

Further Submission on Proposed Natural Resources Plan for the Wellington Region

Clauses 8 of First Schedule, Resource Management Act 1991

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A detailed further submission is attached.

The New Zealand Defence Force (NZDF) represents a relevant aspect of the public interest¹, and also has an interest in the Proposed Natural Resources Plan for the Wellington Region that is greater than the interest the general public has.

NZDF **does** wish to be heard in support of its further submission.

If others make a similar further submission, NZDF will consider presenting a joint case with them at the hearing.

A copy of this further submission has been sent to each person who made the original submission.



Person authorised to sign
on behalf of New Zealand Defence Force

29 March 2016

¹ Set out in section 5 of the Defence Act 1990

	Submitter:	Submission Number	Position	Submission Point	Reasons	Relief sought
<u>Entire Plan</u>						
1	Roading, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council	S85	Support	001	The use of avoid infers a form of prohibition and may constrain activities that provide essential services to the community, including defence facilities or which are otherwise appropriate when considering Part 2 of the RMA.	Accept the submitter's relief sought to reconsider the use of avoid throughout the Plan, to ensure that it does not unnecessarily and inappropriately constrain activities.
<u>Interpretation</u>						
2	Wellington City Council	S286	Support	038	The definition as it is currently drafted is unclear in relation to what land would be considered to be "erosion prone". The definition should be clearer and this could be achieved by accepting the submitter's relief, which requests that erosion prone areas are mapped or by amending the definition to show how the 20 degree slope is determined.	Accept the submitter's relief sought to the definition of erosion prone land.
3	New Zealand Fire Commission and Wellington Rural Fire Authority	S142	Support in part	002	Adding a definition for firefighter training provides clarification for users of the Plan. NZDF wishes to be involved in any discussions around the wording of such a definition as NZDF also undertakes firefighter training activities.	Accept the submitter's relief sought to include a definition for firefighter training.
4	Roading, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council	S85	Support	031	It is not considered appropriate to capture all river and lake beds under a "blanket" definition for high hazard areas. Instead, an appropriate assessment of any actual hazard present should be undertaken and this should feed into the Plan's policy framework including Policy 27.	Accept the submitter's relief sought to amend the definition of 'high hazard areas', where it is based on appropriate assessments of actual hazards.
<u>Objectives</u>						
5	NZ Transport Agency	S146	Oppose	050	While the amendments to provide for regionally significant infrastructure are supported, NZDF disagrees with the wording suggested by the submitter, as they may imply that other structures are	Reject the submitter's relief sought to Objective O21.

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					inappropriate in high hazard areas where this may not necessarily be the case. NZDF wishes to be involved in discussions around the wording of this provision.	
6	Transpower NZ Ltd	S165	Support	005	It is appropriate to recognise the various benefits of regionally significant infrastructure, including at a local scale. Regionally significant infrastructure should be both recognised and provided for in the Plan.	Accept the submitter's relief sought to Objective O12.
<u>Policies</u>						
7	Roading, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council	S85	Support	025	The policy does not currently read well, and definition of source control does not relate well to sediment generation and the use of offset is unclear in relation to sediment discharge.	Accept the submitter's relief sought to policy P97 to improve clarity, including definitions of the associated terms, namely source control and offset.
8	NZ Transport Agency	S146	Support in part	092	The additional wording suggested by the submitter assists in ensuring policy P27 provides for assessment of the particular situation and site specific requirements. It also ensures the clause is less absolute.	Accept the submitter's relief sought to the additional wording suggested for Policy P27 clause (c), as follows: <i>"(c) the development does not cause or exacerbate natural hazards in other areas to an unacceptable degree;"</i>
9	Powerco	S29	Support	022	NZDF supports the change to this policy to allow a more flexible approach that can take into account individual circumstances. NZDF wishes to be involved in any discussions around the wording of this policy.	Accept the submitter's relief sought to the modification to Policy P27 clause (b), being <i>"(b) the risk to the development and/or residual risk after hazard mitigation measures, assessed using a risk-based approach, is low acceptable."</i>
10	Hutt City Council	S84	Support	017	As written policy P27 is overly restrictive and should be amended to be less absolute.	Accept the submitter's relief sought to reconsider the use of 'avoid' in policy P27.
<u>Air Quality</u>						
11	Roading, Parks and Gardens and Solid Waste departments of	S85	Support	012	The notified plan requires consent to be obtained for discharges that haven't been anticipated, although the potential effects of the discharge may not warrant	Accept the submitter's relief sought, specifically in relation to Point O12.

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	Hutt City Council and Upper Hutt City Council				control. The fuels based focus of the notified rules is inconsistent with the effects based approach of the RMA. The Plan should reflect this effects based approach.	
12	Roading, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council	S85	Support	080	The discretionary activity status in the Plan is overly onerous and a restricted discretionary activity status is considered more appropriate as the matters for discretion can be readily identified.	Accept the submitter's relief sought to the restricted discretionary activity status of Rules R37 and R38 in relation to agrichemical discharges.
13	Horticulture NZ	S307	Support	064	Restricted discretionary status provides clear guidance on the matters assessed for applications, giving clear guidance to users of agrichemicals.	Accept the submitter's relief sought to the activity status of agrichemical discharges Rule R38 being Restricted discretionary and the suggested matters of discretion under this rule.
14	Transpower NZ Ltd	S165	Support	025	The discharge of contaminants to air not otherwise provided for under the fuels-based approach are subject to the catch-all discretionary rule, which is considered overly restrictive and could result in unnecessary reliance on the resource consent process. It is appropriate to provide for minor discharges to air as a permitted activity, subject to fair and reasonable conditions.	Accept the submitter's relief sought to provide for minor discharges to air through an additional permitted activity rule, similar to that for discharges to water under Rule R42.
Discharges (to land and to water)						
15	Roading, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council	S85	Support	075	Stormwater diversion is not currently authorised by the Plan and would apparently fall under the general rule R135, which could be missed. NZDF considers it appropriate to specifically provide for stormwater diversion within the stormwater rules.	Accept the submitter's relief sought to bundle stormwater diversion into the rules for other stormwater discharges in Section 5.2.3.
16	Minister of Conservation	S75	Support	116/117	It is appropriate to provide for discharges associated with the control of environmental weeds.	Accept the submitter's relief sought to provide for agrichemical discharge for the control of environmental weeds, with

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						appropriate conditions.
17	Kiwi Rail Holdings Ltd	S140	Support	057	Infrastructure providers provide important services to the community and activities undertaken by these providers should be enabled in the Plan. The suggested amendments to rule R70 assist in providing for these activities.	Accept the submitter's relief sought to amend Rule R70 for cleanfill material to provide for activities associated with regionally significant infrastructure, as follows: <i>“(a) the cleanfill material is not located within 20m of a surface water body, or bore used for water abstraction for potable supply unless it is being utilised to maintain or upgrade Regionally Significant Infrastructure, and... (e) the volume of cleanfill material deposited at a property shall not exceed 100m³ unless it is being utilised to maintain or upgrade Regionally Significant Infrastructure, and...”</i>
<u>Land Use</u>						
18	NZ Transport Agency	S146	Support	159/160/161	It is appropriate to only require consent for the discharge of stormwater, and not for the use of land itself, under these rules.	Accept the submitter's relief sought to Rules R99, R100 and R101.
<u>Wetlands and beds of lakes and rivers</u>						
19	NZ Transport Agency	S146	Support	223	It is appropriate to provide for construction activities as part of this rule, which already provides for the 'placement' of the structure. It is also appropriate to remove the reference to 'small' in the rule, as 'small bridge' is not defined in the Plan and removal of 'small' will remove ambiguity.	Accept the submitter's relief sought to Rule 114 for river crossing structures, to include construction activities, and removal of the word 'small'.
20	NZ Transport Agency	S146	Support	173	It is appropriate to provide for the use of existing or lawfully established structures that are in existence prior to the NRP.	Accept the submitter's relief sought to add a rule for the use of existing permitted or lawfully established structures in place prior

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						to the NRP, as suggested.
21	Land Matters Ltd	S285	Support	067	The requirement for a 3 month stand down period between clearance of each side of a drain is considered restrictive. Rule 121 could impact on regular scheduled maintenance of important infrastructure in drains providing little species habitat, which is what this rule seeks to protect.	Accept the submitter's relief sought to amend Rule 121 to provide for clearance of drains.
<u>Whaitua Chapters</u>						
22	Roading, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council	S85	Support	002	It is important to provide clear and frequent cross references throughout the Plan to ensure readers are aware of all provisions contained within the various chapters, including rules.	Accept the submitter's relief sought to insert clear and frequent references between the Whaitua chapters and the rest of the Plan.
23	Dairy NZ and Fonterra Co-Operative Group Ltd	S316	Support in part	006	Currently, the integration between the Whaitua chapters and the remaining provisions of the Plan is unclear, and as a result could make the Plan difficult to work with. Adding some explanatory text into the Plan would be useful for users. However, suggest removing the reference to 'generic', as this could create confusion for users. NZDF wishes to be involved in any discussions around the wording of this section.	Accept in part the submitter's relief sought for the addition of a sentence in section 2.1.5 on the relationship between the Whaitua provisions and the provisions in other parts of the Plan, as follows: "Provisions developed by the Whaitua committees and contained in these chapters take precedence over generic provisions contained elsewhere in the plan."
24	NZ Transport Agency	S146	Support	003	It is important for the Plan to be a consistent and cohesive document and at present there is a risk that the provisions in the Whaitua Chapters are drafted in a manner that results in inconsistencies with the wider Plan as a whole. There should be safeguards for this, which may be provided by Terms of Reference for the committees.	Accept the submitter's relief sought to address concerns that the Whaitua committees may generate inconsistent provisions within the pNRP.