

FURTHER SUBMISSION IN SUPPORT OR OPPOSITION TO, SUBMISSION ON PUBLICLY NOTIFIED NATURAL RESOURCES PLAN FOR THE WELLINGTON REGION

Clause 8 of Schedule 1, Resource Management Act 1991

TO: Greater Wellington Regional Council

NAME OF PERSON MAKING FURTHER SUBMISSION: Minister of Conservation

1. This is a further submission in support of and in opposition to submissions on the following proposed plan (the proposal):
 - 1.1. Proposed Natural Resources Plan for the Wellington Region
2. I am a person representing a relevant aspect of the public interest for the following reasons:
 - 2.1. I am the Minister responsible for the Department of Conservation. The statutory functions of the Department under section 6 of the Conservation Act 1987 include:
 - a) managing for conservation purposes all land and other natural and historic resources held under the Conservation Act; and
 - b) advocating the conservation of natural and historic resources generally.
 - c) I have statutory responsibilities under the Resource Management Act 1991, including in relation to the New Zealand Coastal Policy Statement 2010.
3. My support or opposition to the submissions of persons and/or organisations is listed in Attachment A (attached), along with the particular parts of the submission I support or oppose and reasons for my support or opposition.
4. In relation to those submissions I support I seek that that submission is allowed.
5. In relation to those submissions I oppose I seek that the part of the submission I oppose is disallowed.
6. I wish to be heard in support of my further submission.
7. If others make similar submissions I will consider presenting a joint case with them at the hearing.



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Michael Slater

Deputy Director-General Operations

Signed on behalf of the Minister of Conservation pursuant to delegated authority.

Date: 29 March 2016

Address for service of submitter:

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Minister of Conservation Further Submission on Proposed Natural Resources Plan for the Wellington Region

Attachment A

Name and address of submitter	Original submission number	Support/oppose	Part(s) of the submission I support or oppose	Reasons	Relief sought
Objectives					
Dairy NZ and Fonterra Co-operative Group Ltd	S316/004	Oppose in part	Section 2.1 How to use this plan That NZCPS provisions are not applied outside the coastal environment	The NZCPS states policies in order to achieve the purpose of the RMA in relation to the coastal environment. To achieve this, the NZCPS may be applicable to activities occurring outside the coastal environment that may impact on values in the coastal environment.	Disallow the submission point.
Horticulture NZ	S307/012	Oppose	New objective 3.1 All of submission point	The proposed new objective does not give effect to the NPS-FM or the RPS.	Disallow the submission point.
Horticulture NZ	S307/002	Oppose	3.1 Table of values All of submission point	It is the role of the whitua to identify the values associated with each FMU as part of the implementation of the NOF, while giving effect to the objectives of the NPS-FM. The extent to which values are provided for will depend on the local context.	Disallow the submission point.
Masterton District Council	S367/034	Oppose in part	Objective O2 Oppose inclusion of 'and provided for'	Providing for these activities/matters will not achieve the purpose of the RMA as it elevates them to an equal standing with matters of national importance by using the statutory language of "recognise and provide for" in section 6 of the Act.	Disallow the submission point.

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				This will undermine the protection of the matters of national importance, contrary to the Act.	
Federated Farmers of New Zealand	S352/065	Oppose in part	New objective Inclusion of 'and provided for'	Providing for these activities/matters will not achieve the purpose of the RMA as it elevates them to an equal standing with matters of national importance by using the statutory language of "recognise and provide for" in section 6 of the Act. This will undermine the protection of the matters of national importance, contrary to the Act.	Disallow inclusion of 'and provided for' if the proposed new objective is included in the plan.
Fish and Game	S308/016	Support	Objective O7 All of the submission point	The provision for stock water takes in s14(3)(b) RMA is subject to the requirement that the take does not, or is not likely to, have an adverse effect on the environment.	Allow submission point.
Federated Farmers of New Zealand	S352/059	Oppose in part	Objective O8 The deletion of 'within the allocation regime set out in the Plan'	To give effect to the NPS-FM, water takes must be managed within the allocation framework of the plan, including whitua chapters.	Disallow the submission point.
Federated Farmers of New Zealand	S352/063	Oppose	Objective O12 All of the submission point	Providing for these activities/matters will not achieve the purpose of the RMA as it elevates them to an equal standing with matters of national importance by using the statutory language of "recognise and provide for" in section 6 of the Act. This will undermine the protection of the matters of national importance, contrary to the Act.	Disallow submission point.

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Dairy NZ and Fonterra Co-operative Group Ltd	S316/027	Oppose	Objective O12 Amendment; new definition	While the NZCPS recognises the provision of infrastructure and the generation and transmission of electricity in the coastal environment, this is not extended to industry such as dairying. Inclusion of this definition and amendment may undermine the protection of matters of national importance.	Disallow the submission point.
Chorus New Zealand Limited	S144/005	Oppose	New objective O12A Inclusion of new objective O12A	This matter is adequately covered by O53 where activities occur in the CMA.	Disallow the submission point.
Wairarapa Regional Irrigation Trust	S127/012	Support	Objective O31 All of submission point	The revised wording proposed is more consistent with the NPS-FM.	Allow submission point.
NZ Transport Agency	S146/058	Oppose in part	Objective O35 Oppose addition of “from inappropriate use and development” from the objective	The objective recognises s6(c) RMA, which does not refer to inappropriate use and development.	Do not allow that part of submission point.
Rangitane o Wairarapa Inc	S279/047	Support	Objective O36 All of submission point	The objective is appropriate, noting that geological features may contribute to outstanding natural features and landscapes, and/or natural character of the CMA.	Allow submission point.

Name and address of submitter	Original submission number	Support/oppose	Part(s) of the submission I support or oppose	Reasons	Relief sought
Policies					
CentrePort Ltd	S121/042	Support	Policy 7	The policy is appropriate as notified and should be retained in its current form.	Accept the submission point.
Kiwirail Holdings	S140/030	Oppose	Policy 7	Regionally significant infrastructure is already recognised in Policy 12.	Disallow the submission point.
Ravensdown Ltd	S310/045	Oppose	Policy 7 – insertion of ‘enabled and provided for’	Providing for these activities/matters will not achieve the purpose of the RMA as it elevates them to an equal standing with matters of national importance by using the statutory language of “recognise and provide for” in section 6 of the Act. This will undermine the protection of the matters of national importance, contrary to the Act.	Disallow the submission point.
Dairy NZ and Fonterra Co-operative Group Ltd	S316/047	Support	Policy 11 – change of policy 11 title and text	It is considered appropriate to also recognise the benefits of damming and storing of water outside the bed of a river.	Accept the submission point.
NZ Transport Agency	S146/082	Oppose in part	Policy 12 - the insertion of ‘and provided for’ in this policy	Providing for these activities/matters will not achieve the purpose of the RMA as it elevates them to an equal standing with matters of national importance by using the statutory language of “recognise and provide for” in section 6 of the Act. This will undermine the protection of the matters of national importance, contrary to the Act.	Disallow this part of the submission point.

Name and address of submitter	Original submission number	Support/oppose	Part(s) of the submission I support or oppose	Reasons	Relief sought
Chorus NZ Ltd	S144/011	Oppose	Policy 12(e) – the insertion of text referring to areas that are subject to the ‘avoid adverse effects’ direction of the NZCPS	The requested amendment does not give effect to the requirements of the NZCPS.	Disallow the submission point.
Kapiti Coast Airport Holdings Ltd	S99/08	Oppose	Policy 12 The insertion of ‘enabled’ in this policy	Enabling these activities without appropriate controls to give effect to the NZCPS is considered inappropriate.	Disallow the submission point.
Dairy NZ and Fonterra Co-operative Group Ltd	S316/048	Oppose	Policy 12 Amendment	While the NZCPS recognises the provision of infrastructure and the generation and transmission of electricity in the coastal environment, this is not extended to industry such as dairying. Inclusion of this definition and amendment may undermine the protection of matters of national importance.	Disallow the submission point.
NZ Transport Agency	S146/083	Oppose	Policy 13 The amendment or new policy	New regionally significant infrastructure may have significant adverse effects on environmental values, and should not be indicated as ‘generally appropriate’.	Disallow this part of the submission point.
Kapiti Coast Airport Holdings Ltd	S99/009	Oppose	Policy 13 Amendment	Removing the term ‘generally’ removes discretion and does not recognise situations where these activities may be inappropriate.	Disallow the submission point.

Name and address of submitter	Original submission number	Support/oppose	Part(s) of the submission I support or oppose	Reasons	Relief sought
Powerco	S29/016	Support	Policy 13 Retain	The policy is considered appropriate as notified and accords sufficient recognition of existing regionally significant infrastructure and renewable energy generation activities.	Retain the policy as notified.
NZ Transport Agency	S146/087	Oppose	Policy 22 Amendment	The requested amendment does not give effect to the NZCPS or recognise the significance of the Region's estuaries.	Disallow the submission point.
Federated Farmers of New Zealand	S352/131	Oppose in part; Support in part	Policy 22 Oppose amendment of the policy Support the proposed wording as a new policy	While the notified policy is required to recognise and protect the significant values of the Region's estuaries, the proposed new wording provides for restoration and rehabilitation, consistent with Policy 14 NZCPS.	Reject the deletion of text, and accept the new text as a new policy.
Porirua City Council	S163/052	Oppose	Policy 24 (a) and (e) Removal of the word 'avoid'	The NZCPS requires that adverse effects are avoided on areas of outstanding natural character. The amendment as requested will not give effect to the NZCPS.	Disallow the submission point.
NZ Transport Agency	S146/089	Oppose	Policy 24 All of the submission point	'Inappropriateness' in relation to natural character of the coastal environment, as required by Section 6(a) of the RMA, is determined by the ability of the activity to avoid adverse effects, consistent with the direction of Policy 13 NZCPS.	Disallow the submission point.

Name and address of submitter	Original submission number	Support/oppose	Part(s) of the submission I support or oppose	Reasons	Relief sought
Jenny Clark	S106/004 & 006	Oppose in part	New policies that address coastal hazard mitigation activities, including protection	The Plan is required to give effect to the NZCPS, and any policies on coastal hazard protection must address the NZCPS policies on coastal hazard risk.	Ensure that any new policies addressing coastal hazard risk give effect to the NZCPS.
The Oil Companies	S55/021	Oppose	Policy 28 All of submission point	Hard protection works for regionally significant infrastructure should not be exempted from the requirement to avoid significant adverse effects.	Disallow the submission point.
Royal Forest and Bird Society	S353/068	Support in part	Addition of new policy 'Managing the Effects of Climate Change'	Regional direction on the management of the ecological consequences of climate change such as sea level rise is considered appropriate.	Add new policy as requested by submission.
NZ Transport Agency	S146/103	Oppose	Policy 40 Amendment	The requested amendments are not consistent with the requirements of Section 6(c) of the Act.	Disallow the submission point.
NZ Transport Agency	S146/108	Oppose	Policy 48 Amendment	The requested amendment does not give effect to the NZCPS.	Disallow the submission point.
Land Matters Ltd	S285/018	Oppose	Policy 65 Deletion of part (e) of the policy	Plan changes or variations from catchment specific recommendations from the Whaitua committee process may be an important means of managing nutrient discharges and it is appropriate that the policy signals this.	Disallow submission point, retain policy as notified.

Name and address of submitter	Original submission number	Support/oppose	Part(s) of the submission I support or oppose	Reasons	Relief sought
The Oil Companies	S55/029	Support	Policy 79 Retention of policy	The notified policy addresses an important issue and should be retained as notified.	Disallow the submission point.
The Oil Companies	S55/035	Support	Policy 102 Retention of policy	The proposed policy provides an appropriate framework for managing the reclamation and drainage of the beds of lakes and rivers.	Retain the policy as notified.
Federated Farmers of New Zealand	S352/177	Oppose in part	Policy P107 Reference to the current operative RFP	The reference to management in accordance with the current operative RFP provisions does not give effect to the RPS or the NPS-FM.	Retain P107 without modification.
Fish and Game	S308/073	Support in part	Policy P111 Takes below minimum flow are required to be consistent with S14(3)(b) RMA and not result in adverse effects on aquatic life, including cumulative impacts.	S14(3)(b) of the RMA provides for the taking or use of water for reasonable needs, subject to these not having, or being likely to have, an adverse effect on the environment. Takes when flows are below minimum flows (including permitted takes) may have adverse effects, and should be incorporated into allocation limits.	Accept the submission points.
Porirua Harbour and Catchment Community Trust	S33/027	Support	Policy P133 Retain	This policy recognises Policy 6(2)(b) NZCPS and is considered appropriate.	Retain the policy as notified.
Kapiti Coast District Council	S117/049	Support	Policy P134	This policy also recognises Policy 6(2)(b) NZCPS and is considered appropriate.	Retain the policy as notified.

Name and address of submitter	Original submission number	Support/oppose	Part(s) of the submission I support or oppose	Reasons	Relief sought
			Retain		
Roothing, Parks and Gardens and Solid Waste Departments of HCC and UHCC	S85/053	Support in part	Policy P139 Amendment to recognise that seawalls can be the only reasonably practicable option to protect important assets from damage.	Any amendment of Policy 139 or new policies on seawalls are required to give effect to the NZCPS, especially Policy 27(3) & (4).	Ensure amendments resulting from this submission point give effect to the NZCPS in relation to coastal hazard protection structures.
Coastal Ratepayers United Incorporated	S93/066	Oppose in part; Support in part	Policy 145 Oppose amendment to enable coastal hazard mitigation activities; Support definitions or otherwise to determine the meanings of the terms 'destruction' and 'damage'	Coastal hazard mitigation structures are more appropriately addressed through Policy P139. The terms listed are not defined in the RMA or the Plan.	Disallow the first submission point. Accept the second submission point and define the terms listed.
Rules					
NZ Transport Agency	S146/158	Support	Rule 93 All of the submission point	A 'catch all' Discretionary Activity status is appropriate for activities that are undefined.	Allow submission point.

Name and address of submitter	Original submission number	Support/oppose	Part(s) of the submission I support or oppose	Reasons	Relief sought
Fish and Game	S308/100	Support in part	<p>Rule 99</p> <p>Applying Permitted Activity rules which ensure that s70 RMA is met</p>	<p>The provisions of s70 may not be met where earthworks permitted by Rule 99 occur alongside or in close proximity to waterbodies.</p>	<p>Inclusion of rules to manage earthworks activities in close proximity to waterbodies and aquatic sites with significant or outstanding ecological values.</p>
Fish and Game	S308/107	Support in part	<p>Rule 100</p> <p>Applying Permitted Activity rules which ensure that s70 RMA is met</p>	<p>The provisions of s70 may not be met where vegetation clearance permitted by Rule 100 occur alongside or in close proximity to waterbodies.</p>	<p>Inclusion of rules to manage vegetation clearance activities in close proximity to waterbodies and aquatic sites with significant or outstanding ecological values.</p>
Holcim (New Zealand) Ltd	S276/020	Oppose	<p>R101</p> <p>Changing activity status of R101 from Discretionary to Restricted Discretionary</p>	<p>Large scale earthworks and/or vegetation clearance can have significant adverse effects on receiving environments and a wide range of matters may need to be considered.</p>	<p>Retain activity status.</p>

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Fish and Game	S308/108	Support in part	R102 Applying Permitted Activity rules which ensure that s70 RMA is met	The provisions of s70 may not be met where plantation forestry harvesting permitted by Rule 102 occurs alongside or in close proximity to waterbodies.	Inclusion of rules to manage plantation forestry harvesting in close proximity to waterbodies and aquatic sites with significant or outstanding ecological values.
Beef and Lamb NZ	S311/028	Support in part	Section 5.5.2 Inclusion of additional control regarding spread of pests	Managing the spread of pests is important for maintaining the condition of wetlands.	Allow that part of the submission point.
Wellington Electricity Lines Limited	S126/027	Oppose in part	New Rule Inclusion of the word 'addition'	The scale of activities that are captured by 'addition' is unknown, and therefore controlled activity status is not appropriate.	Do not include the word 'addition' in the proposed new rule if submission is accepted.
Royal Forest and Bird Protection Society	S353/141	Support	R104 All of the submission point	The rule is considered appropriate.	Allow submission point.
Environmental Defence Society	S110/014	Support	R106	Stock should not be allowed in wetlands.	Allow submission point.

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			All of the submission point		
NZ Transport Agency	S146/166	Oppose	R106 All of the submission point	It is inappropriate to address the maintenance, repair or removal of existing structures as part of a rule that is focussed on activities for the purpose of restoring indigenous biodiversity.	Disallow the submission point.
Kapiti Coast Airport Holdings Limited	S99/012	Oppose	New Rule 106A All of the submission point	A controlled activity rule as proposed will not achieve the objectives or policies for wetlands in the plan.	Disallow the submission point.
Fish and Game	S308/126	Support	R116 Consent requirements for new dams	New small dams may not be appropriate in scheduled sites.	Allow the submission point.
NZ Transport Agency	S146/178	Oppose in part	R118 Deletion of R118 (i)	If the activity will result in the diversion of water from a natural wetland it should not be a Permitted Activity, as the effects could be significant and need to be considered as part of a consent process, including any options to avoid, remedy or mitigate.	Do not allow submission point, retain Rule R118(i).
NZ Transport Agency	S146/184	Support	R129	Rule R129 is appropriate to capture activities not covered by other rules.	Allow submission point.

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			All of the submission point		
Federated Farmers of New Zealand	S352/233	Oppose	R131 All of the submission point	The nature and scale of damming and diversion could vary considerably, and therefore Discretionary Activity status is considered appropriate.	Disallow the submission point.
NZ Transport Agency	S146/201 and 202	Support in part; Oppose in part	Support retaining Rule 162; Oppose the new rule sought	Discretionary activity status for regionally significant infrastructure within sites of significance does not give effect to the NZCPS, specifically Policy 11(a).	Retain Rule 162; Do not allow new rule sought.
Porirua District Council	S163/132	Oppose	Rule 164 Adding permitted activity conditions for removal or demolition of structures within a scheduled area	Restricted discretionary status for the removal or demolition of a structure within a scheduled area is considered appropriate, unless permitted activity conditions can demonstrate that they will not cause adverse effects on the values and characteristics of these areas.	Disallow the submission point.
CentrePort Ltd	S121/128	Support	Rule 183 Retain	The rule is considered appropriate, especially the matters of control.	Retain rule.
NZ Transport Agency	S146/213	Oppose	Additional of a new discretionary activity rule	It is not considered appropriate to add a new rule specifically providing for disturbance or damage within a site of significance as a discretionary activity even if there is a functional/operational	Disallow the submission point.

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				need, as this may not allow the Plan to give effect to the directive policies of the NZCPS.	
NZ Transport Agency	S146/212	Support	Retention of Rule 194	The rule is considered appropriate to manage adverse effects of deposition or damage.	Retain rule.
NZ Transport Agency	S146/215	Oppose	Rule 197 Insertion of 'development' of regionally significant infrastructure in the permitted activities for motor vehicles in the CMA	Vehicle access associated with the development of regionally significant infrastructure and its adverse effects should be considered with the consent for infrastructure and should not be permitted.	Disallow the submission point.
NZ Transport Agency	S146/222	Oppose	Rule 214 The deletion of reference to Schedules E4, F4, F5 and J in Rule 214	The requested amendment undermines the structure of the Rules on reclamation and drainage, and may not allow the Plan to give effect to the NZCPS.	Disallow the submission point.
CentrePort Ltd	S121/136	Oppose	Amendment of Rule 212 to provide for dumping or deposition of dredge material within a site of significance as a discretionary activity	The requested amendment may not adequately protect the values of the sites of significance.	Disallow the submission point.

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Kapiti Coast Airport Holdings Ltd	S99/020	Oppose	Rule 214 Amending Rule 214 to controlled activity status	Controlled activity status for reclamation and drainage is inappropriate as applications cannot be declined by Council.	Disallow the submission point.
Whaitua Chapters					
Federated Farmers of New Zealand	S352/258	Oppose	Policy R.P2 Reference to the current operative RFP allocation amounts	Management in accordance with the current operative RFP provisions will not give effect to the RPS or the NPS-FM.	The interim core allocation proposed by Policy R.P2 is appropriate.
Federated Farmers of New Zealand	S352/259	Oppose	Policy R.P3 Deletion of Policy R.P3	The policy is important to the integrated management of water resources, and is required to give effect to the NPS-FM.	Disallow the submission point.
Wairarapa Regional Irrigation Trust	S127/032	Oppose	Rule R.R2 The additional wording proposed	The amendment may allow for over-allocation and takes below minimum flows/levels, and does not give effect to the NPS-FM.	Do not allow submission point.
Schedules					
Royal Forest and Bird Society	S353/175	Support	Schedule A All of the submission point	The schedule is required to support provisions in the plan that give effect to the NPS-FM.	Accept the submission point and retain Schedule A.
Royal Forest and Bird Society	S353/177	Support	Schedule F	The schedule recognises and provides for s6(c) matter of national importance.	Accept the submission point

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			All of the submission point		and retain Schedule F .
Definitions					
The Oil Companies	S55/069	Support	Definition of Regionally significant infrastructure	The activities and structures identified in this definition are considered appropriate to inform the management of natural resources in the Plan.	Retain the notified definition.
Federated Farmers of New Zealand	S352/043	Oppose	Definition of Restoration Management Plan	The notified definition, including the reference to Schedule F3a, is appropriate and should be retained as notified.	Disallow the submission point.
Coastal Ratepayers United Inc.	S93/007	Oppose	Definition of risk	Retain the notified definition as it is consistent with the definition of the NZCPS.	Disallow the submission point.
Coastal Ratepayers United Inc.	S93/009	Oppose	Definition of Risk-based approach (natural hazards)	Retain the notified definition as it is consistent with the direction of the NZCPS.	Disallow the submission point.
NZ Transport Agency	S146/032	Oppose in part	New definition for seawall	A structure with the primary purpose or effect of protecting an activity from a coastal hazard is already defined in the NZCPS as a 'Hard Protection Structure', which includes seawalls.	If a new definition is inserted for structures to protect an activity from a coastal hazard, use the term 'Hard Protection Structure' defined in the NZCPS.

Name and address of submitter	Original submission number	Support/oppose	Part(s) of the submission I support or oppose	Reasons	Relief sought
Federated Farmers of New Zealand	S352/052	Oppose	Definition of Vegetation Clearance	Rule 100 addresses erosion prone land, so it is not appropriate to exclude regenerating scrub from its application. The other deletions or exclusions requested are not considered appropriate in the definition.	Disallow the submission point.
Hutt City Council	S84/015	Oppose	Definition of zone of reasonable mixing, in relation to coastal water	Policy 23 NZCPS requires that, for the discharge of contaminants in the coastal environment, particular regard is had to a number of matters (Policy 23(d) – (f)). It is appropriate that these be determined in a case-by-case basis based on the nature of the discharge and the sensitivity of the receiving environment.	Disallow the submission point.
Transpower NZ Ltd	S165/048	Oppose in part	Definition of Earthworks Addition of ‘upgrade’ of existing roads and tracks to the list of exclusions from the definition of Earthworks	The requested amendment could result in unanticipated adverse effects due to uncertainty of the scale and impact of roading upgrades.	Disallow the submission point.
Federated Farmers of New Zealand	S352/032	Oppose in part	Definition of Highly Modified River or Stream	For the purposes of Rule 121 the definition should ensure that rivers or streams with ecological values that may be adversely affected by drain maintenance are excluded.	Ensure the definition excludes rivers or streams with ecological values.

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Federated Farmers of New Zealand	S352/051	Oppose in part	Definition of surface water body Exclusion of drain or water race	The change sought would remove the protection of discharge rules of the plan. This is inappropriate given the potential effects on the immediate and downstream receiving water bodies.	Retain reference to drains and water races within the definition, retain definition as notified.