

Submitter ID:

File No:

Further Submission

on Proposed Natural Resources Plan for the Wellington Region



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Clause 8 of Schedule 1, Resource Management Act 1991.

Please complete this form to make a further submission on the Proposed Natural Resources Plan for the Wellington Region (**PNRP**). All sections of this form need to be completed for the submission to be accepted.

A further submission may only be made by a person representing a relevant aspect of the public interest, or a person that has an interest in the PNRP greater than the interest that the general public has, or the Wellington Regional Council itself. A further submission must be limited to a matter in support of, or in opposition to, a submission made on the PNRP.

For information on making a further submission see the Ministry for the Environment website:
www.mfe.govt.nz/publications/rma/everyday-guide-rma-making-submission-about-proposed-plan-or-plan-change

Return your signed further submission to the Wellington Regional Council by post or email by 5pm Tuesday 29 March 2016 to:

Greater Wellington Regional Council
Further Submission on Proposed Natural Resources Plan
for the Wellington Region
Freepost 3156
PO Box 11646
Manners Street
Wellington 6142

Regionalplan@gw.govt.nz

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FreePost Authority Number 3156



Greater Wellington Regional Council
Further Submission on Proposed Natural Resources Plan for the Wellington Region
Freepost 3156
PO Box 11646
Manners Street
Wellington 6142

FORM 6: FURTHER SUBMISSION FORM

This is a further submission in support of, or opposition to, a submission on the PNRP.

A. DETAILS OF FURTHER SUBMITTER

FULL NAME

ORGANISATION (* the organisation that this submission is made on behalf of)

ADDRESS FOR SERVICE (INCLUDING POSTCODE)

PHONE

FAX

EMAIL

Only certain people may make further submissions

Please tick the option that applies to you:

- I am a person representing a relevant aspect of the public interest; or
 I am a person who has an interest in the PNRP that is greater than the interest the general public has.

Specify below the grounds for saying that you are within the category you have ticked.

Service of your further submission

Please note that you must **serve a copy of this further submission on the original submitter no later than five working days after this further submission has been provided to Wellington Regional Council.**

If you have made a further submission on a number of original submissions, then copies of your further submission will need to be served on each original submitter.

Signature:

Date:

Signature of person making further submission or person authorised to sign on behalf of person making the further submission. A signature is not required if you make your submission by electronic means.

Please note

All information contained in a further submission under the Resource Management Act 1991 becomes public information. All further submissions will be put on our website and will include all personal details included in the further submission.

B. APPEARANCE AT HEARING

Please select from the following:

- I do not wish to be heard in support of my further submission; or
 I do wish to be heard in support of my further submission; and, if so,
 I would be prepared to consider presenting this further submission in a joint case with others making a similar further submission at any hearing.



**Further Submission by the New Zealand Transport Agency
(Submitter #146)**

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

29 March 2016

Further Submission on the Proposed Natural Resources Plan for the Wellington Region under Clause 8 of Schedule 1, Resource Management Act 1991

To Greater Wellington Regional Council (Council)

Name of further submitter: NZ Transport Agency (the Transport Agency)

The Transport Agency is making this further submission in accordance with Clause 8 of Schedule 1, Resource Management Act 1991.

The Transport Agency has an interest in the Proposed Natural Resources Plan ('Proposed Plan') that is greater than the interest the general public has for reasons including the following:

- the Transport Agency has an interest as a landowner and occupier in respect of existing and future infrastructure which is potentially affected (directly or indirectly) by the relevant submissions; and/or
- the Transport Agency made an original submission on matters raised or affected by those submissions.

The Transport Agency's opposition to or support for a particular submission, including the reasons for that support or opposition and the relief sought, are identified in the detailed table included in Schedule 1 (attached).

The Transport Agency wishes to be heard in support of its further submission.

Due to the specific interests of the Transport Agency it will not consider presenting a joint case with others at a hearing.

Address for service of submitter: c/- Beca Limited
PO Box 264, Taranaki Mail Centre
New Plymouth 4340

Mobile: +64 27 463 3031

Email: Hywel.Edwards@beca.com

Contact person: Hywel Edwards, Associate - Planning



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

Date: 29 March 2016

Schedule 1: Further Submission by the Transport Agency

Provision Number	Provision	Submitter Name and Submission Point	Submission Summary	Support/ Oppose	Reason	Allow/Disallow
Definitions						
17.00	2.2 Definitions	Wellington Electricity Lines Limited S126/011	Add a new definition for 'Maintenance' as follows: <i>"Maintenance means the replacement, repair or renewal of existing infrastructure and where the effects of that utility remain the same or similar in character, intensity and scale."</i>	Support	The proposed definition will provide clarity to plan users (for rule interpretation) as to what 'maintenance' provides for and is limited to. The Transport Agency seeks an amendment be made to replace 'utility' with 'infrastructure' to better align with RMA definitions.	Allow in part Amend the term as sought by the submitter as follows: "Maintenance means the replacement, repair or renewal of existing infrastructure and where the effects of that utility <i>infrastructure</i> remain the same or similar in character, intensity and scale."
178.00	Definition – Strategic Transport Network	KiwiRail Holdings Ltd S140/013	Add text to provide for future networks that may form part of the Strategic Transport Network, but which are not currently mapped in the Regional Land Transport Plan 2015	Support	The submission raises the same concern by the Transport Agency in that future networks (i.e. not currently identified in the 2015 RLTP) may consequentially not benefit from the definition.	Allow The Transport Agency seeks the wording in its submission point S146/036 be used for road, cycling and walking transportation corridors.
189.00	Definition – upgrade	Wellington Electricity Lines Limited S126/008	Retain the definition of 'upgrade'.	Support	The proposed definition is appropriate to provide clarity to plan users (for rule interpretation) as to what 'upgrade' provides for and is limited to.	Allow
208.00	Objective O3: Mauri	Ravensdown Limited S310/007	Reword the objective to require enhancement of mauri where mauri is degraded	Support	The proposed amendment is appropriate in that enhancement should be required where the value is degraded.	Allow
214.00	Objective 09: Recreational values	KiwiRail Holdings Ltd S140/014	Amend Objective 9 as follows; The recreational values of the coastal marine area, rivers and lakes and their margins and natural wetlands are maintained and enhanced <i>where appropriate</i> .	Support	The proposed amendment is appropriate in that not all values will need to be enhanced (i.e. where not currently degraded)	Allow
215.00	Objective 10: Public access	CentrePort Limited S121/022	Amend Objective O10 as follows: Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced where appropriate.	Support	The relief sought is consistent with the commentary provided in the Transport Agency's submission (S146/039). Access will not be appropriate in some circumstances – often for health and safety reasons.	Allow
253.00	Objective O48: Stormwater networks	Trelissick Park Group S88/003	Amend the Plan to include a mandatory zero effects of stormwater runoff from any new developments.	Oppose	While many developers and infrastructure providers will seek to achieve 'zero effects', the RMA is not a zero effects piece of legislation therefore the relief is not appropriate. Effects may be remedied or mitigated and may also be of a negligible degree to not even warrant this.	Disallow
261.00	Objective 56: New development in the coastal marine area	KiwiRail Holdings Ltd S140/027	Amend Objective O56 New development in the coastal marine area is of a scale, density and design that is compatible with its function and its location in the coastal environment.	Support	The submission recognises that some uses, notably regionally significant infrastructure such as transportation corridors, may have a functional need to be located in the coastal marine area.	Allow
264.10	4 Policies	Wellington City Council S286/006	Remove the use of 'avoid' in the policies.	Support in part	The Transport Agency believes the word can be applied in the policy framework, but it is important to also acknowledge that remediation and mitigation also apply, together with the fact that some development, such as linear infrastructure, is restricted in terms of where it can locate. In addition, some development, such a regionally significant infrastructure, may generate adverse effects, but deliver significant positive effects to the region and beyond. Only using the term 'avoid' is an extremely high threshold test in a consenting context.	Allow in part The Transport Agency seeks the wording in its submission point S146/075 be applied which essentially provides for a cascading approach to managing effects (i.e. avoid, remedy, mitigate and off-set).
272.00	Policy P8: Beneficial activities	CentrePort Limited S121/043	Amend Policy P8 as follows: ... h) maintenance, use <i>and upgrading</i> of existing structures in the coastal marine area, natural wetlands and the beds of rivers and lakes, and	Support	The relief sought is appropriate to recognise that upgrading is also a beneficial activity.	Allow

273.00	Policy P9: Public access	CentrePort Limited S121/044	Amend Policy 9 as follows: Reduction in the extent or quality of public access to and along the coastal marine area ... (b) protect public health, and safety, <u>security and biosecurity</u> , or ... with respect to (a), (b) and (c), where it is necessary to permanently restrict or remove existing public access, and <u>where practicable and achievable and considering the nature of the activity</u> , the loss of public access shall be mitigated or offset by providing enhanced public access at a similar or nearby location <u>or offset</u> .	Support	The relief sought is consistent with the commentary provided in the Transport Agency's submission (S146/081). Access will not be appropriate in some circumstances – often for health and safety reasons.	Allow
277.00	Policy P13: Existing regionally significant infrastructure and renewable electricity generation facilities	Royal Forest and Bird Protection Society S353/060	Add the words, "provided the adverse effects are avoided remedied".	Oppose	The policy relates to recognising the benefits of regionally significant infrastructure and renewable generation activities. Other policy provisions, against which Policy 13 will be balanced, manage the effects generated by that infrastructure.	Disallow
286.00	Policy P22: Ecosystem values of estuaries	Royal Forest and Bird Protection Society S353/063	Replace with: <u>The following effects shall be avoided:</u> <u>(a) significant adverse effects on the ecosystem values of estuaries, including their importance as habitat for indigenous plants, birds and fish including diadromous species, and as nursery for important fish stocks</u> <u>(b) Adverse effects on:</u> <u>(i) Threatened or at risk indigenous taxa ;</u> <u>(ii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;</u> <u>(iii) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;</u> <u>(iv) areas containing nationally significant examples of indigenous community types; and</u> <u>(v) areas set aside for full or partial protection of indigenous biological diversity under other legislation</u>	Oppose	The Transport Agency considers the policy framework should provide for the avoidance, remediation and mitigation of effects, not just avoidance which sets an extremely high threshold test.	Disallow The Transport Agency seeks the wording in its submission point S146/087 be applied.
296.00	Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai	Fish and Game S308/056	Delete Policy 32 in its entirety	Oppose	The Transport Agency considers Policy 32 is appropriate, especially in the context of regionally significant infrastructure which may generate adverse effects, but which may deliver significant positive effects.	Disallow
366.00	Policy 102: Reclamation or drainage of the beds of lakes and rivers	Fish and Game S308/069	Delete. Reclamation or drainage of the beds of rivers and lakes should be prohibited	Oppose	Applying a prohibited activity status to reclamation or drainage of the beds of lakes and rivers is inappropriate and not consistent with effects based planning.	Disallow
396.00	Policy P132: Functional need and efficient use	Royal Forest and Bird Protection Society S353/126	Add new provision (h) (h) adverse effects are managed in accordance with [new] Policy 41A	Oppose	The policy relates functional need and efficient use. Other policy provisions, against which Policy 132 will be balanced, manage the effects generated by use and development.	Disallow
411.00	Policy P147: Motor vehicles on the foreshore	Royal Forest and Bird Protection Society S353/130	Retain the policy	Support	The relief sought is appropriate to the extent that it enables vehicles associated with the development, operation, maintenance and upgrade of regionally significant infrastructure to access the foreshore	Allow
412.00	Policy P148: Motor vehicles in sites with significant value	Royal Forest and Bird Protection Society S353/131	Retain the policy	Support	The relief sought is appropriate to the extent that it enables vehicles associated with the development, operation, maintenance and upgrade of regionally significant infrastructure to access the foreshore in sites of significance.	Allow
415.10	5. Rules	Porirua City Council S163/008	Address concerns with overlap/conflict of rules treating similar activities differently such as for discharge of "stormwater" versus "water/contaminants" and such as the rules relating to sites of significance	Support	The relief sought is practicable in the context of stormwater which is also a contaminant. Consider clarifying this in the definitions section or introduction to the relevant rules.	Allow

451.00	Rule 36: Agrichemicals - permitted activity	NZ Transport Agency S146/141	[Clarification of original submission]. The Transport Agency's submission sought confirmation that hand held spraying was a permitted activity, but if not, then the discharge of agrichemicals to control State Highway berms be enabled as a permitted activity subject to conditions a) – c)	For clarification	-	-
469.00	Rule R54: Site investigation - permitted activity	Cuttriss Consultants Limited S104/004	Amend Rule R54: Provisions (a) and (b) to include any future iteration of these documents.	Support	The relief sought is appropriate to recognise that management guidelines may evolve within the term of the Plan	Allow
469.00	Rule R54: Site investigation - permitted activity	Spark New Zealand Trading Limited S98/021	Amend Rule 54 to include a threshold for the scale of an activity under sub-clause b) and also specifically exclude regionally significant infrastructure providers from requiring to comply with Rule54, provided the exclusion parameters listed under R55 (and any subsequent provisions) are met.	Support	The relief sought is pragmatic and is generally consistent with the Transport Agency's submission (S146/152) which queried the need for the entire state highway network to be investigated for contaminated land.	Allow
470	Rule 55: Discharges from contaminated land - permitted activity	Kevin Tearney S154/004	Clarify what is sought after 31 July 2017. Address condition (b) drafting error. Requirement for consenting of sites should be risk based and not defined by the NZ Drinking Water Standards or ANZEEC guidelines.	Support	The relief sought is generally consistent with the Transport Agency's submission (S146/152) which sought a more enabling and long-term effects based rule. Essentially, a risk based approach, which is consistent with the approach set in the NES – Contaminated Soils (and also consistent with the definition of contaminated land in the Plan) is more appropriate than the current wording / approach.	Allow
519.00	Wetlands general conditions 5.5.2	Minister of Conservation S75/143	Amend the conditions: Wetland general conditions for activities in natural wetlands, (<u>including</u> significant natural wetlands and outstanding natural wetlands) are that: ... (e) in any part of the natural wetland <i>identified as</i> inanga spawning habitat identified in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats), no bed disturbance, diversions of water or sediment discharge shall occur between 1 January 1 March and 31 May, and	Oppose	The Transport Agency understands the inanga spawning period to occur between 1 March and 31 March, inclusive of 'buffering' to avoid peak spawning periods.	Disallow
528.00	Beds of lakes and rivers general conditions 5.5.4	Minister of Conservation S75/151	Amend the conditions: (e) in any part of the river bed <i>identified as</i> inanga spawning habitat identified in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats), no bed disturbance, diversions of water or sediment discharge shall occur between <u>1 January</u> 1 March and 31 May, and	Oppose	The Transport Agency understands the inanga spawning period to occur between 1 March and 31 March, inclusive of 'buffering' to avoid peak spawning periods.	Disallow
529.00	Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates) - permitted activity	Wellington City Council S286/050	Clarify whether temporary stream damming and diversion required for instream structure works (Rules 112- 118) are a covered by the rules (i.e. included in 'associated' works); If the temporary damming or diversion of water is not included, make it a permitted activity subject to appropriate conditions.	Support	The relief sought is appropriate. The Plan's rule interpretation (chapter 2) states that this approach has been sought to be adopted, where practicable. The Transport Agency considers practicable in respect of Rule 112.	Allow
583.00	Rule R165: Additions or alterations to existing seawalls - controlled activity [and Rules 166, 194, 204, 208, 210 and 216]	Wellington International Airport Limited S282/077	The submitter seeks that the relationships between Rules R165, R166, R194, R204, R208, R210 and R216 be reviewed to ensure that unnecessary duplication of control is avoided and that an all-inclusive non-complying activity status is not applied to activities that are otherwise provided for by the Proposed Plan.	Support	The relief sought is appropriate in that it seeks clarity as to the applicability of rules with the intent of avoiding duplication of control.	Allow