

ANNEXURE A

RESOURCE MANAGEMENT ACT 1991

FORM 5: SUBMISSION ON THE PROPOSED NATURAL RESOURCES PLAN FOR THE WELLINGTON REGION

TO: Wellington Regional Council

SUBMISSION ON: Wellington Natural Resources Plan

NAME: Minister of Conservation

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TRADE COMPETITION:

I could **not** gain an advantage in trade competition through this submission.

SUBMISSION BY THE MINISTER OF CONSERVATION:

Please refer to Attachment A.

ATTENDANCE AND WISH TO BE HEARD AT HEARING(S)

I do wish to be heard in support of my submission.

SIGNATURE



.....

...23... / ...9... / ...2015...

Mike Slater
Deputy Director-General Operations

Date

Pursuant to delegated authority
On behalf of
Honourable Maggie Barry ONZM
Minister of Conservation

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

Attachment A
Submission on the Greater Wellington Natural Resources Plan

The following table sets out the Minister’s submission (with reasons) and the decision sought with respect to the Natural Resources Plan.

The general reasons for the submission are that the decisions sought are necessary for the Proposed Natural Resources Plan to achieve the purpose of the Resource Management Act 1991 (RMA), and to give effect to the provisions of the New Zealand Coastal Policy Statement (NZCPS) 2010 and the National Policy Statement of Freshwater Management 2014. Further specific reasons and decisions sought are given in the table below.

The specific parts of the Proposed Natural Resources Plan to which this submission relates, along with the submission (with reasons) and the decision sought, are set out in the table below.

Where any decision sought in the table below seeks specific wording inserted in a specific place, the decision sought includes the following words: ‘or words to like effect, in any other appropriate locations in the Proposed Natural Resources Plan’.

The specific provision of the Proposed Natural Resources Plan that my submission relates to (please specify the provision/section number):	My submission on this provision is:		I seek the following decision from WRC (please give precise details)
	Support/ Oppose/ Amend	Reasons for my submission:	
2.1 How to use this plan; second paragraph	Support	The identification of regional coastal plan provisions for the Minister of Conservation’s approval is supported. The requirement, unless otherwise stated, that provisions marked with the coastal icon will apply to both the coastal marine area and areas in the coastal environment where Council has jurisdiction is supported as consistent with this requirement of the New Zealand Coastal Policy Statement 2010 (NZCPS).	Retain as notified
Biofouling Definitions	Support	The definitions included for: Anti-Fouling Coating; Biofouling; and In-Water Cleaning are taken from the Anti-fouling and In-water Cleaning Guidelines (June 2013) for Australia and NZ, and are considered appropriate.	Retain as notified

Aquatic Ecosystem Health	Support	The definition captures the matters within the objectives of the National Policy Statement for Freshwater Management 2014 (NPS-FM) relevant to life-supporting capacity, ecosystem processes, indigenous species and their associated ecosystems.	Retain as notified
Biodiversity Offset	Amend	<p>The inclusion of a definition for biodiversity offsets is supported, as it provides clarity for the interpretation of the related plan provisions. However amendments are required to ensure the definition is consistent the Good Practice Guidance on Biodiversity Offsetting in New Zealand.</p> <p>In the first sentence, action should be plural. Biodiversity offsets typically involve multiple actions.</p> <p>The definition as worded implies that it is only 'no net loss' that distinguishes biodiversity offsets from mitigation. This creates difficulties for implementation of the plan, in particular the mitigation hierarchy.</p>	<p>A m <u>Measurable</u> positive <u>conservation</u> outcomes resulting from an actions designed to compensate for the residual adverse effects on biodiversity arising from an activity after avoidance, remediation and mitigation measures have been taken. <u>The goal of biodiversity offsets differ from mitigation in so far as offsets require the demonstration of is to achieve</u> no net loss of biodiversity and preferably a net gain <u>of biodiversity on the ground</u>. The principles to be applied when proposing and considering biodiversity offsets are provided in Schedule G (biodiversity offsetting).</p>
Category 1 Surface Water Bodies	Support; Amend	<p>Excluding livestock access from the sites listed in Category 1 (as a minimum) is supported as an important method to achieve the objectives and policies in the plan regarding aquatic ecosystem health, and maintain the biodiversity values of these sites.</p> <p>Spatial extent does not necessarily capture the significant values or significant habitats associated with wetlands. All wetlands, including those smaller than 0.1ha, are potentially vulnerable to the impacts of livestock access and should be protected by the rules.</p>	<p>Amend (e) so that significant natural wetlands to which the livestock access rules apply are not restricted to only those greater than 0.1ha.</p> <p>Retain (b), (c), (d), (f)</p>
Category 2 Surface Water Bodies	Support; Amend	Excluding livestock access from the sites listed in Category 2 is supported as an important method to achieve the objectives and policies in the plan regarding aquatic ecosystem health and maintain the biodiversity values of these sites.	<p>Amend (b)</p> <p>(b) within the mapped lowland areas shown on Map 29, rivers that have an active bed width of 1m or wider, and drains greater than</p>

		Rivers identified in Schedule F1 that are also within the mapped lowland areas shown on Map 29 should be captured within Category 2, regardless of their size. These rivers have significant indigenous biodiversity values and livestock access should be controlled to ensure the values are maintained.	1m wide, and water races, and rivers identified in Schedule F1. Retain (a), (d)
Functional Need	Support	This definition is supported as providing a basis for activities that are required to be located within the coastal marine area.	Retain as notified.
Good management practice	Amend	The amendment is sought to recognise that there are a number of good practice guidelines covering multiple topics and not all are necessarily listed on the GWRC website.	Good management practice guidelines <u>include those can be</u> found on the Wellington Regional Council's website http://www.gw.govt.nz/good-management-practice/
Operational Requirement	Support	This definition provides an appropriate basis to determine whether an activity is required to be located within the coastal marine area.	Retain as notified.
Significant Indigenous Wetland	Amend	The definition of significant indigenous wetlands is supported (noting separate submission points regarding livestock access).	Retain as notified, subject to amendments sought in relation to livestock access rules. A natural wetland that meets one or more of criteria (a) to (d) listed in Policy 23 of the Regional Policy Statement 2013 being: representativeness; rarity; diversity; ecological context. Identified significant natural wetlands greater than 0.1ha from which livestock should be excluded under Rule 98 are listed in Schedule F3 (significant wetlands).
Vertebrate Toxic Agent	Amend	Vertebrate toxic agents are regulated under both the Hazardous Substances and New Organisms Act 1996 and the Agricultural Compounds and Veterinary Medicines Act 1997, and reference should be made to both.	Any substance, whether inorganic, human made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control vertebrate animals including

		NZS8409:2004 is not relevant to the management of vertebrate toxic agents.	possums, rats and mustelids. Vertebrate toxic agents are regulated under the Hazardous Substances and New Organisms Act 1996 and the Agricultural Compounds and Veterinary Medicines Act 1997 . and include vertebrate pest control products as identified (but not defined) in NZS8409:2004 Management of Agrichemicals
Objective O1	Support	This objective provides for integrated management of the resources within the region and appropriately reflects the direction within the NPS-FM to have regard to connections between water bodies and between freshwater bodies and coastal water (Policy A1 and B1). It also reflects the direction within the NZCPS regarding integrated management (Policy 4).	Retain as notified
Objective O4	Amend	The term 'recognised' is not considered to provide direction on what is to be achieved for the resource as a result of management actions. The term 'safe-guarded' gives effect to the NPS-FM (Objective A1 and B1) and is consistent with the NZCPS.	The intrinsic values of aquatic freshwater and marine ecosystems and the life-supporting capacity of water are safe-guarded recognised .
Objective O5	Support	This objective gives effect to the NPS-FM.	Retain as notified
Objective O10	Support	This objective is supported as consistent with Section 6(d) of the Act	Retain as notified
Objective O17	Amend	This objective is supported, however needs a minor amendment to be consistent with the wording in s6(a) of the RMA.	The natural character of the coastal marine area, rivers, lakes, natural wetlands and their margins and natural wetlands is preserved and protected from inappropriate use and development.
Objective O18	Support	Recognition of the importance of the estuaries of the Region, and an intention to restore these over time, is supported	Retain as notified

Objective O19	Support	The objective of minimising the interference of use and development on natural processes is supported.	Retain as notified
Natural Hazards Objectives	Amend	<p>Due to the direction given by the NZCPS on the management of coastal hazards, a separate objective giving effect to the NZCPS in relation to coastal hazards is sought.</p> <p>Policy 25(a) NZCPS requires ‘avoiding increasing the risk of social, environmental and economic harm from coastal hazards’.</p> <p>This new objective sought should be based on avoiding an increase in risk. As well as people and property it should also incorporate reference to environmental harm.</p>	<p>Insert new objective as follows;</p> <p><u>In areas potentially affected by coastal hazards over at least the next 100 years, increases in risk, residual risk, and adverse effects from coastal hazards, including the effects of climate change on people, property or the environment are avoided.</u></p>
Objective O20	Amend	While the intent of the objective is understood, it is unclear how the acceptability of the risk will be determined, which does not give effect to the NZCPS requirement to avoid increases in risk from coastal hazards.	Insert new objective as above to address coastal hazards. Ensure that coastal hazards are not addressed by this Objective.
Objective O21	Amend	This objective does not provide guidance on what inappropriate development in high hazard areas is and does not give effect to the NZCPS requirement to avoid increases in risk from coastal hazards.	Insert new objective as above to address coastal hazards. Ensure that coastal hazards are not addressed by this Objective.
Objective O22		This Objective is supported as consistent with the requirements of Policy 27 NZCPS.	Retain as notified
Objective O23	Support	This objective gives effect to the direction within NPS-FM Objective A2.	Retain as notified
Objective O25	Support	<p>This region-wide objective for aquatic ecosystem health is supported.</p> <p>Some changes to the tables are sought as outlined in the following submission point.</p>	Retain as notified, subject to changes sought below

Objective O25 All tables	Amend	More specificity is required within the tables where narrative objectives are used. Some of the terms used (such as 'balanced') have no clear ecological meaning or context. The use of 'unacceptable'/'acceptable' is also unclear.	<p>Numeric objectives should be used in preference to narrative objectives, where possible, and words such as 'balanced' and 'unacceptable' replaced with clear, meaningful terms that support the objective.</p> <p>For example, for the indigenous fish objective a measure of state to describe the indigenous community condition (such as a minimum fish index of biotic integrity (IBL)).</p>
Objective O25 Table 3.4	Amend	Additional objectives should be added to Table 3.4 relating to channel water surface area cover by non-indigenous macrophytes and deposited sediment, as these are important for achieving the objective of safeguarding aquatic ecosystem health.	<p>Include an objective relating to channel water surface area cover by non-indigenous macrophytes: <50% macrophyte cover of cross-sectional area or volume, or <50% macrophyte cover of channel water surface area</p> <p>Include a deposited sediment percent cover objective for all outstanding water bodies (Schedule A), rivers and lakes with significant indigenous ecosystem values (Schedule F1): <20% cover of the bed by fine silt or sand <2mm diameter (or within 10% cover of reference condition).</p>
Objective O25 Table 3.8	Amend	Seagrass and saltmarsh, fish, sedimentation rate and mud content are all identified as 'not-applicable' to the open coast. Seagrass can be present in open coastal environments, indigenous fish communities are an important part of the open coast, and sedimentation can have significant impacts on open coastal environments.	Amend the table to include objectives for seagrass and saltmarsh, fish, sedimentation rate and mud content in the open coast.
Objective O27	Support	Vegetated riparian margins are important for a number of reasons, including providing and safe-guarding instream habitat, reducing effects of sediment and nutrient run-off.	Retain as notified

Objective O28	Amend	<p>Although the intent of the Objective is supported, a minor amendment is considered necessary to recognise the values of wetlands.</p> <p>The term ‘condition’ may not recognise the wide range of values that a natural wetland may hold, such as habitat, natural character, ecosystem services, etc.</p>	<p>Amend as follows:</p> <p>The extent of natural wetlands is maintained or increased and their <u>values are</u> condition is are restored.</p>
Objective O29	Support	The objective is consistent with the regional council’s function to maintain indigenous biodiversity (s30(ga) RMA) and the direction to safe-guard indigenous species (NPSFM Objectives A1 and B1).	Retain as notified
Objective O31	Support	The objective gives effect to NPS-FM Objective A2(a) and B4.	Retain as notified
Objective O32	Support	This objective is supported as consistent with Section 6(b) of the Act	Retain as notified
Objective O34	Support	This objective is supported as consistent with Section 6(f) of the Act	Retain as notified
Objective O35	Support	This objective is supported as consistent with Section 6(c) of the Act	Retain as notified
Objective O45	Support Amend	Although this Objective is supported, the coastal marine area is not included in the definition of surface water bodies, and the Plan is required to give effect to the NZCPS, including Policy 21(d).	Retain but amend so that the objective includes the coastal marine area.
Objectives O46-O51	Support	The direction within these policies is supported as appropriate direction for the management of discharges.	Retain as notified
Objective O53	Support	This objective recognises Policy 6(2)(c) & (d) NZCPS, and will ensure that activities without a functional need to be located in the coastal marine area will generally not be located there.	Retain as notified
Objective O54	Support	This objective recognises Policy 6(2)(e) NZCPS.	Retain as notified
Objective O55	Support	This objective is consistent with Policy 18 NZCPS.	Retain as notified

Objective O56	Support	This objective will ensure that effects of new development in the coastal marine area on natural character of the coastal environment will be appropriately managed.	Retain as notified
Objective O58	Support	Requiring the management of underwater noise to maintain the health and well-being of marine fauna is supported.	Retain as notified
Policy P1: Ki uta ki tai and integrated catchment management	Support	This policy provides direction for integrated management of the resources within the region. The policy appropriately reflects the direction within the NPS-FM to have regard to connections between water bodies and between freshwater bodies and coastal water (Policy A1 and B1), and to improve integrated management of fresh water (Objective C1). It also reflects the direction within the NZCPS regarding integrated management (Policy 4).	Retain as notified.
Policy P3: Precautionary Approach	Support	This Policy is consistent with Policy 3 NZCPS.	Retain as notified.
Policy P4: Minimising adverse effects	Support; Amend	The specification of how minimisation will be carried out is supported. It is unclear when uses of the term 'minimisation' in other objectives and policies refer to this policy, and where they do not.	Add advice note to clarify relationship to other policies to resolve potential conflicts.
Policy P8: Beneficial Activities	Support; Amend	The listed activities are supported as they either provide for restoration of ecological values or provide for appropriate activities that should not cause more than minor adverse effects. An amendment is sought to (d) to refer to the removal of animal pests, as this is an important aspect of environmental restoration.	Retain as notified, except for amendment, as follows; (d) Removal of aquatic weeds, and pest plants, and animal pests.
Policy P9: Public Access.	Amend	By focussing on avoiding restrictions to existing public access, this Policy does not fully recognise the direction from the Objective O10 to 'maintain and enhance' this public access. Enhancing public walking	Include policy direction to enable the enhancement of public access when development is proposed.

		access is sought to give effect to the NZCPS, specifically Policy 19(2).	
Policy P22: Ecosystem values of estuaries	Support; Amend	While the avoidance of significant adverse effects on the ecosystem values of estuaries is supported generally, some of the values of the Region's estuaries may meet the criteria in Policy 11(a) NZCPS, which requires that adverse effects on these values are avoided.	Retain policy but ensure that Policy 11 NZCPS is given effect to in policies.
Policy P23: Restoring Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Lake Wairarapa	Support	The direction to restore these waterbodies is supported as consistent with the NZCPS and the NPSFM	Retain as notified.
Policy P24: Outstanding natural character	Support	The direction to preserve outstanding natural character is consistent with Policy 13(a) NZCPS.	Retain as notified.
Policy P25: Natural character	Amend	This policy is supported as appropriate and consistent with Policy 13(b) NZCPS. Also, (d) introduces a practicability test that undermines the directive intent of the Policy and is not consistent with Policy 13 NZCPS. This requires amendment to ensure that the sub-criteria to (d) are presented in a way that can assist in achieving the high level purpose of this Policy.	Retain Policy and (a) – (c) Amend (d) as follows; (d) whether it is practicable <u>the ability</u> to protect natural character from inappropriate use and development through: (i)...
Policy P26: Natural processes	Support	This Policy will serve to protect natural processes throughout the region.	Retain as notified; clarify
Policy P27: High Hazard Areas	Amend	The NZCPS provides clear direction on the management of coastal hazard risk. Amendment is required to (b), in relation to coastal hazards, to refer to no increase in risk as opposed to low risk. Incorporate requirement to recognise 100 year time frame.	Amend as follows, or similar; (b) the risk to the development and/or residual risk after hazard mitigation measures, assessed using a risk based approach, is <u>not increased, and reduced if practicable low</u> .

			(e) natural cycles of erosion and accretion, and the potential for natural features to fluctuate in position over time at least a 100 year timeframe , including movements due to climate change and sea level rise, are taken into account.
Policy P28: Hazard Mitigation Measures	Support	This policy is supported as providing appropriate direction on hard engineering works and is not inconsistent with the NZCPS.	Retain as notified.
Policy P29: Climate Change	Amend	The particular regard to climate change and its relation to natural hazard risk is supported. However, in the case of coastal hazards, the NZCPS requires that a timeframe of at least 100 years is to be applied.	Recognise the 100 year timeframe required by the NZCPS.
Policy P30: Natural Buffers	Amend	Although the intent of this policy is supported, amendments are sought to give effect to Policy 26 NZCPS, and provide, where appropriate, for the protection, restoration or enhancement of these natural buffers, at least in relation to coastal hazards.	Provide for the restoration or enhancement of natural features such as beaches, dunes, or wetlands that buffer development from natural hazards, and ensure the adverse effects of use and development on them are minimised.
Policy P31: Aquatic ecosystem health and mahinga kai	Support	The policy provides appropriate direction regarding the management of effects in relation to aquatic ecosystem health.	Retain as notified
Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai	Support Amend	The policy direction to apply the mitigation hierarchy and consider the use of biodiversity offsets is supported. The reference to mitigation in relation to Schedule G should be deleted (refer to submission point on Schedule G).	Retain subject to amendments identified in separate submission point. Proposals for mitigation and biodiversity offsetting will be assessed against the principles listed in Schedule G (biodiversity offsetting).

Policy P33: Protecting indigenous fish habitat	Amend	Although the policy direction is generally supported, there is confusion created by the overall direction to avoid more than minor adverse effects, and the more specific direction in (b) and (c) regarding significant effects.	Amend (b) and (c) to ensure that the Policy requires the avoidance of more than minor adverse effects.
Policy P34 Fish passage	Amend	The policy direction is supported, but it should recognise that there are some particular circumstances where it may be appropriate to create barriers in order to protect indigenous fish and koura populations.	The construction or creation of new barriers to the passage of fish and koura species shall be avoided, except where this is required for the protection of indigenous fish and koura populations.
Policy P35: Restoring fish passage	Support	This policy direction is appropriate for the restoration of fish passage.	Retain as notified
Policy P36: Effects on indigenous bird habitat	Support	While the minimisation of adverse effects on the habitats of indigenous birds is supported generally, some of these taxa are subject to the direction of Policy 11(a) NZCPS, which requires that adverse effects on these are avoided.	Retain policy but ensure that Policy 11 NZCPS is given effect to in policies.
Policy P37: Values of Wetlands	Amend	To provide consistency with Objective 28, the policy should be to maintain or enhance the values of natural wetlands. The ability to conduct education and scientific research can also be important values of wetlands.	Policy P37: Values of wetlands Activities in and adjacent to natural wetlands shall be managed to maintain or enhance their values including: ... (g) for education and scientific research.
Policy P38: Restoration of wetlands	Support	This policy is supported, as it will provide for the maintenance and enhancement of indigenous biodiversity.	Retain as notified
Policy P39: Adverse effects on outstanding water bodies	Support	This policy provides appropriate direction to achieve Objective O31 and to give effect to the NPS-FM.	Retain as notified

Policy P40: Ecosystems and habitats with significant indigenous biodiversity values	Support	The policy direction provides appropriate direction to give effect to s6(c) RMA and to Objective 35.	Retain as notified
Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values.	Support	The policy direction to apply the mitigation hierarchy, including biodiversity offsetting, is supported subject to some amendments.	Retain policy.
Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values.	Amend	An amendment is sought to reflect the new policy sought below to give effect to Policy 11 NZCPS.	Amend as follows (or similar): While achieving [new Policy XX to reflect Policy 11 NZCPS] in order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40, in the first instance activities, other than activities carried out in accordance with a restoration management plan shall avoid these ecosystems and habitats.
Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values.	Amend	As this policy applies to significant sites, the direction regarding biodiversity offsets should be stronger than 'consider'.	Amend as follows (or similar): If the ecosystem or habitat cannot be avoided, the adverse effects of activities shall be managed by: [(a) – (c)] (d) managing where residual adverse effects remain, it is appropriate to consider through the use of biodiversity offsets.
Policy P41: Managing adverse effects on ecosystems and habitats	Amend	The reference to mitigation in relation to Schedule G should be deleted (refer to submission point on Schedule G).	Amend as follows: Proposals for mitigation and biodiversity

with significant indigenous biodiversity values.		The final paragraph of the policy should be simplified to provide clarity and focus on the effects of the activity once the mitigation hierarchy has been applied.	offsetting will be assessed against the principles listed in Schedule G (biodiversity offsetting).
Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values.	Amend	The final paragraph of the policy should be simplified to provide clarity and focus on the effects of the activity, once the mitigation hierarchy has been applied.	Amend as follows: Where more than minor adverse effects on ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40 remain cannot be avoided, remedied mitigated or redressed through biodiversity offsets , the activity is inappropriate.
Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values.	Amend; New Policy	<p>Although the approach to managing adverse effects on these significant values is supported in some cases, the direction in Policy 11 of the NZCPS is not reflected.</p> <p>Policy 11 requires that adverse effects are avoided on sites or areas with the values listed in Policy 11(a), and significant adverse effects avoided, and other adverse effects avoided, remedied or mitigated on sites or areas with the values listed in Policy 11(b).</p> <p>A new policy is required in order to recognise the requirements of Policy 11. Depending on the ability of Council to determine which areas of the coastal environment meet these criteria, this new policy may be able to refer to identified areas, or be criteria based until this work is carried out.</p> <p>Consequential amendments to other policies will be required.</p>	<p>Include an additional policy implementing Policy 11 NZCPS.</p> <p>It is unclear whether the schedules, and, if so, which schedules, identify the areas and sites containing the values subject to protection under Policy 11(a) and 11(b) NZCPS. Identification of each, separately, is required in order to inform their management. These should be referred to in the requested new Policy.</p>
Policy P42: Protecting and restoring ecosystems and habitats with significant indigenous biodiversity	Support	This policy appropriately recognises that interconnectedness of ecosystems and habitats, and in part gives effect to Objective 1. It will provide for consideration of effects on significant sites, including in situations where the significant site is not directly affected. This is	Retain as notified

values		appropriate in order to give effect to the direction in Objective 35.	
Policy P43: Restoration and management plans	Support	This Policy is supported as it provides for the appropriate restoration of these scheduled sites.	Retain as notified
Policy P48: Protection of outstanding natural features and landscapes	Amend	The NZCPS (Objective 2) refers to preserving the natural character of the coastal environment and protecting natural features and landscape values through recognising the characteristics and qualities that contribute to natural character and natural features and landscapes. By referring to 'characteristics and qualities' this policy will ensure that attention is focussed on the particular features that make the feature or landscape outstanding.	Amend as follows: The natural features and landscapes (including seascapes) of the coastal marine area, rivers, lakes and their margins and natural wetlands shall be protected from inappropriate use and development by: (a) avoiding adverse effects of activities on the characteristics and qualities that contribute to the values of outstanding natural features and landscapes, and (b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on the characteristics and qualities that contribute to the values of other natural features and landscapes.
Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Amend	Policy P48 requires that adverse effects of activities are avoided on the characteristics and qualities that contribute to the values of outstanding natural features and landscapes, whether the activities are within or adjacent to these features or landscapes. To ensure that Policy P49 does not introduce a management framework that overrides the requirements of P48, it should be amended to ensure that (a) and (b) are achieved by removing "...be managed by".	Amend as follows: Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by: (a) protect ing visual and biophysical linkages between the site and the outstanding natural

			feature or landscape, and (b) avoid ing adverse cumulative effects on the values <u>the characteristics and qualities</u> that contribute to of an outstanding natural feature or landscape.
Policy P60: Agrichemicals and fumigants	Support	The policy is considered to provide appropriate direction regarding the management of agrichemicals. The reference to good management practice is supported.	Retain as notified
Policy P62: Promoting discharges to land	Support	The policy provides appropriate direction for safe-guarding aquatic ecosystem health.	Retain as notified.
Policy P67: Minimising effects of discharges	Support	The policy requires careful consideration of the approach to managing contaminants and subsequent discharge of these to land and water.	Retain as notified.
Policy P70: Managing point source discharges for aquatic ecosystem health and mahinga kai	Amend	The policy does not clearly specify what the upgrading of the activity required by (a(i)) is to achieve.	Amend Policy to clarify that upgrading of the activity is required to improve water quality in relation to the objective.
Policy P71: Quality of discharges (a)(i)	Support	The QMCI change standard is a good determinant of adverse effects on macroinvertebrate community health resulting from point source discharges.	Retain
Policy P71: Quality of discharges (a)(ii)	Amend	The variability in pH between sites often varies greatly, not necessarily as a result of discharge composition. Differences in periphyton growth and ecosystem metabolism between upstream and downstream may cause changes greater than this too.	Amend the standard for pH to ensure discharges are not changing the pH of the downstream receiving environment as a result of the presence of acid or basic contaminants, or remove the standard and rely on the other standards proposed as well as those identified for inclusion in this submission.

Policy P71: Quality of discharges (a)(iii)	Amend	The degree of acceptable clarity change depends on the instream values that apply to a river of stream at the point of discharge, not on the river type or class. The same applies for temperature, as the susceptibility to temperature effects is likely to be values specific.	In order to be relevant to the instream values, the higher clarity standard of no more than 20% reduction should apply to all waters identified as outstanding water bodies (Schedule A), rivers and lakes with significant indigenous biodiversity values (Schedule F1). Temperature standards should be based on values, rather than river classes.
Policy P71: Quality of discharges (b) and (c)	Amend	These standards are the national bottom lines from the NOF, and are not appropriate for maintaining instream values, particularly in scheduled sites with significant or outstanding biodiversity values.	For water bodies identified as outstanding (Schedule A) and rivers and lakes with significant indigenous biodiversity values (Schedule F1), more precautionary DO standards should apply. For example, a 7-day mean minimum DO no lower than 7mg/L and 1-day minimum of no less than 5mg/L.
Policy P71: Quality of discharges	Amend	Additional standards relating to toxicity, biochemical oxygen demand and particulate organic matter should be added, as these relate to different effects for instream water quality and aquatic life.	Include: <ul style="list-style-type: none"> - biochemical oxygen demand (ScBOD₅) standards that do not allow a discharge to exceed 2mg/L - particulate organic matter (POM) standard at the downstream site to not exceed 5mg/L at flows less than the median - minimum toxicity standards for nitrate and ammonia -
Policy P72: Zone of reasonable mixing	Support	The matters (a), (b) and (f) are important considerations for safeguarding aquatic ecosystem health.	Retain as notified.
Policy P80: Replacing	Support	This Policy sets appropriate direction for replacement discharge	Retain as notified

wastewater discharge consents		consents to meet established objectives.	
Policy P81: Minimising and improving wastewater discharges	Support	This Policy provides appropriate direction for the progressive reduction of the adverse effects of existing wastewater discharges.	Retain as notified
Policy P83: Avoiding new wastewater discharges to freshwater	Support	This Policy provides strong direction for the protection of freshwater values	Retain as notified
Policy P88: Biofoul cleaning	Support	The Policy is consistent with NZCPS Policy 12(1) and 2(b) as they relate to vessels and moveable structures.	Retain as notified
Policy P90: Discharges of hazardous substances	Support	The Policy is considered to provide appropriate direction regarding the management of hazardous substances.	Retain as notified
Policy P97: Managing sediment discharges	Support	The policy direction to first control sediment at the source and then apply good management practices for erosion and sediment control design is supported.	Retain as notified
Policy P98: Accelerated soil erosion	Support	The inclusion of reference to sediment discharge to surface water bodies is supported, as discharges to surface water from activities such as plantation forestry can have adverse effects on aquatic ecosystem health.	Retain as notified
Policy P99: Livestock access to surface water bodies	Support	The policy direction is supported as a first step toward addressing the effects on aquatic ecosystem health of livestock access to surface water bodies and the CMA in the region.	Retain as notified
Policy P101: Management of riparian margins	Support	Policy recognition of the benefits of good riparian management is supported.	Retain as notified
Policy P106: Management of	Support;	The policy direction is supported. However an amendment is required	Amend text as follows or similar;

plants in the beds of lakes and rivers	amend	as it is not currently clear what is meant by 'where they are appropriate'	(b) indigenous plant species are encouraged to be planted where they are appropriate to the ecology of the site and their removal is only enabled where it is necessary to manage flooding and erosion, and...
Policy P112: Priorities in drought and serious water shortage	Amend	The allowance for rootstock protection is not consistent with the other types of water take in this policy which are provided for in section 14(3) of the RMA, and may not give effect to the NPS-FM Objective B1.	Retain or amend to give effect to NPS-FM Objective B1. The issue could be addressed by incorporating rootstock protection into the setting of minimum flows or water levels.
Policy P113: Core allocation for rivers	Support	The maximum allocation amounts are appropriate to provide for aquatic ecosystem health.	Retain as notified
Policy P115: Authorising takes below minimum flows and lake levels	Amend	The general direction within this policy is supported. However it is unclear whether the allowance in (c) will give effect to the NPS-FM Objective B1.	Retain or amend to give effect to NPS-FM Objective B1
Policy P117: Supplementary allocation amounts at flows above the median flow	Support Amend	The direction to provide for flushing flows is important to provide for aquatic ecosystem health. However, supplementary allocation needs to be capped as a percentage of mean annual low flow, or of the flow in the river at the time of take in order to provide a numeric standard to achieve Objective 25.	Include a percentage limit on supplementary flow.
Policy P120: Taking water for storage	Support	The link to Policy 117 (and from there to Objective 25) is appropriate for maintaining aquatic ecosystem health.	Retain as notified
Policy 122: Flow variability	Support	The direction in this policy is supported as flow variability is important to retain a healthy, functioning ecosystem.	Retain as notified
Policy P129: Minimum flows and water levels	Amend	Damming and diverting water can affect the natural flow variability in waterbodies.	Include reference to flow variability and flushing flows, to achieve Objective 25

Policy P132	Support	The recognition of functional need and operational requirement in this Policy is consistent with the NZCPS.	Retain as notified
Policy P138	Support	The avoidance of structures in sites with significant values except for the listed exclusions is supported as appropriate guidance. However, Policy 11 NZCPS may require avoidance of adverse effects on these sites or values.	Retain policy but ensure that Policy 11 NZCPS is given effect to in policies.
Policy P139	Amend	This policy provides direction on the appropriateness of seawalls. Although supported, amendment is required to ensure consistency with Policy 27(3) NZCPS and give direction that form and location seek to minimise adverse effects on the coastal environment.	Amend as follows, or similar: <u>(d) suitably located and designed to minimise adverse effects on the coastal environment, and certified by a qualified, professional engineer</u>
Policy P143	Amend	The avoidance of deposition in sites with significant values except for the listed exclusions is supported as appropriate guidance. However, Policy 11 NZCPS may require avoidance of adverse effects on these sites or values.	Retain policy but ensure that Policy 11 NZCPS is given effect to in policies.
Policy P144	Amend	The avoidance of dumping in sites with significant values except for the listed exclusions is supported as appropriate guidance. However, Policy 11 NZCPS may require avoidance of adverse effects on these sites or values.	Retain policy but ensure that Policy 11 NZCPS is given effect to in policies.
Policy P145	Support	This Policy is consistent with Policy 10 NZCPS.	Retain as notified
Policy P146	Support	This Policy is appropriate.	Retain as notified
Policy P148	Amend	Conservation activities carried out by the Department of Conservation that are not strictly emergencies should be accommodated.	Include activities carried out by the Department of Conservation
Rule R36: Agrichemicals	Support	The permitted activity status for agrichemical discharge is supported as it enables the Department of Conservation to carry out its	Retain permitted activity rule for agrichemical use

		responsibilities for pest plant control on public conservation land.	
Rule R36: Agrichemicals (b)	Amend	Control (b) does not recognise that many environmental weed species are not listed on product labels. This will affect the work carried out by the Department of Conservation to control environmental weeds.	Amend control to enable use of agrichemicals for control of environmental weeds.
Rule R36: Agrichemicals (e)	Amend	The rule permits the discharge of agrichemicals to land, including where it may enter water, whereas control (e) does not allow discharge into water.	Amend control (e) so that it refers to discharge directly into water, and allows discharge to land where it may enter water (consistent with the text at the start of the rule)
Rule R36: Agrichemicals (e)	Amend	<p>Many of the community drinking water supply catchments are located within public conservation land, and therefore the restriction on use of agrichemicals to land within these catchments will have implications for the weed control work that is carried out by the Department of Conservation.</p> <p>Discharge of agrichemicals in a water catchment that results in agrichemicals over safe limits set by EPA is not permitted under the HSNO Act. EPA permissions that set safe application limits to land also apply.</p>	Amend control to enable use of agrichemicals for environmental weed control in community water supply protection areas.
Rule R36: Agrichemicals (f)	Amend	EPA approvals may contain specific conditions for the use of a particular agrichemical and these must be met.	Amend (f) to ensure that the discharge is in accordance with NZS:8409 unless inconsistent with the conditions of the relevant EPA approval
Rule R36: Agrichemicals (h) (i)	Oppose	GROWSAFE is a particular industry provider, not an industry wide standard or legal requirement. Training requirements are adequately addressed through EPA controls.	Delete (h) and (i)
Rule R36: Agrichemicals (j)	Amend	What qualifies as 'suitable' accreditation is unclear.	Amend by removing the word 'suitable' from (j)(ii)

Rule R36: Agrichemicals (k) (l) (m)	Oppose	Condition (f) already requires that the discharge is in accordance with NZS8409:2004, and therefore these conditions are a repetition.	Delete (k), (l), (m)
Rule R36: Agrichemicals (n)(i)	Oppose	This control duplicates HSNO controls and is not necessary.	Delete (n)(i)
Rule R37: Agrichemicals into water	Support	The inclusion of a permitted activity rule for the discharge of agrichemicals to water is supported as there are a number of herbicides approved by the EPA for discharge to water have set controls. These should be permitted activities if these controls are being complied with.	Retain as notified
Rule R37: Agrichemicals into water (b)	Amend	EPA approvals may contain specific conditions for the use of a particular agrichemical and these must be met.	Amend (b) to ensure that the discharge is in accordance with NZS:8409 unless inconsistent with the conditions of the relevant EPA approval, in which case the conditions of the relevant EPA approval are followed.
Rule R37: Agrichemicals into water (c)	Oppose	GROWSAFE is a particular industry provider, not an industry wide standard or legal requirement. Training requirements are adequately addressed through EPA controls.	Delete (c)
Rule R37: Agrichemicals (d)(ii)	Amend	What qualifies as 'suitable' accreditation is unclear.	Amend by removing the word 'suitable' from (d)(ii)
Rule R37: Agrichemicals (f)(i)	Amend	This control duplicates HSNO controls and is not necessary.	Delete (f)(i)
Rule R37: Agrichemicals <i>Note</i>	Amend	Refer to submission point on Rule R105, which seeks that agrichemical use to natural wetlands is controlled by Rules R36 and R37.	Delete note
Rule R57: Discharge of hazardous substances – non-complying activity	Amend	Consequential amendments to other submission points, to reflect R88 being changed to a permitted activity, and the addition of Rule R88A.	The discharge of a hazardous substance into water or onto or into land where it may enter water that is not permitted by Rule R36, Rule R37, Rule R42, Rule R46 and Rule R87, Rule

			R88 or controlled under Rule R47 and Rule R87 or R88 or discretionary under Rule R38, R88A and or Rule R93 is a non-complying activity.
Rule R65 In-water biofoul cleaning	Oppose; Amend	<p>The Rule requires a number of amendments to give effect to NZCPS Policy 12 and the “Anti-fouling and In-water Cleaning Guidelines, June 2013” as follows:</p> <ol style="list-style-type: none"> 1. Delete the 3 year lead-in before the rule becomes operative, as, although the intent to provide a lead-in time for operators is understood, good hull hygiene should be encouraged and the Guidelines given effect to sooner rather than later. 2. Retain condition (a) 3. Retain condition (b) but in order to provide for the collection of samples as a permitted activity, insert the wording “..., treatment or removal...” after the word “cleaning”. This allows collection of samples as a permitted activity. 4. Condition (c) should be re-worded as follows: “(c) the cleaning of microfouling and goose barnacles of any origin, when removed using a gentle, non-abrasive cleaning technique, without capture.” 5. Insert a new condition between (c) and (d) as follows: “the cleaning or removal of macrofouling of regional origin without capture, and” 6. Condition (d) should be re-worded as follows: “(d) the cleaning or removal of macrofouling of domestic or international origin shall capture all biological material greater than 50µm in diameter and remove it from the coastal marine area either for risk assessment or disposal on land, and” 	<p>Amend as follows;</p> <p>The discharge of contaminants and biological material into coastal water from in-water cleaning of biofouling from a vessel, moveable structure or navigation aid three years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015) in the coastal marine area, is a permitted activity provided the following conditions are met:</p> <p>(a) Retain as notified</p> <p>(b) the cleaning, treatment or removal method should be undertaken in accordance with the coating manufacturer’s recommendations, and</p> <p>(c) the cleaning of microfouling and goose barnacles of international any origin shall be, when removed using a gentle, non-abrasive cleaning technique, without capture.</p> <p>(x) the cleaning or removal of macrofouling of regional origin without capture, and</p> <p>(d) the cleaning or treatment method removal of macrofouling of domestic or international origin shall capture any all biological material</p>

		<p>7. Delete the current condition (e), as it repeats matters already covered in (d), and replace it with a few (e), as follows;</p> <p>“treatment methods that kill biofouling organisms, and”</p>	<p>released into the water column greater than 50µm in diameter with any captured cleaning debris disposed and remove it from the coastal marine area either for risk assessment or disposal on land, and</p> <p>(e) any captured cleaning debris is appropriately disposed of treatment methods that kill biofouling organisms, and</p> <p>(f) Retain as notified.</p>
Rule 66 In-water biofoul cleaning - discretionary	Support	Subject to the amendments requested for Rule R65, this Rule is supported.	Retain as notified
Rule R67: Discharges inside sites of significance – non-complying activity	Amend	Weed and pest control operations often occur in significant sites in order to manage pest and animal threats that adversely affect their values. Amendments are required to ensure that the permitted activity rules for agrichemical and VTA use continue to apply, as well as the proposed new Restricted-Discretionary rule for use of VTAs for pest control in waterbodies.	Amend as follows: (b) that is not permitted by Rules R36, R37, R42, R43, R44, or R45, R87 or R88, or restricted discretionary under Rule 88A.
Rule R87: Land-based discharge of vertebrate toxic agents	Support	The inclusion of a permitted activity rule for land-based discharge of VTAs is supported.	Retain permitted activity Rule R87
Rule R87: Land-based discharge of vertebrate toxic agents (b) and (c)	Amend	The management of effects on drinking water supplies and requirements for notification/signage are addressed by existing regulations and controls and do not need to be included.	Delete (b) and (c)
Rule 88: Aerial application of vertebrate toxic agents	Amend	<p>The use of VTAs is managed under existing regulations and therefore a permitted category of activity is appropriate, subject to condition (a).</p> <p>In addition, the Plan should provide for the discharge of VTAs to water as the current rule framework will result in many aerial VTA</p>	Amend R88 to make the discharge of VTAs a permitted activity, delete control (b) and the matters of control 1-3. Amend the Plan to permit discharge of VTAs to water, such as by amending R88 as follows:

		<p>operations defaulting to Non-Complying under Rule R57. This is because, for example, although waterbodies are not the target of aerial VTA operations (excluding those for the control of invasive aquatic organisms – refer submission point on ‘New Rule’), many small streams are not marked on maps and are difficult to see from the air through dense vegetation. Attempting to comply with the rule by avoiding discharge to water could result in large gaps in bait coverage leading to operational failures due to pests surviving in the gaps. The effects of VTA discharge to water are adequately addressed by existing regulations.</p>	<p>The discharge of a vertebrate toxic agent <u>into water or onto or into land</u> and where it may enter water by aerial application...</p>
<p>New Rule</p>		<p>VTAs (particularly Rotenone) can also be used in water to control pest fish. A specific rule is appropriate to enable consideration of this activity, including the benefits that can be gained through its use.</p>	<p>Add new rule as follows or similar:</p> <p><u>Rule R88A: Vertebrate toxic agents into water – restricted discretionary activity</u></p> <p><u>The discharge of vertebrate toxic agents into water for the control of invasive aquatic organisms is a restricted discretionary activity provided the following conditions are met:</u></p> <p>(a) <u>The substance and application technique or method is approved for use by the Hazardous Substances and New Organisms Act 1996 and the use and discharge of the substance is in accordance with all controls of the approval.</u></p> <p><u>Matters for discretion:</u></p> <ol style="list-style-type: none"> 1. <u>Effects on community drinking water supply water quality</u> 2. <u>Effects on non-target species and</u>

			<u>aquatic ecosystem health including beneficial effects.</u>
Rule R92: All discharges to land within community drinking water supply protection areas – restricted discretionary activity	Amend	The current wording of the rule would capture the use of agrichemicals and VTAs within community drinking water supply protection areas. Control of the use of these substances should be subject to the standards of the specific rules for VTA and agrichemical use, including any specific requirements relating to community drinking water supply areas.	Amend Rule R92 to exclude its application to Rules R36, R87, and R88.
Rule 94: Cultivation or tilling of land – permitted activity	Support	The requirement for a 5m setback is supported, as is the control relating to sediment-laden water. These controls are important to safe-guarding aquatic ecosystem health.	Retain as notified
Rule 95: Break-feeding – permitted activity	Support	The requirement for a 5m setback is supported, as is the control relating to sediment-laden water. These controls are important to safe-guarding aquatic ecosystem health.	Retain as notified
Rule 97: Livestock access	Support	The inclusion of rules to manage livestock access to surface water bodies is supported, as livestock can have numerous adverse effects on surface water bodies.	Retain rules controlling livestock access to surface water bodies.
Rule 97: Livestock access	Amend	<p>Sheep should be excluded from significant natural wetlands. Sheep grazing in significant wetlands may be appropriate in some circumstances, but this should be considered on a case by case basis, and consent should be required.</p> <p>The rule does not address stock access to the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in the coastal environment. Policy 21 NZCPS directs that where this access is having a significant adverse effect, stock are excluded within a prescribed timeframe.</p>	<p>Remove reference to sheep in (e)(i), so that the rule does not allow livestock access to significant natural wetlands.</p> <p>Amend provisions to give effect to the NZCPS.</p>
5.5.2 Wetlands general	Support	Minor wording amendments are required to clarify that where natural	Wetlands general conditions

conditions	Amend	<p>wetlands are referred to in the provisions, they include significant and outstanding natural wetlands, and within provision (e) to correct a grammatical error. Provision (e) should also be amended to encompass a period of time prior to peak spawning, as time is needed to allow for vegetation to establish the spawning habitat.</p> <p>The provisions that apply to all activities within natural wetlands are supported, and are an important requirement for giving effect to the relevant objectives and policies.</p>	<p>Wetland general conditions for activities in natural wetlands, <u>(including significant natural wetlands and outstanding natural wetlands)</u> are that:</p> <p>...</p> <p>(e) in any part of the natural wetland identified as inanga spawning habitat <u>identified</u> in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats), no bed disturbance, diversions of water or sediment discharge shall occur between <u>1 January</u> 1 March and 31 May, and</p>
Rule R105: Planting and pest plant control in natural wetlands, significant natural wetlands and outstanding natural wetlands – permitted activity	Support Amend	<p>This rule is generally supported, as it provides for beneficial activities to be carried out within natural wetlands as a permitted activity.</p> <p>Amendments are required to provide clarity regarding what plants are considered ‘appropriate’ as referred in provisions (f) and (g).</p> <p>In addition, agrichemical use should be managed in accordance with Rules 36 and 37. Carefully focussed aerial application can be less destructive than other methods of application which can involve vegetation trampling etc. Aerial methods can also be more effective in detecting pest plants.</p>	<p>Amend as follows or similar wording;</p> <p>...is a permitted activity provided the following conditions are met:</p> <p>(f) only <u>appropriate</u> indigenous wetland species <u>appropriate to the ecology of the wetland</u> are deliberately introduced or planted, and</p> <p>(g) only <u>appropriate</u> pest plant species are deliberately removed or controlled, and</p> <p>(h) <u>agrichemical use is in accordance with the requirements of Rule R36 or R37, only agrichemicals approved by the Environmental Protection Authority are used</u>, and</p> <p>(i) agrichemicals are not applied by aerial spraying, and</p>

R106: Restoration of natural wetlands, significant natural wetlands and outstanding natural wetlands – controlled activity	Support	This rule is appropriate for managing restoration activities in natural wetlands that could have more than minor adverse effects. The exemption of fees is also supported.	Retain as notified.
R107: Activities in natural wetlands and significant natural wetlands – discretionary activity	Support	The proposed activity status for these activities is considered appropriate as their effects are potentially significant.	
R108: Activities in natural wetlands and significant natural wetlands – non-complying activity	Support	The non-complying activity status for these activities is considered appropriate given the historic loss of wetlands, the role of GWRC to maintain indigenous biodiversity (s30(ga)), the direction in s6(a) and s6(c) RMA, and the particular direction to protect the significant values of wetlands in the NPS-FM.	Retain as notified
R109: Activities in outstanding natural wetlands – discretionary activity	Support	The proposed activity status for these activities is considered appropriate as their effects are potentially significant.	Retain as notified
R110: Activities in outstanding natural wetlands – non-complying activity	Support	The non-complying activity status for these activities is considered appropriate given the historic loss of wetlands, the role of GWRC to maintain indigenous biodiversity (s30(ga)), the direction in s6(a) and s6(c) RMA, and the particular direction to protect the significant values of wetlands and outstanding water bodies in the NPS-FM.	Retain as notified
R111: Activities in outstanding natural wetlands – prohibited activity	Support	The prohibited activity status for reclamation of outstanding wetlands is considered appropriate given the particular direction to protect the significant values of wetlands and outstanding water bodies in the NPS-FM.	Retain as notified

5.5.4 Activities in beds of lakes and rivers general conditions	Amend	<p>The general conditions applying to activities in beds of lakes and rivers are supported, particularly (d) regarding fish passage and (e) regarding inanga spawning habitat.</p> <p>However, (e) should be extended to encompass a period of time prior to peak spawning, as time is needed to allow for vegetation to establish to provide the spawning habitat.</p>	(e) in any part of the river bed <u>identified as</u> inanga spawning habitat identified in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats), no bed disturbance, diversions of water or sediment discharge shall occur between <u>1 January</u> 1 March and 31 May, and
Rule 115: Culverts – permitted activity	Amend	Provisions (g) and (h): Culverts, including multiple barrel and battery culverts can cause issues for fish passage. The provisions should be amended to align with current national best practice for providing fish passage.	<p>(a) where multiple culverts are placed side by side, <u>the aggregate culvert diameter at the point where they intersect the river bed must be at least 1.2 times the average stream bed width plus 0.5m</u> the total cross-sectional area of the multiple culverts shall not be less than that of a single culvert which complies with this rule, and</p> <p>(b) the culvert, associated fill and culvert placement shall comply with the following dimensions:</p> <p>...</p> <p>(iv) a culvert diameter, or width that is at least <u>1.2 times the average stream bed width as wide as the river bed during average flow plus 0.5m</u> at the point at which the culvert <u>intersects the stream bed is installed</u> (and which complies with (h)(ii) and (h)(iii) above)</p>
Rule R117: New structures – permitted activity	Amend	New structures that occupy a bed area of 10m ² and are located within inanga spawning habitat have the potential to have permanent adverse effects through loss of spawning habitat, particularly given the restricted locations at which inanga can spawn.	<p>Amend as follows:</p> <p>(h) the structure does not occupy <u>any bed area within inanga spawning habitat identified in Schedule F1b, and elsewhere does not occupy</u> a bed area any greater than 10m²,</p>

			except for where the structure is associated with vegetative bank edge protection , or a pipe, duct, fence or cable which is located over or under the bed where no bed occupancy limits apply, and
Rule 121: Maintenance of drains – permitted activity	Support; Amend	<p>The requirement to return fish to the water is supported (h), as are the requirements (j) and (k).</p> <p>Kakahi (freshwater mussels) should be captured within the provision.</p> <p>Drain maintenance and macrophyte removal typically causes release of large amounts of sediment and migrating juvenile fish a particularly sensitive to high suspended sediment loads. A condition should be included requiring that drain maintenance works are not undertaken during peak upstream migration times for fish species present in the catchment.</p>	<p>(h) any fish (except identified pest species), and koura and kakahi (freshwater mussels) removed from the drain during maintenance works shall be returned to the drain as soon as practicable, and no later than one hour after removal from the drain, and</p> <p>(X) the activity shall not be undertaken during the migration times listed in Schedule F1a for species present in the catchment.</p>
Rule 122: Removing vegetation – permitted activity	Support; Amend	<p>The requirement to return fish to the water is supported (i), as are (k), (l) and (m). However, Kakahi (freshwater mussels) should be captured within the provision.</p> <p>Due to the potential for high sediment inputs, a condition should be included requiring that works are not undertaken during peak upstream migration times for fish species present in the catchment.</p>	<p>(h) any fish (except identified pest species), and koura and kakahi (freshwater mussels) removed from the river or lake bed during works shall be returned to the river or lake as soon as practicable, and no later than one hour after removal, and</p> <p>(X) the activity shall not be undertaken during the migration times listed in Schedule F1a for species present in the catchment.</p>
Rule 127: Reclamation of the beds of rivers or lakes – non-complying activity	Support	The non-complying activity status for piping of streams is supported, as this type of activity can have significant effects (including cumulative) on aquatic ecosystems through loss of habitat.	Retain as notified.
Rule 136: Take and use of water – permitted activity	Amend	The provisions regarding intake design need to be amended to provide clear standards based on best practice to prevent fish from	(c) fish are prevented from entering the water intake <u>or becoming trapped</u>

and Rule 137: Farm dairy washdown and milk-cooling water – permitted activity		entering or becoming trapped against the intake.	<p><u>against it, by meeting the following standards:</u></p> <p><u>(i) The maximum approach velocity (the speed at which water is drawn into the intake) shall be 0.1m/s, and</u></p> <p><u>(ii) the screen mesh size shall be a maximum of 3mm, and</u></p>
Rule 141: Take and use of water – controlled activity	Amend	The provision regarding intake design needs to be amended to provide clear standards based on best practice to prevent fish from entering or becoming trapped against the intake.	<p>(c) fish are prevented from entering the water intake <u>or becoming trapped against it, by meeting the following standards:</u></p> <p><u>(i) The maximum approach velocity (the speed at which water is drawn into the intake) shall be 0.1m/s, and</u></p> <p><u>(ii) the screen mesh size shall be a maximum of 3mm, and</u></p>
5.7.2 Coastal Management General Guidelines	Support	These guidelines, especially (k) and (l) are considered appropriate requirements for coastal permits.	Retain as notified.
5.7.3; 5.7.5 - Structures	Amend	<p>There is overlap between the Rules in Sections 5.7.3 and 5.7.5 associated with additions or alterations to structures.</p> <p>There is uncertainty with the activity status for additions or alterations to structures controlled by Rule R151 that cannot meet conditions (f) to (l), as there is no default rule. Also, condition (k) to Rule R151 allows for a substantial increase in size, which may not be appropriate as a controlled activity within a Scheduled biodiversity or habitat site.</p>	<p>Remove ‘additions and alterations’ of existing coastal structures from Rules R161 and R162, to ensure that these activities are solely managed by Rules in Section 5.7.3.</p> <p>Add two new rules to Section 5.7.3 to provide for situations where the conditions in Rule R151 cannot be met. Restricted discretionary activities when outside a Scheduled site, and a discretionary activity when inside.</p>

		<p>Where the conditions are not met, it is important to differentiate between additions and alterations within, and outside of, a Scheduled biodiversity or habitat site.</p> <p>In addition, Rules R161 & R162 also address additions and alterations to existing structures, and differentiates between structures within and outside an identified site or habitat. It is unclear which rule applies to an application for additions and alterations to existing structures.</p> <p>To resolve these issues, it is considered that revision of the rule structure is required.</p>	
Rule R149: Maintenance or repair of structures – permitted activity	Support	This rule is supported as it allows for maintenance and repair of historic structures with appropriate conditions.	Retain as notified
Rules R150(f), R151(f)	Support	The inclusion of conditions within these rules to prevent these activities occurring in sites identified in Schedules E1, E2 and E3 is supported and reflects s6(f) RMA.	Retain as notified
Rule R154: New temporary structures outside sites of significance – permitted activity	Amend	The conditions of the permitted activity do not refer to sites or structures identified in Schedule E. There is concern that this could have adverse impacts on the values of these sites within the coastal marine area.	Add reference to Schedule E within condition (f).
Rule R155: New temporary structures – restricted discretionary activity	Amend	Matter of discretion 7 should be amended to include reference to sites identified in Schedule E.	Add reference to Schedule E within matter of discretion 7.
5.7.5 – New and Replacement Structures; Rule R157.	Support	This Rule is supported providing the conditions and matters of control are retained to ensure adverse effects are addressed, as they may be in identified significant areas.	Retain

Rules R163 and R164.	Amend	<p>The differentiation between these rules is supported, especially condition (l) of Rule R163 (location in a scheduled ecological area).</p> <p>However, as R163 applies to replacement of parts of structures, but R164 doesn't, it is unclear what activity status replacement of part of a structure has if it cannot comply with the conditions of R163.</p> <p>Rule R164 should apply to the replacement of parts of structures that do not comply with Rule R163.</p>	Add Replacement of Parts of Structures to Rule R164.
Rule R168: Alteration of structures identified in Schedule E2 and Schedule E3 – Permitted Activity	Support	This rule for the on-going alteration of functioning structures to enable them to remain functional within appropriate limitations.	Retain as notified.
Rule R195: Disturbance or damage inside sites of significance – non-complying activity	Support	This rule provides appropriate protection for significant coastal sites and habitats.	Retain as notified.
5.7.6 Seawalls: Rules R165- R167	Support	These rules are supported as providing appropriate implementation of the Policies and Objectives.	Retain as notified.
Rule R197: Motor Vehicles on the Foreshore	Amend	Conservation activities carried out by the Department of Conservation that are not strictly emergencies should be included.	<p>Insert the following or similar:</p> <p>Conservation activities carried out by the Department of Conservation</p>
Rule R200	Support	The conditions and matters of control are supported as providing for appropriate consideration of flood protection/erosion control dredging.	Retain as notified.
Rule R204 & R205	Support	These rules provide an appropriate framework for the consideration of destruction, damage or disturbance.	Retain as notified.

Rules R207, R208 & R209	Support	These rules provide an appropriate framework for the consideration of deposition.	Retain as notified.
Rule R215: Reclamation and Drainage – non-complying activity	Support	This rule provides appropriate activity status for reclamation and drainage within a site of significance.	Retain as notified.
Rule R216 – Destruction – non-complying activity	Amend	Destruction of foreshore and seabed is also addressed by Rules R204 and R205.	Clarify relationship for destruction between these sets of rules.
Rule R217 – Planting in the CMA	Amend	The rule currently allows the planting of any plant that is not identified as a pest plant or within a site in Schedule E4. This does not provide appropriate control for a permitted activity. The rule should be restricted to native species appropriate to the ecology of the site that will not have adverse effects on the coastal environment.	Restrict planting to native plant species and to specified ecological enhancement and hazard mitigation objectives.
Method M4: Sea level rise	Support	This method is consistent with the NZCPS.	Retain.
Method M7: Outstanding water bodies	Support	The process proposed is robust and will be an important part of giving effect to the NPS-FM.	Retain.
Method M20: Wetlands	Support	This method will assist in maintaining and enhancing wetlands within the region.	Retain
Method M21: Fish passage	Amend	This method is generally supported as it provides for on-going work to maintain and restore fish passage, including the provision of information on fish passage. Given the Department of Conservation’s role in relation to fish passage, the method should refer to consultation with the Department when determining priority areas. In addition, (c) should be worded so that the focus is on priority areas, while retaining the general direction to restore fish passage in all	Wellington Regional Council will support the maintenance and restoration of fish passage in the region by: (a) developing and providing information on fish passage, and (b) providing training and guidance to

		areas (subject to the exceptions where it is not appropriate, as captured in the changes sought to Policy 34.	landowners and managers, and (c) identifying priority areas for restoring fish passage in consultation with key stakeholders (including the Department of Conservation) and restoring fish passage in these areas as a priority areas.
Method M24: Outstanding natural features and landscapes and high natural character	Support	The proposal to identify outstanding natural features and landscapes within the region and areas with outstanding/high natural character in the coastal environment by 2017 is supported as required to give effect to the NZCPS.	Retain as notified.
Method M28: Development of good management practice guidelines	Support	This method is supported, and in particular the provision of good management practice guidelines regarding fish passage.	Retain as notified
Policies regarding minimum flows for each whaitua Policies R.P1, WH.P1, P.P1, K.P1, WC.P1	Support	The minimum flows set are appropriate to safeguard aquatic ecosystem health. In particular, the use of mean annual low flow as minimum flow limits is supported.	Retain as notified
Rules R.R1, WH.R1, and K.R1	Support	These rules are supported, in particular the provision for flushing flows in clause (c) of each rule, which help to maintain natural flow variability and are important for aquatic ecosystem health.	Retain as notified.
Rules R.R3, WH.R4 and K.R4	Support	These rules are supported as they give effect to the NPS-FM objective to avoid any further over-allocation of freshwater.	Retain as notified.
7.2: Tables 7.3 and 7.4	Support	The allocation limits are appropriate and are based on guidance in the Proposed NES for ecological flows.	Retain as notified
Schedule F3a	Support	The schedule sets out appropriate matters to consider for restoration management plans.	Retain as notified.
Schedule F3: Identified	Amend	The schedule is supported as a means of clearly identifying wetlands	The wetlands listed in this Schedule are

Significant Natural Wetlands		<p>subject to the livestock exclusion rules. However, introductory text is required to clarify that significant natural wetlands are only restricted to this schedule in relation to the livestock access rules, and that in all other cases, the RPS criteria also applies.</p> <p>In addition, the schedule should be updated to reflect the change sought to include wetlands smaller than 0.1ha.</p>	<p>significant natural wetlands from which livestock should be excluded in accordance with Rule 98.</p>
Schedule G: Principles to be applied when proposing and considering mitigation and offsetting in relation to biodiversity	Support	The inclusion of a schedule to provide principles that guide the development of biodiversity offsetting proposals is supported.	Retain Schedule G, subject to amendments sought below.
Schedule G: Principles to be applied when proposing and considering mitigation and offsetting in relation to biodiversity	Amend	The schedule should refer to current central Government guidance on biodiversity offsetting to provide reference to current good practice.	<p>Add the following after the first sentence in Schedule G:</p> <p>It should be read in conjunction with any current central Government guidance on biodiversity offsetting.</p>
Schedule G: Principles to be applied when proposing and considering mitigation and offsetting in relation to biodiversity	Amend	The inclusion of multiple references to mitigation within Schedule G has the potential to cause confusion and to blur the distinction between mitigation and offset. As currently worded, the plan uses the term mitigation to describe actions that would more appropriately be applied as an offset. Providing guidance for the development of good mitigation is supported, however should be in a separate schedule.	<p>Remove references to mitigation from within the schedule.</p> <p>Include a separate schedule providing direction around good practice for biodiversity mitigation.</p>
Schedule G: Principles to be applied when proposing and considering mitigation and offsetting in relation to biodiversity	Amend	The reference in 4(a) to positive effects being achieved at the site does not work for offsets which are located away from the impact site. The same issue occurs in the first paragraph of point 6.	<p>Amend 4(a) to refer to the 'offset site'.</p> <p>Amend 6 as follows:</p> <p>Any proposals for biodiversity offsets will provide measurable positive effects on biodiversity at the site as close to the location of development, where this will result in the</p>

			best ecological outcome or, where appropriate, within the ecological district...
Schedule G: Principles to be applied when proposing and considering mitigation and offsetting in relation to biodiversity	Amend	Additional matters are required to be added to point 6.	<p>Retain 6 (a) and (b) and add the following: Any proposal for proposals for biodiversity offsets will demonstrate that:</p> <p>(a) that an explicit calculation...</p> <p>(b) that the biodiversity offset ...</p> <p>(c) that the offset is applied so that the ecological values being achieved through the offset are the same or similar to those being lost.</p> <p>(d) the intention to utilise an offset and include a biodiversity offset management plan that:</p> <p>(i) sets out baseline information on indigenous biodiversity that is potentially impacted by the proposal at both the donor and recipient sites (ii) demonstrates how the requirements set out in this schedule will be addressed (iii) identifies the monitoring approach that will be used to demonstrate how the matters set out in this appendix have been addressed over an appropriate timeframe</p> <p>(e) that the principles in this schedule have been addressed.</p>

