

Proposed Natural Resources Plan:

Submitter:

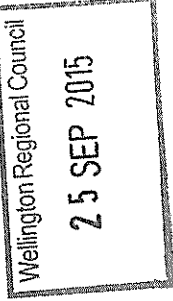
Porirua City Council

Submitter Number:

S163

Submission on the Proposed Natural Resources Plan for the Wellington Region

INSTRUCTIONS FOR USING THE SUBMISSIONS SPREADSHEET:



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Trade competition

Yes /we could not gain an advantage in trade competition through this submission
No /we could gain an advantage in trade competition through this submission.
If you could gain an advantage please complete one of the following:
/we are directly affected by an effect of the subject matter of my submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.
/we are not directly affected by an effect of the subject matter of my submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.

Attendance and wish to be heard at hearing(s)

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

Date: 25/09/2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amend

Amend

Amend

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<p>Rule R161: New structures, additions or alterations to structures outside sites of significance – discretionary activity</p>	<p>Amend</p>	<p>There is no provision for new small structures to be considered more leniently. In the provisions relating to wetlands, lakes and rivers (rules R104 and R117), structures occupying less than 10m² are permitted subject to conditions. The same should apply to the coastal marine area. For accurate drafting, this rule should refer to R151. See comments on 2.1.3 Rules in the Interpretation section regarding the difficulties of interpreting and applying multiple, sometimes conflicting, rules for the same or a similar activity. This rule is too blunt. The values of the sites are so varied, and the types of activities taking place within each site are so wide-ranging, that it is not appropriate to have a blanket rule classing everything that is not extremely minor alterations as non-complying, particularly in a large site like Paatahanui Inlet which falls into Schedules F4, J and C (partially). If a structure is for a protection purpose then it promotes sustainability and should not be automatically non-complying. For example, extending a boardwalk to protect a rivermouth estuary should not be non-complying. New structures for erosion protection purposes should not be non-complying. Addition of safety rails to a recreation structure should not be non-complying. Providing access to the coastal marine area is encouraged under the Coastal Policy Statement. A non-complying activity status for new structures intended for access, such as boardwalks, is not consistent. A discretionary status should be sufficient in combination with the relevant policies to enable appropriate decision-making in these cases.</p>	<p>Add a permitted activity status for small structures occupying less than 10m², as in rules R104 and R117. Add "or controlled by Rule R151".</p>
<p>Rule R162: New structures, additions or alterations to structures inside sites of significance – non-complying activity</p>	<p>Amend</p>	<p>A separate rule to cover minor additions or alterations of existing seawalls is supported, but it is reasonable for this to be a permitted rather than controlled activity, like other structures eg. R150. There could be a size limit, above which the activity becomes controlled, as in R151.</p>	<p>Review this and related rules to improve interpretation and practical application regarding multiple rules for the same activity. Either amend this rule to make the activity discretionary, or be more specific about the nature of the structures to be covered by the rule, to allow that some structures of low impact or that promote sustainability overall, should be excluded from the rules. Create a separate restricted discretionary rule. Suitable conditions can be drafted to ensure that effects are less than minor.</p>
<p>Rule R165: Additions or alterations to existing seawalls – controlled activity</p>	<p>Amend</p>	<p>Consider changing the activity status of this rule to permitted, or introduce a higher size threshold for minor alterations to become classed as controlled.</p>	<p>Consider changing the activity status of this rule to permitted, or introduce a higher size threshold for minor alterations to become classed as controlled.</p>

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

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

<p>Rule R199: Motor vehicles in the fossil forest at Titahi Bay – prohibited activity</p>	<p>Amend</p>	<p>See the comments in our accompanying submission letter regarding this provision.</p> <p>Retain prohibited activity status for the existing prohibited area as defined by the operative Regional Coastal Plan, and change the status of the remaining area marked on Map 35 so that it is non-complying, in line with rule R198. Amend Map 35 and GIS accordingly, and correct Map 35 and GIS so that the eastern boundary of the fossil forest matches the line of Mean High Water Springs.</p>
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Other methods	My submission on this provision is:	Reasons for my submission:	I seek the following from WRC (give precise details):
Method M1: Regional plan implementation and integration	Amend	There is a lack of consideration for the strategic growth context. The Plan needs to incorporate the recognition of strategic growth areas. Policy P102 is the only provision that refers to this matter, which is inadequate. See also the comments in our accompanying submission letter.	Add a new method as follows: "Integration with urban and rural area land use planning within strategic development overlay areas "Wellington Regional Council will work with territorial local authorities in considering future development proposals within urban growth planning overlay areas as part of comprehensive development plan approval for such development."
Method M3: Wellington regional hazards management strategy	Support	PCC supports the proposed partnership approach to facilitate a consistent approach to managing natural hazards in the region.	
Method M4: Sea level rise	Support	PCC supports the intention to have a consistent approach between local authorities to manage climate change related coastal hazards. The correct title for the "International Panel of Climate Change" needs to be corrected to "Intergovernmental Panel on Climate Change"	Change "International Panel of Climate Change" to read "Intergovernmental Panel on Climate Change"
Method M8: Te Awarua-o-Porirua Harbour restoration	Support	This method is consistent with PCC's strategic priority for "a healthy and protected harbour and catchment" and is therefore supported.	
Method M12: Sustainable land management practices	Amend	See comments throughout the submission regarding the need to recognise strategic urban growth areas.	Add a new method as follows: "Integration with rural area land use planning within strategic development overlay areas "Wellington Regional Council will work with territorial local authorities in considering future development proposals within rural growth planning overlay areas as part of comprehensive development plan approval for such development."
Method M15: Regional stormwater working group	Amend	See comments throughout the submission regarding the need to recognise strategic urban growth areas.	Add a new method as follows: "Integration with local authorities and developers in planning for stormwater management within overlay areas "Wellington Regional Council will work with territorial local authorities in considering stormwater management for future development proposals within urban growth planning overlay areas as part of comprehensive development plan approvals for such development."

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

Schedules

Schedule F: Ecosystems and habitats with significant indigenous biodiversity values

My submission on this provision is:

Amend

Reasons for my submission:

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

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

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

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

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

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25 September 2015

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

Dear Greg Campbell

SUBMISSION ON PROPOSED NATURAL RESOURCES PLAN FOR THE WELLINGTON REGION

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

Our submission is structured as follows:

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

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

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

Yours sincerely

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

Wendy Walker
CHIEF EXECUTIVE

1. General comments

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

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

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

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

Consultation

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

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

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

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

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

Future plan changes and whitua provisions

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

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

2. Matters of general support

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

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

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

3. Policy and rule framework

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

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

Compliance costs

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

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

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

Drafting and interpretation of rules

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

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

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

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

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

The rules are also problematic in the case of the sites of significance. The provisions relating to different significant site categories can be confusing or conflicting when they have to be applied to one site. For example, new structures less than 10m² in size for the purpose of hunting and recreation in outstanding natural wetlands are discretionary (Rule R109), while new structures, additions or alterations to structures inside coastal sites of significance (Schedule F4) are non-complying regardless of size or function (Rule R162). Both rules are relevant to Pauatahanui Inlet but which takes precedence?

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

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

4. Recognition of the urban environment and human activities

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

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

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

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

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

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

Public access

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

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

4.1. Strategic growth / development areas

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

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

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

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

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

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

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

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

4.2. Recognition and provision for infrastructure

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

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

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

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

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

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

5. Sites of significance

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

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

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

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

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

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

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

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

The provisions relating to different significant site categories can be confusing or conflicting when they have to be applied to a particular site. For example, new structures less than 10m² in size for the purpose of hunting and recreation in outstanding natural wetlands are discretionary (Rule R109), while new structures, additions or alterations to structures inside significant indigenous biodiversity coastal sites (Schedule F4) are non-complying regardless of size or function (Rule R162). Both rules are relevant to Pauatahanui Inlet but which takes precedence?

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

6. Titahi Bay beach

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

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

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

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

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

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

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

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

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

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