

**RESOURCE MANAGEMENT ACT 1991
SUBMISSION ON WELLINGTON NATURAL RESOURCES PLAN**

To: Greater Wellington Regional Council

From: Royal Forest and Bird Protection Society of New Zealand Inc (Forest & Bird)

Address for service:

Forest and Bird
P O Box 631
Wellington 6140
Attention: Amelia Geary

INTRODUCTION

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation with 70,000 members and supporters. Forest & Bird originally set out to protect New Zealand's unique flora and fauna, the tasks of Forest and Bird in more recent years have extended to protecting and maintaining the environment surrounding the flora and fauna. Establishing wildlife reserves, initiating protection campaigns and promoting general public awareness around what is happening in and around New Zealand is all central to Forest & Bird's establishing principle of flora and fauna protection.
2. The key matters of concern to Forest & Bird relate to the protection of ecological values, particularly those associated with freshwater, wetlands and the coastal environment. It is also important to Forest & Bird that the plan contain provisions that provide for the protection of the habitat of seabirds and migratory birds.
3. This submission commences with some general comments about the plan. A discussion of some matters which are relevant to different parts of the plan follows. This includes the manner in which offsetting and then a discussion of the provisions relating to freshwater and the coastal environment. The submission concludes with some comments on specific provisions.
4. For the purpose of this submission, the relief sought includes changes to the plan that are consequential on the relief sought or necessary to achieve the relief sought.

Freshwater

5. Forest & Bird generally supports objectives in O24 and O25. However, Forest & Bird considers that the policies, rules and other methods do not provide the basis for achieving these objectives.
 - a. There are no rules that are linked to achieving the objectives.
 - b. The failure to include limits/targets in the plan and a policy and rule framework to support those limits means that there is no mechanism to ensure that the objectives in Table 3.4-3.8 will be achieved. There are also no rules to provide the ability to manage activities if the freshwater objectives are not being achieved. This is particularly the case in relation to agriculture and other activities that generate diffuse nutrient sediment or faecal contaminants, all of which can have significant adverse effects on water quality.
6. The effect of this is that the provisions relating to freshwater do not achieve Part 2 or section 31 of the Act.
7. While the plan anticipates the development of catchment wide plans, in the meantime there are no methods that require the achievement of the freshwater objectives. The plan should be amended to include methods that ensure that the freshwater objectives are achieved. This should be in the form of objectives and policies which provide for limits and targets including, soluble inorganic nitrogen (SIN = nitrate + nitrite + ammoniacal N) and dissolved reactive phosphorus (DRP). These targets and limits should be supported by rules which ensure that the limits/targets are achieved. These would be set at a level which achieves the limits/targets and ultimately the objectives.
8. **Relief sought:**
 - a. Add the following to Table 3.4 and 3.5:
 - (i) SIN, which should not exceed 0.444 mg/L in any water body across the Region (bottom line) along with advice to decision makers that lower limits should be looked at where values are significant, high or outstanding at the site or in the downstream receiving environment, including effects on coastal waters and lakes and where concentrations would exceed MCI objectives in Table 3.4 for each river type.
 - (ii) DRP, which should not exceed 0.01 mg/L in any water body (bottom line) along with advice to decision makers that lower limits should be looked at where values are significant, high or outstanding at the site or in the downstream receiving environment, including effects on coastal waters and lakes and where concentrations would exceed MCI objectives in Table 3.4 for each river type.
 - b. Add provisions (objectives, policies and rules) that will ensure that the freshwater objectives are met, over time if necessary.

Significant sites

9. The plan contains a number of provisions regarding sites with significant values. The objectives relating to significant sites are generally supported. However, the policies are uncertain and will not achieve the objectives and the policy and rule framework does not differentiate between significant sites and other sites in most cases. Without specific policies and rules little guidance is provided to decision makers and, with limited exceptions, the Plan effectively allows any effects on these sites. The specific relief sought is as set out below.

Coastal

10. The provisions regarding the coastal environment are generally supported. The key areas of concern relate to the:

- a. incorporation of coastal provisions into general parts of the plan, for example, section 4.6. This has resulted in the specific provisions relating to the coastal environment not being given effect to. For example, Policy 11 of the New Zealand Coastal Policy Statement (NZCPS) contains provisions regarding the protection of significant sites that contain identified values. These are not carried through into the policies regarding significant sites.
- b. the apparent mismatch between the plan, section 6(b) and the NZCPS. The plan provisions refer to the coastal marine area, when section 6(b) and the NZCPS refer to the coastal environment. This includes the schedules, which provide protection within the coastal marine area but not the coastal environment.

11. This could be corrected by including more specific provisions in the policies regarding the coastal environment in section 4.6 and ensuring that protection includes significant sites in the coastal environment, not just the coastal marine area.

Chapter 1 Introduction

Proposed New Provision	Support/Oppose	Reasons	Decision Sought
Chapter 1	Oppose in part, support in part	Our submission may result in changes to the Plan which need to be reflected in the Introduction	Amend to ensure Introduction reflects Plan contents

Chapter 2 Interpretation

Proposed New Provision	Support/Oppose	Reasons	Decision Sought
“dairy cows”	Support	This definition is appropriate.	Retain
“efficient allocation”	Oppose	The language used in the definition is vague and uncertain. The link between “economic, technical and dynamic efficiency” and allocation is tenuous.	Delete
“good management practice”	Oppose	The language is subjective.	Delete
“climate change”		A definition of climate change would greatly improve the plan	<p>Include a definition of climate change:</p> <p>A change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.</p> <p>Source: UN Framework Convention on Climate Change 1992</p>

Chapter 3 Objectives

Proposed New Provision	Support/Oppose	Reasons	Decision Sought
---------------------------------------	-----------------------	----------------	------------------------

<i>3.1 Ki uta ki tai: mountains to the sea</i>			
Objective O1, O3-O5	Support	These objectives promote the purpose of the RMA.	Retain
Objective O4	Support in part, oppose in part	The use of the word recognise is inappropriate as it provides little guidance.	Replace “recognised” with “safeguarded”
<i>3.2 Beneficial use and development</i>			
Objectives O6-O7, 10, 12	Retain	These objectives promote the purpose of the RMA.	Retain
Objective 8	Oppose	This objective is unbalanced, failing to recognise the significance adverse effects that can arise from the take and use of water.	Delete
<i>3.4 Natural character form and function</i>			
Objective O17	Support in part, oppose in part	This objective is supposed to implement section 6(a) and Policy 11 of the NZCPS. However, the reference to the coastal marine area (CMA) is inappropriate. Section 6(a) refers to the coastal environment (including the CMA). This objective is limited to the coastal marine area and does not implement section 6(a) or Policy 11 of the NZCPS.	Replace coastal marine area with coastal environment
Objective O18-19	Support in part, oppose in part	These objectives are generally supported but use of the words “recognised” and “minimised” is opposed as they are uncertain	Replace “recognised” with “safeguarded” in O18 Replace O19 with “Natural processes are safeguarded”

		and inappropriate for inclusion in objectives and policies.	from use and development”.
Objective O20	Oppose	This policy is meaningless. An objective that relies on effects being acceptable effects is not an objective at all.	Replace with “The adverse effects from natural hazards and climate change on people, the community, ecological values and infrastructure are anticipated and provided for in a proactive and environmentally sensitive manner.”
Objectives O21, O22	Support	These objectives promote the purpose of the RMA.	Retain
<i>3.5 Water quality</i>			
Objective O23	Support in part, oppose in part	This objective is generally consistent with Part 2 and section 30 but could be improved as set out in the relief sought.	Replace “maintained or improved” with “maintained where it is good and improved where it is degraded”
Objective O24	Support in part, oppose in part	This objective is generally consistent with Part 2 and section 30 but improvement in water quality should not be limited to significant water bodies.	Retain
<i>3.6 Biodiversity, aquatic ecosystem health and mahinga kai</i>			
Objective O25	Support in part, oppose in part	This objective is generally supported. The matters in (a)-(c) are appropriate. The note after objective is superfluous. The Council can notify a plan change at any time to give effect to the outcome of the whitua committee process.	Retain policy but delete note.

Tables 3.4-3.8 (general submission)	Support in part, oppose in part	Tables 3.4-3.8 are generally supported. However, there is an overreliance on narrative in some instances. The issue that arises is that this includes subjective words such as “balanced” and “appropriate”. These should be avoided where possible in favour of objective measures or numerical objectives.	Remove subjective references in tables and replace with objective measures.
Tables 3.4	Support in part, oppose in part	<p>Table 3.4 is generally supported, except as set out below.</p> <p>The failure in the balance of the plan to provide any mechanism to achieve these objectives is significant.</p> <p>The reference to balanced indigenous macrophyte and indigenous fish communities is inappropriate and should be replaced with measurable parameters such as macrophyte cover for indigenous macrophyte communities and the index of biotic integrity for indigenous fish communities.</p> <p>It would be helpful if the mahinga kai species were identified, to provide greater certainty.</p> <p>Table 3.4 should include objectives for nitrate and ammonia toxicity as well as deposited sediment. For significant rivers with high macroinvertebrate community health, the Band ‘A’ thresholds for toxicity from the National Objectives Framework should be adopted to avoid toxic effects.</p> <p>Limits on nitrogen and phosphorus losses (both diffuse and point-sourced) will assist in meeting these objectives, along with riparian management, stock fencing and sediment reduction.</p>	<p>Identify mahinga kai species;</p> <p>Add objectives relating to:</p> <p>(a) Soluble inorganic nitrogen (SIN = nitrate + nitrite + ammoniacal N): should not exceed 0.444 mg/L in any water body across the Region (bottom line) along with advice to decision makers that lower limits should be looked at where values are significant, high or outstanding at the site or in the downstream receiving environment, including effects on the water quality of coastal waters and lakes and where concentrations would exceed MCI objectives in Table 3.4 for each river type.</p> <p>(b) Dissolved reactive phosphorus (DRP): should not exceed 0.01 mg/L in any water body (bottom line) along with advice to decision makers that lower limits should be looked at where values are significant, high or outstanding at the site or in the downstream receiving environment, including effects on the water quality of coastal waters and lakes and where concentrations would exceed MCI</p>

			<p>objectives in Table 3.4 for each river type.</p> <p>(c) Deposited sediment (fine silt or sand <2mm in diameter in naturally hard bottomed rivers and streams): should not exceed 20% cover of the bed or 10% of reference condition (based on the recommendations of Clapcott et al. 2011) OR alternatively deposited sediment objectives could be aligned with the Horizons One Plan numeric objectives in Schedule E which are between 15 and 25% deposited sediment cover depending on the significance of the values in a particular water body.</p> <p>(d) Non-indigenous macrophytes should not exceed 50% of channel water surface area (based on the recommendations of Matheson et al. 2012).</p>
Tables 3.5	Support in part, oppose in part	<p>The objectives are narrative and greater certainty could be provided by including measurable objectives where possible. For example, references to “balanced” and “low” import a degree of uncertainty which is undesirable and could be avoided through measurable objectives.</p> <p>The NPS-FW currently contains objectives in relation to trophic state of lakes which provide numeric objectives that could be immediately added to the Plan. Table 3.5 would benefit greatly from the addition of the NOF lake attributes and objectives.</p>	<p>(a) Soluble inorganic nitrogen (SIN = nitrate + nitrite + ammoniacal N): should not exceed 0.444 mg/L in any water body across the Region (bottom line) along with advice to decision makers that lower limits should be looked at where values are significant, high or outstanding at the site or in the downstream receiving environment, including coastal waters and lakes and where concentrations would exceed MCI objectives in Table 3.4 for each river type.</p> <p>(b) Dissolved reactive phosphorus (DRP): should not</p>

			<p>exceed 0.01 mg/L in any water body (bottom line) along with advice to decision makers that lower limits should be looked at where values are significant, high or outstanding at the site or in the downstream receiving environment, including coastal waters and lakes and where concentrations would exceed MCI objectives in Table 3.4 for each river type.</p> <p>Amend Table 3.5 to include the NOF lake attributes as well as the following additions:*</p> <ul style="list-style-type: none"> (a) measurable parameters for macrophytes (defining dominance as a % cover); (b) and mahinga kai (identifying mahinga kai species).
Tables 3.6	Support in part, oppose in part	<p>The objectives are narrative and greater certainty could be provided by removing reference to “unacceptable” which imports a degree of uncertainty which is undesirable and could and should be avoided through measurable objectives.</p> <p>The definition of unacceptable effects on stygofauna communities should be defined.</p>	<p>Amend Table 3.6 as follows:</p> <ul style="list-style-type: none"> (a) Include provision that groundwater nitrate does not cause surface water nitrate to exceed objectives; (b) Include numeric measure of unacceptable effects on stygofauna communities.
Tables 3.7	Support in part, oppose in part	<p>The objectives are narrative and greater certainty could be provided by including measurable objectives where possible. For example, references to “appropriate” and “balanced” import a degree of uncertainty which is undesirable and could and should be avoided through measurable objectives.</p>	<p>Amend Table 3.7 so as it includes measurable objectives for plants and fish and identifies mahinga kai species</p>

Tables 3.8	Support in part, oppose in part	<p>The objectives are narrative and greater certainty could be provided by including measurable objectives where possible. For example, references to “low frequency”, “balanced” and “appropriate” import a degree of uncertainty which is undesirable and could be avoided through measurable objectives.</p> <p>There is adequate information about some significant coastal waters such as Pauatahanui Inlet and Porirua Harbour to allow for specific objectives to be developed, particularly in relation to the effects of sediment.</p>	<p>Amend Table 3.8 as follows:</p> <ul style="list-style-type: none"> (a) Include provision that defines “low frequency” of algal blooms; (b) Include measurable objectives for “seagrass and saltmarsh” and “invertebrates” (c) Identify mahinga kai species; (d) Develop specific objectives for Pauatahanui Inlet and Porirua Harbour
Objective O26-29	Support	These objectives promote the purpose of the RMA.	Retain
<i>3.6 Biodiversity, aquatic ecosystem health and mahinga kai</i>			
Objectives O31-O38	Support	These objectives are appropriate.	Retain
<i>3.10 Land use</i>			
Objective O44	Oppose	This policy is uncertain and ambiguous.	<p>Replace with:</p> <p>The adverse effects on soil and water from land use activities is managed to achieve the freshwater objectives in Table 3.4 -3.8.</p>

Objective O45	Oppose	This objective simply requires the reduction of effects. Stock access can have significant adverse effects, and it is inadequate that their effects simply be reduced, as they may remain significant. The policy is therefore inconsistent with the RMA, including Part 2 and section 30.	Replace “reduced” with “avoided”.
<i>3.11 Discharges</i>			
Objective O46	Oppose	This objective simply requires the reduction of effects. Discharges to land can have significant adverse effects, particularly where they reach water, and it is inadequate that there effects simply be reduced, as they may remain significant. The policy is therefore inconsistent with the RMA, including Part 2 and section 30.	Replace with: Discharges to land are managed in a manner that achieves the freshwater objectives in Table 3.4 -3.8.
Objective O47	Oppose	This objective simply requires the reduction of effects. Sediment-laden run-off can have significant adverse effects, and it is inadequate that there effects simply be reduced, as they may remain significant. This is particularly relevant where sediment may reach the coastal environment.	Replace with “The adverse effects related to sediment laden water are avoided remedied or mitigated.”
Objectives O49-O50	Support	These objectives promote the purpose of the RMA.	Retain
<i>3.12 Water allocation</i>			
Objective O52	Oppose	The key issues relating to the taking, using, damming and diverting of water is to ensure that the effects of the take of	Replace title with 3.12 Taking, using, damming and diverting water

		water are avoided remedied or mitigated. The efficiency of allocation is secondary to this and is appropriately addressed in policies.	Replace objective with: Taking, using, damming and diverting water is undertaken in such a way that: (a) adverse effects are avoided, remedied or mitigated; (b) allocation amounts and minimum flows or water levels are complied with.
<i>3.13 Coastal environment</i>			
Objective O53	Oppose	The objectives fail to give effect to section 6(a) the NZCPS.	Replace reference to coastal marine area with coastal environment. Add the following at the end of the objective: and avoids adverse effects on significant indigenous vegetation and significant habitat of indigenous fauna and outstanding landscapes and features in the coastal environment.
Objective O54-O58	Support	These objectives promote the purpose of the RMA.	Retain
New Objective		The use of soft engineering solutions should be promoted in the coastal environment.	New objective inserted: Soft engineering solutions to coastal hazards are preferred over hard engineering solutions.

Chapter 4 Policies

Policy P3	Support		Retain
Policy P4	Oppose	Minimising adverse effects is not a RMA concept. Adverse effects need to be avoided, remedied or mitigated. The use of minimisation removes “avoid” from the way in which adverse effects are to be addressed. That is, there is no requirement to avoid effects if they are minimised.	Delete policy P4 and replace all references to “minimise” in the plan with appropriate language consistent with the RMA, e.g. avoiding, remedying or mitigating
Policies P5 and P6	Support	These provisions promote the purpose of the RMA.	Retain
<i>4.2 Beneficial use and development</i>			
Policy P7	Oppose	<p>This policy is uncertain as it does not specify how the benefits are recognised. There is particularly an issue where:</p> <ul style="list-style-type: none"> • the life-supporting capacity of air, water, soil or ecosystems will not be safeguarded; • the adverse effects have not been avoided, remedied or mitigated; and • where freshwater objectives and/or targets and limits are being met. 	Delete

		For these reasons, this policy is therefore contrary to Part 2 and the NPS for Freshwater Management.	
Policy P8	Support in part, oppose in part	Many of these activities are beneficial and generally appropriate. However, the maintenance and use of beneficial structures in the CMA, natural wetlands or the beds of rivers and lakes may not be beneficial or appropriate.	Delete (h)
Policy P9	Support	These provisions promote the purpose of the RMA.	Retain
Policy P11	Oppose	This policy is uncertain and inconsistent with Part 2 particularly where: <ul style="list-style-type: none"> • the life-supporting capacity of air, water, soil or ecosystems will not be safeguarded; • the adverse effects have not been avoided, remedied or mitigated; and • where freshwater objectives and/or targets and limits are being met. 	Delete
Policy P13	Support in part, oppose in part	While it is accepted that regionally significant infrastructure and renewable energy generation facilities are generally appropriate, it is important that adverse effects are avoided remedied and mitigated.	Add the words, “provided the adverse effects are avoided remedied”.
Policy P15 and 16	Oppose	While it is accepted that flood protection activities are generally appropriate, it is important that adverse effects	Add the words, “provided the adverse effects are avoided remedied”.

		are avoided remedied and mitigated.	
<i>4.4 Natural function and form</i>			
Policy P22	Support in part, oppose in part	This policy does not give effect to Policy 11 of the NZCPS.	<p>Replace with:</p> <p>The following effects shall be avoided:</p> <p>(a) significant adverse effects on the ecosystem values of estuaries, including their importance as habitat for indigenous plants, birds and fish including diadromous species, and as nursery for important fish stocks</p> <p>(b) Adverse effects on:</p> <ul style="list-style-type: none"> (i) Threatened or at risk indigenous taxa ; (ii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; (iii) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; (iv) areas containing nationally significant examples of indigenous community types; and (v) areas set aside for full or partial protection of indigenous biological diversity under other legislation

Policy P23	Support in part, oppose in part	The intention of this policy is supported but the language used, particularly the reference to “reduce” and “manage” is inappropriate.	<p>Retain (c) but replace (a) and (b)</p> <p>(a) Managing activities that involve discharges of sediment and other pollutants in their catchments to achieve the Objectives in Tables 3.4 -3.8;</p> <p>(b) Managing erosion prone land and riparian margins in their achieve the Objectives in Tables 3.4 -3.8;</p>
Policies P24 and P25	Support	These policies are supposed to implement section 6(a) and Policy 11 of the NZCPS. However, the reference to the coastal marine area is inappropriate. Section 6(a) refers to the coastal environment (including the coastal marine area). These policies are limited to the coastal marine area and do not implement section 6(a) or Policy 11 of the NZCPS.	Replace coastal marine area with coastal environment.
Policy P26	Support in part, oppose in part	The reference to minimise is inappropriate.	<p>Replace P26 with:</p> <p>Use and development will avoid significant adverse effects on natural processes. In relation to adverse effects on natural processes that are not significant:</p> <p>(a) these are avoided in the first instance;</p> <p>(b) where they cannot be avoided, they are remedied;</p> <p>(c) where they cannot be remedied they are mitigated; and</p> <p>(d) residual adverse effects that cannot be mitigated, are offset.</p>

Policy P29	Support in part, oppose in part	The policies do not adequately address the effects of climate change.	Rename P29 Effects of climate change Add a new policy Managing the Effects of climate change The effects of climate changes are addressed in a proactive way by: (a) retaining existing indigenous vegetation in the coastal environment; (b) using environmentally sensitive options when addressing the effects of climate change, including soft engineering options.
Policy P30	Support	These provisions promote the purpose of the RMA.	Retain
<i>4.5 Biodiversity, aquatic ecosystem health and mahinga kai</i>			
Policy P31	Support in part, oppose in part	Some aspects of this policy are supported but there are significant deficiencies. The policy makes no reference to the adverse effects associated with declining water quality, which can have significant adverse effects on aquatic ecosystem health and mahinga kai. The policy should include a provision requiring that water quality is maintained. The use of the word “minimise” is not appropriate. This adds uncertainty as it is not clear the extent to which effects must be “minimised”. Effects can be minimised by	Replace “minimise adverse effects on” with “maintain” Add new provisions: Maintain water quality in rivers, lakes and wetlands. Improve water quality in rivers, lakes and wetlands which are degraded.

		preventing activities which would cause the effects occurring. However, this is not the intention, as if it was the word “avoid” would be used. The appropriate language is that found in the RMA, which refers to avoiding, remedying and mitigating adverse effects and maintaining water quality.	
Policy P32	Oppose	<p>The policy provides no guidance on the management of effects and provides that any activity can proceed, regardless of effects, if the effects are offset. This is inconsistent with the Freshwater NPS, Part 2 and section 30.</p> <p>There are two improvements that could be made to the plan in this regard.</p> <p>Firstly, the plan should include limits and targets that ensure that the freshwater objectives in Tables 3.4-3.8 are met. At a minimum this should include SIN and DRP. Forest & Bird has recommended a new policy to this effect. As discussed below, rules are also necessary to ensure that the targets/limits are achieved. These freshwater objectives are meaningless without these mechanisms to ensure they are met.</p> <p>Secondly, the approach in Policy 32 as notified should be discontinued in favour of an approach that provides for the avoidance of significant adverse effects and the hierarchical approach of avoiding, remedying, mitigating and offsetting of residual adverse effects.</p>	<p>Replace this policy with policies that provide:</p> <p>Policy P32 Adverse effects on aquatic ecosystem health and mahinga kai</p> <p>In order to maintain water quality, and meet the freshwater objectives in Tables 3.4-3.8, activities that have significant adverse effects on aquatic ecosystem health and mahinga kai are avoided.</p> <p>In relation to adverse effects that are not significant:</p> <ul style="list-style-type: none"> (c) these are avoided in the first instance; (d) where they cannot be avoided, they are remedied; (e) where they cannot be remedied they are mitigated; and (f) residual adverse effects that cannot be mitigated, are offset. <p>Insert new policy P32A Managing to limits and targets</p> <p>Activities that impact on aquatic ecosystem health and mahinga kai shall be managed to ensure that the freshwater</p>

		<p>A further issue is that the plan considers that mitigation has to be provided in favour of offsetting. This is the appropriate approach. However, when assessing adverse effects, mitigation and offsetting are conflated in the last paragraph of Policy P32 and Schedule G.</p> <p>The matters in Schedule G relate only to offsetting and not mitigation.</p>	<p>objectives in Tables 3.4 – 3.8 and limits/targets in Table 4.5 are achieved.</p> <p>Insert new Table 4.5 which includes at a minimum the targets/limits for SIN and DRP that need to be achieved to ensure that the freshwater objectives in Tables 3.4-3.8 are met.</p>
Policy P33	Support	The policy appropriately provides for significant adverse effects on significant sites are avoided.	Retain
Policy P34,35	Support	These policies are appropriate.	Retain
Policy P36	Support in part, oppose in part	<p>This policy contains the word minimised which, for reasons set out above, is uncertain and should not be used. In addition, the policy is contrary to Policy 11 of the NZCPS in that it provides for adverse effects on matters that where adverse effects should be avoided.</p> <p>The policy should provide for the avoidance of significant adverse effects and avoiding, remedying or mitigating of other adverse effects in the same way that Policy 42 addresses effects on sites with significant indigenous biodiversity values.</p>	<p>Replace policy with:</p> <p>Significant adverse effects of use and development on the habitats of indigenous birds in the coastal marine area, wetlands, and beds of rivers and lakes and their margins for breeding, roosting, feeding, and migration are avoided and other effects are avoided remedied or mitigated.</p>

Policy P37	Support in part, oppose in part	The intent of Policy 37 is supported but the wording could be improved. In particular “their values” is ambiguous.	Replace the words “their values” with “ <i>the values of the natural wetland</i> ”
Policy P38-40	Support	These policies are appropriate.	Retain
Policy 41	Oppose	<p>The policy provides that any activity can proceed, regardless of effects on the sites identified in Policy P40, if the effects are offset. This is inconsistent with:</p> <ul style="list-style-type: none"> (a) Part 2, particularly section 6(c) in that it does not recognise and provide for the protection of the sites identified in Policy 40; (b) Section 30(1); (c) Policy 11 of the NZCPS; and (d) Policy 40, which provides for the protection of these sites. <p>The policy should provide for the avoidance of significant adverse effects on the sites identified in P40 and avoiding remedying, mitigating and offsetting other effects in accordance with the mitigation hierarchy.</p> <p>In the coastal environment Policy 11 the NZCPS requires adverse effects on some matters be avoided and significant adverse effects on other matters are avoided. A new policy needs to be added with respect to sites within the coastal environment which gives effect to Policy 11 of the NZCPS</p>	<p>The first paragraph should only apply to the matters in P40(a)-(c) so the words (a)-(c) should be added after P40.</p> <p>Replace second paragraph with:</p> <p>If the ecosystem or habitat cannot be avoided, adverse effects are managed by avoiding significant adverse effects. Where adverse effects are not significant:</p> <ul style="list-style-type: none"> (a) they are avoided in the first instance; (b) where they cannot be avoided, they are remedied; (c) where they cannot be remedied they are mitigated; and (d) residual adverse effects that cannot be mitigated, are offset. <p>Delete “mitigation and” for the last paragraph of the policy.</p> <p>New policy</p> <p>P41A Managing adverse effects on significant sites within the coastal environment</p> <p>In order to protect the ecosystems and habitats with significant indigenous biodiversity values in the coastal</p>

		and should be included in 4.10.	<p>environment avoid:</p> <ul style="list-style-type: none"> (a) significant adverse effects on the sites Schedule F4 (coastal sites) and F5 (coastal habitats); and (b) adverse effects on any of the matters referred to in Policy 11(a) of the New Zealand Coastal Policy Statement. <p>In relation to other effects on indigenous biodiversity in the coastal environment</p> <ul style="list-style-type: none"> (c) they are avoided in the first instance; (d) where they cannot be avoided, they are remedied; (e) where they cannot be remedied they are mitigated; and (f) residual adverse effects that cannot be mitigated, are offset. <p>A cross reference in the coastal policies should also be included immediately below heading 4.10.</p> <p>Policy 41A applies to where there are adverse effects on indigenous biodiversity in the coastal environment.</p>
<i>4.6 Sites with significant values</i>			
Policy P42, P43, P48-51	Support	These policies are appropriate.	Retain
<i>4.8 Discharges to land and water</i>			

General comment	Support in part, oppose in part	<p>The provisions of Section 4.8 make some reference to the freshwater objectives in Table 3.4-3.8 with respect to point source discharges. However, diffuse discharges, particularly from agricultural activities, which can have significant adverse effects, are not addressed.</p> <p>The effect of this is that there are no controls on agricultural activities that will ensure that the objectives in Tables 3.4-3.8 are achieved. This is a significant flaw as it effectively renders the objectives in Tables 3.4-3.8 meaningless if there are no supporting provisions (including rules) to ensure that the objectives are met.</p> <p>Policy 62 is supported</p>	Amendments are required to ensure that the freshwater objectives are achieved.
Policy P62	Support	These provisions promote the purpose of the RMA.	Retain
Policy P65	Oppose	<p>Nutrient discharges from agriculture are a significant issue that can cause significant adverse effects. This policy is the key provision for these nutrient discharges and it makes no reference to the freshwater objectives in Tables 3.4-3.8. There is no rule that gives effect to this policy. Despite Policy 65(d) providing for regulatory methods none are specified in the Plan.</p> <p>It is critical that this policy refer to the objectives in Tables 3.4-3.8 and that other areas of the plan specify methods to achieve these objectives.</p> <p>There is reference to the objectives in Tables 3.4-3.8 in</p>	<p>Replace with:</p> <p>Where an objective in Table 3.4, Table 3.5, Table 3.6 or Table 3.8 of Objective O25 is not met, discharges from agricultural activities which involve contaminants entering water shall be managed in the following way:</p> <ul style="list-style-type: none"> (a) for an existing discharge that contributes to the objective not being met, the discharge is only appropriate if: <ul style="list-style-type: none"> (vi) the application for resource consent, at a minimum includes a defined programme of work for upgrading the activity, in accordance with good

		<p>Policy 70 which relates to discharges to water. However, agricultural discharges are usually discharges to land in circumstances where it may enter water.</p> <p>The reference to minimisation is inappropriate.</p> <p>Adverse effects are not changed through information gathering, monitoring, assessment or reporting, although it is acknowledged that this information is required to be collected to enable more robust management of the effects in future.</p>	<p>management practice, within the term of the resource consent, and</p> <p>(vii) conditions on the resource consent which require the reduction of adverse effects that will ensure that, along with other measures in the catchment, the objectives in Table 3.4, Table 3.5, Table 3.6 or Table 3.8 are achieved.</p> <p>(b) for a change of agricultural activity, the discharge is only appropriate if the activity would not cause the affected fresh water body or area of coastal water to become any worse in relation to the objective.</p>
Policy 66	Oppose	<p>This policy does not give effect to the NPS for Freshwater Management 2014</p> <p>The transition provision is inappropriate. The NPSFM2014 has no transitional provision.</p>	<p>Replace second paragraph with:</p> <p>This policy applies to all discharges (including diffuse discharges by any person or animal) of contaminants to water and all discharges of contaminants onto or into land that may result in that contaminant or, as the result of natural processes from the discharge of that contaminant, any other contaminant enter water.</p> <p>Delete last paragraph (starting Sections (a)...).</p>
Policy P67	Oppose	<p>The use of minimising effects is inappropriate.</p> <p>This policy relates to both discharge to land and water but is in the section relating to discharges to water.</p>	<p>The adverse effects of discharges of contaminants to land and water are managed so that significant adverse effects are avoided. Where adverse effects are not significant they are managed by:</p>

			<p>(a) these are avoided in the first instance;</p> <p>(b) where they cannot be avoided, they are remedied;</p> <p>(c) where they cannot be remedied they are mitigated; and</p> <p>(d) residual adverse effects that cannot be mitigated, are offset.</p> <p>Move heading 4.8.2 below Policy P67.</p>
Policy P68	Support	These objectives promote the purpose of the RMA.	Retain
Policy P70	Support in part, oppose in part	<p>This policy does not go far enough. It relates to discharge to water. It does provide any assurance that the objectives in Tables 3.4-3.8 will be met.</p> <p>The reference to offsetting residual adverse effects is not appropriate in circumstances where the objectives are not being met. Schedule G is not aimed at offsetting adverse effects on water quality.</p>	<p>Replace with:</p> <p>Where an objective in Table 3.4, Table 3.5, Table 3.6 or Table 3.8 of Objective O25 is not met, point source discharges to water shall be managed in the following way:</p> <p>(a) for an existing discharge that contributes to the objective not being met, the discharge is only appropriate if:</p> <p>(i) the application for resource consent, at a minimum includes a defined programme of work for upgrading the activity, in accordance with good management practice, within the term of the resource consent, and</p> <p>(ii) conditions on the resource consent which require the reduction of adverse effects that will ensure that, along with other measures, the objectives in Table 3.4, Table 3.5, Table 3.6 or Table 3.8 of</p>

			<p>Objective O25 are achieved.</p> <p>(b) for a new activity, the discharge is only appropriate if the activity would not cause the affected fresh water body or area of coastal water to become any worse in relation to the objective.</p> <p>(c) Remove reference to “good management practice” – this is undefined</p>
Policy P71	Support in part, oppose in part	<p>Policy 71 should only apply where the freshwater objectives are being met. Where freshwater objectives are not being met, this policy is inadequate.</p> <p>The reference to minimise is inappropriate.</p>	<p>Add the following to the start of the policy</p> <p>Where all of the objectives in Table 3.4, Table 3.5, Table 3.6 or Table 3.8 of Objective O25 are met</p> <p>Replace “minimised” with “managed”</p>
Policy P76, 78, 81	Support in part, oppose in part	The reference to minimise is inappropriate	Replace “minimise” with “mitigate”
Policy P92-94	Support	These objectives promote the purpose of the RMA.	Retain
Policy P95	Support in part, oppose in part	The issue with these is that it does not address diffuse discharges from stock. Policy P95(f) was not developed with this in mind, as there will usually be a diffuse discharge from stock that can effect water.	Amend to ensure provisions properly address diffuse discharges from stock.
Policy P96	Oppose	There should be an explicit link between activities and the objectives in Tables 3.4-3.8. The reference to good	Rural land use activities are undertaken in a manner consistent with Policy P65 (as recommended by Forest and

		management practice is oblique and will not ensure that the objectives are achieved. New activities should not contribute to the objectives not being met and existing activities should need to improve environmental performance (alongside equivalent improvements by other existing activities to ensure that the objectives are achieved).	Bird above) and good management practice.
Policy 97 and 98	Oppose	These policies are confusing. It is not clear how adverse effects on water quality are to be offset. The principles in Schedule G are addressed to habitat loss and are not readily applied to water quality, especially in the context of a one-off discharge. .	Replace references to minimised with mitigated. Delete last paragraph of Policy 97.
Policy 99	Oppose	This policy is not appropriate as it allows significant adverse effects.	Replace with the following policy: Stock shall be excluded from waterbodies except where the adverse effects, including cumulative adverse effects, can be demonstrated as being no more than minor.
Policy 100	Support in part, oppose in part	The reference to minimisation is inappropriate	Riparian set-backs and good management practises shall be used to avoid remedy and mitigate the adverse effects of the overland flow of contaminants to surface water bodies from the use of land for cultivation and break-feeding.
Policy 101 - 109	Support	These provisions promote the purpose of the RMA.	Retain

Policy 110	Oppose	The NPSFM2014 does not have any transitional provisions. This means that the everything after (b) does not give effect to the NPS for Freshwater Management 2014	Delete everything after the end of (b)
Policy 111-112, 115, 119, 120, 129	Support	These provisions promote the purpose of the RMA.	Retain
Policy 113	Oppose	The core allocations are too high and do not give effect to the NPSFM.	The maximum allocation amount should be set at a level which provides for ecological health (a significantly lower allocation than in this policy)
Policy 128	Support in part, oppose in part	In overallocated catchments, provision should be made for a reduction in the take when transferred Any transfer should allow for the imposition of up to date conditions. Outdated conditions should not be able to persist through a transfer	Amend (b) by adding the words “except in overallocated catchments, where a maximum of 50% of the water should be transferred” Measuring and reporting the use of transferred water shall be subject to appropriate conditions at the time of transfer
Policy 148	Support	These provisions promote the purpose of the RMA.	Retain
<i>4.10 Coastal management</i>			
Policy P132	Support in part, oppose in part	This policy does not give effect to the NZCPS.	Add new provision (h) (h) adverse effects are managed in accordance with [new] Policy 41A

Policy P138	Support in part, oppose in part	This policy does not give effect to the NZCPS.	Add new provision (e) (e) adverse effects are managed in accordance with [new] Policy 41A
Policy P139	Support in part, oppose in part	Policy P139(e) is a good start but does not go far enough in supporting soft engineering options.	In (e) replace “appropriate” with “possible”
Policy P143	Support in part, oppose in part	It is uncertain why activities by territorial authorities which are not covered by the others provisions should be allowed.	Delete (e)
Policy 147-149	Support	These provisions promote the purpose of the RMA.	Retain

Chapter 5 Rules

Proposed New Provision	Support/Oppose	Reasons	Decision Sought
------------------------	----------------	---------	-----------------

<i>5.2 Discharges to water</i>			
Rules 42-68	Support	These rules are generally appropriate.	Retain subject to any consequential amendments necessary to give effect to submissions on the objectives and policies above.
<i>5.3 Discharges to land</i>			
Rules 42-93	Support	Subject to the submission points below, these rules are generally appropriate.	Retain subject to any consequential amendments necessary to give effect to submissions on the objectives and policies above.
Rule R84		This rule is incorrectly located. It is a rule that relates to discharges to water but is in the part of the plan that relates to discharges to land.	Move rule to correct location.
New rule(s) for diffuse discharge from stock		<p>These rules are confusing and circular.</p> <p>Policy 65 and 66 relate to nutrient discharges from agricultural activities that enter water. Policy P66 includes express reference to diffuse discharges from animals, which are governed by section 15(1) as a discharge to land in circumstances where it may enter water.</p> <p>Policy 65 provides for the minimisation of the effects of nutrient discharges from agricultural activities that enter water and refers to this occurring through regulatory and non-regulatory methods.</p> <p>However there is no rule to give effect to this. The</p>	Insert new rule(s) relating to agricultural discharges which permit diffuse discharge of nutrients from agricultural activities onto land in circumstances where the nutrient may enter water is a permitted activity provided good management practises are adopted and the discharge is not contributing to a breach of the objectives in tables 3.4-3.8 or the limits and targets. If the freshwater objectives are not being met then consents would be required to ensure that the freshwater objectives are being met.

		<p>freshwater objectives are only referred to in Policy P70, which relates to point source discharges.</p> <p>The effect of this is that agricultural activities involving a diffuse discharge from an animal resulting in a contaminant entering water are covered by Rule 93. The likely effect of this is that a large number of famers will require resource consent under Rule 93. There are much more efficient ways of managing this issue. Resource consents are appropriate when freshwater objectives are not being met.</p>	
<i>5.4 Land use</i>			
New rule		<p>There is no rule to give effect to Policy 96. While the policy refers to setting the limits through the whitua process, the absence of any rules relating to land use and/or diffuse discharge from stock associated with agricultural land use is a significant. If the freshwater objectives in Tables 3.4-3.8 are not being met then there needs to be some mechanism available to monitor and enforce compliance with the freshwater objectives.</p>	Add new rule for diffuse discharge from stock as above.
Rule 97 and 98	Oppose	<p>These rules are inadequate to address the adverse effects associated with stock access to water bodies. They do not give effect to Policies 97-100.</p> <p>Stock access in accordance with this rule could have significant adverse effects on water quality and aquatic ecology and should not be permitted.</p>	<p>Amend Rule 97 so that stock access (cattle including dairy cows, farmed deer and farmed pigs) is not permitted in Category 1 or 2 surface water bodes or rivers with an active bed wider than 1 m.</p> <p>Amend Rule 98 so that stock access to the bed of surface water bodies that is not permitted is non-complying.</p>

<i>5.5 Wetlands and beds of rivers and lakes</i>			
5.5.2 and Rules 104 - 106	Support	These provisions promote the purpose of the RMA.	Retain
Rule 107	Support in part, oppose in part	Clearance of vegetation from natural wetlands should be a non-complying activity.	Make (c) a non-complying activity by moving it to Rule 108
Rule 108	Support in part, oppose in part	The definition of reclamation is too wide. Drainage and diversion can have significant effects before the wetland is no longer a wetland	Replace (c) with (c) Draining that effects the natural characteristics of a natural wetland
Rule 110 and 111	Support in part, oppose in part	The definition of reclamation includes drainage and diversion that makes the outstanding natural wetland not a wetland. However, the use of the word “includes” indicates reclamation includes other things but it is not clear what they are	Amend Rule 111 and follows Rule 111 – Diversion of outstanding natural wetlands Reclamation, which involves activities which change the characteristics of the wetland or part of it within an outstanding natural wetland in Schedule 3 is a prohibited activity unless stipulated and carried out in accordance with a restoration management plan under Rule 106 is a prohibited activity.
5.5.2, Rules 112-116	Support	These provisions promote the purpose of the RMA.	Retain

Rules 126-128	Support in part, oppose in part	The damming or reclamation of outstanding water bodies should be prohibited. There is no justification for distinguishing between outstanding river and outstanding lakes.	Change activity status for Rules 126 and 127 to prohibited
Rule 128	Support	These provisions promote the purpose of the RMA.	Retain
Rules 130-134	Support in part, oppose in part	Damming or diversion of water in outstanding rivers and lakes should be a non-complying activity	New rule providing that damming or diversion of water outstanding rivers and lakes is a non-complying activity
<i>5.7 Coastal management</i>			
General comment	Support in part, oppose in part	These rules are generally supported. The key issue is ensuring that the rules apply to activities in significant sites which are within the coastal environment but not the CMA.	Amend Schedules to ensure that apply to coastal environment not on CMA.
5.7.2 and Rules 149-200, 202-205	Support	These rules are generally appropriate	Retain subject to any consequential amendments necessary to give effect to submissions on the objectives and policies above.
Rule 200	Support in part, oppose in part	Discretionary activity status is not appropriate in sites of significance	Change activity status to non-complying
Rules 206 and 207	Support in part, oppose in part	The rule should not apply in significant sites, where the activity should be restricted discretionary.	Delete matter of control (5) and make the activity in sites identified in (5) a restricted discretionary activity with discretion reserved over whether the activity should be undertaken within that site.

Rule 211	Support in part, oppose in part	The rule should not apply in significant sites, where the activity should be non-complying.	Make the activity non-complying in significant sites
Rules 210, 212, 213, 218 and 219	Support	These provisions promote the purpose of the RMA.	Retain subject to any consequential amendments necessary to give effect to submissions on the objectives and policies above.
Rule 217	Support in part	Only plants indigenous to the area should be able to be planted.	Delete (d) and replace with: The plant species planted shall be native species that naturally grow in the area planting occurs.

Chapter 12 Schedules

Proposed New Provision	Support/Oppose	Reasons	Decision Sought
------------------------	----------------	---------	-----------------

Schedules A,E and F	Support	The schedules are generally appropriate and should be retained, although some minor amendment may be required..	Retain, subject to some minor amendments
Schedules F4 and F5	Support in part, oppose in part	This schedule only relates to the coastal marine area. This does not give effect to the NZCPS which references to indigenous biodiversity with tin the coastal environment.	Extend Schedules F4 and F5 to include sites within the coastal environment
Schedule G	Support in part, oppose in part	<p>This schedule provides guidance about and seeks to attempt to distinguish mitigation from offsetting but fails to clearly distinguish between the two. This distinction is important as effects should be mitigated before they are offset.</p> <p>Mitigation is not about generating positive effects. It is about reducing the adverse effects from an activity. When this approach is adopted:</p> <ul style="list-style-type: none"> • Principles 1 and 2 relate to both offsetting and mitigation. • Principle 3 is about positive effects and only relates to offsetting. • The application of Principle 4 requires a positive effect so relate to offsetting not mitigation. • Principe 5(a) is about positive effects and only relates to offsetting. Principle 5(b)-(d) relate to both offsetting and mitigation • Principle 6 relates only to offsetting. <p>The second paragraph is superfluous.</p>	<p>Delete second paragraph</p> <p>Retain the first sentence of paragraph 3 but replace the remaining sentences with “Principles 1, 2 and 5(b)-(d) relate to proposals for offsetting and mitigation. Principles 3, 4, 5(a) and 6 apply solely to the consideration of biodiversity offsets.”</p>