deliver Submission to: ibra@clear.net.nz

Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736

Signature: Paul Williams Date: 22/9/15

Titahi Bay Residents Assn Inc  
37 Terrace Rd, Titahi Bay, Porirua 5



Proposed Natural Resources Plan:

Submitter:

**Gordon Hutcheson**

Submitter Number:

**S185**





# Titahi Bay Beach (Except Surf Lifesaving etc)

## Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: Carole Wetherston Phone: 021576914

Address for Service: 131 Tiley Road Email:

Post Code: 5034

I/we could not gain an advantage in trade competition through this submission

### Submission

- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach
- I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitters make further submission and be able to serve you with a copy of it.

Email/Deliver Submission to: tibra@clear.net.nz Graeme Ebbett, 021 499 736

Signature: [Signature] Date: 21/9/2015 Before Friday 25 Sept 2015 Titahi Bay Residents Assn Inc  
37 Terrace Rd, Titahi Bay, Porirua 5



Proposed Natural Resources Plan:

Submitter:

**Deborah Maddox**

Submitter Number:

**S186**



# Titahi Bay Beach (Except Surf Lifesaving etc)

## Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

This is a submission on the Proposed Natural Resources Plan for Wellington Region pursuant to Clause 6 Schedule 1 Resource Management Act 1991

Name/Organisation: Deborah Maddox Phone: 02747773775

Address for Service: 117A Sjolmansvayn Post Code: 5022 Email: ddeborah@clear.net.nz

Titahi Bay

I/we could not gain an advantage in trade competition through this submission

### Submission

I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.

The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.

I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.

I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitters make further submission and be able to serve you with a copy of it.

Email/Deliver Submission to: tbra@clear.net.nz  
Graeme Ebbett, 021 499 736  
Before Friday 25 Sept 2015

Signature:  Date: 22/9/15  
Titahi Bay Residents Assn Inc  
37 Terrace Rd, Titahi Bay, Porirua 5



Proposed Natural Resources Plan:

Submitter:

**Tammy Fitchett**

Submitter Number:

**S187**





# Titahi Bay Beach (Except Surf Lifesaving etc)

## Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: Tammy Fitchett Phone: 04 232 6134  
Address for Service: 36 The Drive, Puna Email: Tam.Fitchett@gmail.com  
Post Code: 5020

I/we could not gain an advantage in trade competition through this submission

### Submission

- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

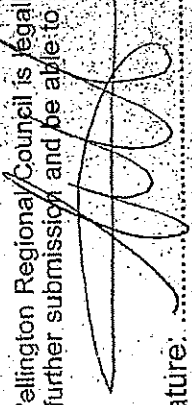
The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitter make further submission and be able to serve you with a copy of it

Email/Deliver Submission to: tbra@clear.net.nz

Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736

Titahi Bay Residents Assn Inc  
37 Terrace Rd, Titahi Bay, Porirua 5

Date: 22/09/15

Signature: 



Proposed Natural Resources Plan:

Submitter:

**Bonita Moana**

Submitter Number:

**S188**



# Titahi Bay Beach (Except Surf Lifesaving etc)

## Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: HAFZ Gouthe Moana Phone: 021 996817  
Address for Service: Level 8, 14 Hawthorn St Email: Gouthe Moana@nzcc.co.nz  
Porirua Post Code: 5022

I/we could not gain an advantage in trade competition through this submission

### Submission

- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitter make further submission and be able to serve you with a copy of it.

Signature: Steena Date: 22/9/15  
Email/Deliver Submission to: fbra@clear.net.nz Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736  
Titahi Bay Residents Assn Inc 37 Terrace Rd, Titahi Bay, Porirua 5



Proposed Natural Resources Plan:

Submitter:

**Bonita Moana**

Submitter Number:

**S188**





# Titahi Bay Beach (Except Surf Lifesaving etc)

## Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: HAFZ Gouthe Moana Phone: 021 996817  
Address for Service: Level 8, 14 Hawthorn St Email: Gouthe Moana@nzcc.co.nz  
Porirua Post Code: 5022

I/we could not gain an advantage in trade competition through this submission

### Submission

- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitter make further submission and be able to serve you with a copy of it.

Email/Deliver Submission to: fbra@clear.net.nz

Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736

Titahi Bay Residents Assn Inc  
37 Terrace Rd, Titahi Bay, Porirua 5

Signature: Steena Date: 22/9/15



Proposed Natural Resources Plan:

Submitter:

**Vietona Antogi**

Submitter Number:

**S189**



# Titahi Bay Beach (Except Surf Lifesaving etc)

## Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: Victoria Healy Phone: 2388690 | 0224287904

Address for Service: 70 Comma Street Email: \_\_\_\_\_

Porirua Post Code: 5022

I/we could not gain an advantage in trade competition through this submission

### Submission

- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitter make further submission and be able to serve you with a copy of it.

Email/Deliver Submission to: tbra@clear.net.nz  
Before Friday 25 Sept 2015 Graeme Ebbett 021 499 736

Signature: [Signature] Date: 22/09/2015  
Titahi Bay Residents Assn Inc  
37 Terrace Rd, Titahi Bay, Porirua 5



Proposed Natural Resources Plan:

Submitter:

**Kim Eastham**

Submitter Number:

**S190**





# Titahi Bay Beach (Except Surf Lifesaving etc)

## Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: KIM EASTHAM Phone: 027 3131046

Address for Service: 88 Conclution Street Email:

Post Code: 5024

I/we could not gain an advantage in trade competition through this submission

### Submission

- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitter make further submission and be able to serve you with a copy of it

Email/Deliver Submission to: tbra@clear.net.nz

Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736

Signature: [Signature] Date: 22/9/15

Titahi Bay Residents Assn Inc  
37 Terrace Rd, Titahi Bay, Porirua 5



Proposed Natural Resources Plan:

Submitter:

**Chris Van Niekerk**

Submitter Number:

**S191**



# Titahi Bay Beach (Except Surf Lifesaving etc)

## Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

This is a submission on the Proposed Natural Resources Plan for Wellington Region pursuant to Clause 6 Schedule 1 Resource Management Act 1991

Name/Organisation: Chris Van Niekerk Phone: 04-4893591  
HUTC Level 9, BVA Towers, 14 Kaitiaki Ave,  
Address for Service: PO Box 14 Email: chris@vanniekerk.co.nz

Post Code: 5022

I/we could not gain an advantage in trade competition through this submission

### Submission

- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitter make further submission and be able to serve you with a copy of it

Email/Deliver Submission to: tbra@clear.net.nz  
Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736

Signature: [Signature] Date: 22/9/2015  
Titahi Bay Residents Assn Inc  
37 Terrace Rd, Titahi Bay, Porirua 5



Proposed Natural Resources Plan:

Submitter:

**Peter Hyngs**

Submitter Number:

**S192**





# Motor Vehicle Prohibition - Boat Sheds - Boat Launching

## Titahi Bay Beach (Except Surf Lifesaving etc)

### Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: PETER HYNES Phone: 027 6438604

Address for Service: 31 Terrace Road Email: \_\_\_\_\_

TITAHAI BAY Post Code: \_\_\_\_\_

I/we could not gain an advantage in trade competition through this submission

#### Submission

- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitters can make further submission and be able to serve you with a copy of it.

Email/Deliver Submission to: tbra@clear.net.nz

Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736

Titahi Bay Residents Assn Inc

37 Terrace Rd, Titahi Bay, Porirua 5022

Signature: [Signature] Date: 24 Sept 2015



Proposed Natural Resources Plan:

Submitter:

**Louis Webster**

Submitter Number:

**S193**



# Motor Vehicle Prohibition - Boat Sheds - Boat Launching

## Titahi Bay Beach (Except Surf Lifesaving etc)



### Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: Louis Webster Phone: 0276320407  
Address for Service: 4 TIRETI ROAD TITAHAI BAY Email: louwebster@mail.com  
Post Code: 5022

I/we could not gain an advantage in trade competition through this submission

### Submission

- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitters can make further submission and be able to serve you with a copy of it.

Email/Deliver Submission to: tbra@clear.net.nz

Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736

Titahi Bay Residents Assn Inc

37 Terrace Rd, Titahi Bay, Porirua 5022

Signature:  Date: 21-9-15



Proposed Natural Resources Plan:

Submitter:

**Titahi Bay Boatshed Owners**

Submitter Number:

**S194**





# Motor Vehicle Prohibition - Boat Sheds - Boat Launching

## Titahi Bay Beach (Except Surf Lifesaving etc)



### Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: *Michelle Scarr on behalf of the Titahi Bay Boat shed owners* 021420636

Address for Service: *8 Reese Jones Grove* Email: *Michelle.e.scarr@gmail.com*

*Maungarua* Post Code: *5010*

I/we could not gain an advantage in trade competition through this submission

#### Submission

- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- AND WE RESERVE THE RIGHT TO SUE FOR ANY LOSS OF VEHICULAR ACCESS TO OUR BOATSHEDS.
- I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitters can make further submission and be able to serve you with a copy of it.

Email/Deliver Submission to: *tora@clear.net.nz*  
Graeme Ebbett, 021 499 736  
Before Friday 25 Sept 2015

Titahi Bay Residents Assn Inc  
37 Terrace Rd, Titahi Bay, Porirua 5022

Signature: *Michelle Scarr* Date: *25/09/2015*



Proposed Natural Resources Plan:

Submitter:

**John Linschoten**

Submitter Number:

**S195**



\*\*\*\*\*

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

Name/Organisation: .....John Linschoten.....

Address for Service: .....63 Gloaming Hill, Titahi Bay.....

.....Porirua..... Post Code: .....5022.....

Phone: ..027 451 1806 / 04 2360040..... Email: ...[jl-uvc@ihug.co.nz](mailto:jl-uvc@ihug.co.nz).....

I could not gain an advantage in trade competition through this submission

**Submission**

\* I oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.

\* The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.

\* I wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.

\* I authorise Titahi Bay Residents Assn Inc to present my case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitters can make further submission and be able to serve you with a copy of it.



Proposed Natural Resources Plan:

Submitter:

**Tracey Waters**

Submitter Number:

**S196**





# Motor Vehicle Prohibition - Boat Sheds - Boat Launching

## Titahi Bay Beach (Except Surf Lifesaving etc)



### Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: Titahi Bay Wildlife Phone: 2368363

Address for Service: 6 Titahi Bay Rd Email:

Titahi Bay Post Code: 5022

I/we could not gain an advantage in trade competition through this submission

### Submission

● I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.

● The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.

● I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.

● I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitters can make further submission and be able to serve you with a copy of it.

Email/Deliver Submission to: tbra@clear.net.nz

Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736

Titahi Bay Residents Assn Inc

37 Terrace Rd, Titahi Bay, Porirua 5022

Signature: T. Braithwaite Date: 24.9.15



Proposed Natural Resources Plan:

Submitter:

**David and Marlena Peacock**

Submitter Number:

**S197**



# Motor Vehicle Prohibition - Boat Sheds - Boat Launching

## Titahi Bay Beach (Except Surf Lifesaving etc)

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

Name/Organisation: *David and Marlena Peacock* Phone: *04 236 5007*  
Address for Service: *24 Opapa St, Titahi Bay* Email: *dave2mar@gmail.com*  
*Porirua* Post Code: *5022*

We could not gain an advantage in trade competition through this submission

### Submission

- We oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- We wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- We authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitters can make further submission and be able to serve you with a copy of it.

Signature: *D Peacock* Date: *25/09/15*  
Email/Deliver Submission to: *tbra@clear.net.nz*  
Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736  
Titahi Bay Residents Assn Inc  
37 Terrace Rd, Titahi Bay, Porirua 5022



Proposed Natural Resources Plan:

Submitter:

**Mary Iafeta**

Submitter Number:

**S198**





# Motor Vehicle Prohibition - Boat Sheds - Boat Launching

## Titahi Bay Beach (Except Surf Lifesaving etc)

### Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: Mary Tafeta Phone: 02102935466

Address for Service: 44B Horewini St, Titahi Bay Email: mse\_iafeta@hotmail.com

Post Code: .....

I/we could not gain an advantage in trade competition through this submission

#### Submission

- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitters can make further submission and be able to serve you with a copy of it.

Email/Deliver Submission to: tbra@clear.net.nz

Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736

Titahi Bay Residents Assn Inc  
37 Terrace Rd, Titahi Bay, Porirua 5022

Signature:  Date: 20/9/15



Proposed Natural Resources Plan:

Submitter:

**Emma Ward**

Submitter Number:

**S199**



# Motor Vehicle Prohibition - Boat Sheds - Boat Launching

## Titahi Bay Beach (Except Surf Lifesaving etc)

### Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: Emma Howard Phone: 042366858

Address for Service: 1 Main Rd, Titahi Bay Email: emma59@hotmail.co.nz

Post Code: 5022

I/we could not gain an advantage in trade competition through this submission

#### Submission

- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan.
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitters can make further submission and be able to serve you with a copy of it.

Email/Deliver Submission to: tbra@clear.net.nz

Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736

Titahi Bay Residents Assn Inc

37 Terrace Rd, Titahi Bay, Porirua 5022

Signature: [Signature] Date: 20.09.15



Proposed Natural Resources Plan:

Submitter:

**Terese Church**

Submitter Number:

**S200**





# Motor Vehicle Prohibition - Boat Sheds - Boat Launching

## Titahi Bay Beach (Except Surf Lifesaving etc)

### Form 5: Submission on the Proposed Natural Resources Plan for the Wellington Region

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

Name/Organisation: *Terese Church* Phone: *0223540858*  
Address for Service: *B. Claffey Cres. Titahi Bay* Email: *terese.church@lvs.sdm*  
Post Code: *5022*

I/we could not gain an advantage in trade competition through this submission

#### Submission

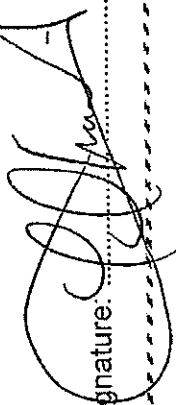
- I/we oppose the provision of rules to prohibit motor vehicles over the entire length of Titahi Bay beach because of disturbance to the foreshore, seabed and remnants of fossilised forest.
- The reason is that adverse effects of motor vehicles on the environment can be avoided, remedied or mitigated with an agreed, practical, sustainable management plan:
- I/we wish to have the provision amended to allow blanket resource consent for motor vehicles in the boat shed areas at the ends of the beach.
- I/we authorise Titahi Bay Residents Assn Inc to present my/our case at a hearing.

The Wellington Regional Council is legally required to publicly notify a summary of submissions including your name and address so other submitters can make further submission and be able to serve you with a copy of it.

Email/Deliver Submission to: *tbra@clear.net.nz*

Before Friday 25 Sept 2015 Graeme Ebbett, 021 499 736

Titahi Bay Residents Assn Inc  
37 Terrace Rd, Titahi Bay, Porirua 5022

Signature:  Date: *18.9.15*

