

## 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

Gareth Eloff

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

The Queen Elizabeth II National Trust

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### 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.

The National Trust is an independent charity established almost 40 years ago under its own Act (Queen Elizabeth the Second National Trust Act 1977). The general functions of the Trust under this Act is "to encourage and promote, for the benefit and enjoyment of the present and future generations of the people of New Zealand, the provision, protection, preservation, and enhancement of open space." The National Trust owns Taupo Swamp which is an outstanding natural wetland and provides habitat for uncommon indigenous species of plants and fauna.

### 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:

22.03.2016

*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.

Please enter further submission points in the table on the following pages

### C. FURTHER SUBMISSION POINTS

Please complete the following table with details of which original submission points you support and/or oppose, and why, adding further rows as necessary.

Details of the submission you are commenting on	Original submission number	Position	Part(s) of the submission you support or oppose	Reasons	Relief sought
e.g. Joanne Bloggs 12 Pine Tree Avenue Redwood	e.g. submitter S102	Whether you support or oppose the submission.  e.g. Oppose	Indicate which parts of the original submission (which submission points) you support or oppose, together with any relevant PNRP provisions.  e.g. Oppose all of submission point S102/41	Why you support or oppose each submission point.  e.g. The submission point does not recognise...	The part or whole of each submission point you wish to be allowed or disallowed.  e.g. Disallow the parts of S102/41 relating to...
Porirua City Council P O Box 50128, Porirua	Submission S163	Refer to attached table			
NZ Transport Agency c/- Beca Ltd., P O Box 3942, Wellington	Submission S146	Refer to attached table			
KiwiRail Holdings Limited P O Box 593, Wellington	Submission S140	Refer to attached table			
Ian Bengé and Martin Bengé 6 Holmwood Road, Merivale, Christchurch	Submission S83	Refer to attached table			

**Original Submitter - Ian Benge and Martin Benge**  
**Submitter's Address - 6 Holmwood Road, Merivale, Christchurch**  
**Submission No. - 583**

<b>POLICIES</b>				
<b>Relevant Provision in Proposed Natural Resources Plan</b>	<b>Part(s) of submission QEI supports or opposes</b>	<b>QEII's Position</b>	<b>Reasons for QEII's Position</b>	<b>Relief sought by QEII</b>
<p>Policy P102: Reclamation or drainage of the beds of lakes and rivers</p> <p>The reclamation or drainage of the beds of lakes and rivers and natural wetlands shall be avoided except where the reclamation or drainage is:</p> <p>(a) partial reclamation of a river bank for the purposes of flood prevention or erosion control, or</p> <p>(b) associated with a qualifying development within a special housing area, or</p> <p>(c) associated with a growth and/or development framework or strategy approved by a local authority under the Local Government Act 2002, or</p> <p>(d) necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure, or</p> <p>(e) associated with the creation of a new river bed and does not involve piping of the river, and</p> <p>(f) in respect of (a) to (e) there are no other practicable alternative methods of providing for the activity, or</p> <p>(g) the reclamation or drainage is of an ephemeral flow path.</p> <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>Submission point relating to Policy P102</p>	<p>Oppose</p>	<p>I Benge and M Benge NZTA support the policy because it will allow their land to be developed by reclaiming and draining watercourses as per Porirua City Council's 'Northern Growth Strategy Structure Plan'.</p> <p>QEII notes that the Benges' land comprises a substantial part of the catchment for Taupo Swamp. Due to the topography of the catchment, reclamation and/or drainage of streams draining to Taupo Swamp is very likely to change the hydraulic regime of the catchment and also very likely to significantly adversely affect the natural values of the Swamp.</p> <p>It is not appropriate to negate the statutory tests in section 6 of the RMA simply because some non-statutory process (with no appeal rights) may have been adopted by the territorial authority promoting the development of the Benges' land.</p> <p>QEII notes that Taupo Swamp has been significantly degraded with incremental and detrimental work in its catchment, and in particular from sediment discharges that have adopted current but largely ineffectual sediment</p>	<p>Amend to include the following text:</p> <p>"The reclamation or drainage of the beds of lakes and rivers and natural wetlands shall be avoided where the reclamation or drainage is located in the catchment of a significant or outstanding natural wetland, and in all other cases shall be avoided, except where the reclamation or drainage is:</p> <p>(a) partial reclamation of a river bank for the purposes of flood prevention or erosion control, or</p> <p>(b) associated with a qualifying development within a special housing area, or</p> <p>(c) associated with a growth and/or development framework or strategy approved by a local authority under the Local Government Act 2002, or</p> <p>(d) necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure, or</p> <p>(e) associated with the creation of a new river bed and does not involve piping of the river, and</p> <p>(f) in respect of (a) to (e) there are no other practicable alternative methods of providing for the activity, or</p> <p>(g) the reclamation or drainage is of an ephemeral flow path.</p> <p>For the purpose of this policy the piping or covering of a stream for a distance greater</p>

				retention methodology. If section 6 matters are not accommodated in this policy the purpose of the RMA will not be promoted.	than that required to form a reasonable crossing point is considered to be reclamation of the river bed."
<b>RULES</b>					
<b>Relevant Provision in Proposed Natural Resources Plan</b>	<b>Part(s) of the submission QEII supports or opposes</b>	<b>QEII's Position</b>	<b>Reasons for QEII's Position</b>	<b>Relief sought by QEII</b>	
<p>Rule R127: Reclamation of the beds of rivers or lakes – non-complying activity</p> <p>The reclamation of the bed, or any part of the bed, of a river or lake:</p> <ol style="list-style-type: none"> <li>associated with the piping of a stream, or</li> <li>in a site identified in Schedule A1 (outstanding rivers), or</li> <li>in a site identified in Schedule C (mana whenua)</li> </ol> <p>is a non-complying activity.</p>	Submission point relating to Rule R127	Oppose	<p>Benge and M Benge are opposed to the rule.</p> <p>QEII is opposed to the amendment proposed by the Benges.</p> <p>The Benges seek a low consenting threshold where activities are required for urban development.</p> <p>QEII is opposed to any change in the rule that would exclude certain activities that may affect significant or outstanding wetlands.</p> <p>QEII notes that Taupo Swamp has been significantly degraded with incremental and detrimental work in its catchment, and in particular changes to the hydraulic regime of its catchment.</p> <p>There is no justification for activities associated with residential growth areas being given leniency at the expense of the Matters of National Importance in section 6 of the RMA. A consenting regime that allows potentially significant effects on sites with outstanding natural values to be comprehensively assessed is appropriate and will promote the purpose of the RMA.</p>	Retain the existing rule or in the alternative amend the rule while retaining a non-complying activity status for the reclamation of the bed, or any part of the bed, of a river or lake within the catchment of Taupo Swamp.	

Original Submitter - KiwiRail Holdings Limited  
 Submitter's Address - P O Box 593, Wellington  
 Submission No. - S140

**PROPOSED OBJECTIVES**

Relevant Provision in Proposed Natural Resources Plan	Part(s) of the submission QEII supports or opposes	QEII's Position	Reasons for QEII's Position	Relief sought by QEII
<p>Objective O19            The interference from use and development on natural processes is minimised.</p>	<p>Submission point relating to Objective O19</p>	<p>Oppose</p>	<p>KiwiRail seeks amendment to the objective.            QEII supports the general intent of the objective but notes that the objective as currently drafted is ambiguous with respect to development work (eg: roading, landform modifications, and service infrastructure) required to effect a subdivision. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p>	<p>Amend to read:            "Natural processes are safeguarded from inappropriate use and development, including <u>subdivisional development work</u>"</p>
<p>Objective O29            Use and development provides for the passage of fish and koura, and the passage of indigenous fish and koura is restored.</p>	<p>Submission point relating to Objective O29</p>	<p>Support in part            Oppose in part</p>	<p>The omission of reference to subdivisional development work is opposed.            KiwiRail seeks amendment to the objective to clarify restoration is needed where passage is currently not provided.            QEII agrees this would assist in interpretation.            QEII generally supports the amended objective proposed by KiwiRail but notes that the objective as currently drafted is ambiguous with respect to development work (eg: roading, landform modifications, and service infrastructure)</p>	<p>Amend to read:            "Use and development, including <u>subdivisional development work</u>, provides for the passage of <u>indigenous fish and koura</u>, and the passage of indigenous fish and koura is restored <u>where it is not currently provided.</u>"</p>

			<p>required to effect a subdivision. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfill its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p> <p>The omission of reference to subdivisional development work is opposed.</p>	
<p>Objective O31 Outstanding water bodies and their significant values are protected.</p>	<p>Submission point relating to Objective O31</p>	<p>Support in part Oppose in part</p>	<p>KiwiRail has sought an amendment so the objective is consistent with the section 6 of the RMA by referring to inappropriate use and development.</p> <p>QEII supports this amendment, but notes that the objective as currently drafted is ambiguous with respect to development work (eg: roading, landform modifications, and service infrastructure) required to effect a subdivision. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfill its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p> <p>The omission of reference to subdivisional development work is opposed.</p>	<p>Amend to read: "Outstanding water bodies and their significant values are protected from inappropriate use and development including subdivisional development work."</p>
<p>Objective O35 Ecosystems and habitats with significant indigenous biodiversity values are protected and restored.</p>	<p>Submission point relating to Objective O35</p>	<p>Oppose</p>	<p>KiwiRail seeks amendment to the objective so restoration is only required where biodiversity values "have been compromised".</p> <p>QEII notes that Taupo Swamp has been significantly degraded with incremental and detrimental work within its catchment. QEII opposes any change to this objective which would imply that this is not the case.</p>	<p>Retain existing wording.</p>

## PROPOSED POLICIES

Relevant Provision in Proposed Natural Resources Plan	Part(s) of the submission QEII supports or opposes	QEII's Position	Reasons for QEII's Position	Relief sought by QEII
<p>Policy P4: Minimising adverse effects</p> <p>Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall include:</p> <ul style="list-style-type: none"> <li>(a) consideration of alternative locations and methods for undertaking the activity that would have less adverse effects, and</li> <li>(b) locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and</li> <li>(c) timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and</li> <li>(d) using good management practices for reducing the adverse effects of the activity, and</li> <li>(e) designing the activity so that the scale or footprint of the activity is as small as practicable.</li> </ul>	<p>Submission point relating to Policy P4</p>	<p>Oppose</p>	<p>KiwiRail's submission advocates for avoiding scheduled sites "if practicable".</p> <p>This would not promote the purpose of the RMA. QEII notes that Taupo Swamp has been significantly degraded with incremental and detrimental work in its catchment (including work relating to major infrastructure).</p>	<p>Retain existing policy but ensure that all references to "minimise" are replaced with language that is consistent with the RMA "ie, avoiding, remedying or mitigating.</p>
<p>Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities</p> <p>The benefits of regionally significant infrastructure and renewable energy generation activities are recognised by having regard to:</p> <ul style="list-style-type: none"> <li>(a) the strategic integration of infrastructure and land use, and</li> <li>(b) the location of existing infrastructure and</li> </ul>	<p>Submission point relating to Policy P12</p>	<p>Oppose in part</p>	<p>KiwiRail's submission seeks amendment to this policy so its infrastructure activities are facilitated.</p> <p>Taupo Swamp has been significantly degraded with incremental and detrimental work (including work relating to infrastructure) within its catchment).</p> <p>QEII considers this policy needs amendment to acknowledge that</p>	<p>Amend to include the following text:</p> <p>"The benefits of regionally significant infrastructure and renewable energy generation activities are recognised by having regard to:</p> <ul style="list-style-type: none"> <li>(a) the strategic integration of infrastructure and land use, and</li> <li>(b) the location of existing infrastructure and structures, and</li> <li>(c) the need for renewable energy</li> </ul>

<p>structures, and</p> <p>(c) the need for renewable energy generation activities to locate where the renewable energy resources exist, and</p> <p>(d) the functional need for port activities to be located within the coastal marine area, and</p> <p>(e) operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities.</p>	<p>facilitation of infrastructure should not be at the expense of section 6 matters</p>	<p>generation activities to locate where the renewable energy resources exist, and</p> <p>(d) the functional need for port activities to be located within the coastal marine area, and</p> <p>(e) operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities;</p> <p><u>providing all matters of national importance are recognised and provided for."</u></p>	<p>Replace the introductory clause of this policy with the following text:</p> <p>"Aquatic ecosystem health and mahinga kai shall be maintained or restored by managing the effects of use and development, including <u>subdivisional development works</u>, on physical, chemical and biological processes to:</p> <p>Replace all subsequent references to "mitigise" with "avoid, remedy or mitigate."</p>
<p>(c) the need for renewable energy generation activities to locate where the renewable energy resources exist, and</p> <p>(d) the functional need for port activities to be located within the coastal marine area, and</p> <p>(e) operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities.</p>	<p>Submission point relating to Policy P31</p>	<p>Support in part Oppose in part</p>	<p>KiwiRail considers that reference to mitigise is inappropriate.</p> <p>QEI agrees and suggests the policy should be amended to accord with the purpose of the RMA.</p> <p>The policy refers to "use and development" and omits to refer to subdivisional development work. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p> <p>The omission of reference to subdivisional development work is opposed.</p>
<p>Policy P31: Aquatic ecosystem health and mahinga kai</p> <p>Aquatic ecosystem health and mahinga kai shall be maintained or restored by managing the effects of use and development on physical, chemical and biological processes to:</p> <p>(a) minimise adverse effects on natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in rivers, lakes and natural wetlands, and</p> <p>(b) minimise adverse effects on aquatic habitat diversity and quality, including the form, frequency and pattern of pools, runs, and riffles in rivers, and the natural form of rivers, lakes, natural wetlands and coastal habitats, and</p> <p>(c) minimise adverse effects on habitats that are important to the life cycle and survival of aquatic species, and</p> <p>(d) minimise adverse effects at times which will most affect the breeding, spawning, and dispersal or migration of aquatic species, and</p> <p>(e) avoid creating barriers to the migration or movement of indigenous aquatic species, and restore the connections between</p>	<p>Submission point relating to Policy P31</p>	<p>Support in part Oppose in part</p>	<p>Replace the introductory clause of this policy with the following text:</p> <p>"Aquatic ecosystem health and mahinga kai shall be maintained or restored by managing the effects of use and development, including <u>subdivisional development works</u>, on physical, chemical and biological processes to:</p> <p>Replace all subsequent references to "mitigise" with "avoid, remedy or mitigate."</p>



<p>fragmented aquatic habitats where appropriate, and</p> <p>(f) minimise adverse effects on riparian habitats and restore them where practicable,</p> <p>(g) avoid the introduction, and restrict the spread, of aquatic pest plants and animals.</p> <p>Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai</p> <p>Significant adverse effects on aquatic ecosystem health and mahinga kai shall be managed by:</p> <p>(a) avoiding significant adverse effects, and</p> <p>(b) where significant adverse effects cannot be avoided, remedying them and</p> <p>(c) where significant adverse effects cannot be remedied, mitigating them, and</p> <p>(d) where residual adverse effects remain, it is appropriate to consider the use of biodiversity offsets.</p> <p>Proposals for mitigation and biodiversity offsetting will be assessed against the principles listed in Schedule G (biodiversity offsetting).</p>	<p>Submission point relating to Policy P32</p>	<p>Oppose</p>	<p>KiwiRail supports the intent of the policy but seeks amendment so offsetting is not restricted to biodiversity.</p> <p>QEI opposes KiwiRail's suggestion because it is vague and ambiguous, and fails to acknowledge that it is not possible to offset adverse effects on natural values by offsetting in some other context. Any such suggestion tantamount to authorising environmental degradation with compensation and this would not promote the purpose of the RMA.</p> <p>QEI considers the policy needs amendment because it currently provides no guidance on the management of effects and provides that any activity can proceed, regardless of effects, if the effects are offset. This is inconsistent with the Freshwater NPS, Part 2 and section 30 of the RMA.</p>	<p>Replace this policy with the following:</p> <p>"In order to maintain water quality, and meet the freshwater objectives in Tables 3.4-3.8, activities that have significant adverse effects on aquatic ecosystem health and mahinga kai are avoided. In relation to adverse effects on natural processes that are not significant:</p> <p>(a) these are avoided in the first instance;</p> <p>(b) where they cannot be avoided, they are remedied;</p> <p>(c) where they cannot be remedied they are mitigated;</p> <p>(d) residual adverse effects that cannot be mitigated, are offset."</p>
<p>Policy P39: Adverse effects on outstanding water bodies</p> <p>The adverse effects of use and development on outstanding water bodies and their significant values identified in Schedule A (outstanding water bodies) shall be avoided.</p>	<p>Submission point relating to Policy P39</p>	<p>Oppose</p>	<p>KiwiRail seeks amendment to the policy because it considers that only significant effects need to be managed.</p> <p>QEI considers the policy is appropriate and will promote the purpose of the RMA because it relates to outstanding sites with significant values and ecological sites, and avoidance of effects in these circumstances should take precedence over operational needs of infrastructure.</p>	<p>Amend the policy to read:</p> <p>"The adverse effects of use and development, including <u>subdivisional development</u>, on outstanding water bodies and their significant values identified in Schedule A (outstanding water bodies) shall be avoided."</p>

<p>The policy refers to "use and development" and omits to refer to subdivisional development work. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p> <p>The omission of reference to subdivisional development work is opposed.</p>	<p>The omission of reference to subdivisional development work is opposed.</p> <p>KiwiRail seeks amendment to the policy because it considers some use and development of such areas is appropriate.</p> <p>QEI considers the policy should be retained as it will promote the purpose of the RMA because it relates to sites with significant biodiversity values, and avoidance of effects in these circumstances should take precedence over operational needs of infrastructure.</p>	<p>Retain the existing policy.</p>	
	<p>The policy refers to "use and development" and omits to refer to subdivisional development work. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p> <p>The omission of reference to subdivisional development work is opposed.</p>	<p>KiwiRail supports the intent of the policy but seeks amendment so offsetting is not restricted to biodiversity.</p> <p>QEI opposes KiwiRail's suggestion because it is vague and ambiguous, and fails to acknowledge that it is not possible to offset adverse effects on natural values by offsetting in some other context. Any such suggestion</p>	<p>Replace this policy with the following:</p> <p>"In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40(a) - (c) in the first instance activities shall avoid these ecosystems and habitats. If the ecosystem or habitat cannot be avoided, adverse effects are managed by avoiding significant</p>

<p>If the ecosystem or habitat cannot be avoided, the adverse effects of activities shall be managed by:</p> <p>(a) avoiding more than minor adverse effects, and</p> <p>(b) where more than minor adverse effects cannot be avoided, remedying them, and</p> <p>(c) where more than minor adverse effects cannot be remedied, mitigating them, and</p> <p>(d) where residual adverse effects remain it is appropriate to consider the use of biodiversity offsets.</p>		<p>tantamount to authorising environmental degradation with compensation and this would not promote the purpose of the RMA.</p> <p>QEI considers the policy needs amendment because it currently suggests any activity can proceed, regardless of effects, if the effects are offset. This is inconsistent with the Freshwater NPS, Part 2 and section 30 of the RMA.</p> <p>The policy should provide for the avoidance of significant adverse effects on the sites identified in P40 and avoiding remedying, mitigating and offsetting other effects in accordance with the mitigation hierarchy.</p>	<p>adverse effects. Where adverse effects are not significant:</p> <p>(a) they are avoided in the first instance;</p> <p>(b) where they cannot be avoided, they are remedied;</p> <p>(c) where they cannot be remedied they are mitigated;</p> <p>(d) residual adverse effects that cannot be mitigated, are offset."</p>
<p>Policy P42: Protecting and restoring 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, particular regard shall be given to managing the adverse effects of use and development in surrounding areas on physical, chemical and biological processes to:</p> <p>(a) maintain ecological connections within and between these habitats, or</p> <p>(b) provide for the enhancement of ecological connectivity between fragmented habitats through biodiversity offsets, and</p> <p>(c) provide adequate buffers around ecosystems and habitats with significant indigenous biodiversity values, and</p> <p>(d) avoid cumulative adverse effects on, and the incremental loss of the values of these ecosystems and habitats.</p>	<p>Submission point relating to Policy P42</p>	<p>KiwiRail supports the intent of the policy but seeks amendment so it allows offsets other than biodiversity offsets.</p> <p>QEI opposes NZTA's suggestion because it is vague and ambiguous, and fails to acknowledge that it is not possible to offset adverse effects on biodiversity values by offsetting in some other context. Any such suggestion tantamount to authorising environmental degradation with compensation and this would not promote the purpose of the RMA.</p> <p>The policy refers to "use and development" and omits to refer to subdivisional development work. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to</p>	<p>Amend the policy to read:</p> <p>"In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40, particular regard shall be given to managing the adverse effects of use and development, and subdivisional development work, in surrounding areas on physical, chemical and biological processes to:</p> <p>(a) maintain ecological connections within and between these habitats, or</p> <p>(b) provide for the enhancement of ecological connectivity between fragmented habitats through biodiversity offsets, and</p> <p>(c) provide adequate buffers around ecosystems and habitats with significant indigenous biodiversity values, and</p> <p>(d) avoid cumulative adverse effects on, and the incremental loss of the</p>

<p>Policy P73: Minimising adverse effects of stormwater discharges</p> <p>The adverse effects of stormwater discharges shall be minimised, including by:</p> <ul style="list-style-type: none"> <li>(a) using good management practice, and</li> <li>(b) taking a source control and treatment train approach to new activities and land uses, and</li> <li>(c) implementing water sensitive urban design in new subdivision and development, and</li> <li>(d) progressively improving existing stormwater, wastewater, road and other public infrastructure, including during routine maintenance and upgrade.</li> </ul>	<p>Submission point relating to Policy P73</p>	<p>Oppose</p>	<p>integrated management of resources.</p> <p>The omission of reference to subdivisional development work is opposed.</p> <p>KiwiRail seeks amendment so minimisation of effects is only required "to an acceptable degree".</p> <p>QEII opposes KiwiRail's proposed amendment because it fails to acknowledge the matters of national importance.</p> <p>QEII notes that the catchment for Taupo Swamp has been identified as being a potential area for new residential development. Stormwater discharges from such development in the catchment has the potential to impact on the natural values of Taupo Swamp</p> <p>QEII considers this policy needs amendment to acknowledge that the adverse effects of stormwater discharges where the matters of national importance are not recognised and provided for must be avoided.</p>	<p>values of these ecosystems and habitats."</p> <p>Amend to include the following text:</p> <p>"The adverse effects of stormwater discharges shall be: <u>avoided where matters of national importance are not recognised and provided for; and in all other cases, minimised, including by:</u></p> <ul style="list-style-type: none"> <li>(a) using good management practice, and</li> <li>(b) taking a source control and treatment train approach to new activities and land uses, and</li> <li>(c) implementing water sensitive urban design in new subdivision and development, and</li> <li>(d) progressively improving existing stormwater, wastewater, road and other public infrastructure, including during routine maintenance and upgrade." </li></ul>
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## PROPOSED RULES

Relevant Provision in Proposed Natural Resources Plan	Part(s) of the submission QEII supports or opposes	QEII's Position	Reasons for QEII's Position	Relief sought by QEII
<p>Rule R67: Discharges inside sites of significance – non-complying activity</p> <p>The discharge of water or contaminants into water, or onto or into land where it may enter water:</p> <ul style="list-style-type: none"> <li>• inside a site or habitat identified in Schedule A (outstanding water bodies), Schedule F1 (rivers/lakes), Schedule F3</li> </ul>	<p>Submission point relating to Rule R67</p>	<p>Neutral</p>	<p>KiwiRail opposes a non-complying activity status as it might relate to land in a commercial port area.</p> <p>QEII is not opposed to KiwiRail's suggested amendment.</p>	<p>None</p>

<p>(significant wetland), or Schedule F4 (coastal sites), and</p> <ul style="list-style-type: none"> <li>that is not permitted by Rules R42, R43, R44 or R45</li> </ul> <p>is a non-complying activity.</p>	<p>Rule R99: Earthworks – permitted activity</p> <p>The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks of a contiguous area up to 3,000m<sup>2</sup> per property per 12 month period is a permitted activity, provided the following conditions are met:</p>	<p>Submission point relating to Rule R99</p>	<p>Oppose in part</p> <p>Neutral in part</p>	<p>KiwiRail supports a rule relating to earthworks but seeks clarity about the activity the rule intends to regulate. It seeks the deletion of the words "use of land".</p> <p>QEI is neutral to the amendment KiwiRail seeks.</p> <p>QEI is opposed to KiwiRail not seeking amendments to the rule giving greater protection to section 6 of the RMA matters. QEI therefore seeks a revised rule to incorporate specific provisions relating to activities located within the catchment of a significant or outstanding wetland), such as Taupo Swamp.</p>	<p>Amend rule to read:</p> <p>"The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks is a permitted activity, provided the following conditions are met:</p> <p>(a) the earthworks are:</p> <p>(i) either not located in the catchment of Taupo Swamp and have a contiguous area up to 3,000m<sup>2</sup> per property per 12 month period;</p> <p>(ii) or, located in the catchment of Taupo Swamp and have a contiguous area up to 100m<sup>2</sup> per property per 12 month period;</p> <p>(b) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and</p> <p>(c) 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</p> <p>(d) work areas are stabilised within six months after the completion of the earthworks.</p> <p>(e) any earthworks shall not, after the zone of reasonable mixing, 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</p>
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<p>materials, or</p> <ul style="list-style-type: none"> <li>(ii) any conspicuous change in colour or visual clarity, or</li> <li>(iii) any emission of objectionable odour, or</li> <li>(iv) the rendering of fresh water unsuitable for consumption by animals, or</li> <li>(v) any significant adverse effect on aquatic life."</li> </ul>				
<p>Add new Rule 101A to read:</p> <p>"The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks or vegetation clearance that is not permitted by Rule R99 or Rule R100 and located in the catchment of Taupo Swamp is a non-complying activity"</p> <p>Amend Rule R101 to read:</p> <p>"The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks or vegetation clearance that is not permitted by Rule R99 or Rule R100 or a non-complying activity by Rule 101A, is a discretionary activity."</p>	<p>KiwiRail supports a rule relating to earthworks and vegetation clearance but seeks clarity about the activity the rule intends to regulate. It seeks the deletion of the words "use of land".</p> <p>QEII is neutral to the amendment KiwiRail seeks.</p> <p>QEII considers a discretionary activity status might be appropriate for some activities, but a non-complying activity status is appropriate for activities able to significantly affect significant or outstanding wetlands, such as Taupo Swamp.</p>	<p>Oppose in part</p> <p>Neutral in part</p>	<p>Submission point relating to Rule R101</p>	<p>Rule R101: Earthworks and vegetation clearance – discretionary activity</p> <p>The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks or vegetation clearance that is not permitted by Rule R99 or Rule R100 is a discretionary activity.</p>
<p>Retain the existing rule or in the alternative amend the rule while retaining a non-complying activity status for the reclamation of the bed, or any part of the bed, of a river or lake within the catchment of Taupo Swamp.</p>	<p>KiwiRail is opposed to the rule which it considers onerous as it does not give special consideration to regionally significant infrastructure. It seeks amendments.</p> <p>QEII is opposed to the amendment proposed by KiwiRail.</p> <p>QEII is opposed to any change to the rule that would exclude certain activities may affect significant or outstanding wetlands, such as Taupo Swamp.</p>	<p>Oppose</p>	<p>Submission point relating to Rule R127</p>	<p>Rule R127: Reclamation of the beds of rivers or lakes – non-complying activity</p> <p>The reclamation of the bed, or any part of the bed, of a river or lake:</p> <ul style="list-style-type: none"> <li>a) associated with the piping of a stream, or</li> <li>b) in a site identified in Schedule A1 (outstanding rivers), or</li> <li>c) in a site identified in Schedule C (mana whenua)</li> </ul> <p>is a non-complying activity.</p>

	<p>QEI notes that Taupo Swamp has been significantly degraded with incremental and detrimental work in its catchment and in particular changes to the hydraulic regime of its catchment.</p> <p>There is no justification for activities associated with regionally significant infrastructure being given leniency at the expense of section 6 matters. A consenting regime that allows potentially significant effects on sites with outstanding natural values to be comprehensively assessed is appropriate and will promote the purpose of the RMA.</p>			
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**Original Submitter - NZ Transport Agency  
 Submitter's Address - c/- Beca Ltd., P O Box 3942, Wellington  
 Submission No. - S146**

<b>PROPOSED OBJECTIVES</b>				
<b>Relevant Provision in Proposed Natural Resources Plan</b>	<b>Part(s) of the submission QEI supports or opposes</b>	<b>QEII's Position</b>	<b>Reasons for QEII's Position</b>	<b>Relief sought by QEII</b>
Objective O17 The natural character of the coastal marine area, rivers, lakes and their margins and natural wetlands is preserved and protected from inappropriate use and development.	Submission point relating to Objective O17	Support in part Oppose in part	The objective will promote the purpose of the RMA and is supported in part.  However, the objective as currently drafted is ambiguous with respect to development work (eg: roading, landform modifications, and service infrastructure) required to effect a subdivision. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources.  The omission of reference to subdivision development work is opposed. NZTA seeks deletion of the objective.	Amend to read:  "The natural character of the coastal marine area, rivers, lakes and their margins and natural wetlands is preserved and protected from inappropriate use and development, including <u>subdivisional development work.</u> "
Objective O19 The interference from use and development on natural processes is minimised.	Submission point relating to Objective O19	Oppose	QEII supports the general intent of the objective but seeks alternative wording.  NZTA seeks amendment to the objective on the basis that (it considers) wetlands are unlikely to be degraded.  QEII notes that Taupo Swamp has been significantly degraded with incremental detrimental work (including work on the State highway). QEII opposes any change to this objective that would	Amend to read:  "Natural processes are safeguarded from inappropriate use and development including <u>subdivisional development work</u> "  Retain existing wording.
Objective O28 The extent of natural wetlands is maintained or increased and their condition is restored.	Submission point relating to Objective O28	Oppose		



<p>Objective O29 Use and development provides for the passage of fish and koura, and the passage of indigenous fish and koura is restored.</p>	<p>Submission point relating to Objective O29</p>	<p>Oppose</p>	<p>imply that this is not the case. NZTA seeks amendment to the objective so fish passage is only provided for where "appropriate and practicable." If such an amendment was made this would reverse the presumption in the RMA. QEII generally supports the objective, but notes that the objective as currently drafted is ambiguous with respect to development work (eg: roading, landform modifications, and service infrastructure) required to effect a subdivision. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources. The omission of reference to subdivisional development work is opposed.</p>	<p>Amend to read: "Use and development, including <u>subdivisional development work</u>, provides for the passage of indigenous fish and koura, and the passage of indigenous fish and koura is restored <u>where it is not currently provided.</u>"</p>
<p>Objective O31 Outstanding water bodies and their significant values are protected.</p>	<p>Submission point relating to Objective O31</p>	<p>Support in part Oppose in part</p>	<p>NZTA has sought an amendment so the objective is consistent with the section 6 of the RMA by referring to inappropriate use and development. QEII supports this amendment, but notes that the objective as currently drafted is ambiguous with respect to development work (eg: roading, landform modifications, and service infrastructure) required to effect a subdivision. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources. The omission of reference to subdivisional</p>	<p>Amend to read: "Outstanding water bodies and their significant values are protected from <u>inappropriate use and development, including subdivisional development work.</u>"</p>

<p>Objective O32 Outstanding natural features and landscapes are protected from inappropriate use and development.</p>	<p>Submission point relating to Objective O32</p>	<p>Support in part Oppose in part</p>	<p>development work is opposed. NZTA supports the objective as it is consistent with the section 6 of the RMA. QEII agrees with that aspect of the submission but does not support the omission of reference to subdivisional development work in NZTA's amendment. The objective as currently drafted is ambiguous with respect to development work (eg: roading, landform modifications, and service infrastructure) required to effect a subdivision. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources. The omission of reference to subdivisional development work is opposed.</p>	<p>Amend to read: "Outstanding natural features and landscapes are protected from inappropriate use and development, including subdivisional development work."</p>
<p>Objective O35 Ecosystems and habitats with significant indigenous biodiversity values are protected and restored.</p>	<p>Submission point relating to Objective O35</p>	<p>Oppose</p>	<p>NZTA seeks amendment to the objective on the basis that (it considers) wetlands are unlikely to be degraded. QEII notes that Taupo Swamp has been significantly degraded with incremental and detrimental work (including work on the State highway). QEII opposes any change to this objective which would imply that this is not the case.</p>	<p>Retain existing wording.</p>
<p>Objective O44 The adverse effects on soil and water from land use activities are minimised.</p>	<p>Submission point relating to Objective O44</p>	<p>Oppose</p>	<p>NZTA seeks amendment to the objective so adverse effects are only minimised "to the extent practicable." QEII considers such an amendment is uncertain and ambiguous, and would result in progressive degradation of soil and water qualities and is therefore inconsistent with the purpose of the RMA. NZTA's amendment is opposed.</p>	<p>Retain existing wording, or alternatively amend to read: "The adverse effects on soil and water from land use activities are managed to achieve the freshwater objectives in Table 3.4-3.8"</p>

<p>NZTA's New Objective Discharges associated with regional significant infrastructure are managed through the adoption of the best practicable option.</p>	<p>Submission point relating to a proposed new objective</p>	<p>Oppose</p>	<p>NZTA's proposed objective gives preference to 'regionally significant infrastructure' at the potential expense of matters of national importance.</p> <p>This would not promote the purpose of the RMA.</p> <p>QEI notes that Taupo Swamp has been significantly degraded with incremental and detrimental work in its catchment (including work on the State highway), and in particular from sediment discharges that have adopted current but largely ineffectual sediment retention methodology.</p> <p>NZTA seeks amendment to the objective so discharges are only managed "to the extent practicable"</p> <p>QEI considers such an amendment is uncertain and ambiguous, and does not acknowledge that Discharges to land can have significant adverse effects, particularly where they reach water. NZTA's amendment is opposed.</p> <p>NZTA seeks amendment to the objective so sediment discharge is only reduced "to the extent practicable"</p> <p>QEI considers such an amendment is uncertain and ambiguous, and does not acknowledge that discharge of sediment can have significant adverse effects, particularly where they reach water within outstanding natural wetlands such as Taupo Swamp.</p> <p>QEI also notes that the objective simply requires reduction of effects. Sediment-laden run-off can have significant adverse effects, it is inadequate that there effects simply be reduced, as they</p>	<p>Do not include NZTA's proposed objective</p>
<p>Objective O46 Discharges to land are managed to reduce the runoff or leaching of contaminants to water.</p>	<p>Submission point relating to Objective O46</p>	<p>Oppose</p>	<p>Retain existing wording, or alternatively amend to read:</p> <p>"Discharges to land are managed in a manner that achieves the freshwater objectives in Table 3.4 -3.8."</p>	
<p>Objective O47 The amount of sediment-laden runoff entering water is reduced.</p>	<p>Submission point relating to Objective O47</p>	<p>Oppose</p>	<p>Amend the objective to read:</p> <p>"The adverse effects related to sediment laden water are avoided, remedied or mitigated."</p>	

				may remain significant. This is particularly relevant where sediment may reach environments that are required to be protected under section 6 of the RMA.  NZTA's amendment is opposed as it would not promote the purpose of the RMA.	
<b>PROPOSED POLICIES</b>					
<b>Relevant Provision in Proposed Natural Resources Plan</b>	<b>Part(s) of the submission QEI supports or opposes</b>	<b>QEII's Position</b>	<b>Reasons for QEII's Position</b>	<b>Relief sought by QEII</b>	
<p>Policy P3: Precautionary approach</p> <p>Use and development shall be managed with a precautionary approach where there is limited information regarding the receiving environment and the adverse effects the activity may have on this environment.</p> <p>Policy P4: Minimising adverse effects</p> <p>Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall include:</p> <p>(a) consideration of alternative locations and methods for undertaking the activity that would have less adverse effects, and</p> <p>(b) locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua),</p>	<p>Submission point relating to Policy P3</p> <p>Submission point relating to Policy P4</p>	<p>Support</p> <p>Oppose</p>	<p>NZTA seeks amendment to better reflect the NZCPS.</p> <p>NZTA's submission advocates for the best practicable option where adverse effects arise from "regionally significant infrastructure".</p> <p>This would not promote the purpose of the RMA. QEII notes that Taupo Swamp has been significantly degraded with incremental and detrimental work in its catchment (including work on the State highway), and in particular from sediment discharges that have adopted current but largely ineffectual sediment retention methodology.</p>	<p>Amend to read:</p> <p>"Use and development shall be managed with a precautionary approach where the effects of proposed activities are uncertain, unknown or little understood, but with potentially significant adverse effects."</p> <p>Retain existing policy but ensure that all references to "minimise" are replaced with language that is consistent with the RMA' ie, avoiding, remedying or mitigating.</p>	

<p>Schedule E (historic heritage), Schedule F (indigenous biodiversity), and</p> <p>(c) timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and</p> <p>(d) using good management practices for reducing the adverse effects of the activity, and</p> <p>(e) designing the activity so that the scale or footprint of the activity is as small as practicable.</p>			<p>Submission point relating to Policy P12</p> <p>Oppose in part</p>	<p>NZTA's submission seeks amendment to this policy so its infrastructure activities are facilitated.</p> <p>Taupo Swamp has been significantly degraded with incremental and detrimental work (including work relating to infrastructure) within its catchment).</p> <p>QEII considers this policy needs amendment to acknowledge that facilitation of infrastructure should not be at the expense of section 6 matters</p>	<p>Amend to include the following text:</p> <p>"The benefits of regionally significant infrastructure and renewable energy generation activities are recognised by having regard to:</p> <p>(a) the strategic integration of infrastructure and land use, and</p> <p>(b) the location of existing infrastructure and structures, and</p> <p>(c) the need for renewable energy generation activities to locate where the renewable energy resources exist, and</p> <p>(d) the functional need for port activities to be located within the coastal marine area, and</p> <p>(e) operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities;</p> <p><u>providing all matters of national importance are recognised and provided for."</u></p>
<p>Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities</p> <p>The benefits of regionally significant infrastructure and renewable energy generation activities are recognised by having regard to:</p> <p>(a) the strategic integration of infrastructure and land use, and</p> <p>(b) the location of existing infrastructure and structures, and</p> <p>(c) the need for renewable energy generation activities to locate where the renewable energy resources exist, and</p> <p>(d) the functional need for port activities to be located within the coastal marine area, and</p> <p>(e) operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities.</p>			<p>Submission point relating to Policy P12</p> <p>Oppose in part</p>	<p>NZTA considers the focus of the policy should be amended to better reflect the</p>	<p>Amend to include the following text:</p>
<p>Policy P25: Natural character</p>			<p>Submission point relating to</p> <p>Oppose in part</p>	<p>NZTA considers the focus of the policy should be amended to better reflect the</p>	<p>Amend to include the following text:</p>

<p>Use and development shall avoid significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and in the beds of lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account:</p> <p>(a) the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and</p> <p>(b) the presence or absence of structures and buildings, and</p> <p>(c) the particular elements, features and experiential values that contribute significantly to the natural character value of the area, and the extent to which they are affected, and</p> <p>(d) whether it is practicable to protect natural character use and development through:</p> <p>(i) using an alternative location, or form of development that would be more appropriate to that location, and</p> <p>(ii) considering the extent to which functional need or existing use limits location and development options.</p>	<p>to Policy P25</p>	<p>RMA and so it acknowledges some development and use is appropriate e.g. infrastructure of regional importance.</p> <p>However, Taupo Swamp has been significantly degraded with incremental and detrimental work (including work relating to infrastructure) within its catchment).</p> <p>QEII considers that any amendment to this policy must acknowledge that facilitation of infrastructure should not be at the expense of section 6 matters. Anything less would not promote the purpose of the RMA.</p> <p>The policy refers to "use and development" and to "inappropriate use and development" and omits to refer to subdivisional development work. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p> <p>The omission of reference to subdivisional development work is opposed.</p>	<p>"inappropriate use and development, including subdivisional development work, adversely affecting the natural character of the coastal environment or the beds of lakes and rivers shall be avoided, and in all other cases the adverse effects of activities shall be avoided, remedied or mitigated taking into account:</p> <p>(a) ....</p> <p>(b) ....</p> <p>(c) ....</p> <p>(d) whether it is practicable to protect natural character from inappropriate use and development, including subdivisional development work, through:</p> <p>(i) using an alternative location, or form of development that would be more appropriate to that location, and</p> <p>(ii) considering the extent to which functional need or existing use limits location and development options."</p>
<p>Policy P26: Natural processes</p> <p>Use and development will be managed to minimise effects on the integrity and functioning of natural processes.</p>	<p>Submission point relating to Policy P26</p>	<p>NZTA considers that reference to minimise is inappropriate. QEII agrees and suggests the policy should be amended to accord with the purpose of the RMA.</p> <p>QEII considers the policy needs amendment because it currently</p>	<p>Replace this policy with:</p> <p>"Use and development, including subdivisional development works, will avoid significant adverse effects on natural processes. In relation to adverse effects on natural processes that are not significant:</p> <p>(a) these are avoided in the first instance;</p> <p>(b) where they cannot be avoided, they are</p>

<p>Policy P31: Aquatic ecosystem health and mahinga kai</p> <p>Aquatic ecosystem health and mahinga kai shall be maintained or restored by managing the effects of use and development on physical, chemical and biological processes to:</p> <p>(a) minimise adverse effects on natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in rivers, lakes and natural wetlands, and</p> <p>(b) minimise adverse effects on aquatic habitat diversity and quality, including the form, frequency and pattern of pools, runs, and riffles in rivers, and the natural form of rivers, lakes, natural wetlands and coastal habitats, and</p>	<p>Submission point relating to Policy P31</p>	<p>Support in part Oppose in part</p>	<p>provides no guidance on the management of effects and provides that any activity can proceed, regardless of effects, if the effects are minimised. This is inconsistent with the Freshwater NPS, Part 2 and section 30 of the RMA.</p> <p>The policy refers to "use and development" and omits to refer to subdivisional development works. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p> <p>The omission of reference to subdivisional development work is opposed.</p> <p>NZTA considers that reference to minimise is inappropriate.</p> <p>QEI agrees and suggests the policy should be amended to accord with the purpose of the RMA.</p> <p>The policy refers to "use and development" and omits to refer to subdivisional development works. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p> <p>The omission of reference to subdivisional development work is opposed.</p>	<p>remedied; where they cannot be remedied they are mitigated; residual adverse effects that cannot be mitigated, are offset."</p> <p>(c) (d)</p>
<p>Replace the introductory clause of this policy with the following text:</p> <p>"Aquatic ecosystem health and mahinga kai shall be maintained or restored by managing the effects of use and development, including subdivisional development works, on physical, chemical and biological processes to:</p> <p>Replace all subsequent references to "minimise" with "avoid, remedy or mitigate."</p>	<p>Replace the introductory clause of this policy with the following text:</p> <p>"Aquatic ecosystem health and mahinga kai shall be maintained or restored by managing the effects of use and development, including subdivisional development works, on physical, chemical and biological processes to:</p> <p>Replace all subsequent references to "minimise" with "avoid, remedy or mitigate."</p>	<p>Replace the introductory clause of this policy with the following text:</p> <p>"Aquatic ecosystem health and mahinga kai shall be maintained or restored by managing the effects of use and development, including subdivisional development works, on physical, chemical and biological processes to:</p> <p>Replace all subsequent references to "minimise" with "avoid, remedy or mitigate."</p>	<p>Replace the introductory clause of this policy with the following text:</p> <p>"Aquatic ecosystem health and mahinga kai shall be maintained or restored by managing the effects of use and development, including subdivisional development works, on physical, chemical and biological processes to:</p> <p>Replace all subsequent references to "minimise" with "avoid, remedy or mitigate."</p>	<p>Replace the introductory clause of this policy with the following text:</p> <p>"Aquatic ecosystem health and mahinga kai shall be maintained or restored by managing the effects of use and development, including subdivisional development works, on physical, chemical and biological processes to:</p> <p>Replace all subsequent references to "minimise" with "avoid, remedy or mitigate."</p>

<p>(c) minimise adverse effects on habitats that are important to the life cycle and survival of aquatic species, and</p> <p>(d) minimise adverse effects at times which will most affect the breeding, spawning, and dispersal or migration of aquatic species, and</p> <p>(e) avoid creating barriers to the migration or movement of indigenous aquatic species, and restore the connections between fragmented aquatic habitats where appropriate, and</p> <p>(f) minimise adverse effects on riparian habitats and restore them where practicable, and</p> <p>(g) avoid the introduction, and restrict the spread, of aquatic pest plants and animals.</p>				
<p>Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai</p> <p>Significant adverse effects on aquatic ecosystem health and mahinga kai shall be managed by:</p> <p>(a) avoiding significant adverse effects, and</p> <p>(b) where significant adverse effects cannot be avoided, remedying them and</p> <p>(c) where significant adverse effects cannot be remedied, mitigating them, and</p> <p>(d) where residual adverse effects remain, it is appropriate to consider the use of biodiversity offsets.</p> <p>Proposals for mitigation and biodiversity offsetting will be assessed against the principles listed in Schedule G (biodiversity offsetting).</p>	<p>Submission point relating to Policy P32</p>	<p>Oppose</p>	<p>NZTA supports the intent of the policy but seeks amendment so not all residual effects are offset.</p> <p>QEII considers the policy needs amendment because it currently provides no guidance on the management of effects and provides that any activity can proceed, regardless of effects, if the effects are offset. This is inconsistent with the Freshwater NPS, Part 2 and section 30 of the RMA.</p>	<p>Replace this policy with the following:</p> <p>"In order to maintain water quality, and meet the freshwater objectives in Tables 3.4-3.8, activities that have significant adverse effects on aquatic ecosystem health and mahinga kai are avoided. In relation to adverse effects on natural processes that are not significant:</p> <p>(a) these are avoided in the first instance;</p> <p>(b) where they cannot be avoided, they are remedied;</p> <p>(c) where they cannot be remedied they are mitigated;</p> <p>residual adverse effects that cannot be mitigated, are offset."</p>



<p>Policy P33: Protecting indigenous fish habitat</p> <p>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> <ul style="list-style-type: none"> <li>(a) discharges of contaminants, including sediment, and</li> <li>(b) disturbance of the bed or banks that would significantly affect spawning habitat at peak times of the year, and</li> <li>(c) damming, diversion or taking of water which leads to significant loss of flow or which makes the river impassable to migrating indigenous fish.</li> </ul>	<p>Submission point relating to Policy P33</p>	<p>Oppose</p>	<p>NZTA seeks amendment to the policy so not all effects need to be avoided.</p> <p>QEI considers the policy is appropriate and will promote the purpose of the RMA because it relates to significant ecological sites, and avoidance of effects of such sites should take precedence over operational needs of infrastructure.</p>	<p>Retain current policy</p>
<p>Policy P34: Fish passage</p> <p>The construction or creation of new barriers to the passage of fish and koura species shall be avoided.</p>	<p>Submission point relating to Policy P34</p>	<p>Oppose</p>	<p>NZTA seeks amendment to the policy so not all effects need to be avoided.</p> <p>QEI considers the policy is appropriate and will promote the purpose of the RMA.</p>	<p>Retain current policy</p>
<p>Policy P35: Restoring fish passage</p> <p>The passage of indigenous fish and koura shall be restored where this is appropriate for the management and protection of indigenous fish and koura populations.</p>	<p>Submission point relating to Policy P35</p>	<p>Oppose</p>	<p>NZTA seeks amendment to the policy so restoration is only undertaken where practicable.</p> <p>QEI considers the policy is appropriate and will promote the purpose of the RMA.</p>	<p>Retain current policy</p>
<p>Policy P36: Effects on Indigenous Bird Habitat</p> <p>The adverse effects of use and development on the habitats of</p>	<p>Submission point relating to Policy P36</p>	<p>Support in part Oppose in part</p>	<p>NZTA supports the intent of the policy but opposes the use of the word "minimised".</p> <p>QEI agrees and suggests the policy</p>	<p>Replace this policy with: "Significant adverse effects of use and development, including subdivisional development works, on the habitats of indigenous birds in the</p>

<p>indigenous birds in the coastal marine area, wetlands and beds of lakes and rivers and their margins for breeding, roosting, feeding, and migration shall be minimised.</p>			<p>should be amended to accord with the purpose of the RMA.</p> <p>The policy refers to "use and development" and omits to refer to subdivisional development work. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p> <p>The omission of reference to subdivisional development work is opposed.</p>	<p>coastal marine area, wetlands and beds of lakes and rivers and their margins for breeding, roosting, feeding, and migration are avoided, and other effects are avoided, remedied or mitigated."</p>
<p>Policy P37: Values of wetlands</p> <p>Activities in and adjacent to natural wetlands shall be managed to maintain their values including:</p> <ul style="list-style-type: none"> <li>(a) as habitat for indigenous flora and fauna, and</li> <li>(b) for their significance to mana whenua, and</li> <li>(c) for their role in the hydrological cycle including flood protection, and</li> <li>(d) for nutrient attenuation, and</li> <li>(e) as a fisheries resource, and</li> <li>(f) for recreation.</li> </ul>	<p>Submission point relating to Policy P37</p>	<p>Oppose</p>	<p>NZTA seeks amendment to the policy so activities are managed only "to the extent practicable".</p> <p>QEII considers the policy is appropriate and will promote the purpose of the RMA.</p>	<p>Retain current policy</p>
<p>Policy P39: Adverse effects on outstanding water bodies</p> <p>The adverse effects of use and development on outstanding water bodies and their significant values identified in Schedule A (outstanding water bodies) shall be avoided.</p>	<p>Submission point relating to Policy P39</p>	<p>Oppose</p>	<p>NZTA seeks amendment to the policy because it considers avoidance of effects may not always be practicable.</p> <p>QEII considers the policy is appropriate and will promote the purpose of the RMA because it relates to outstanding sites with significant values and ecological sites, and avoidance of effects in these circumstances should take precedence over operational needs of infrastructure.</p>	<p>Amend the policy to read:</p> <p>"The adverse effects of use and development, including subdivisional development work, on outstanding water bodies and their significant values identified in Schedule A (outstanding water bodies) shall be avoided."</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> <p>(a) the rivers and lakes with significant indigenous ecosystems identified in Schedule F1 (rivers/lakes), and</p> <p>(b) the habitats for indigenous birds identified in Schedule F2 (bird habitats), and</p> <p>(c) significant natural wetlands, including the significant natural wetlands identified in Schedule F3 (significant wetlands), and</p> <p>(d) the ecosystems and habitat-types with significant indigenous 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>Submission point relating to Policy P40</p>	<p>Oppose</p>	<p>The policy refers to "use and development" and omits to refer to subdivisional development work. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p> <p>The omission of reference to subdivisional development work is opposed.</p> <p>NZTA seeks amendment to the policy because it considers some use and development of such areas is appropriate.</p> <p>QEI considers the policy should be retained as it will promote the purpose of the RMA because it relates to sites with significant biodiversity values.</p>	<p>Retain the existing policy.</p>
	<p>Submission point relating to Policy P41</p>	<p>Oppose</p>	<p>NZTA supports the intent of the policy but seeks amendment so not all residual effects are offset.</p> <p>QEI considers the policy needs</p>	<p>Replace this policy with the following:</p> <p>"In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40(a) - (c) in the first instance</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 restoration management plan, shall avoid these ecosystems and habitats. If the ecosystem or habitat cannot be avoided, the adverse effects of activities shall be managed by:</p> <ul style="list-style-type: none"> <li>(a) avoiding more than minor adverse effects, and</li> <li>(b) where more than minor adverse effects cannot be avoided, remedying them, and</li> <li>(c) where more than minor adverse effects cannot be remedied, mitigating them, and</li> <li>(d) where residual adverse effects remain it is appropriate to consider the use of biodiversity offsets.</li> </ul> <p>Policy P42: Protecting and restoring 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, particular regard shall be given to managing the adverse effects of use and development in surrounding areas on physical, chemical and biological processes to:</p> <ul style="list-style-type: none"> <li>(a) maintain ecological connections within and between these habitats, or</li> <li>(b) provide for the enhancement of ecological connectivity between fragmented habitats through biodiversity offsets, and</li> <li>(c) provide adequate buffers around</li> </ul>		<p>amendment because it currently suggests any activity can proceed, regardless of effects, if the effects are offset. This is inconsistent with the Freshwater NPS, Part 2 and section 30 of the RMA.</p> <p>The policy should provide for the avoidance of significant adverse effects on the sites identified in P40 and avoiding remedying, mitigating and offsetting other effects in accordance with the mitigation hierarchy.</p>	<p>activities shall avoid these ecosystems and habitats. If the ecosystem or habitat cannot be avoided, adverse effects are managed by avoiding significant adverse effects. Where adverse effects are not significant:</p> <ul style="list-style-type: none"> <li>(a) they are avoided in the first instance;</li> <li>(b) where they cannot be avoided, they are remedied;</li> <li>(c) where they cannot be remedied they are mitigated;</li> <li>(d) residual adverse effects that cannot be mitigated, are offset."</li> </ul>
<p>Submission point relating to Policy P42</p>	<p>Oppose</p>	<p>NZTA supports the intent of the policy but seeks amendment so it allows offsets other than biodiversity offsets.</p> <p>QEII opposes NZTA's suggestion because it is vague and ambiguous, and fails to acknowledge that it is not possible to offset adverse effects on biodiversity values by offsetting in some other context. Any such suggestion tantamount to authorising environmental degradation with compensation and this would not promote the purpose of the RMA.</p> <p>The policy refers to "use and development" and omits to refer to subdivisional development work. This development work potentially has significant effects on natural resources and biodiversity values. Specific</p>	<p>Amend the policy to read:</p> <p>"In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40, particular regard shall be given to managing the adverse effects of use and development, and subdivisional development work, in surrounding areas on physical, chemical and biological processes to:</p> <ul style="list-style-type: none"> <li>(a) maintain ecological connections within and between these habitats, or</li> <li>(b) provide for the enhancement of ecological connectivity between fragmented habitats through biodiversity offsets, and</li> <li>(c) provide adequate buffers around ecosystems and habitats with significant indigenous biodiversity values, and</li> <li>(d) avoid cumulative adverse effects on, and the incremental loss of the values of these ecosystems and habitats."</li> </ul>

<p>ecosystems and habitats with significant indigenous biodiversity values, and</p> <p>(d) avoid cumulative adverse effects on, and the incremental loss of the values of these ecosystems and habitats.</p>			<p>reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p> <p>The omission of reference to sub-divisional development work is opposed.</p>	
<p>Policy P48: Protection of outstanding natural features and landscapes</p> <p>The natural features and landscapes (including seascapes) of the coastal marine area, rivers, lakes and their margins and natural wetlands shall be protected from inappropriate use and development by:</p> <p>(a) avoiding adverse effects of activities on outstanding natural features and landscapes, and</p> <p>(b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on natural features and landscapes.</p>	<p>Submission point relating to Policy P48</p>	<p>Oppose in part Support in part</p>	<p>NZTA seeks amendment to the policy because it considers some use and development of outstanding natural features and landscapes is appropriate, and so significant effects are not necessarily avoided.</p> <p>QEI considers the intent of the policy should be retained as it will promote the purpose of the RMA because it relates to outstanding sites and avoidance of effects in these circumstances should take precedence over operational needs of infrastructure.</p> <p>The policy refers to "use and development" and omits to refer to sub-divisional development work. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p> <p>The omission of reference to sub-divisional development work is opposed.</p>	<p>Amend the policy to read:</p> <p>"The natural features and landscapes (including seascapes) of the coastal marine area, rivers, lakes and their margins and natural wetlands shall be protected from inappropriate use and development, including sub-divisional development work, by:</p> <p>(a) ..... (b) .... etc "</p>
<p>Policy P62: Promoting discharges to land</p> <p>The discharge of contaminants to land is promoted over direct discharges to water, particularly where there are adverse effects on:</p> <p>(a) aquatic ecosystem health and</p>	<p>Submission point relating to Policy P62</p>	<p>Support</p>	<p>QEI agrees with NZTA's support of this policy.</p>	<p>Retain this policy.</p>

<p>mahinga kai, or contact recreation and Māori customary use.</p> <p>Policy P67: Minimising effects of discharges</p> <p>The adverse effects of discharges of contaminants to land and water will be minimised by:</p> <p>(a) avoiding the production of the contaminant, and/or</p> <p>(b) reusing, recovering or recycling the contaminant, and/or</p> <p>(c) minimising the volume or amount of the discharge, and/or</p> <p>(d) using land-based treatment, constructed wetlands or other systems to treat contaminants prior to discharge where appropriate, and</p> <p>(e) irrespective of actions taken in accordance (a) to (d) above, where a discharge is a point source discharge to a river or stream, the discharge achieves the water quality standards in Policy P71 after reasonable mixing.</p>	<p>Submission point relating to Policy P67</p>	<p>Support</p>	<p>QEII agrees with NZTA's opposition to the use of the word "minimised" in this policy.</p>	<p>Amend the policy to read:</p> <p>"The adverse effects of discharges of contaminants to land and water are managed so that significant adverse effects are avoided. Where adverse effects are not significant they are managed by:</p> <p>(a) these are avoided in the first instance;</p> <p>(b) where they cannot be avoided, they are remedied;</p> <p>(c) where they cannot be remedied they are mitigated; and</p> <p>(d) residual adverse effects that cannot be mitigated, are offset."</p>
<p>Policy P73: Minimising adverse effects of stormwater discharges</p> <p>The adverse effects of stormwater discharges shall be minimised, including by:</p> <p>(a) using good management practice, and</p> <p>(b) taking a source control and treatment train approach to new activities and land uses, and</p> <p>(c) implementing water sensitive urban design in new subdivision and development, and</p> <p>(d) progressively improving existing stormwater, wastewater, road and</p>	<p>Submission point relating to Policy P73</p>	<p>Oppose</p>	<p>NZTA seeks amendment so minimisation of effects is only required "to the extent practicable".</p> <p>QEII opposes NZTA's proposed amendment because it fails to acknowledge the matters of national importance.</p> <p>QEII notes that the catchment for Taupo Swamp has been identified as being a potential area for new residential development. Stormwater discharges from such development in the catchment have the potential to impact on the natural values of Taupo Swamp</p>	<p>Amend to include the following text:</p> <p>"The adverse effects of stormwater discharges shall be: <u>avoided where matters of national importance are not recognised and provided for; and in all other cases, minimised, including by:</u></p> <p>(a) using good management practice, and</p> <p>(b) taking a source control and treatment train approach to new activities and land uses, and</p> <p>(c) implementing water sensitive urban design in new subdivision and development, and</p> <p>(d) progressively improving existing stormwater, wastewater, road and other public infrastructure, including during routine maintenance and upgrade."</p>

<p>other public infrastructure, including during routine maintenance and upgrade.</p>				<p>QEII considers this policy needs amendment to acknowledge that the adverse effects of stormwater discharges where the matters of national importance are not recognised and provided for must be avoided.</p> <p>NZTA seeks amendment so minimisation of effects is only required "to the extent practicable".</p> <p>QEII opposes NZTA's proposed amendment because it fails to acknowledge the matters of national importance.</p> <p>QEII notes that the catchment for Taupo Swamp has been identified as being a potential area for new residential development. Stormwater discharges from such development in the catchment has the potential to impact on the natural values of Taupo Swamp</p> <p>QEII considers this policy needs amendment to acknowledge that the adverse effects of stormwater discharges where the matters of national importance are not recognised and provided for must be avoided.</p>	<p>Amend to include the following text:</p> <p>"The adverse effects of the discharge of stormwater from a port, airport or state highway, where the discharge will enter water shall be avoided where matters of national importance are <u>not recognised</u> and <u>provided for</u>; and in all other cases, minimised by:</p> <p>(a) ...  (b) ... etc."</p>
<p>Policy P78: Managing stormwater from large sites</p> <p>The adverse effects of the discharge of stormwater from a port, airport or state highway, where the discharge will enter water shall be minimised by:</p> <p>(a) managing the discharge in order to minimise the adverse effects of stormwater discharges on aquatic ecosystem health and mahinga kai, contact recreation and Māori customary use, and</p> <p>(b) identifying priorities for improvement, including methods and timeframes for improvement, in accordance with any relevant objectives identified in the Plan, and</p> <p>(c) progressively implementing methods identified in (b), and</p> <p>(d) having particular regard to protecting sites with identified significant or outstanding values, and</p> <p>(e) implementing good management practice, including in accordance with Policy P73, and progressive improvement of discharge quality over time.</p>	<p>Submission point relating to Policy P78</p> <p>Oppose</p>			<p>NZTA seeks amendment so minimisation of effects is only required "to the extent practicable".</p> <p>The policy (and NZTA's amendment) is confusing.</p>	<p>Amend policy to read:</p> <p>"The discharge of sediment to surface water bodies and coastal water and significant adverse effects on a significant or outstanding wetland from earthworks activities shall be avoided. Where</p>
<p>Policy P97: Managing sediment discharges</p> <p>The discharge of sediment to surface water bodies and coastal water from earthworks activities shall be minimised</p>	<p>Submission point relating to Policy P97</p> <p>Oppose</p>				

<p>by using a source control approach.</p> <p>Good management practices shall be used in site management, erosion and sediment control design operation and maintenance in order to minimise the adverse effects of sediment-laden stormwater discharges.</p> <p>Effects that cannot be minimised may be appropriately offset.</p>		<p>QEII notes that the catchment for Taupo Swamp has been identified as being a potential area for new residential development. Stormwater and sediment discharges from such development in the catchment has the potential to impact on the natural values of Taupo Swamp, and with the matters of national importance not being recognised and provided for.</p> <p>It is not clear how adverse effects on water quality are to be offset. Offsetting principles apply to habitat loss and are not readily applied to water quality.</p> <p>The potential for significant effects on significant or outstanding natural water bodies needs to be acknowledged and appropriate avoidance provided for.</p> <p>NZTA seeks amendment so minimisation of effects is only required "where appropriate" and "practicable".</p> <p>QEII opposes NZTA's proposed amendment because it fails to acknowledge the matters of national importance.</p> <p>QEII notes that the catchment for Taupo Swamp has been identified as being a potential area for new residential development. Discharges of sediment from erosion within such development in the catchment has the potential to impact on the natural values of Taupo Swamp</p> <p>QEII considers this policy needs amendment to acknowledge that the adverse effects of sediment discharges where the matters of national</p>	<p>adverse effects are not significant:</p> <p>a) they are avoided in the first instance;</p> <p>b) where they cannot be avoided, they are remedied; and,</p> <p>c) where they cannot be remedied they are mitigated.</p>
<p>Policy P98: Accelerated soil erosion</p> <p>Earthworks, vegetation clearance and plantation forestry harvesting activities that have the potential to result in significant accelerated soil erosion, or to lead to off-site discharges of silt and sediment to surface water bodies, shall use measures, including good management practice, to:</p> <p>(a) minimise the risk of accelerated soil erosion, and</p> <p>(b) control silt and sediment runoff, and</p> <p>(c) ensure the site is stabilised and vegetation cover is restored.</p>	<p>Submission point relating to Policy P98</p>	<p>Oppose</p>	<p>Amend to include the following text:</p> <p>"Earthworks, vegetation clearance and plantation forestry harvesting activities that have the potential to result in significant accelerated soil erosion, or to lead to off-site discharges of silt and sediment to surface water bodies, shall be avoided where <u>matters of national importance are not recognised and provided for; and in all other cases shall use measures, including good management practice, to:</u></p> <p>(a) minimise the risk of accelerated soil erosion, and</p> <p>(b) control silt and sediment runoff, and</p> <p>(c) ensure the site is stabilised and vegetation cover is restored."</p>



<p>Policy P102: Reclamation or drainage of the beds of lakes and rivers</p> <p>The reclamation or drainage of the beds of lakes and rivers and natural wetlands shall be avoided except where the reclamation or drainage is:</p> <p>(a) partial reclamation of a river bank for the purposes of flood prevention or erosion control, or</p> <p>(b) associated with a qualifying development within a special housing area, or</p> <p>(c) associated with a growth and/or development framework or strategy approved by a local authority under the Local Government Act 2002, or</p> <p>(d) necessary to enable the development, operation, and upgrade of regionally significant infrastructure, or</p> <p>(e) associated with the creation of a new river bed and does not involve piping of the river, and</p> <p>(f) in respect of (a) to (e) there are no other practicable alternative methods of providing for the activity, or</p> <p>(g) the reclamation or drainage is of an ephemeral flow path.</p> <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>Submission point relating to Policy P102</p>	<p>Oppose</p> <p>QEI notes that the catchment for Taupo Swamp has been identified as being a potential area for new residential development. Due to the topography of the catchment, reclamation and/or drainage of streams draining to the Swamp is very likely to change the hydraulic regime of the catchment and also very likely to significantly adversely affect the natural values of the Swamp.</p> <p>It is not appropriate to negate the statutory tests in section 6 of the RMA simply because some non-statutory process (with no appeal rights) may have been adopted by the territorial authority promoting the development.</p> <p>QEI notes that Taupo Swamp has been significantly degraded with incremental and detrimental work in its catchment (including work on the State highway), and in particular from sediment discharges that have adopted current but largely ineffectual sediment retention methodology.</p> <p>The policy also gives primacy to the activities associated with regionally significant infrastructure with the recognition and provision for section 6 matters being ignored.</p> <p>If section 6 matters are not accommodated in this policy the purpose of the RMA will not be promoted.</p>	<p>Amend to include the following text:</p> <p>"The reclamation or drainage of the beds of lakes and rivers and natural wetlands shall be avoided where the reclamation or drainage is located in the catchment of a significant or outstanding natural wetland; and in all other cases shall be avoided except where the reclamation or drainage is;</p> <p>(a) partial reclamation of a river bank for the purposes of flood prevention or erosion control, or</p> <p>(b) associated with a qualifying development within a special housing area, or</p> <p>(c) associated with a growth and/or development framework or strategy approved by a local authority under the Local Government Act 2002, or</p> <p>(d) necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure, or</p> <p>(e) associated with the creation of a new river bed and does not involve piping of the river, and</p> <p>(f) in respect of (a) to (e) there are no other practicable alternative methods of providing for the activity, or</p> <p>(g) the reclamation or drainage is of an ephemeral flow path.</p> <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>
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## PROPOSED RULES

Relevant Provision in Proposed Natural Resources Plan	Part(s) of the submission QEI supports or opposes	QEII's Position	Reasons for QEII's Position	Relief sought by QEII
<p>Rule R51: Stormwater from a local authority network two years after public notification – restricted discretionary activity</p> <p>The discharge of stormwater into water, or onto or into land where it may enter water, from a local authority stormwater network two years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015) is a restricted discretionary activity, provided the following condition is met:</p>	<p>Submission point relating to Rule R51</p>	<p>Oppose in part Support in Part</p>	<p>NZTA is not opposed to the rule and wishes it to be consistent with Rule R52.</p> <p>QEII considers activities encompassed by this rule should be subject to a higher consenting threshold where they relate to catchments for significant or outstanding wetlands such as Taupo Swamp.</p>	<p>Amend Rule R51 to include the underlined additional text</p> <p>“Stormwater from a local authority network, <u>but not including any such network located within the catchment of Taupo Swamp, two years after public notification – restricted discretionary activity</u></p> <p>The discharge of stormwater into water, or onto or into land where it may enter water, from a local authority stormwater network, <u>but not including any such network located within the catchment of Taupo Swamp, two years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015) is a restricted discretionary activity, provided the following condition is met: “</u></p>
<p>Rule R52: Stormwater from large sites – restricted discretionary activity</p> <p>The discharge of stormwater into water, or onto or into land where it may enter water, from a port, airport or state highway is a restricted discretionary activity.</p>	<p>Submission point relating to Rule R52</p>	<p>Oppose in part Support in Part</p>	<p>NZTA is opposed to the rule which it considers unreasonable. It seeks amendments.</p> <p>QEII also considers amendments are required but it is opposed to those proposed by NZTA.</p> <p>QEII considers activities encompassed by this rule should be subject to a higher consenting threshold where they relate to a catchment for significant or outstanding wetlands such as Taupo Swamp.</p>	<p>“Rule R52: Stormwater from large sites <u>but not including any such site within the catchment of Taupo Swamp</u> – restricted discretionary activity</p> <p>The discharge of stormwater into water, or onto or into land where it may enter water, from a port, airport or state highway <u>but not including any such site located within the catchment of Taupo Swamp</u> is a restricted discretionary activity.”</p>

<p>Rule R53: All other stormwater – discretionary activity</p> <p>The discharge of stormwater into water or onto or into land where it may enter water that is not permitted by Rules R48 or R49, or controlled by Rule R50, or a restricted discretionary activity under Rules R51 or R52, is a discretionary activity.</p>	<p>Submission point relating to Rule R53</p>	<p>Oppose in part Support in part</p>	<p>NZTA supports a catch-all rule with discretionary activity status.</p> <p>QEI considers a discretionary activity status might be appropriate for some activities, but a non-complying activity status is appropriate for activities able to significantly affect significant or outstanding wetlands such as Taupo Swamp.</p>	<p>Add new Rule 53A to read: "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, and not a restricted discretionary activity under Rules R51 or R52, is a non-complying activity."  Amend Rule R53 to read:  "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, or a non-complying activity under Rule 53A, is a discretionary activity."  Retain the existing rule.</p>
<p>Rule R67: Discharges inside sites of significance – non-complying activity</p> <p>The discharge of water or contaminants into water, or onto or into land where it may enter water:</p> <ul style="list-style-type: none"> <li>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 that is not permitted by Rules R42, R43, R44 or R45 is a non-complying activity.</li> </ul>	<p>Submission point relating to Rule R67</p>	<p>Oppose</p>	<p>NZTA opposes a non-complying activity status as it might relate to regionally significant infrastructure.</p> <p>QEI is opposed to any change in the consent activity relating to activities that may affect significant or outstanding wetlands.</p> <p>QEI notes that Taupo Swamp has been significantly degraded with incremental and detrimental work in its catchment (including work on the State highway), and in particular from sediment discharges that have adopted current but largely ineffectual sediment retention methodology.</p> <p>There is no justification for activities associated with regionally significant infrastructure being given leniency at the expense of section 6 matters. A higher consenting threshold where discharges arise in catchments for significant or outstanding wetlands is appropriate and will promote the purpose of the RMA.</p>	

<p>Rule R99: Earthworks– permitted activity</p> <p>The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks of a contiguous area up to 3,000m<sup>2</sup> per property per 12 month period is a permitted activity, provided the following conditions are met:</p>	<p>Submission point relating to Rule R99</p>	<p>Oppose in part Neutral in part</p>	<p>NZTA supports a rule relating to earthworks but seeks clarity about the activity the rule intends to regulate. It seeks the deletion of the words "use of land".</p> <p>QEII is neutral to the amendment NZTA seeks.</p> <p>QEII is opposed to NZTA not seeking amendments to the rule giving greater protection to section 6 of the RMA matters. QEII therefore seeks a revised rule to incorporate specific provisions relating to activities located within the catchment of a significant or outstanding wetland, such as Taupo Swamp.</p>	<p>Amend rule to read:</p> <p>"The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks is a permitted activity, provided the following conditions are met:</p> <p>(a) the earthworks are:</p> <p>(i) either, not located in the catchment of Taupo Swamp and have a contiguous area up to 3,000m<sup>2</sup> per property per 12 month period;</p> <p>(ii) or, located in the catchment of Taupo Swamp and have a contiguous area up to 100m<sup>2</sup> per property per 12 month period;</p> <p>(b) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and</p> <p>(c) 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</p> <p>(d) work areas are stabilised within six months after the completion of the earthworks.</p> <p>(e) any earthworks shall not, after the zone of reasonable mixing, 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>Rule R100: Vegetation clearance on erosion prone land – permitted activity</p> <p>The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from</p>	<p>Submission point relating to Rule R100</p>	<p>Oppose in part Neutral in part</p>	<p>NZTA supports a rule relating to vegetation clearance but seeks clarity about the activity the rule intends to regulate. It seeks the deletion of the words "use of land".</p>	<p>Amend rule to read:</p> <p>"The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from vegetation clearance is a permitted activity, provided the following conditions are met:</p>

<p>vegetation clearance of a contiguous area up to 2ha per property per 12 month period on erosion prone land is a permitted activity, provided the following conditions are met:</p>			<p>QEII is neutral to the amendment NZTA seeks.</p> <p>QEII is opposed to NZTA not seeking amendments to the rule giving greater protection to section 6 of the RMA matters. QEII therefore seeks a revised rule to incorporate specific provisions relating to activities located within the catchment of a significant or outstanding wetland, such as Taupo Swamp.</p>	<p>(a) the vegetation clearance is:  (i) either, not located in the catchment of Taupo Swamp and has a contiguous area up to 2ha per property per 12 month period on erosion prone land;  (ii) or, located in the catchment of Taupo Swamp and has a contiguous area up to 10m<sup>2</sup> per property per 12 month period;  (b) 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  (c) any soil disturbances associated with the vegetation clearance shall not affect 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."</p>
<p>Rule R101: Earthworks and vegetation clearance – discretionary activity</p> <p>The use of land, and the discharge of stormwater into water or onto or into land where it may enter land where it may enter water from earthworks or vegetation clearance that is not permitted by Rule R99 or Rule R100 is a discretionary activity.</p>	<p>Submission point relating to Rule R101</p>	<p>Oppose in part Support in part</p>	<p>NZTA supports a catch-all rule with discretionary activity status.</p> <p>QEII considers a discretionary activity status might be appropriate for some activities, but a non-complying activity status is appropriate for activities able to significantly affect significant or outstanding wetlands, such as Taupo Swamp.</p>	<p>Add new Rule 101A to read:  "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 and located in the catchment of Taupo Swamp is a non-complying activity."  Amend Rule R101 to read:  "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 or a non-complying activity by Rule 101A, is a discretionary activity."</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 natural wetland, significant natural wetland or outstanding natural wetland identified in Schedule A3 (outstanding wetlands), that are not permitted by rules R104 and R105, are controlled activities provided the following condition is met:</p>	<p>Submission point relating to Rule R106</p>	<p>Oppose in part Neutral in part</p>	<p>NZTA supports the rule but seeks clarity about the definition of "restoration".</p> <p>QEII is neutral to the amendment NZTA seeks.</p> <p>QEII is opposed to NZTA not seeking amendments to the rule providing for a more robust process relating to the assessment of a restoration management plan. This omission fails to recognise that activities in one part of a wetland can significantly affect other parts which may be in different ownership.</p> <p>To ensure the contents of a restoration management plan will promote the purpose of the RMA any such plan needs to be exposed to appropriate expert scrutiny either via a comprehensive consenting process or by way of consultation with all land owners and/or agencies that may have an interest in the subject matter of the plan.</p> <p>This rule as it is currently drafted appears to be aimed at ensuring activities with significant effects have a lower consent status where avoiding appropriate assessment (including consideration of section 6 matters) is not required. It is contrary to the scheme of the RMA to allow for such activities as a controlled activity and by way of delegated decisions by officers outside any RMA process where there is third party involvement and/or public interest. QEII therefore seeks a revised rule to incorporate specific provisions to ensure QEII is involved in restoration plans applicable to other wetlands in the</p>	<p>Amend Rule R106 to read:</p> <p>"Activities for the purpose of restoring the indigenous biodiversity of a natural wetland, significant natural wetland or outstanding natural wetland identified in Schedule A3 (outstanding wetlands), that are not permitted by rules R104 and R105, are controlled activities provided the following conditions are met:</p> <p>(a) the activities are stipulated in and carried out in accordance with an approved restoration management plan; and,</p> <p>(b) prior to its approval the restoration management plan is developed in consultation with all owners and occupiers of other land that is contiguous with the wetland, and all such owners have agreed to, and approved of, the final restoration management plan.</p> <p>For the purpose of this rule land is contiguous notwithstanding that it may be separated by linear infrastructure such as road and rail networks or corridors, and is contiguous where there is a recognised hydraulic or biodiversity connection."</p>
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<p>Rule R107: Activities in natural wetlands and significant natural wetlands – discretionary activity</p> <p>"The following activities in a natural wetland or significant natural wetland except for those stipulated in and carried out in accordance with a restoration management plan under Rule R106:</p> <p>(a) the placement of new structures with a footprint of 10m<sup>2</sup> or greater for the purpose of hunting and recreation (including maimai and jetties), and all other structures,</p> <p>(b) the discharge of water or contaminants not permitted by Rule R42,</p> <p>(c) the clearance of indigenous wetland vegetation, (excluding the removal of pest plants under Rule R105),</p> <p>(d) activities not meeting the conditions of Rules R104 or R105, including any associated:</p> <p>(e) activities not meeting the conditions of Rules R104 or R105,</p> <p>(f) ... etc"</p>	<p>Submission point relating to Rule R107</p>	<p>Oppose</p>	<p>Taupo Swamp catchment.</p> <p>NZTA supports a catch-all rule with discretionary activity status, but ask that regionally significant infrastructure be included regardless of its scale.</p> <p>QEI is opposed to NZTA's submission and specifically NZTA not seeking amendments to the rule giving greater protection to section 6 of the RMA matters.</p> <p>QEI is opposed to any change in the consent activity relating to activities that may affect significant or outstanding wetlands.</p> <p>QEI considers a discretionary activity status might be appropriate for some activities, but a non-complying activity status is appropriate for activities able to significantly affect significant or outstanding wetlands, such as Taupo Swamp.</p> <p>QEI notes that Taupo Swamp has been significantly degraded with incremental and detrimental work in its catchment (including work on the State highway), and in particular from sediment discharges that have adopted current but largely ineffectual sediment retention methodology.</p> <p>There is no justification for activities associated with regionally significant infrastructure being given leniency at the expense of section 6 matters. A higher consenting threshold where discharges arise in catchments of significant or outstanding wetlands is appropriate and will promote the purpose of the RMA.</p> <p>NZTA supports a catch-all rule with</p>	<p>Retain the rule.</p>
<p>Rule 108: Activities in natural wetlands</p>	<p>Submission</p>	<p>Oppose</p>	<p>Retain the rule.</p>	<p>Retain the rule.</p>

<p>and significant natural wetlands – non-complying activity</p> <p>"The following activities, in a natural wetland or significant natural wetland except for those stipulated in and carried out in accordance with a restoration management plan under Rule R106:</p> <p>(a) take, use, damming or diverting water into, within, or from the natural wetland,</p> <p>(b) land disturbance including excavation and deposition,</p> <p>(c) reclamation (including drainage or diverting of water to an extent that the area affected ceases to have the characteristics of a natural wetland),</p> <p>including any associated:</p> <p>(d) disturbance of a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and</p> <p>(e) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and</p> <p>(f) damage to a part of the foreshore or seabed that forms part of a natural wetland, and</p> <p>(g) diversion of water, and</p> <p>(h) discharge of sediment to water are non-complying activities."</p> <p>Rule R115: Culverts – permitted activity</p> <p>The placement or use of a culvert that is fixed in, or on, the bed of a river including any associated:</p>	<p>point relating to Rule R108</p>	<p>discretionary activity status, and is opposed to a non-complying activity status for infrastructure activities able to significantly affected significant or outstanding wetlands.</p> <p>There is no justification for activities associated with regionally significant infrastructure being given leniency at the expense of section 6 matters. A higher consenting threshold where discharges arise in catchments of significant or outstanding wetlands is appropriate and will promote the purpose of the RMA.</p>	
<p>Rule R115: Culverts – permitted activity</p> <p>The placement or use of a culvert that is fixed in, or on, the bed of a river including any associated:</p>	<p>Submission point relating to Rule R115</p>	<p>NZTA supports the rule but seeks clarity about the activities to be regulated by the rule.</p> <p>QEII is neutral to the amendment NZTA seeks.</p> <p>QEII is opposed to NZTA not seeking amendments to the rule giving greater protection to section 6 of the RMA</p>	<p>Amend Rule R115 to read:</p> <p>"The placement or use of a culvert that is fixed in, or on, the bed of a river including any associated:</p> <p>(a) disturbance of the river or lake bed, and</p> <p>(b) deposition on the river or lake bed, and</p> <p>(c) diversion of water, and</p> <p>(d) discharge of sediment to water is a permitted activity, provided the following conditions are met:</p>



<p>(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except condition (l) (not altering the natural course of the river), and <u>the activity does not occur in the catchment of Taupo Swamp;</u></p> <p>(f) the activity does not occur within a site identified in Schedule C (mana whenua), and 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</p> <p>(g) ... etc"</p>	<p>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 <u>the activity does not occur in the catchment of Taupo Swamp;</u></p> <p>(f) the activity does not occur within a site identified in Schedule C (mana whenua), and 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</p> <p>(g) ... etc"</p>	<p>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 <u>the activity does not occur in the catchment of Taupo Swamp;</u></p> <p>(f) the activity does not occur within a site identified in Schedule C (mana whenua), and 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</p> <p>(g) ... etc"</p>	<p>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 <u>the activity does not occur in the catchment of Taupo Swamp;</u></p> <p>(f) the activity does not occur within a site identified in Schedule C (mana whenua), and 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</p> <p>(g) ... etc"</p>	<p>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 <u>the activity does not occur in the catchment of Taupo Swamp;</u></p> <p>(f) the activity does not occur within a site identified in Schedule C (mana whenua), and 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</p> <p>(g) ... etc"</p>
<p>Rule R116: Establishing a small dam and existing dams – permitted activity</p> <p>The placement of a new small dam, or use of a small dam, that is fixed in, on, or under the bed of a river including any associated:</p>	<p>Submission point relating to Rule R116</p>	<p>Oppose in part Neutral in part</p>	<p>NZTA supports the rule but seeks clarity about the activities to be regulated by the rule.</p> <p>QEll is neutral to the amendment NZTA seeks.</p> <p>QEll is opposed to NZTA not seeking amendments to the rule giving greater protection to section 6 of the RMA matters. QEll therefore seeks a revised rule to incorporate specific provisions relating to activities located within the catchment of Taupo Swamp which is an outstanding wetland.</p>	<p>Amend Rule R116 to read:</p> <p>"The placement of a new small dam, or use of a small dam, that is fixed in, on, or under the bed of a river including any associated:</p> <p>(a) disturbance of the river or lake bed, and</p> <p>(b) deposition on the river or lake bed, and</p> <p>(c) diversion of water, and</p> <p>(d) damming of water, and</p> <p>(e) discharge of sediment to water, and</p> <p>(f) reclamation associated with the dam structure, and</p> <p>(g) the damming of water outside the bed of a lake or river by a dam structure</p> <p>is a permitted activity, provided the following conditions are met:</p> <p>(h) where the small dam occurs in the bed of a lake or river, 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, where the activity occurs in an ephemeral flow path, condition (d) (fish passage), and</p> <p>(i) <u>the activity does not occur in the catchment of Taupo Swamp;</u></p> <p>(j) the activity does not occur within a site identified in Schedule C (mana whenua), and</p> <p>(k) ... etc "</p>
<p>Rule R117: New structures – permitted</p>	<p>Submission</p>	<p>Oppose in</p>	<p>NZTA supports the rule but seeks clarity</p>	<p>Amend Rule R117 to read:</p>

<p>activity</p> <p>The placement or use of a new structure, including but not limited to sediment retention weirs, pipes, ducts, cables, hydrological and water quality monitoring equipment, fences, and structures associated with vegetative bank edge protection except a structure permitted by Rules R114, R115, and R116 that is fixed in, on, under, or over the bed of any river or lake, including any associated:</p>	<p>point relating to Rule R117</p>	<p>part</p> <p>Neutral in part</p>	<p>about the activities to be regulated by the rule.</p> <p>QEII is neutral to the amendment NZTA seeks.</p> <p>QEII is opposed to NZTA not seeking amendments to the rule giving greater protection to section 6 of the RMA matters. QEII therefore seeks a revised rule to incorporate specific provisions relating to activities located within the catchment of Taupo Swamp which is an outstanding wetland.</p>	<p>"The placement or use of a new structure, including but not limited to sediment retention weirs, pipes, ducts, cables, hydrological and water quality monitoring equipment, fences, and structures associated with vegetative bank edge protection except a structure permitted by Rules R114, R115, and R116 that is fixed in, on, under, or over the bed of any river or lake, including any associated:</p> <p>(a) disturbance of the river or lake bed, and</p> <p>(b) deposition on the river or lake bed, and</p> <p>(c) diversion of water, and</p> <p>(d) discharge of sediment to water</p> <p>is a permitted activity, provided the following conditions are met:</p> <p>(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and</p> <p>(f) the activity does not occur in the <u>catchment of Taupo Swamp</u>;</p> <p>(g) the activity does not occur within a site identified in Schedule C (mana whenua), excluding adding pipes or cables to an existing structure and</p> <p>(h) ..... etc"</p>
<p>Rule R127: Reclamation of the beds of rivers or lakes – non-complying activity</p> <p>The reclamation of the bed, or any part of the bed, of a river or lake:</p> <p>a) associated with the piping of a stream, or</p> <p>b) in a site identified in Schedule A1 (outstanding rivers), or</p> <p>c) in a site identified in Schedule C (mana whenua)</p> <p>is a non-complying activity.</p>	<p>Submission point relating to Rule R127</p>	<p>Oppose</p>	<p>NZTA is opposed to the rule which it considers unreasonable as it does not give special consideration to regionally significant infrastructure. It seeks amendments.</p> <p>QEII is opposed to the amendment proposed by NZTA.</p> <p>QEII is opposed to any change in the rule that would exclude certain activities may affect significant or outstanding wetlands.</p> <p>QEII notes that Taupo Swamp has been significantly degraded with incremental and detrimental work in its catchment (including work on the State highway).</p>	<p>Retain the existing rule or in the alternative amend the rule while retaining a non-complying activity status for the reclamation of the bed, or any part of the bed, of a river or lake within the catchment of Taupo Swamp.</p>

	<p>and in particular changes to the hydraulic regime of its catchment.</p> <p>There is no justification for activities associated with regionally significant infrastructure being given leniency at the expense of section 6 matters. A consenting regime that allows potentially significant effects on sites with outstanding natural values to be comprehensively assessed is appropriate and will promote the purpose of the RMA.</p>			
<p>Retain the existing rule providing the reclamation of the bed of a river within the catchment of Taupo Swamps is categorised as non-complying activity per Rule 127.</p>	<p>NZTA supports a catch-all rule with discretionary activity status.</p>	<p>Support</p>	<p>Submission point relating to Rule R129</p>	<p>Rule R129: All other activities in river and lake beds – discretionary activity</p> <p>All other activities, except for damming and diverting of water, in river and lake beds that is not permitted or restricted discretionary by Rule R112 to Rule R125 is a discretionary activity except for those activities that are non-complying or prohibited under Rule R126, Rule R127 or Rule R128.</p>

Original Submitter - Porirua City Council  
 Submitter's Address - P O Box 50128, Porirua  
 Submission no. - S163

**PROPOSED OBJECTIVES**

Relevant Provision in Proposed Natural Resources Plan	Part(s) of the submission that QEII supports or opposes	QEII's Position	Reasons for QEII's Position	Relief sought by QEII
Objective O23 - The quality of water in the region's rivers, lakes, natural wetlands, groundwater and the coastal marine area is maintained or improved.	Submission point relating to Objective O23	Support in part Oppose in part	The objective is consistent with the purpose of the RMA. However, the objective uses the word "improved" which is not consistent with the RMA's terminology. The word "enhance" is correct in this context and should be used. In addition 'maintain' and 'improve' are disjunctive. This is inconsistent with RMA's approach where enhance and maintain are conjunctive - refer to section 30(1)(c)(iii)	Amend to read: "The quality of water in the region's rivers, lakes, natural wetlands, groundwater and the coastal marine area is maintained or improved, and enhanced."
Objective O25 - To safeguard aquatic ecosystem health and mahinga kai in fresh water bodies and coastal marine area: (a) water quality, flows, water levels and aquatic and coastal habitats are managed to maintain aquatic ecosystem health and mahinga kai, and (b) restoration of aquatic ecosystem health and mahinga kai is encouraged, and (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 improved over time to meet that objective.	Submission point relating to Objective O25	Support in part Oppose in part	The objective is consistent with the purpose of the RMA. However, the objective suggests 'restoration' only is required. The RMA suggest 'enhancement' is also desirable and that word should also be included [(eg: section 65(3)(f)].	Amend to read: "To safeguard aquatic ecosystem health and mahinga kai in fresh water bodies and coastal marine area: (a) water quality, flows, water levels and aquatic and coastal habitats are managed to maintain aquatic ecosystem health and mahinga kai, and (b) restoration or enhancement of aquatic ecosystem health and mahinga kai is encouraged, and (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 improved over time to meet that objective."
Objective O32 Outstanding natural features and landscapes	Submission point	Support in part	PCC seeks more specific acknowledgment given to natural wetlands and rivers. This is	Amend to read:

<p>are protected from inappropriate use and development.</p>	<p>relating to Objective O32</p>	<p>Oppose in part</p>	<p>consistent with the section 6 of the RMA, and is supported.</p> <p>However, the objective as currently drafted is ambiguous with respect to development work (eg: roading, landform modifications, and service infrastructure) required to effect a subdivision. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p> <p>The omission of reference to subdivisional development work is opposed.</p>	<p>"Outstanding natural features and landscapes of the coastal marine area, rivers, lakes and their margins and natural wetlands are protected from inappropriate use and development, including subdivisional development work, ...."</p>
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**PROPOSED POLICIES**

<p><b>Relevant Provision in Proposed Natural Resources Plan</b></p>	<p><b>Part(s) of the submission QEII supports or opposes</b></p>	<p><b>QEII's Position</b></p>	<p><b>Reasons for QEII's Position</b></p>	<p><b>Relief sought by QEII</b></p>
<p>Policy P3: Precautionary approach</p> <p>Use and development shall be managed with a precautionary approach where there is limited information regarding the receiving environment and the adverse effects the activity may have on this environment.</p>	<p>Submission point relating to Policy P3</p>	<p>Support</p>	<p>PCC seeks amendment to better reflect the NZCPS.</p>	<p>Amend to read:</p> <p>"Use and development shall be managed with a precautionary approach where the effects of proposed activities are uncertain, unknown or little understood, but with potentially significant adverse effects."</p>
<p>Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities</p> <p>The benefits of regionally significant infrastructure and renewable energy generation activities are recognised by having regard to:</p> <p>(a) the strategic integration of infrastructure and land use, and</p> <p>(b) the location of existing infrastructure and</p>	<p>Submission point relating to Policy P12</p>	<p>Oppose in part</p>	<p>QEII notes that Taupo Swamp has been significantly degraded with incremental and detrimental work (including work relating to infrastructure) within its catchment). QEII considers this policy needs amendment to acknowledge that facilitation of infrastructure should not be at the expense of section 6 matters</p>	<p>Amend to include the following text:</p> <p>"The benefits of regionally significant infrastructure and renewable energy generation activities are recognised by having regard to:</p> <p>(a) the strategic integration of infrastructure and land use, and</p> <p>(b) the location of existing infrastructure and structures, and</p>

<p>structures, and</p> <p>(c) the need for renewable energy generation activities to locate where the renewable energy resources exist, and</p> <p>(d) the functional need for port activities to be located within the coastal marine area, and</p> <p>(e) operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities.</p>			<p>(c) the need for renewable energy generation activities to locate where the renewable energy resources exist, and</p> <p>(d) the functional need for port activities to be located within the coastal marine area, and</p> <p>(e) operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities;</p> <p><u>providing all matters of national importance are recognised and provided for."</u></p>
<p>Policy P16: New flood protection and erosion control</p> <p>The social, cultural, economic and environmental benefits of new catchment based flood and erosion risk management activities are recognised.</p>	<p>QEI notes that the catchment for Taupo Swamp has been identified as being a potential area for new residential development. Work for flood and erosion control in the catchment has the potential to impact on the natural values of Taupo Swamp</p> <p>QEI considers this policy needs amendment to acknowledge the benefits of flood and erosion control work should not be at the expense of section 6 matters</p> <p>PCC supports the minimisation of adverse effects on natural features that buffer development from natural hazards.</p> <p>QEI considers this policy promotes the purpose of the RMA.</p>	<p>Oppose in part</p>	<p>Amend to include the following text:</p> <p>"The social, cultural, economic and environmental benefits of new catchment based flood and erosion risk management activities are recognised, <u>providing all matters of national importance are recognised and provided for."</u></p>
<p>Policy P30: Natural buffers</p> <p>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>QEI considers this policy needs amendment because it currently provides no guidance on the management of effects and provides that any activity can proceed, regardless of effects, if the effects are offset. This is inconsistent with the Freshwater NPS, and Part2 and section</p>	<p>Support</p>	<p>Retain existing policy</p>
<p>Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai</p> <p>Significant adverse effects on aquatic ecosystem health and mahinga kai shall be managed by:</p> <p>(a) avoiding significant adverse effects, and</p> <p>(b) where significant adverse effects cannot be avoided, remedying them and</p> <p>(c) where significant adverse effects cannot be remedied, mitigating them, and</p>	<p>PCC's submission focuses on the relevance of this policy to its "strategic policy".</p> <p>QEI considers the policy needs amendment because it currently provides no guidance on the management of effects and provides that any activity can proceed, regardless of effects, if the effects are offset. This is inconsistent with the Freshwater NPS, and Part2 and section</p>	<p>Oppose in part</p>	<p>Replace this policy with policies that provide:</p> <p>"In order to maintain water quality, and meet the freshwater objectives in Tables 3.4-3.8, activities that have significant adverse effects on aquatic ecosystem health and mahinga kai are avoided."</p> <p>"In relation to adverse effects that are not significant:</p> <p>(a) these are avoided in the first instance;</p>

<p>(d) where residual adverse effects remain, it is appropriate to consider the use of biodiversity offsets. Proposals for mitigation and biodiversity offsetting will be assessed against the principles listed in Schedule G (biodiversity offsetting). Policy P39: Adverse effects on outstanding water bodies The adverse effects of use and development on outstanding water bodies and their significant values identified in Schedule A (outstanding water bodies) shall be avoided.</p>	<p>30 of the RMA.</p>	<p>(b) where they cannot be avoided, they are remedied; (c) where they cannot be remedied they are mitigated; (d) residual adverse effects that cannot be mitigated, are offset."</p>
<p>Submission point relating to Policy P39</p>	<p>Oppose</p> <p>PCC's submission focuses on the relevance of this policy to Pauatahanui Inlet, and implies the policy is too onerous as it would impede the Council's activities within its catchment.</p> <p>QEI considers this policy promotes the purpose of the RMA, and is opposed to any amendment (as suggested by PCC) that would detract from the primacy afforded by section 6 of the RMA to significant water bodies such as the Inlet and Taupo Swamp.</p> <p>The policy refers to "use and development" omits to refer to subdivisional development work. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p> <p>The omission of reference to subdivisional development work is opposed.</p>	<p>Amend the policy to read: "The adverse effects of use and development, including subdivisional development work, on outstanding water bodies and their significant values identified in Schedule A (outstanding water bodies) shall be avoided."</p>
<p>Submission point relating to Policy P40</p> <p>Policy P40: Ecosystems and habitats with significant indigenous biodiversity values Protect and restore the following ecosystems and habitats with significant indigenous biodiversity values: (a) the rivers and lakes with significant indigenous ecosystems identified in Schedule F1 (rivers/lakes), and (b) the habitats for indigenous birds identified in Schedule F2 (bird habitats), and</p>	<p>Oppose</p> <p>PCC's submission focuses on the relevance of this policy to Pauatahanui Inlet, and implies the policy is too onerous as it would impede the Council's activities within its catchment.</p> <p>QEI considers this policy promotes the purpose of the RMA, and is opposed to any amendment (as suggested by PCC) that would detract from the primacy</p>	<p>Retain the policy as drafted.</p>

<p>(c) significant natural wetlands, including the significant natural wetlands identified in Schedule F3 (significant wetlands), and</p> <p>(d) the ecosystems and habitat-types with significant indigenous biodiversity values in the coastal marine area identified in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats).</p>	<p>afforded by section 6 of the RMA to significant water bodies such as the Inlet and Taupo Swamp.</p>	<p>Replace this policy with the following:</p> <p>"In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40(a) - (c) in the first instance activities shall avoid these ecosystems and habitats. If the ecosystem or habitat cannot be avoided, adverse effects are managed by avoiding significant adverse effects. Where adverse effects are not significant:</p> <p>(a) they are avoided in the first instance;</p> <p>(b) where they cannot be avoided, they are remedied;</p> <p>(c) where they cannot be remedied they are mitigated;</p> <p>(d) residual adverse effects that cannot be mitigated are offset."</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 restoration management plan, shall avoid these ecosystems and habitats, if the ecosystem or habitat cannot be avoided, the adverse effects of activities shall be managed by:</p> <p>(a) avoiding more than minor adverse effects, and</p> <p>(b) where more than minor adverse effects cannot be avoided, remedying them, and</p> <p>(c) where more than minor adverse effects cannot be remedied, mitigating them, and</p> <p>(d) where residual adverse effects remain it is appropriate to consider the use of biodiversity offsets.</p>	<p>Submission point relating to Policy P41</p>	<p>Oppose</p> <p>PCC's submission focuses on the relevance of this policy to Pauatahanui Inlet, and implies the policy is too onerous as it would impede the Council's activities within its catchment.</p> <p>QEII considers this policy promotes the purpose of the RMA, and is opposed to any amendment (as suggested by PCC) that would detract from the primacy afforded by section 6 of the RMA to significant water bodies such as the Inlet and Taupo Swamp.</p> <p>QEII considers the policy needs amendment because it currently suggests any activity can proceed, regardless of effects, if the effects are offset. This is inconsistent with the Freshwater NPS, Part 2 and section 30 of the RMA.</p> <p>The policy should provide for the avoidance of significant adverse effects on the sites identified in P40 and avoiding remedying, mitigating and offsetting other effects in accordance with the mitigation hierarchy.</p>



<p>Policy P43: Restoration and management plans</p> <p>Restoration activities that have more than minor adverse effects on ecosystems and habitats with significant indigenous biodiversity values identified in Schedule F (indigenous biodiversity) are appropriate if they are undertaken as part of a restoration management plan.</p>	<p>Submission point relating to Policy P43</p>	<p>Oppose</p>	<p>This policy is inappropriate because it implies any activity provided for in a restoration management plan is appropriate even though it would be contrary to section 6 of the RMA.</p> <p>To ensure the contents of a restoration management plan will promote the purpose of the RMA any such plan needs to be exposed to appropriate expert scrutiny either via a comprehensive consenting process or by way of consultation with all land owners and/or agencies that may have in interest in the subject matter of the plan.</p> <p>This policy as it is currently drafted appears to be aimed at ensuring activities with significant effects have a lower consent status where avoiding appropriate assessment (including consideration of section 6 matters) is not required. It is contrary to the scheme of the RMA to permit for such activities by way of a policy and associated rules by way of delegated decisions by officers outside any formal RMA process or without third party involvement.</p>	<p>Delete this policy</p>
<p>Policy P48: Protection of outstanding natural features and landscapes</p> <p>The natural features and landscapes (including seascape) of the coastal marine area, rivers, lakes and their margins shall be protected from inappropriate use and development by:</p>	<p>Submission point relating to Policy P48</p>	<p>Oppose in part</p>	<p>This policy is appropriate because it promotes the purpose of the RMA and recognises and provides for the matters of national importance.</p> <p>However, QEII notes that the policy as currently drafted is ambiguous with respect to development work (eg:</p>	<p>Amend policy to read:          "The natural features and landscapes (including seascape) of the coastal marine area, rivers, lakes and their margins and natural wetlands shall be protected from inappropriate use and development, including subdivisional development work.</p>

<p>(a) avoiding adverse effects of activities on outstanding natural features and landscapes, and</p> <p>(b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on natural features and landscapes.</p>			<p>roadway, landform modifications, and service infrastructure) required to effect a subdivision. This development work potentially has significant effects on natural resources and biodiversity values. Specific reference to this work is required so the Council will fulfil its function under section 30(1)(a) of the RMA relating to integrated management of resources.</p> <p>The omission of reference to subdivisional development work is opposed.</p> <p>This policy is appropriate because it promotes the purpose of the RMA and recognises and provides for the matters of national importance.</p>	<p>by:</p> <p>(a) avoiding adverse effects of activities on outstanding natural features and landscapes, and</p> <p>(b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on natural features and landscapes."</p>
<p>Policy P68: Inappropriate discharges to water</p> <p>Discharges to fresh and coastal water of:</p> <p>(a) untreated wastewater, except as a result of extreme weather-related overflows or wastewater system failures or from recreational boating activities, and</p> <p>(b) animal effluent from an animal effluent storage facility or from an area where animals are confined, and</p> <p>(c) untreated industrial or trade waste, and</p> <p>(d) untreated organic waste or leachate from storage of organic material shall be avoided.</p> <p>Policy P73: Minimising adverse effects of stormwater discharges</p> <p>The adverse effects of stormwater discharges shall be minimised, including by:</p> <p>(a) using good management practice, and</p> <p>(b) taking a source control and treatment train approach to new activities and land uses, and</p> <p>(c) implementing water sensitive urban design in new subdivision and development, and</p> <p>(d) progressively improving existing stormwater, road and other public infrastructure, including during routine maintenance and upgrade.</p>	<p>Submission point relating to Policy P68</p>	<p>Support in part</p>	<p>GEI notes that the catchment for Taupo Swamp has been identified as being a potential area for new residential development. Stormwater discharges from such development in the catchment has the potential to impact on the natural values of Taupo Swamp</p> <p>GEI considers this policy needs amendment to acknowledge that the adverse effects of stormwater discharges where the matters of national importance are not recognised and provided for must be avoided.</p>	<p>Retain the policy.</p>
<p>Policy P68: Inappropriate discharges to water</p> <p>Discharges to fresh and coastal water of:</p> <p>(a) untreated wastewater, except as a result of extreme weather-related overflows or wastewater system failures or from recreational boating activities, and</p> <p>(b) animal effluent from an animal effluent storage facility or from an area where animals are confined, and</p> <p>(c) untreated industrial or trade waste, and</p> <p>(d) untreated organic waste or leachate from storage of organic material shall be avoided.</p> <p>Policy P73: Minimising adverse effects of stormwater discharges</p> <p>The adverse effects of stormwater discharges shall be minimised, including by:</p> <p>(a) using good management practice, and</p> <p>(b) taking a source control and treatment train approach to new activities and land uses, and</p> <p>(c) implementing water sensitive urban design in new subdivision and development, and</p> <p>(d) progressively improving existing stormwater, road and other public infrastructure, including during routine maintenance and upgrade.</p>	<p>Submission point relating to Policy P73</p>	<p>Oppose in part</p>	<p>Amend to include the following text:</p> <p>"The adverse effects of stormwater discharges shall be: <u>avoided where matters of national importance are not recognised and provided for, and in all other cases, minimised, including by:</u></p> <p>(a) using good management practice, and</p> <p>(b) taking a source control and treatment train approach to new activities and land uses, and</p> <p>(c) implementing water sensitive urban design in new subdivision and development, and</p> <p>(d) progressively improving existing stormwater, wastewater, road and other public infrastructure, including</p>	<p>Amend to include the following text:</p> <p>"The adverse effects of stormwater discharges shall be: <u>avoided where matters of national importance are not recognised and provided for, and in all other cases, minimised, including by:</u></p> <p>(a) using good management practice, and</p> <p>(b) taking a source control and treatment train approach to new activities and land uses, and</p> <p>(c) implementing water sensitive urban design in new subdivision and development, and</p> <p>(d) progressively improving existing stormwater, wastewater, road and other public infrastructure, including</p>

<p>Policy P74: First-stage local authority network consents</p> <p>The adverse effects of discharges from a local authority stormwater network during a controlled activity consent granted under Rule R50 shall be managed by:</p> <p>(a) managing the stormwater network on a comprehensive basis whereby discharges from local authority stormwater devices are aggregated on a catchment or sub-catchment basis and authorised via a single 'global' consent; and</p> <p>(b) undertaking monitoring to identify the adverse quality and quantity effects of discharges from the stormwater network on:</p> <ul style="list-style-type: none"> <li>(i) aquatic ecosystem health and mahinga kai, and</li> <li>(ii) contact recreation and Māori customary use, and</li> <li>(iii) the values of areas with identified outstanding or significant values identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F (indigenous biodiversity), and</li> <li>(iv) water and sediment quality in the receiving environment, and the benthic habitat of low energy receiving environments.</li> </ul> <p>in order to develop a prioritised programme for improvement of areas within the stormwater network that will form the basis of a stormwater management strategy, and</p> <p>(c) managing any acute adverse effects of discharges from the stormwater network detected during the monitoring under (b), including significant adverse effects on primary and secondary contact with</p>	<p>Submission point relating to Policy P74</p>	<p>Oppose in part</p>	<p>PCC generally supports this policy.</p> <p>QEI notes that the catchment for Taupo Swamp has been identified as being a potential area for new residential development. Stormwater discharges from such development in the catchment has the potential to impact on the natural values of Taupo Swamp, and with the matters of national importance not being recognised and provided for.</p> <p>Where there is potential for significant effects on outstanding or significant natural water bodies. A controlled activity status is not appropriate because consent could not be declined regardless of the scale of the effects.</p>	<p>during routine maintenance and upgrade."</p> <p>Amend to include the following text:</p> <p>"The adverse effects of discharges from a local authority stormwater network (but not including any such network located within the catchment of a significant or outstanding wetland) during a controlled activity consent granted under Rule R50 shall be managed by:</p> <p>(a) ....</p> <p>(b) .... etc"</p>
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<p>water, by:</p> <ul style="list-style-type: none"> <li>(f) implementing mitigation as soon as practicable after the effect is determined, and</li> <li>(ii) identifying long-term options for remediation or mitigation, and</li> <li>(d) limiting resource consents granted under Rule R50 to a maximum of five years, and</li> <li>(e) including conditions in the resource consent to set timeframes for the development of a stormwater management strategy in accordance with Schedule N (stormwater strategy).</li> </ul>			
<p>Policy P75: Second-stage local authority network consents</p> <p>When an application for resource consent is made with a stormwater management strategy, the adverse effects of discharges from a local authority stormwater network shall be minimised by:</p> <ul style="list-style-type: none"> <li>(a) identifying in the stormwater management strategy priorities for progressive improvement, and timeframes to achieve this improvement, in accordance with any relevant objectives identified in the Plan, and</li> <li>(b) where appropriate, developing catchment-specific stormwater management plans or other methods to identify and prioritise actions in accordance with any relevant objectives identified in the Plan, and</li> <li>(c) progressively implementing the stormwater management strategy and any actions identified under (b), and</li> <li>(d) employing land-based treatment of stormwater, in accordance with good management practice and Policy P73, from new stormwater networks, and</li> <li>(e) progressively reducing the impact of untreated wastewater on fresh and coastal water in accordance with Policies P76 and</li> </ul>	<p>Submission point relating to Policy P75</p>	<p>Oppose in part</p> <p>PCC generally supports this policy.</p> <p>QEI notes that the catchment for Taupo Swamp has been identified as being a potential area for new residential development. Stormwater discharges from such development in the catchment has the potential to impact on the natural values of Taupo Swamp, and with the matters of national importance not being recognised and provided for.</p> <p>The potential for significant effects on outstanding or significant natural water bodies needs to be acknowledged and appropriate avoidance provided for.</p>	<p>Amend to include the following text:</p> <p>"When an application for resource consent is made with a stormwater management strategy, the adverse effects of discharges from a local authority stormwater network shall be avoided where the strategy relates to the <u>catchment of a significant or outstanding wetland</u>; and minimised in all other cases by:</p> <ul style="list-style-type: none"> <li>(a) ....</li> <li>(b) .... etc"</li> </ul>

<p>P77, and (f) progressively improving existing stormwater, wastewater, road and other public infrastructure, including through routine maintenance and upgrade.</p>	<p>Policy P97: Managing sediment discharges</p> <p>The discharge of sediment to surface water bodies and coastal water from earthworks activities shall be minimised by using a source control approach.</p> <p>Good management practices shall be used in site management, erosion and sediment control design operation and maintenance in order to minimise the adverse effects of sediment-laden stormwater discharges.</p> <p>Effects that cannot be minimised may be appropriately offset.</p>	<p>Submission point relating to Policy P97</p>	<p>Oppose in part</p>	<p>PCC generally supports this policy.</p> <p>QEI notes that the catchment for Taupo Swamp has been identified as being a potential area for new residential development. Stormwater and sediment discharges from such development in the catchment has the potential to impact on the natural values of Taupo Swamp, and with the matters of national importance not being recognised and provided for.</p> <p>The policy (and NZTA's amendment) is confusing.</p> <p>It is not clear how adverse effects on water quality are to be offset. Offsetting principles apply to habitat loss and are not readily applied to water quality.</p> <p>The potential for significant effects on significant or outstanding natural water bodies needs to be acknowledged and appropriate avoidance provided for.</p> <p>PCC "strongly supports" this policy.</p>	<p>Amend policy to read:</p> <p>"The discharge of sediment to surface water bodies and coastal water and significant adverse effects on a significant or outstanding wetland from earthworks activities shall be avoided. Where adverse effects are not significant:</p> <p>(a) they are avoided in the first instance;</p> <p>(b) where they cannot be avoided, they are remedied; and,</p> <p>(c) where they cannot be remedied they are mitigated.</p>
<p>Policy P102: Reclamation or drainage of the beds of lakes and rivers</p> <p>The reclamation or drainage of the beds of lakes and rivers and natural wetlands shall be avoided except where the reclamation or drainage is:</p> <p>(a) partial reclamation of a river bank for the purposes of flood prevention or erosion control, or</p> <p>(b) associated with a qualifying development within a special housing area, or</p> <p>(c) associated with a growth and/or development framework or strategy</p>	<p>Submission point relating to Policy P102</p>	<p>Oppose</p>	<p>QEI notes that the catchment for Taupo Swamp has been identified as being a potential area for new residential development. Due to the topography of the catchment, reclamation and/or drainage of streams draining to the Swamp is very likely to change the hydraulic regime of the catchment and also very likely to significantly adversely affect the natural values of the Swamp.</p> <p>It is not appropriate to negate the</p>	<p>Amend to include the following text:</p> <p>"The reclamation or drainage of the beds of lakes and rivers and natural wetlands shall be avoided where the reclamation or drainage is located in the catchment of a significant or outstanding natural wetland; and in all other cases shall be avoided except where the reclamation or drainage is:</p> <p>(a) partial reclamation of a river bank for the purposes of flood prevention or erosion control, or</p> <p>(b) associated with a qualifying housing development within a special housing</p>	

<p>approved by a local authority under the Local Government Act 2002, or</p> <p>(d) necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure, or associated with the creation of a new river bed and does not involve piping of the river, and</p> <p>(e) in respect of (a) to (e) there are no other practicable alternative methods of providing for the activity, or</p> <p>(g) the reclamation or drainage is of an ephemeral flow path.</p> <p>For the purpose of this policy the piping or overing 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>statutory tests in section 6 of the RMA simply because some non-statutory process (with no appeal rights) may have been adopted by the territorial authority promoting the development.</p> <p>The policy also gives primacy to the activities associated with regionally significant infrastructure with the recognition and provision for section 6 matters being ignored.</p> <p>if section 6 matters are not accommodated in this policy the purpose of the RMA will not be promoted.</p>	<p>area, or associated with a growth and/or development framework or strategy approved by a local authority under the Local Government Act 2002, or</p> <p>(c) necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure, or associated with the creation of a new river bed and does not involve piping of the river, and</p> <p>(f) in respect of (a) to (e) there are no other practicable alternative methods of providing for the activity, or</p> <p>(g) the reclamation or drainage is of an ephemeral flow path.</p> <p>For the purpose of this policy the piping or overing 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>
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**PROPOSED RULES**

<p><b>Relevant Provision in Proposed Natural Resources Plan</b></p>	<p><b>Part(s) of the submission QEII supports or opposes</b></p>	<p><b>QEII's Position</b></p>	<p><b>Reasons for QEII's Position</b></p>	<p><b>Relief sought by QEII</b></p>
<p>Rule R51: Stormwater from a local authority network two years after public notification – restricted discretionary activity</p> <p>The discharge of stormwater into water, or onto or into land where it may enter water, from a local authority stormwater network two years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015) is a restricted discretionary activity, provided the following condition is met:</p>	<p>Submission point relating to Rule R51</p>	<p>Oppose in part</p> <p>Neutral in part</p>	<p>PCC is not opposed to the rule and wishes amendments to reflect different time frames.</p> <p>QEII is neutral to the amendment PCC seeks.</p> <p>QEII is opposed to PCC not seeking amendments to the rule giving greater protection to section 6 of the RMA matters.</p> <p>QEII considers activities encompassed by this rule should subject to a higher consenting threshold where they relate to catchments for significant or outstanding</p>	<p>Amend Rule R51 to include the underlined additional text</p> <p>"Stormwater from a local authority network, <u>but not including any such network located within the catchment of Taupo Swamp, two years after public notification</u> – restricted discretionary activity</p> <p>The discharge of stormwater into water, or onto or into land where it may enter water, from a local authority stormwater network, <u>but not including any such network located within the catchment of Taupo Swamp, two</u></p>

<p>years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015) is a restricted discretionary activity, provided the following condition is met."</p>	<p>wetlands, such as Taupo Swamp.</p>		
<p>Rule R52: Stormwater from large sites (but not including any such site within the catchment of Taupo Swamp), – restricted discretionary activity</p> <p>"The discharge of stormwater into water, or onto or into land where it may enter water, from a port, airport or state highway (but not including any such site located within the catchment of Taupo Swamp), is a restricted discretionary activity."</p>	<p>PCC seeks amendments so it is consistent with Rule 51.</p> <p>QEII is neutral to the amendment PCC seeks.</p> <p>QEII is opposed to PCC not seeking amendments to the rule giving greater protection to section 6 of the RMA matters.</p> <p>QEII considers activities encompassed by this rule should subject to a higher consenting threshold where they relate to catchments for significant or outstanding wetlands, such as Taupo Swamp.</p>	<p>Oppose in part</p> <p>Neutral in part</p>	<p>Submission point relating to Rule R52</p>
<p>Rule R53: All other stormwater – discretionary activity</p> <p>The discharge of stormwater into water or onto or into land where it may enter water that is not permitted by Rules R48 or R49, or controlled by Rule R50, or a restricted discretionary activity under Rules R51 or R52, is a discretionary activity."</p>	<p>PCC seeks amendments so it better integrates with Rule 52.</p> <p>QEII is neutral to the amendment PCC seeks.</p> <p>QEII is opposed to PCC not seeking amendments to the rule giving greater protection to section 6 of the RMA matters.</p> <p>QEII considers activities encompassed by this rule should subject to a higher consenting threshold where they relate to catchments for significant or outstanding wetlands, such as Taupo Swamp.</p>	<p>Oppose in part</p> <p>Neutral in part</p>	<p>Submission point relating to Rule R53</p>
<p>Rule R67: Discharges inside sites of significance – non-complying activity</p> <p>The discharge of water or contaminants into water, or onto or into land where it may enter</p>	<p>PCC seeks amendments so it better integrates with Rule 53.</p> <p>QEII is neutral to the amendment PCC seeks.</p>	<p>Oppose in part</p> <p>Neutral in part</p>	<p>Submission point relating to Rule R67</p>
	<p>Retain the existing rule.</p>		

<p>water:</p> <ul style="list-style-type: none"> <li>inside a site or habitat identified in Schedule A (outstanding water bodies), Schedule F1 (rivers/lakes), Schedule F3 (significant wetland), or Schedule F4 (coastal sites), and</li> <li>that is not permitted by Rules R42, R43, R44 or R45</li> </ul> <p>is a non-complying activity.</p>			<p>QEII is opposed to any change proposed by PCC that would not give the scheduled sites the protection required under section 6 of the RMA matters.</p>	
<p>Rule R99: Earthworks– permitted activity</p> <p>The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks of a contiguous area up to 3,000m<sup>2</sup> per property per 12 month period is a permitted activity, provided the following conditions are met:</p>	<p>Submission point relating to Rule R99</p>	<p>Oppose in part Neutral in part</p>	<p>PCC supports a rule relating to earthworks but seeks clarity about how this will be integrated with the Council's bylaws.</p> <p>QEII is neutral to the amendment that PCC seeks providing it does not detract from section 6 matters.</p> <p>QEII is opposed to PCC not seeking amendments to the rule giving greater protection to section 6 of the RMA matters. QEII therefore seeks a revised rule to incorporate specific provisions relating to activities located within the catchment of a significant or outstanding wetland), such as Taupo Swamp.</p>	<p>Amend rule to read:</p> <p>"The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks is a permitted activity, provided the following conditions are met:</p> <p>(a) the earthworks are:</p> <p>(i) either not located in the catchment of Taupo Swamp and have a contiguous area up to 3,000m<sup>2</sup> per property per 12 month period;</p> <p>(ii) or, located in the catchment of Taupo Swamp and have a contiguous area up to 100m<sup>2</sup> per property per 12 month period;</p> <p>(b) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and</p> <p>(c) 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</p> <p>(d) work areas are stabilised within six months after the completion of the earthworks.</p> <p>(e) any earthworks shall not, after the zone of reasonable mixing, 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</p>



<p>Rule R100: Vegetation clearance on erosion prone land – permitted activity</p> <p>The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from vegetation clearance of a contiguous area up to 2ha per property per 12 month period on erosion prone land is a permitted activity, provided the following conditions are met:</p>	<p>Submission point relating to Rule R100</p>	<p>Oppose in part Neutral in part</p>	<p>PCC tacitly supports a rule relating to vegetation clearance but seeks clarity about how this will be integrated with the Council's land use rules.</p> <p>QEI is neutral to the amendment that PCC seeks providing it does not detract from section 6 matters.</p> <p>QEI is opposed to PCC not seeking amendments to the rule giving greater protection to section 6 of the RMA matters. QEI therefore seeks a revised rule to incorporate specific provisions relating to activities located within the catchment of a significant or outstanding wetland), such as Taupo Swamp.</p>	<p>floatable or suspended materials, or 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>Amend rule to read:</p> <p>"The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from vegetation clearance is a permitted activity, provided the following conditions are met:</p> <p>(a) the vegetation clearance is:</p> <p>(i) either not located in the catchment of Taupo Swamp and has a contiguous area up to 2ha per property per 12 month period on erosion prone land;</p> <p>(ii) or, located in the catchment of Taupo Swamp and has a contiguous area up to 10m<sup>2</sup> per property per 12 month period;</p> <p>(b) 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</p> <p>(c) any soil disturbances associated with the vegetation clearance shall not affect the zone of reasonable mixing, 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</p>
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<p>odour, or the rendering of fresh water unsuitable for consumption by animals, or any significant adverse effect on aquatic life."</p>	<p>(iv) (v)</p> <p>Add new Rule 101A to read: "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 and located in the catchment of Taupo Swamp is a non-complying activity."  Amend Rule R101 to read: "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 or a non-complying activity by Rule 101A, is a discretionary activity."</p>	<p>odour, or the rendering of fresh water unsuitable for consumption by animals, or any significant adverse effect on aquatic life."</p>
<p>Rule R101: Earthworks and vegetation clearance – discretionary activity  The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks or vegetation clearance that is not permitted by Rule R99 or Rule R100 is a discretionary activity.</p>	<p>PCC seeks amendment so the rule caters for "strategic development areas."  QEI opposes the amendment PCC seeks.  QEI is opposed to PCC not seeking amendments to the rule giving greater protection to section 6 of the RMA matters.  QEI notes that the catchment for Taupo Swamp has been identified as being a potential area for new residential development. Due to the topography of the catchment significant land disturbance will be required to effect this development with significant adversely effects the natural values of Taupo Swamp.  A non-complying activity status is appropriate for activities able to significantly affect significant or outstanding wetlands.  QEI therefore seeks a revised rule to incorporate specific provisions relating to activities located within the catchment of a significant or outstanding wetland), such as Taupo Swamp.</p>	<p>PCC seeks amendment to the rules to categorise activities subject to a restoration management plan as a permitted activity.  QEI is opposed to this amendment by PCC.</p>
<p>Rule R106: Restoration of natural wetlands, significant natural wetlands and outstanding natural wetlands – controlled activity  Activities for the purpose of restoring the indigenous biodiversity of a natural wetland, significant natural wetland or outstanding natural wetland identified in Schedule A3</p>	<p>Submission point relating to Rule R101</p> <p>Oppose</p>	<p>Amend Rule R106 to read: "Activities for the purpose of restoring the indigenous biodiversity of a natural wetland, significant natural wetland or outstanding natural wetland identified in Schedule A3 (outstanding wetlands), that are not permitted by rules R104 and R105, are</p>
<p>Submission point relating to Rule R106</p> <p>Oppose in part Support in part</p>	<p>Submission point relating to Rule R106</p>	<p>Amend Rule R106 to read: "Activities for the purpose of restoring the indigenous biodiversity of a natural wetland, significant natural wetland or outstanding natural wetland identified in Schedule A3 (outstanding wetlands), that are not permitted by rules R104 and R105, are</p>

<p>(outstanding wetlands), that are not permitted by rules R104 and R105, are controlled activities provided the following condition is met:</p>			<p>QEII is opposed to PCC not seeking amendments to the rule providing for a more robust process relating to the assessment of a restoration management plan. This omission fails to recognise that activities in one part of a wetland can significantly affect other parts which may be in different ownership.</p> <p>To ensure the contents of a restoration management plan will promote the purpose of the RMA any such plan needs to be exposed to appropriate expert scrutiny either via a comprehensive consenting process or by way of consultation with all land owners and/or agencies that may have an interest in the subject matter of the plan.</p> <p>This rule as it is currently drafted appears to be aimed at ensuring activities with significant effects have a lower consent status where avoiding appropriate assessment (including consideration of section 6 matters) is not required. It is contrary to the scheme of the RMA to allow for such activities as a controlled activity and by way of delegated decisions by officers outside any RMA process where there is third party involvement or public interest. QEII therefore seeks a revised rule to incorporate specific provisions.</p> <p>PCC is opposed to the rule.</p> <p>QEII is opposed to the amendment proposed by PCC.</p> <p>PCC claims that the rule is 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</p>	<p>controlled activities provided the following conditions are met:</p> <p>(a) the activities are stipulated in and carried out in accordance with an approved restoration management plan; and,</p> <p>(b) prior to its approval the restoration management plan is developed in consultation with all owners and occupiers of other land that is contiguous with the wetland, and all such owners have agreed to, and approved of, the final restoration management plan.</p> <p>For the purpose of this rule land is contiguous notwithstanding that it may be separated by linear infrastructure such as road and rail networks or corridors, and is contiguous where there is a recognised hydraulic or biodiversity connection."</p>	<p>Rule R127: Reclamation of the beds of rivers or lakes – non-complying activity</p> <p>The reclamation of the bed, or any part of the bed, of a river or lake:</p> <p>a) associated with the piping of a stream, or</p> <p>b) in a site identified in Schedule A1 (outstanding rivers), or</p> <p>c) in a site identified in Schedule C (mana whenua)</p>	<p>Submission point relating to Rule R127</p>	<p>Oppose</p>	<p>Retain the existing rule or in the alternative amend the rule while retaining a non-complying activity status for the reclamation of the bed, or any part of the bed, of a river or lake within the catchment of Taupo Swamp.</p>
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<p>is a non-complying activity.</p>			
<p>already been comprehensively assessed.”</p> <p>The scale and effects of the development of the Bengo Farm (for example) have not yet been exposed to a comprehensive and meaningful assessment in terms of the relevant matters under the RMA. That assessment cannot be achieved via a non-statutory process under the LG Act 2002.</p> <p>QEI is opposed to any change in the rule that would exclude certain activities that may affect significant or outstanding wetlands.</p> <p>QEI notes that Taupo Swamp has been significantly degraded with incremental and detrimental work in its catchment, in particular changes to the hydraulic regime of its catchment.</p> <p>There is no justification for activities associated with residential growth areas being given leniency at the expense of section 6 matters. A consenting regime that allows potentially significant effects on sites with outstanding natural values to be comprehensively assessed is appropriate and will promote the purpose of the RMA.</p>	<p>Oppose</p>	<p>Submission point relating to Rule R129</p>	<p>Retain the existing rule providing the reclamation of the bed of a river within the catchment of Taupo Swamp is categorised as non-complying activity per Rule 127.</p>
<p>Rule R129: All other activities in river and lake beds – discretionary activity</p> <p>All other activities, except for damming and diverting of water, in river and lake beds that is not permitted or restricted discretionary by Rule R112 to Rule R125 is a discretionary activity except for those activities that are non-complying or prohibited under Rule R126, Rule R127 or Rule R128.</p>	<p>Submission point relating to Rule R129</p>	<p>Oppose</p>	<p>The scale and effects of the development of the Bengo Farm (for example) have not yet been exposed to a comprehensive and meaningful assessment in terms of the relevant matters under the RMA. That assessment cannot be achieved via a</p>

				<p>non-statutory process under the LG Act 2002.</p> <p>QEI is opposed to any change in the rule that would exclude certain activities may affect significant or outstanding wetlands.</p>	
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