

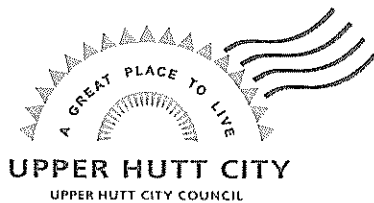
Proposed Natural Resources Plan:

Submitter:

Upper Hutt City Council

Submitter Number:

S107



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Proposed Natural Resources Plan
Greater Wellington Regional Council
PO Box 11646
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Upper Hutt City Council Submission Proposed Natural Resources Plan

Thank you for the opportunity to submit on the proposed Natural Resources Plan that was notified on 31 July 2015.

- Upper Hutt City Council wishes to be heard in support of its submission.
- Upper Hutt City Council is not a trade competitor and would not gain an advantage in trade competition through this submission.

Upper Hutt City Council's submission is set out below.

1.0 Partner submissions – to be read in conjunction with this submission

1.1 Wellington Water submission

Wellington Water is owned by Hutt, Upper Hutt, Porirua and Wellington City Councils, and Greater Wellington Regional Council to manage the three waters from the source to the sea, and to provide regional water services management at the best value possible to their customers.

Wellington Water has been engaged to prepare a submission on behalf of the above councils that addresses the following matters:

- Whaitua process and outcomes
- Wastewater discharges
- Cost implications
- Stormwater discharges
- Works in best of rivers
- Water allocation and water use efficiency

The submission by Wellington Water considers the above matters on a region-wide basis because the delivery of the three waters services crosses territorial authority boundaries.

Upper Hutt City Council endorses all points of the submission by Wellington Water.

Upper Hutt City Council requests that their submission **be read in conjunction with the submission put forward by Wellington Water** on behalf of Upper Hutt City Council, Hutt City Council, Wellington City Council, Porirua City Council and Greater Wellington Regional Council.

1.2 Tonkin and Taylor submission

Upper Hutt City Council and Hutt City Council have engaged Tonkin and Taylor to prepare a submission jointly on their behalf in respect of roading, parks and gardens. Their submission relates to (but is not limited to) the following matters:

- Earthworks and vegetation clearance
- Works in a river bed or wetland
- Discharges to air
- Stormwater discharge
- Groundwater take
- Coastal management (relevant to Hutt City but not relevant to Upper Hutt)

The submission by Tonkin and Taylor considers the above matters on a Hutt Valley-wide basis because many of these major infrastructure services are delivered across the joint territorial authority boundary.

Upper Hutt City Council endorses all points of the submission by Tonkin and Taylor.

Upper Hutt City Council requests that their submission also **be read in conjunction with the submission put forward by Tonkin and Taylor.**

2.0 Specific matters

2.1 Lack of consideration for urban and modified environments

The plan still lacks graduation of policies or rules to address different types of environments. Although we support the introduction of rules to protect the natural environment, the 'black and white' nature of control does not adequately take into account the different types of environments, such as urban or rural, modified or pristine, or the differences between the various territorial authority areas within the region.

Wellington City Council has similar concerns about this issue, that we support. WCC intend to request that an amendment be made to Section 4.2 'Beneficial Use and Development' to recognise the contribution urban areas make to the social economic and cultural wellbeing of people and communities and provide for their ongoing use and development. Upper Hutt City Council supports this and makes the same request.

Decision requested:

Include a new policy (or similar) in Section 4.2 'Beneficial Use and Development' that recognises the contribution urban areas make to the social economic and cultural wellbeing of people and communities and provide for their ongoing use and development.

2.2 Non complying activity status and use of the term 'avoid' in objectives and policies.

Upper Hutt City Council is concerned that non-complying activity status and the requirement to 'avoid' effects in many objectives and policies will unnecessarily hinder the establishment of activities that may be the most appropriate response to a given issue, or may be a reasonably anticipated use for a particular zone. This is particularly so for urban and modified environments.

Recent case law has reinforced that where the term 'avoid' is used, this is a bottom line and the effects of the activity must in all cases be avoided.

Upper Hutt City Council accepts that there may be instances where it is appropriate to have such a stringent test. However, in many cases, and particularly in modified and urban environments, non-complying activity status and having to avoid effects is overly restrictive.

Wellington Water and Tonkin and Taylor have outlined in their partner submissions particular concerns about this in respect of regionally significant infrastructure. We fully support these points.

Decision requested

Review the use of 'avoid' and 'avoided' in objectives and policies, so that it does not unnecessarily and inappropriately constrain activities that do not result in significant effects, provide essential services for the health and safety of the community, or are reasonably anticipated uses within certain zones.

2.3 Stormwater from a local authority network

Upper Hutt City Council has significant concerns with Rules 50 and 51 relating to Stormwater from a local authority network.

The rationale for these rules requiring a two-stage consenting process is not stated in the objectives. The second stage of the consenting process has discretionary activity status, which is impractical given that the discharge of stormwater cannot be stopped. The term of consents does not appear to have any foundation in the scale or nature of effects, or the impact on any particular environment, and the proposed regime has significant compliance costs. We also have concerns about the use of short-term consents for long-term activities.

In real terms, controlled activity status (with the ability to impose conditions) is the only practical option.

More detail about our specific concerns with these provisions can be found in the submissions from our partners, Wellington Water and Tonkin and Taylor.

Decision requested

Amend the rules as requested in the submissions by Wellington Water and Tonkin and Taylor.

2.4 Protecting economic development potential and managing compliance costs

Use of the term 'avoid' in policies has the potential to inhibit economic development. For example, the requirement in Policy 67 to avoid the production of contaminants takes no account of the ability to increase efficiencies or embrace emerging technology that would reduce contaminant production.

Upper Hutt has a growing industrial sector with many new and innovative businesses and opportunities that we wish to encourage without overzealous or catch-all environmental regulation that could also increase the cost of establishment and compliance. The business sector is also embracing emerging technology and we would prefer the focus of control to be on the assimilative capacity of the receiving environment than having an outright avoidance policy for the production of contaminants.

We request that along with not using the term 'avoid' as referred to above, that the plan is more accommodating of economic development, particularly when it utilises highly efficient or new technologies to either reduce or accommodate contaminant production.

Decision requested

Amend various policies, as referred to in Appendix 1.

2.5 Air quality rules

The fuels-based approach of the air quality provisions is inconsistent with the effect-based focus of the RMA. The implications are that some activities will require consent despite not having an adverse environmental effect, and activities not anticipated will require consent under the catch-all discretionary rule.

Upper Hutt City Council would like to see the rule chapter for air quality amended so that it applies an effects-based approach to managing air discharges, rather than being activity-focussed.

Also refer to the submission made on behalf of Upper Hutt City Council by Tonkin and Taylor.

Decision requested

Amend the air quality rules to apply an effects-based approach to managing air discharges.

2.6 Potential for duplicate consents required for earthworks

The NRP includes rules relating to earthworks. We note that earthworks may also require resource consent under Upper Hutt City's District Plan. There are permitted activity rules in the District Plan for earthworks (Chapter 23). If earthworks are not permitted they are a restricted discretionary activity with discretion restricted to the matter of non-compliance in question, financial contributions and in some locations, the effects on visual, landscape and ecological values, as well as the measures proposed to avoid, remedy or mitigate potential adverse effects.

UHCC does not oppose the inclusion of earthworks rules in the NRP, but we are aware that this will result in resource consent being required from both GWRC and UHCC in some situations. We request that a note is added to the relevant rules to advise that approval may also be required from the relevant territorial authority.

Decision requested

Amend the earthworks and vegetation clearance rules to note that approval may also be required from the relevant territorial authority.

2.7 Potential for duplicate consents required for forestry

The NRP includes rules relating to forestry. We note that forestry may also require resource consent under Upper Hutt City Council's District Plan. We also note that the National Environmental Standard for Plantation Forestry is currently under development, which may impose additional requirements for forestry operations.

Upper Hutt City Council does not oppose the inclusion of requirements for forestry in the NRP, but we are aware that this will result in resource consents being required from both GWRC and Upper Hutt City Council in some situations. We request that a note is added to the relevant rules to advise that approval may also be required from the relevant territorial authority.

Decision requested

Amend the forestry rules to note that approval may also be required from the relevant territorial authority.

2.8 Wellington Harbour and Hutt Valley Whaitua

Upper Hutt City Council **supports** the establishment of the Whaitua Committees for specific management of catchment-based water resources.

2.9 Effective upkeep of information

Effective implementation of the proposed plan is heavily reliant on a large body of data about the state of the natural environment. The database will need to be kept current to be effective, and there will be cost implications of this. Upper Hutt wishes to state that while we support a comprehensive database and are prepared to discuss co-ordination of information where possible and practical, our ability to assist GW with data collection and management will be limited.

- Upper Hutt City Council **supports** the continued collection and maintenance of the required body of data to effectively implement the plan by GW.
- Upper Hutt City Council **supports** the establishment and continuation of environmental monitoring by GW.

2.10 Ongoing monitoring

The integrity of the plan and maintenance of environmental values will also be heavily reliant on consent monitoring and, where necessary, enforcement.

Upper Hutt City Council wishes to state that while we are prepared to discuss co-ordination with GW on these matters where possible and practicable, our ability to assist GW with consent monitoring and enforcement will be limited due to costs and resources.

- Upper Hutt City Council **supports** the establishment and continuation of consent monitoring by GW.
- Upper Hutt City Council is prepared to discuss the co-ordination of consent monitoring functions to the extent that this is possible and practical.

3.0 Appendices

Upper Hutt City Council's response to specific points in the Proposed Natural Resources Plan is attached as Appendix 1, which needs to be read in conjunction with this letter.

Appendix 1 also indicates where relief is sought by our partner submitters, Wellington Water and Tonkin and Taylor. Where this is indicated, please refer to the original submission by these submitters for further detail.



Yours sincerely

His Worship the Mayor, Wayne Guppy

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Schedules

My submission on this provision is:

Reasons for my submission:

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

Schedule A: Outstanding water bodies	Amend	Refer to submission made by Wellington Water on behalf of Upper Hutt City Council
Schedule F: Ecosystems and habitats with significant indigenous biodiversity values	Amend	Refer to submission made by Wellington Water on behalf of Upper Hutt City Council
Schedule F: Ecosystems and habitats with significant indigenous biodiversity values	Amend	Refer to submission made by Wellington Water on behalf of Upper Hutt City Council
Schedule M: Community drinking water supply abstraction points	Amend	Refer to submission made by Wellington Water on behalf of Upper Hutt City Council
Schedule M: Community drinking water supply abstraction points	Amend	Refer to submission made by Wellington Water on behalf of Upper Hutt City Council
Schedule N: Stormwater management strategy	Amend	Refer to submission made by Wellington Water on behalf of Upper Hutt City Council
Schedule Q: Reasonable and efficient use criteria	Amend	Refer to submission made by Wellington Water on behalf of Upper Hutt City Council
Schedule I: Important trout fishery rivers and spawning waters	Amend	Refer to submission made by Wellington Water on behalf of Upper Hutt City Council

Maps

My submission on this provision is:

Reasons for my submission:

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

<p>Map 1: Outstanding water bodies (Schedule A1, A2, A3)</p>	<p>Amend</p>	<p>Refer to submission made by Wellington Water on behalf of Upper Hutt City Council</p>
<p>Map 13c: Rivers and lakes with significant indigenous ecosystems: habitat for six or more migratory indigenous fish species (Schedule F1)</p>	<p>Amend</p>	<p>Refer to submission made by Wellington Water on behalf of Upper Hutt City Council</p>
<p>Map 21d: Modelled river classes – Wellington Hutt Valley and Wainuiomata catchments (Table 3.1)</p>	<p>Amend</p>	<p>Refer to submission made by Wellington Water on behalf of Upper Hutt City Council</p>
<p>Map 26: Surface water community drinking water supply protection areas (incorporates Schedule M1)</p>	<p>Amend</p>	<p>Refer to submission made by Wellington Water on behalf of Upper Hutt City Council</p>
<p>Map 27b: Groundwater community drinking water supply protection areas – Hutt Valley (incorporates Schedule M2)</p>	<p>Amend</p>	<p>Refer to submission made by Wellington Water on behalf of Upper Hutt City Council</p>

