

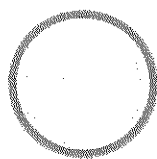
Proposed Natural Resources Plan:

Submitter:

Powerco

Submitter Number:

S29



POWERco

**SUBMISSION ON THE PROPOSED NATURAL RESOURCES PLAN
FOR GREATER WELLINGTON REGIONAL COUNCIL**

25 September 2015

To: Freepost 3156
The Proposed Natural Resources Plan
The Greater Wellington Regional Council
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By Email: regionalplan@gw.govt.nz

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Ref: 15/050

1 INTRODUCTION

- 1.1 Powerco Limited (Powerco) is New Zealand's second largest gas and electricity distribution company and has experience with energy distribution in New Zealand spanning more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers, which represents 46% of the gas connections and 16% of the electricity connections in New Zealand.
- 1.2 Powerco's electricity networks are in Tauranga, Thames, Coromandel, Eastern and Southern Waikato, Taranaki, Wanganui, Rangitikei, Manawatu and the Wairarapa. Its gas pipeline networks are in Taranaki, Hutt Valley, Porirua, Wellington, Horowhenua, Manawatu and the Hawkes Bay. Consumers are served through Powerco assets including over 27,000 kilometres of electricity lines (including overhead lines and underground cables) and 5,800 kilometres of gas pipelines.
- 1.3 Powerco's gas and electricity networks are recognised in the Wellington Regional Policy Statement (*RPS*) as regionally significant infrastructure. It is, therefore, appropriate that their management is comprehensively addressed in the Proposed Natural Resources Plan for the Wellington Region (*the Proposed Plan*).
- 1.4 Powerco supports the incorporation of all the existing regional plans into one document and seeks to ensure that the document enables ongoing operation, maintenance and upgrading of its gas and electricity assets without any unnecessary constraints. Of particular relevance to this matter, this requires:
- Provision for the ongoing maintenance and upgrading of existing gas and electricity assets;
 - Provision for establishment of new network infrastructure when and where required, having regard to (inter alia) the extent to which any adverse effects have been avoided, remedied or mitigated by route, site and method selection; and
 - Protection of gas and electricity distribution network infrastructure from activities and development within close proximity.
- 1.5 These matters are discussed in more detail as follows.
- 1.6 The map in attachment A shows the extent of Powerco's assets throughout the Greater Wellington Region.

2 THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN THAT POWERCO'S SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:

- 2.1 This submission relates specifically to the following provisions of the Proposed Plan:
- Chapter 3: Objectives 12, 13, 20, 22, 40, 41, 43, 44, 46, 47, 51, 53, 54

- Chapter 4: Policies 4, 5, 13, 14, 15, 16, 23, 25, 27, 28, 45, 48, 58, 67, 73, 90, 97, 98, 102, 103, 126, 132, 138, 139, 145
 - Chapter 5: Rules 12, 21, 26, 34, 42, 99, 112, 114, 115, 118, 130, 140, 146, 147, 149, 168, 196, 172, 182.
 - Definitions: Good Management Practice, Regionally Significant Infrastructure, Contaminated Land, Bore, Dewatering, Earthworks.
- 2.2 The rationale for Powerco's submission on each of these matters, the specific provision submitted on and the relief sought is set out in the attached schedule. Amendments to the proposed provisions are shown as deletions in strikethrough and additions in underline.
- 2.3 Powerco also seeks the following general relief:
- That in giving effect to the general and specific relief set out in the attached Schedules ensure that the provisions of the Proposed Natural Resources Plan of the Greater Wellington Regional Council raised by this submission
- (a) Address the relevant provisions in sections 5-8 RMA;
 - (b) Implement the statutory tests in section 32 and the requirements in the First Schedule RMA;
 - (c) Address relevant statutory functions of the consent authority and the related statutory requirements for the Proposed Natural Resources Plan;
 - (d) Address the considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc v North Shore City Council (and subsequent case law);
 - (e) Ensure there is no duplication of the provisions or double jeopardy with more than one rule being required for the same activity;
 - (f) Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission; and
 - (g) Avoid, remedy or mitigate the relevant and identified environmental effects.

- 3 **POWERCO WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION**
- 4 **IF OTHERS MAKE A SIMILAR SUBMISSION, POWERCO WOULD BE PREPARED TO
CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.**
- 5 **POWERCO COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH
THIS SUBMISSION.**
- 6 **POWERCO ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE
SUBMISSION THAT-**
- (A) ADVERSELY AFFECTS THE ENVIRONMENT; AND**
- (B) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE
COMPETITION.**

Dated at TAKAPUNA this 25th day of September 2015

Signature of person authorised to sign on behalf of Powerco

Maree Drury
Principal Planner

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(as per cover sheet)
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Schedule 1: Specific submissions of Powerco to the Greater Wellington Regional Council Proposed Natural Resources Plan

Reference	Support/ Oppose	Decision Sought	Reasons
Chapter 3- Objectives			
Section 3.2 Beneficial Use and Development. O12	Support	Retain O12 without further modification <i>The social, economic, cultural and environmental benefits of regionally significant infrastructure and renewable energy generation activities are recognised.</i>	Powerco seek that Objective 12 be retained without modification. The objective recognises the value of regionally significant infrastructure in the Wellington region.
Section 3.2 Beneficial Use and Development. O13	Support	Retain Objective O13 without further modification <i>The use and ongoing operation of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.</i>	Powerco seek that Objective 13 be retained without modification. The objective recognises the value of regionally significant infrastructure in the Wellington region and the need to protect such infrastructure from reverse sensitivity effects.
Section 3.4 Natural Character, Form and Function O20	Oppose	Modify O20 as follows: <i>The risk, residual risk, and adverse effects from natural hazards and climate change on people, the community and infrastructure are acceptable appropriately managed so that risks remain acceptable.</i>	Objective 20 introduces a subjective judgment when advocating "acceptable risk" In some circumstances a degree of risk may be acceptable and/or the management approach sufficiently precautionary – the focus should be on 'appropriate management' of risk not the risk of a hazard occurring per se. Levels of acceptable risk may vary depending upon the nature of the activity e.g. where significant infrastructure has to traverse areas subject to Natural Hazards.
Section 3.4 Natural Character, Form and Function O22	Support in part	Modify Objective O22 as follows <i>Hard engineering mitigation and protection methods are only used as a last practicable option or where they are the best practicable option</i>	Powerco support recognition of hard engineering options where they are the best practicable option.

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 3.8 Air O40	Support	Retain Objective O40 without further modification <i>Human health, property, and the environment are protected from the adverse effects of point source discharges of air pollutants.</i>	Powerco seek that Objective 40 be retained without modification.
Section 3.8 Air O41	Oppose	Modify Objective O41 as follows <i>The adverse effects of odour, smoke and dust on amenity values and people's well-being are reduced are avoided, remedied, or mitigated</i>	The RMA requires that adverse effects are avoided, remedied or mitigated. There may be circumstances where the nature of the land use is such that odour effects cannot be reduced e.g are already applying the BPO. The need for a general reduction across the region for these matters for all discharges has not been appropriately justified. A reduction requirement is likely to pose potential issues for all new discharges
Section 3.9 Soil O43	Support	Retain O43 without further modification <i>Contaminated land is managed to protect human health and the environment</i>	Objective 43 focuses on the appropriate management of contaminated land to protect human health and the environment from adverse effects.
Section 3.10 Land Use O44	Oppose	Modify Objective O44 as follows <i>The adverse effects on soil and water from land use activities are minimised avoided, remedied, or mitigated</i>	The RMA requires that adverse effects are avoided, remedied or mitigated. There may be circumstances where past land use effects on soil and water cannot be reduced to the smallest possible amount but must be managed, e.g some contaminated land where there may need to be controls on the future use of the land.

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 3.11 Discharges O46	Oppose	Modify Objective O46 as follows. <i>Discharges to land are managed to reduce the <u>adverse effects of runoff or leaching of contaminants to water</u></i>	Objective 46 should focus on the management of adverse effects of discharges to land. In some cases historical contamination of land results in leaching of contaminants to groundwater which cannot be reduced until natural attenuation has occurred. Where there are no adverse effects of allowing natural attenuation, reduction of offsite migration may not be necessary.
3.11Discharges O47	Support in part	Modify Objective O47 as follows <i>The amount of sediment-laden runoff entering water is reduced <u>as far as practicable</u>.</i>	It is unclear whether this objective refers to sediment laden water from each individual discharge or over the whole region. It may not always be possible to demonstrate a reduction in sediment concentrations in short term discharges associated with short term and minor construction activities, however good management practice can be applied. The suggested amendment is supported if reduction is to occur for every individual discharge.
Section 3.11 Discharges O51	Oppose	Modify Objective O51 as follows <i>The discharge of hazardous substances is managed to <u>avoid adverse effects on protect human health, property and the environment</u></i>	Objective 51 needs to be amended to reflect that management cannot always result in complete protection but should have the objective of avoiding adverse effects e.g existing contaminated sites which continue to discharge hazardous substances cannot "protect" the environment.

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 3.13 Coastal Management O53	Support	Retain Objective O53 without further modification <i>Use and development in the coastal marine area has a functional need or operational requirement to be located there</i>	Objectives 53 and 54 are supported as they recognise the functional need and operational requirement for some industries including electricity distribution and gas pipelines to be located within the CMA to service wharfs, ports, commercial buildings e.g Powerco has infrastructure on Kumutoto Wharf and Clyde Quay.
Section 3.13 Coastal Management O54	Support	Retain Objective O54 without further modification <i>Use and development makes efficient use of any occupied space in the coastal marine area</i>	As per above
Chapter 4 – Policies			
Section 4.1 Policy 4: Ki uta ki tai and integrated catchment management	Oppose	Modify Policy 4 as follows: <i>Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall may include:</i> <i>(a) considering of alternative practicable locations and methods for undertaking the activity that would have less adverse effects, and including where relevant, a location outside of the</i> <i>(b) locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and</i> <i>(b) timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and</i> <i>(c) using good management practices for reducing the adverse effects of the activity, and</i> <i>(d) designing the activity so that the scale or footprint of the activity is as small as practicable.</i>	There is repetition within this policy which can be rationalised. The policy also needs to maintain focus on effects rather than prescribing methods. Powerco recommends that Policy 4 be redrafted to give recognition of best practicable option provisions in the RMA.

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 4.1 Policy P5: Review of existing consents	Oppose	(e)Adoption of the best practicable option. Modify Policy P5 as follows: <i>The conditions of existing resource consents for discharges of contaminants to fresh or coastal water, and to take and use water, may be reviewed pursuant to section 128 of the Resource Management Act 1991 where evidence can be produced of adverse effects attributable to the exercise of the consent</i>	Although the integrated collaborative planning model is commended, the uncertainty placed on existing consent holders is not welcomed. Industries and services make significant investment decisions on the basis of the certainty of access to and use of resources as granted through resource consents. Although it is recognised that section 128 RMA allows for a review of those conditions by Council there is the potential for several plan change processes to be initiated through Whaitua committee initiatives during the term of a typical consent. This will reduce certainty to existing consent holders and affect investment decisions. Powerco seeks that the frequency and scope of the effect of plan changes on existing consent limits is limited to only address section 128(a)(i) matters i.e. where an adverse effect on the environment can be clearly demonstrated to be the result of the exercise of an individual consent.
Section 4.2 Beneficial use and development Policy 12: Benefits of regionally significant infrastructure and renewable electricity generation facilities	Support	Retain Policy 13 without further modification <i>The use, operation, maintenance, and upgrade of existing regionally significant infrastructure and renewable energy generation activities are beneficial and generally appropriate</i>	Retain recognition of the value of regionally significant infrastructure and in particular the recognition that significant infrastructure has to be upgraded to meet demands and it is appropriate this should be generally enabled.

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 4.2 Beneficial use and development Policy P14: Incompatible activities adjacent to regionally significant infrastructure and renewable electricity generation activities	Support in part	Modify Policy 14 as follows: <i>Regionally significant infrastructure and renewable energy generation activities shall be protected from new incompatible use and development occurring under, over or adjacent to it, by locating and designing any new use and development to avoid, remedy or mitigate any adverse effects, including reverse sensitivity effects.</i>	Reverse sensitivity is not the only concern associated with incompatible development in close proximity to significant infrastructure. Direct effects, such as damage or restriction of access to infrastructure, encroachment of sensitive activities can also compromise the safe operation, maintenance and upgrade of infrastructure and Policy 14 should be amended to acknowledge this. Further, Policy 8 of the Operative Regional Policy Statement for the Wellington Region is not confined to reverse sensitivity, but deals with effects more generally arising from incompatible development. Policy 14, therefore, needs to be amended to appropriately give effect to the RPS.
Section 4.2 Beneficial use and development Policy P15: Flood protection activities	Support	Retain Policy 15 without further modification: <i>The use, maintenance and ongoing operation of existing catchment based flood and erosion risk management activities which manage the risk of flooding to people, property, infrastructure and communities are beneficial and generally appropriate</i>	Retain recognition of the importance of flood and erosion protection structures to regionally significant infrastructure and allow for new erosion and/or flood protection structures or other works when regionally significant infrastructure is at risk.
Section 4.2 Beneficial use and development Policy P16: New flood protection and erosion control	Support	Retain Policy 16 without further modification <i>The social, cultural, economic and environmental benefits of new catchment based flood and erosion risk management activities are recognised.</i>	As per above

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 4.4 Natural Form and Function	Support	Retain Policy 23 without further modification The ecological health and significant values of Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Lake Wairarapa will be restored overtime by: (a) managing activities to reduce sedimentation rates and pollutant inputs, and (b) managing erosion-prone land and riparian margins in their catchments, and (c) undertaking planting and pest management programmes in harbour and lake habitats and ecosystems	The policy recognises management for significant values and time required to reduce sediment rates and pollution input.
Section 4.4, 4.4.2 Natural character Policy P24: Natural character	Support	Retain Policy 25 without further modification Use and development shall avoid significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and in the beds of lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account: (a) the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and (b) the presence or absence of structures and buildings, and (c) the particular elements, features and experiential values that contribute significantly to the natural character value of the area, and the extent to which they are affected, and (d) whether it is practicable to protect natural character from inappropriate use and development through: (i) using an alternative location, or form of development that would be more appropriate to that location, and (ii) considering the extent to which functional need or existing use limits location and development options	Powerco supports Policy 25 as it recognises functional need or existing use limits on location and development options. It is recommended that the policy be retained without amendment

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 4.4, 4.4.4 Natural hazards Policy P27: High hazard areas	Support in part	Retain Policy 27 but with the following modification <i>Use and development, including hazard mitigation methods, in high hazard areas shall be avoided except where:</i> (a) <i>they have a functional need or operational requirement or there is no practicable alternative to be so located, and</i> (b) <i>the risk to the development and/or residual risk after hazard mitigation measures, assessed using a risk-based approach, is <u>low acceptable</u>, and</i> (c) <i>the development does not cause or exacerbate natural hazards in other areas, and</i> (d) <i>interference with natural processes (coastal, fluvial and lacustrine processes) is minimised, and</i> (e) <i>natural cycles of erosion and accretion and the potential for natural features to fluctuate in position over time, including movements due to climate change and sea level rise, are taken into account.</i>	Powerco supports Policies P27 and 28. The policies recognise functional needs or operational requirements and adopt a risk based approach to development and protection of infrastructure which is supported. However, the threshold requirement of low risk is not considered appropriate. Any activity that has a functional need to locate in such a high hazard area should only need to demonstrate that the risk posed is acceptable – that may include allowing for certain levels of damage to structures. The alternative could end up requiring substantial over investment in over designing structures.
Section 4.4, 4.4.4 Natural hazards Policy P28: Hazard mitigation measures	Support	Modify Policy 28 as follows <i>Hard engineering mitigation and protection methods shall be avoided except where it is necessary to protect existing development from unacceptable risk, assessed using the risk-based approach, and the works either form part of a hazard management strategy or the environmental effects are considered to be no more than minor <u>or it is for regionally significant infrastructure</u>.</i>	It is important to recognise that regionally significant infrastructure may need to be protected by hard engineering works and the effects of such works may be more than minor in some circumstances yet the wider community benefits could be affected if such works were to otherwise fail the policy test. It is therefore considered appropriate that regionally significant infrastructure be appropriately recognised, otherwise there is a potential conflict with Policy 139.

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Reference	Support/ Oppose	Decision Sought	Reasons
4.6 Sites with significant values 4.6.3 Sites with significant mana whenua values Policy P45: Managing adverse effects on sites with significant mana whenua values	Oppose	Modify Policy 45 as follows <i>In the first instance, activities in sites with significant mana whenua values identified in Schedule C (mana whenua) shall be avoided. If the site cannot be avoided or the activity is already established within the site, minor effects associated with maintenance activities are allowed for but more than minor adverse effects on the significant mana whenua values must be evaluated through a cultural impact assessment undertaken by the relevant iwi authority or iwi authorities. The adverse effects of activities shall be managed in accordance with tikanga and kaupapa Māori as recommended in the cultural impact assessment by:</i> (a) avoiding more than minor adverse effects, and (b) where more than minor adverse effects cannot be avoided, remedying them, and (c) where more than minor adverse effects cannot be remedied, mitigating them, and (d) receiving written consent of the iwi authority. <i>Where more than minor adverse effects on significant mana whenua values identified in Schedule C (mana whenua) cannot be avoided, remedied or mitigated, the activity is inappropriate. Offsetting of effects in sites with significant mana whenua values is inappropriate.</i>	Powerco may have existing assets near or within sites of significant mana whenua value or new sites of significant mana whenua value may be discovered near gas or electricity assets. As such the policy needs to reflect the need for maintenance and potential for minor disturbance to those sites.
Section 4.6.4 Sites with significant historic heritage value Policy P46: Managing adverse effects on sites with significant historic heritage value	Oppose	Modify Policy 46 as follows <i>More than minor adverse effects on the significant historic heritage values identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds), Schedule E3 (navigation aids), Schedule E4 (archaeological sites) and Schedule E5 (freshwater heritage) shall be avoided, remedied or mitigated by managing activities so that:</i> (a) significant historic heritage values are not lost, damaged or destroyed, and (b) effects are of a low magnitude or scale, or effects are reversible, and (c) interconnections and linkages between sites are not significantly altered or lost, and	The intent of Policy 46 is supported however there needs to be recognition of existing infrastructure affixed to or associated with historical heritage structures such as Clyde Quay and maintenance and inspection requirements on that gas distribution line. These activities are unlikely to create more than minor adverse effects as allowed for by the policy.

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Reference	Support/ Oppose	Decision Sought	Reasons
		(d) previous damage to significant historic heritage values is remedied or mitigated where relevant, and (e) previous changes that have significant historic heritage value in their own right are respected and retained, and (f) adjacent significant historic heritage values are unlikely to be adversely affected, and (g) unique or special materials and/or craftsmanship are retained, and (h) the activities do not lead to cumulative adverse effects on historic heritage. (i) there is recognition of the need to maintain, replace or <u>alter existing regionally significant infrastructure affixed to or otherwise dependent on heritage structures</u>	
Section 4.7 Air Quality Policy 58 Industrial discharges	Support	Retain Policy 58 without further modification Industrial point source discharges and fugitive emissions into air will be minimised by using good management practices .	Powerco support Policy 58 as the focus is on managing point source and fugitive discharge through good management practices
Section 4.7 Air Quality Policy 59 Industrial point source discharges	Support	Retain Policy 59 without further modification The significant adverse effects from industrial point source discharges of hazardous air pollutants beyond the boundary of the property where the discharge is occurring, including any noxious or dangerous effects on human health or the environment, shall be avoided	Powerco support management of significant adverse effects beyond site boundaries.
Section 4.8 Discharges to land and Water Policy P67: Minimising effects of discharges	Support in part	Modify Policy 67 as follows The adverse effects of discharges of contaminants to land and water will be minimised by: (a) avoiding the production of the contaminant, and/or (b) reusing, recovering or recycling the contaminant, and/or (c) minimising the volume or amount of the <u>contaminant in the discharge</u>, and/or (d) using land-based treatment, constructed wetlands or other systems to treat contaminants prior to discharge where appropriate, and	Powerco support Policy 67 as it provides a range of options that include treatment of contaminants prior to discharge and receiving environment standards after mixing in river or stream. However the focus in (c) should be on the contaminants not the volume of the discharge per se.

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Reference	Support/ Oppose	Decision Sought	Reasons
		(e) irrespective of actions taken in accordance (a) to (d) above, where a discharge is a point source discharge to a river or stream, the discharge achieves the water quality standards in Policy P71 after reasonable mixing.	
Section 4.8.3 Stormwater Policy 73 Minimising adverse effects of stormwater discharges	Support	Retain Policy 73 without further modification The adverse effects of stormwater discharges shall be minimised, including by: (a) using good management practice, and (b) taking a source control and treatment train approach to new activities and land uses, and (c) implementing water sensitive urban design in new subdivision and development, and (d) progressively improving existing stormwater, wastewater, road and other public infrastructure, including during routine maintenance and upgrade	Powerco supports recognition of good management practices.
Section 4.8.6 Contaminated land, hazardous substances and landfills Policy P90: Discharges of hazardous substances	Oppose	Modify Policy 90 as follows The risk associated with the discharge of a hazardous substance to land (including accidental discharges), fresh water, including groundwater, or coastal water from the use, and storage and transport of hazardous substances shall be managed by the use of good management practices.	Powerco supports the general intent of Policy 90, particularly its adherence to good management practice. It is recommended that this policy be amended to focus on the management of risk at locations where they hazardous substances are stored and used and to avoid duplication of controls provided by the Land Transport Act and HSNO
Section 4.8.10 Earthworks and Vegetation Clearance. Policy 97: Managing sediment discharges	Support	Retain Policy 97 without further modification The discharge of sediment to surface water bodies and coastal water from earthworks activities shall be minimised by using a source control approach. Good management practices shall be used in site management, erosion and sediment control design operation and maintenance in order to minimise the adverse effects of sediment-laden stormwater discharges. Effects that cannot be minimised may be appropriately offset.	Powerco support use of good management practices and source control methods provided addition of good management practice guidelines requested (see definitions section)

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 4.8.10 Earthworks and Vegetation Clearance. Policy 98 Accelerated soil erosion	Support	Retain Policy P98 without further modification Earthworks, vegetation clearance and plantation forestry harvesting activities that have the potential to result in significant accelerated soil erosion, or to lead to off-site discharges of silt and sediment to surface water bodies, shall use measures, including good management practice, to: (a) minimise the risk of accelerated soil erosion, and (b) control silt and sediment runoff, and (c) ensure the site is stabilised and vegetation cover is restored	As per above
Section 4.8.12 Activities in beds of lakes and rivers Policy 102: Reclamation or drainage of the beds of lakes and rivers	Support	Retain Policy 102 without further modification The reclamation or drainage of the beds of lakes and rivers and natural wetlands shall be avoided except where the reclamation or drainage is: (a) partial reclamation of a river bank for the purposes of flood prevention or erosion control, or (b) associated with a qualifying development within a special housing area, or (c) associated with a growth and/or development framework or strategy approved by a local authority under the Local Government Act 2002, or (d) necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure, or (e) associated with the creation of a new river bed and does not involve piping of the river, and (f) in respect of (a) to (e) there are no other practicable alternative methods of providing for the activity, or (g) the reclamation or drainage is of an ephemeral flow path. For the purpose of this policy the piping or covering of a stream for a distance greater than that required to form a reasonable crossing point is considered to be reclamation of the river bed.	It is consistent with section 5 of RMA to support the development, operation, maintenance and upgrade of regionally significant infrastructure and to exclude most piping and covering of streams for crossing from the definition of reclamation in this policy. This will ensure the majority of upgrade and maintenance activities within stream beds are recognised.

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 4.8.12 Activities in beds of lakes and rivers Policy 103: Management of gravel extraction	Support	Retain Policy 103 without further modification The extraction of gravel, sand or rock from the beds of rivers shall be managed so that: (a) the extraction does not result in an increase in flooding or erosion either at the site of extraction or across the wider river catchment, including any erosion of existing structures, and (b) the flow of sediment and gravel to the coast is not reduced to the extent it would contribute to coastal erosion, and (c) the rate of gravel extraction does not exceed the natural rates of gravel deposition, unless this is required to manage aggradation.	Powerco has assets through the Hutt River where gravel extraction occurs and hence recognition that extraction should not impact on existing structures is supported.
Section 4.9 Taking, using, damming and diverting water Section 4.9.4 Managing Adverse effects Policy 126: Site dewatering	Oppose	Modify Policy 126 as follows Localised land subsidence or significant adverse effects of dewatering on existing groundwater users or the flows, levels or quality of surface water shall be minimised.	Site dewatering may be required by Powerco when trenching but usually only occurs for less than one day. As a result Powerco considers the policy should be directed at significant adverse effects as short term effects will be less than minor and adverse effects of dewatering on existing groundwater users or the flows, levels or quality of surface water can be minimised.
Section 4.10.1 Primary coastal policies Policy 132: Functional need and efficient use	Support	Retain Policy 132 without further modification Use and development in the coastal marine area shall: (a) have a functional need, or (b) have an operational requirement to locate within the coastal marine area, and no reasonable or practicable alternative to locating in the coastal marine area, or (c) for any other activity, it shall have no reasonable or practicable alternative to locating in the coastal marine area, and in respect of (a), (b) and (c): (d) only use the minimum area necessary, and (e) be made available for public or multiple use where appropriate, and	Powerco support Policy 132 in that it recognises the functional and operational requirements of some services to locate within or adjacent to the Coastal Marine Area.

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Reference	Support/ Oppose	Decision Sought	Reasons
		(f) result in the removal of structures once redundant, and (g) concentrate in locations where similar use and development already exists where practicable.	
Section 4.10.2 Structures Policy P138: Structures in sites with significant values	Support	Retain Policy P138 without further modification New structures, replacement of a structure or any addition or alteration to a structure in a site identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) and Schedule J (geological features) shall be avoided, except where: (a) the new structure, replacement of the structure or any addition or alteration to the structure is for the specific purpose of providing protection for the values identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features), or (b) the structure is for educational, scientific or research purposes that will enhance the understanding and long-term protection of the coastal marine area, or (c) the structure will provide for navigational safety, or (d) it is necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure, or (e) there are no practicable alternative methods of providing for the activity.	Powerco supports Policy 138 in that it recognises the need to enable development, operation, maintenance and upgrade of regionally significant infrastructure within sites identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) and Schedule J (geological features).
Section 4.10.2 Structures Policy P139: Seawalls	Support	Retain Policy 139 without further modification The construction of a new seawall is inappropriate except where the seawall is required to protect: (a) existing, or upgrades to, infrastructure, or (b) new regionally significant infrastructure, and in respect of (a) and (b): (c) there is no reasonable or practicable alternative means, and (d) suitably located, designed and certified by a qualified, professional engineer, and	Powerco seek assurance that existing infrastructure and regionally significant infrastructure at risk of sea level rise and severe weather events can be protected by the construction or extension of seawalls as required.

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 4.10.2 Structures Policy 145: Reclamation, drainage and destruction	Support	(e) designed to incorporate the use of soft engineering options where appropriate. Retain Policy P145 without further modification Reclamation, drainage or destruction in the coastal marine area shall be avoided except where: (a) the reclamation, drainage or destruction is associated with the development, operation, maintenance and upgrade of regionally significant infrastructure, and (b) there are no other locations outside the coastal marine area for the activity associated with the reclamation, drainage or destruction, and (c) there are no practicable alternative methods of providing for the associated activity.	Powerco supports recognition of the potential need to undertake reclamation, drainage and destruction in order to develop, operate maintain or upgrade regionally significant infrastructure.
Chapter 5 - Rules			
Section 5.1.4 Large Scale Combustion Activities Rule R12: Emergency power generators – permitted activity	Support	Retain Rule 12 without further modification The discharge of contaminants into air from combustion equipment not exceeding a maximum generating capacity of 300kW, but up to 2MW in (a) applies from the combustion of diesel, petrol, natural gas or liquefied petroleum gas, to provide emergency power generation, when: (a) the electricity network is disrupted through weather, accidents, or any unforeseen circumstances, or (b) the person operating the equipment is undertaking necessary maintenance or testing of the device, or (c) the electricity connection is not available is a permitted activity, provided the following conditions are met: (d) the discharge into air shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property, and	Powerco supports recognition the need for emergency generators including generators of up to 2MW during disruption of the electricity network. It is not realistic to seek resource consent during an emergency power situation.

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 5.1.5 Chemical and metallurgical processes Rule 21: Thermal metal spraying – permitted activity	Support	(e) the discharge shall not at any time increase the concentration of PM10 (calculated as a 24-hour mean) by more than 2.5µg/m3 in any part of a polluted airshed Retain Rule 21 without further modification The discharge of contaminants into air from thermal spraying of metal including the melting of metal or metal alloy is a permitted activity, provided the following conditions are met: (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property, and there is no emission of hazardous air pollutants as identified in Schedule L2 (air pollutants) beyond the boundary of the property, and (c) the discharge is through control equipment that achieves a particulate emission rate of no more than 30mg/m3 (Standard Temperature and Pressure, dry gas basis and 12% CO2 by volume). The control equipment shall be maintained at all times by a suitably qualified person at least once per annum, with a copy of the maintenance report held by the operator and available to the Wellington Regional Council on request.	Powerco supports this rule as it allows for welding and repair of pipelines.
Section 5.1.7 Dust generating activities Rule 26: Abrasive blasting outside an enclosed area – permitted activity	Support	Retain Rule 26 without further modification The discharge of contaminants into air from dry or wet abrasive blasting outside an enclosed area is a permitted activity, provided the following conditions are met: (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property, and the operation of a mobile abrasive blasting unit used at one property is no more than 10 days in any 12 month period, and (c) abrasive blasting shall only be undertaken when it is impracticable to remove or dismantle or transport a fixed object or structure to be cleaned in an abrasive blasting booth, and	Powerco supports retention of Rule 26 as it allows for cleaning of storage tanks, pipelines and other outdoor infrastructure.

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Reference	Support/ Oppose	Decision Sought	Reasons
		(d) if the blasting is dry abrasive blasting, the blasting materials shall only be garnet, sodium bicarbonate, crushed glass, or agricultural materials including crushed corn cobs or walnuts, and (e) if the blasting is wet abrasive blasting, the blasting shall only use water, and (f) the free silica content of a sample of the blasting material shall not exceed 5% by weight, and (g) all work areas and surrounding areas are kept clean and substantially free of accumulations of deposited material and other debris	
Section 5.1.11 Gas, water and wastewater processes Rule 34: Gas, water and wastewater	Support	Retain Rule 34 without further modification The discharge of contaminants into air from the storage, conveyance and pumping of gas, water and wastewater is a permitted activity, provided the following condition is met: (a) the discharge shall not cause offensive or objectionable odour at the boundary of a sensitive activity.	Powerco supports recognition of minor gas discharges within Rule34.
Section 5.2 Discharges to Water	Support	Rule R42: Minor discharges – permitted activity The discharge of contaminants into water, or onto or into land where it may enter water that is not permitted, controlled, restricted discretionary, discretion, non-complying or prohibited by any other rule in this Plan is a permitted activity provided the following conditions are met: (a) where the discharge may enter groundwater, the discharge is not located within 50m of a bore used for water abstraction for potable supply or stock water, and (b) where the discharge enters a surface water body or coastal water, the concentration of total suspended solids in the discharge shall not exceed: (i) 50g/m3 where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies),	Powerco supports the rule on the basis that it applies only to contaminated land as currently defined in this plan.

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		Schedule F1 (rivers/lakes), Schedule F3 (significant wetlands), or Schedule F4 (coastal sites), except when the background total suspended solids concentration in the receiving water is greater than 50g/m³ in which case the decrease in water clarity after the zone of reasonable mixing shall not exceed 20%, or (ii) 100g/m³ where the discharge enters any other water, except when the background total suspended solids concentration in the receiving water is greater than 100g/m³ in which case the decrease in water clarity after the zone of reasonable mixing shall not exceed 33%, and (c) if the discharge is from dewatering, the discharge is not from contaminated land, and (d) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and (e) the discharge shall not give rise to the following effects after the zone of reasonable mixing: (i) a change in the pH of ± 0.5 pH unit, or (ii) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or (iii) any conspicuous change in the colour or visual clarity, or (iv) any emission of objectionable odour, or (v) the fresh water is unsuitable for consumption by farm animals, or (vi) any significant adverse effects on aquatic life	
Section 5.4 Land Use Section 5.4.4 Earthworks and	Support	Retain Rule R99 without further modification The use of land, and the discharge of stormwater into water or onto or into land where it may enter water from earthworks of a contiguous	Support recognition of earthworks for construction, repair or maintenance of existing infrastructure as a permitted activity.

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Reference	Support/ Oppose	Decision Sought	Reasons
vegetation clearance Rule R99: Earthworks		area up to 3,000m² per property per 12 month period is a permitted activity, provided the following conditions are met: (a) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and (b) earthworks will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the property where the earthworks occurs, and (c) work areas are stabilised within six months after the completion of the earthworks. (d) any earthworks shall not, after the zone of reasonable mixing, result in any of the following effects in receiving waters: (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or (ii) any conspicuous change in colour or visual clarity, or (iii) any emission of objectionable odour, or (iv) the rendering of fresh water unsuitable for consumption by animals, or (v) any significant adverse effect on aquatic life	
Section 5.5 Wetlands and beds of lakes and rivers Section 5.5.5 Activities in beds of lakes and rivers Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates)	Support	Retain Rule R112 without further modification The maintenance, repair, replacement, upgrade or use of a structure or a part of a structure (excluding the Barrage Gates) that is fixed in, on, under, or over the bed of a river or lake, including any associated: (a) disturbance of the river or lake bed, and (b) deposition on the river or lake bed, and (c) diversion of water, and (d) discharge of sediment to water is a permitted activity, provided the following conditions are met: (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and (f) the resulting structure is contained within the form of the existing structure, or	Support recognition of activities in bed and banks of water bodies for replacement, maintenance, repair and removal of existing infrastructure as a permitted activity

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Reference	Support/ Oppose	Decision Sought	Reasons
		(g) the resulting structure, excluding any cable, pipe or duct and including any deposition, adds no more to the existing structure than whichever is the lesser of: (i) 5% of the plan or cross-sectional area of the structure in the river or lake bed, or (ii) 1m in horizontal projection and 1m in vertical projection measured from the structure as it was on the date of public notification of the Proposed Natural Resources Plan (31.07.2015) in the river or lake bed.	
Section 5.5 Wetlands and beds of lakes and rivers Section 5.5.5 Activities in beds of lakes and rivers Rule R114: River crossing structures	Support	Retain Rule R114 without further modification The placement or use of a river crossing structure, including, but not limited to, weirs, fords and small bridges, excluding culverts and a river crossing that dams a river, that is fixed in, on, under, or over the bed of a river including any associated: (a) disturbance of the river or lake bed, and (b) deposition on the river or lake bed, and (c) diversion of water, and (d) discharge of sediment to water is a permitted activity, provided the following conditions are met: (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in section 5.5.4, and (f) the river crossing that has any part of the structure fixed in or on the bed has a catchment area above the crossing of not more than: (i) 200ha in any catchment in the region on the eastern side of the Ruamāhanga River, or (ii) 50ha in any catchment in the region on the western side of the Ruamāhanga River, and (g) the formed crossing shall be no wider than what is required for the purpose of the crossing and the total area of the structure in or on the bed of the river shall not exceed 20m2, and (h) the activity does not occur within a site identified in Schedule C (mana whenua).	Support recognition of activities in bed and banks of water bodies for replacement, maintenance, repair and removal of existing infrastructure as a permitted activity

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 5.5 Wellands and beds of lakes and rivers Section 5.5.5 Activities in beds of lakes and rivers Rule R115: Culverts	Support	Retain Rule R115 without further modification The placement or use of a culvert that is fixed in, or on, the bed of a river including any associated: (a) disturbance of the river or lake bed, and (b) deposition on the river or lake bed, and (c) diversion of water, and (d) discharge of sediment to water is a permitted activity, provided the following conditions are met: (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except condition (f) (not altering the natural course of the river), and (f) the activity does not occur within a site identified in Schedule C (mana whenua), and (g) where multiple culverts are placed side by side, 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 (h) the culvert, associated fill and culvert placement shall comply with the following dimensions: (i) a maximum culvert length of 20m, and (ii) for circular culverts a culvert diameter of 0.3m to 1.2m (inclusive), and (iii) for non-circular culverts a width and height of 0.3m to 1.2m each (inclusive), and (iv) a culvert diameter, or width that is at least as wide as the river bed at the point at which the culvert is installed (and which complies with (h)(ii) and (h)(iii) above) (v) a maximum fill height of 2m above the top of the culvert unless a spillway is constructed to enable the passage of a 5% annual exceedance probability (20 year return period) flood event without the fill being overtopped, and	Support recognition of use of culverts when required for infrastructure transmission, access and maintenance as a permitted activity.

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Reference	Support/ Oppose	Decision Sought	Reasons
		(i) a minimum culvert installation depth below the bed of 20% of the width of the culvert, and (j) the culvert shall be positioned so that its alignment and gradient are the same as the river, and (k) the culvert shall be constructed to allow: (i) the flow from a 5% annual exceedance probability (20 year return period) flood event without overtopping, unless the overtopping flows to a specifically designed spillway, and (ii) the flow from a two year return period flood event without any flow impediment, and (l) the culvert inlet and outlet shall be protected against erosion, and (m) all practicable steps shall be taken to minimise the release of sediment during construction, and (n) the culvert shall be constructed and maintained to avoid any aggradation or erosion of the bed, including any erosion at the inlet and outlet of the culvert, and (o) the culvert shall be constructed and maintained to avoid causing any flooding on any neighbouring properties.	
Section 5.5 Wetlands and beds of lakes and rivers Section 5.5.5 Activities in beds of lakes and rivers Rule R118: Removing or demolishing structures – permitted activity	Support	Retain Rule R118 without further modification The removal or demolition of a structure or a part of a structure that is fixed in, on, under, or over any river or lake bed, including any associated: (a) disturbance of the river or lake bed, and (b) deposition on the river or lake bed, and (c) diversion of water, and (d) discharge of sediment to water is a permitted activity, provided the following conditions are met:	Support recognition of need to remove structures or parts of structures in river beds and banks as part of operating network utilities.

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Reference	Support/ Oppose	Decision Sought	Reasons
		(e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and (f) the removal or demolition of the structure disturbs less than 10m³ of the bed of the river or lake, and (g) it results in the complete removal of the structure from the river or lake bed, or the complete removal of that part of the structure requiring removal from the river or lake bed, and (h) no explosives shall be used in the demolition of the structure, and (i) the removal or deposition shall not result in the diversion of water from a natural wetland.	
Section 5.5.8 Damming and Diverting Water Rule R130: Diversion of groundwater	Support	Retain Rule R130 without further modification Diversion of groundwater is a permitted activity, provided the following conditions are met: (a) there shall be no flooding or erosion of any neighbouring property, and (b) there shall be no lowering of water levels in any river, lake, or natural wetland, and (c) there shall be no lowering of groundwater levels on any neighbouring property.	Powerco supports recognition of groundwater diversion sometimes required during construction where there are no long term adverse effects on adjoining properties.
Section 5.6 Water Allocation Rule R140 Dewatering	Oppose	Modify Rule R140 as follows The take of water and the associated diversion and discharge of that water for the purpose of dewatering a site, including but not limited to, maintenance, excavation, construction or geotechnical testing, is a permitted activity, provided the following conditions are met: (a) the take continues only for the time required to carry out the work but does not exceed one month, and (b) the take and diversion and discharge is not from, onto or into contaminated land or <u>potentially-contaminated land, except</u>	The use of permitted activity for short term construction dewatering activities required by infrastructure companies, including regionally significant infrastructure and for trenching is considered consistent with sustainable management of physical resources. Powerco is concerned that the rule is somewhat confusing in that the note purports to provide for discharges of dewatering water via Rule 42, yet discharge is also provided

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Reference	Support/ Oppose	Decision Sought	Reasons
		where the discharge quality from the site has been shown to meet the relevant industry good practice guide, and(c) <u>the discharge is onto or into land including to any natural or man-made stormwater drainage system, where the discharge has been minimised to the greatest extent practicable, in a manner that does not give rise in the receiving waterbody to any or all of the following:</u> <u>the production of any conspicuous oil or grease films, scum, foams, of floatable or suspended material;</u> <u>any conspicuous change in the colour or visual clarity.</u> <u>(d) the take does not cause ground subsidence, and</u> <u>(e) the take does not deplete water in a water body beyond the time of the take , and</u> <u>(f) there is no flooding beyond the boundary of the property.</u> Note: Discharges to water, or onto or into land where it may enter water related to dewatering are provided for by Rule R42. Introduce a new rule (Rule 140A) as a single restricted discretionary activity default rule for dewatering not meeting the permitted activity conditions.	for in R140. Diversion is also provided for in R130. This needs to be clarified. Powerco is also concerned that the default rule from R42 (discharge) is to a non-complying activity and the take rule is discretionary. As a consequence the pathway for dewatering is uncertain. Powerco would like to see a clear single permitted activity rule and single default rule, to a restricted discretionary activity, for construction dewatering that involves, take, diversion and discharge. Powerco also considers there is no effects based reason to require consent for the take, diversion and discharge of dewatering water if the quality of that water can be shown to meet relevant industry good practice guide. It is considered that the Council should be producing some form of good practice guidance on these matters rather than a separate cascade to R42 for the discharge it may be appropriate to incorporate the sediment parameters into this rule or alternatively have a s107 type requirement. Hence amendments to Rule 140 are sought as outlined.
Section 5.6.4 Bore construction or alteration	Support in part	Retain Rule R146 subject to the following deletion as follows <i>The use of land and the associated diversion and discharge of water or contaminants for the drilling, construction or alteration of a geotechnical investigation bore is a permitted activity, provided the following conditions are met:</i>	Support provision of geotechnical investigation bores as a permitted activity. Not all bores will or should be required to be in accordance with Rule 54 e.g. test pit to ascertain ground stability or groundwater

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Reference	Support/ Oppose	Decision Sought	Reasons
Rule R146: Geotechnical investigation bores		(a) the bore is not located within a community drinking water supply protection area shown on Map 26, Map 27a, Map 27b, or Map 27c, and (b) there is compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and (c) a Wellington Regional Council bore/well log form is submitted to the Wellington Regional Council within one month of the bore being constructed, and (d) there is no flooding beyond the boundary of the property. <i>Note: For contaminated land site investigation bores Rule R54 also applies</i>	depth for underground infrastructure construction. As a consequence the note should be deleted.
New Rule 147 Well pointing for dewatering/diversion - permitted activity	New Rule	Add new Rule 146A Well pointing for dewatering/diversion as follows <u>The temporary use (up to two months) of well pointing for dewatering of tank pits or other underground infrastructure excavations or cavities, associated with the installation, replacement or removal of underground infrastructure, is a permitted activity subject to meeting the following conditions:</u> <u>The diversion shall not change the water level regime or direction of flow of the aquifer after completion of the works; and</u> (a) <u>The discharge shall be either:</u> <u>collected for reuse; or</u> <u>discharged to land so that runoff or the accumulation of contaminants does not occur; or</u> <u>discharged onto land including to any natural or man-made stormwater drainage system, where the discharge has been minimised to the greatest extent practicable, in a manner that does not give rise in the receiving waterbody to any or all of the following:</u> <u>the production of any conspicuous oil or grease films, scum, foams, of floatable or suspended material;</u> <u>any conspicuous change in the colour or visual clarity.</u>	Powerco wish to ensure that any excavation it undertakes for the replacement or installation of underground gas or electricity assets or drainage infrastructure does not trigger a bore consent. The current definition of bore would appear not to capture such activities as such activities are not for the purpose of investigating, abstracting or discharging, rather those matters are incidental or consequential to the intent, which is to facilitate construction/replacement of infrastructure. There is no rule that provides for the short term use of well pointing during excavation for the purposes of below ground infrastructure construction and maintenance. The Proposed Plan definition of bore appears to potentially capture the use of well pointing as a technique and this is not considered practical due to the short term nature of the activity, and low impacts of well pointing and construction methods employed.

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 5.6.4 Bore construction or alteration Rule R147: Drilling, construction or alteration of any bore – controlled activity	Oppose	Modify Rule R147 as follows <i>The use of land and the associated diversion and discharge of water or contaminants for drilling, construction or alteration of a bore (other than a geotechnical investigation bore permitted in Rule R146 and/or Well pointing as outlined in Rule 146A) is a controlled activity, provided the following conditions are met:</i> (a) <i>the bore is not associated with hydrocarbon exploration or production, and</i> (b) <i>the bore is constructed and operated in accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock</i> Matters of control <i>Compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock</i> <i>Bore location, size (including diameter of the bore casing) and depth</i> <i>Bore screening depth and type</i> <i>Backflow prevention methods</i> <i>Information requirements including bore logs, piezometric levels, groundwater tests, and bore construction details</i> <i>Management of the effects of any discharge of contaminants</i>	As a consequence a new definition of bore is suggested (see definitions section below) and new permitted activity rule is suggested. Modification of existing rule 147 is required in recognition of proposed new rule 146A as outlined above.
Section 5.7 Coastal Management Section 5.7.3 Maintenance, repair, additions and alterations to existing structures Rule 149: Maintenance or repair of structures	Oppose in part	Retain Rule R149 with the following modifications: <i>The maintenance or repair of a structure and the maintenance repair and replacement of any services attached to a structure in the coastal marine area, including any associated:</i> <i>occupation of space in the common marine and coastal area, and</i> <i>disturbance of the foreshore or seabed, and</i> <i>deposition in, on or under the foreshore or seabed, and</i> <i>discharge of contaminants, and</i>	This rule requires clarification as it is unclear whether it applies to services attached to structures. Powerco has gas lines attached to wharfs. It is recommended that rule 149 retains permitted activity status for the maintenance, repair, addition, alteration and replacement of the electricity lines and other services on such structures.

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Reference	Support/ Oppose	Decision Sought	Reasons
		(e) diversion of open coastal water is a permitted activity, provided the following conditions are met: (f) the maintenance and repair of the structure or service is contained within the form of the existing structure and there is no increase in length, width, or height of the existing structure (except for increases for the purposes of replacement, removal and alterations of existing services attached to structures) aerial telecommunications cables where these activities will not result in increases in design voltage and the new or altered cables will not be tower in height above the foreshore or seabed, and (g) for structures identified in Schedule E1 (heritage structures) the materials used for maintenance and repair of the structure and/or service shall match the existing structures in form and appearance, and (h) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.	
Section 5.7 Coastal Management Section 5.7.7 Heritage structures Rule 168: Alteration of structures identified in Schedule E2 or Schedule E3 – permitted activity	Oppose in part	Modify Rule R168 as follows The alteration of a structure or service attached to a structure identified in Schedule E2 (wharves and boatsheds) or Schedule E3 (navigation aids) in the coastal marine area, including any associated: (a) occupation of space in the common marine and coastal area, and (b) disturbance of the foreshore or seabed, and (c) deposition in, on or under the foreshore or seabed, and (d) discharge of contaminants is a permitted activity, provided the following conditions are met: (e) the alteration is contained within the form of the existing structure and there is no increase in the length, width, or height of the existing structure, and (f) the altered components should be of original or similar material, texture, form and design as the original it replaces, and	Powerco supports both the alteration and replacement of existing services attached to structures identified in Schedule E2 and E3 as per the submission point above. If Powerco suggested wording for Rule 149 is adopted, Rule 168 may not be required or the rules could be combined.

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Reference	Support/ Oppose	Decision Sought	Reasons
		(g) the number of components altered should be substantially less than existing number of components, and (h) the alteration does not include the partial or total demolition of any structure, and (i) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.	
Section 5.7 Coastal Management Section 5.7.7 Heritage structures Rule R169: Additions or alterations to structures identified in Schedule E1 or Schedule E2 – restricted discretionary activity	Support in part	Retain Rule R169 without further modification The addition or alteration to a structure identified in Schedule E1 (heritage structures) or Schedule E2 (wharves and boatsheds) and the associated use of the addition in the coastal marine area, including any associated: (a) occupation of space in the common marine and coastal area, and (b) disturbance of the foreshore or seabed, and (c) deposition in, on or under the foreshore or seabed, and (d) discharge of contaminants that is not permitted by Rule R168, is a restricted discretionary activity, provided the following conditions are met: (e) the structure is not a seawall, and (f) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2. Matters for discretion 1. Use of the structure 1. Effects on public access 2. Effects on public open space and visual amenity 3. Effects of disturbance, deposition and discharge associated with construction	If this rule refers solely to the addition and alteration of the structure itself and services attached to these structures are addressed by way of the above stated modifications to the permitted activity Rules 149 and 168 then Rule 169 can be supported.

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Reference	Support/ Oppose	Decision Sought	Reasons
		4. <i>Effects on the historic heritage values of structures identified in Schedule E1 (heritage structures) or Schedule E2 (wharves and boatsheds)</i> 5. <i>Lighting and noise</i> 6. <i>Effects on coastal natural processes including effects on shoreline stability in the vicinity and adjacent areas</i> Note Additions or alterations to seawalls are either a controlled activity under Rule R165, a discretionary activity under Rule R166 or a non-complying activity under Rule R167	
Section 5.7 Coastal Management Section 5.7.7 Heritage structures Rule R172: Removal, demolition or replacement of structures or parts of structures identified in Schedule E1, Schedule E2 or Schedule E3 – discretionary activity	Support in part	Retain Rule R172 without further modification The removal, demolition or replacement of a structure or part of a structure identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds) or Schedule E3 (navigation aids) and the associated use of a structure in the coastal marine area, including any associated: (a) occupation of space in the common marine and coastal area, and (b) disturbance of the foreshore or seabed, and (c) deposition in, on or under the foreshore or seabed, and (d) discharge of contaminants that is not permitted by Rule R168 or Rule R170 or controlled under Rule R157 or discretionary restricted under Rule R153 is a discretionary activity.	If this rule refers solely to the addition and alteration of the structure itself and services attached to these structures are addressed by way of the above stated modifications to the permitted activity Rules 149 and 168 then Rule 172 can be supported.

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Reference	Support/ Oppose	Decision Sought	Reasons
Section 5.7 Coastal Management, Section 5.7.10 Occupation Rule R182: Occupation of space by a structure owned by a network utility operator – permitted activity	Support	Retain Rule R182 without further modification <i>The occupation of space in the common marine and coastal area by a structure existing before the date of public notification of the Proposed Natural Resources Plan (31.07.2015) owned by a network utility operator is a permitted activity.</i>	Rule 182 is supported as it recognises the needs of network utilities.
Definitions			
Definitions	Support in part	Retain Definition of Good Management Practice subject to the following amendment as follows: Good management practice: <i>Practices, procedures or tools (including rules) that are effective at achieving the desired performance while providing for desired environmental outcomes. Good management practice evolves through time and results in continuous improvement as new information, technology and awareness of particular issues are developed and disseminated. Some examples of Good management practice guidelines can be found on the Wellington Regional Council's website http://www.gw.govt.nz/good-management-practice/</i>	The definition recognises that good management practice can evolve, and there is recognition of existing guidelines. However, the Council website does not contain an exhaustive list of all good management practice guidelines and this should be recognised in the wording of the definition.
Definitions	Oppose	Modify Definition of Regionally Significant Infrastructure as follows: Regionally Significant Infrastructure <i>Regionally significant infrastructure includes:</i> <i>pipelines for the distribution or transmission of natural or manufactured gas or petroleum</i> <i>strategic facilities to the telecommunications network, as defined in section 5 of the Telecommunications Act 2001</i>	The definition is currently unclear as to whether it includes the local distribution network within facilities for the generation and transmission of electricity where it is supplied to the electricity distribution network. Alternative wording is suggested in order to make it clear that the local distribution network is also identified as regionally significant infrastructure.

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Reference	Support/ Oppose	Decision Sought	Reasons
		• strategic facilities to the radio communications network, as defined in section 2(1) of the Radio Communications Act 1989 • the national electricity grid • facilities for the generation and transmission of electricity where it is supplied to the electricity distribution network, including the national grid • <u>Facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local distribution network. This includes supply within the local electricity distribution network.</u> • the local authority water supply network and water treatments plants • the local authority wastewater and stormwater networks, systems and wastewater treatment plants • the Strategic Transport Network • Wellington City bus terminal and Wellington Railway Station terminus • Wellington International Airport • Masterton Hood Aerodrome • Paraparaumu Airport • Commercial Port Area within Wellington Harbour (Port Nicholson) and adjacent land used in association with the movement of cargo and passengers and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines.	In this respect the definition in the Proposed Plan is inconsistent with the definition of Regionally Significant Infrastructure contained in the RPS, which includes: • facilities for the generation and transmission of electricity where it is supplied to the network, as defined by the Electricity Governance Rules 2003. The RPS definition, by way of reference to the Electricity Governance Rules and the broader reference to 'network' (rather than 'electricity distribution network') clearly includes Powerco's electricity network and it is clear from the Staff s42a Reports prepared in relation to the RPS that this was the intent (refer page 143, Volume 2 Staff Report: Proposed Regional Policy Statement for the Wellington Region 2009) In the event that GWRC does not agree that Powerco's electricity network is regionally significant infrastructure, additional policy guidance would be required to enable the ongoing development, operation, maintenance and upgrade of Powerco's network. This could either be in the form of amendments to existing objectives and policies relating to 'regionally significant infrastructure' to ensure they apply to Powerco's strategically important electricity

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Reference	Support/ Oppose	Decision Sought	Reasons
Definitions	Support in part	Retain Definition of Contaminated Land subject to the following amendment as follows: <i>Contaminated Land:</i> <i>Land that has a hazardous substance in or on it that –</i> <i>(a) has significant adverse effects on the environment; or</i> <i>(b) is reasonably likely to have significant adverse effects on the environment.</i> <i>For the purposes of this Plan Note: Contaminated land means that land identified same as Category III – Contamination Confirmed land in the Selected Land Use Register for the Wellington Region</i>	distribution network; or by way of new objectives and policies specific to Powerco's network. This definition of contaminated land lacks clarity. Following confirmation from GWRC¹ it is understood that the definition of contaminated land seeks to only include Category III confirmed contaminated sites of which there are approximately 100 in the GWRC area. As such the RMA definition of contaminated land needs further clarification in the Proposed Plan.
Definitions	Support	Retain Definition of Bore subject to the following amendment as follows: Bore <i>A structure or hole (but not including temporary well pointing (up to 2 months) in the ground constructed for the purpose of:</i> <i>investigating or monitoring the conditions below the ground surface,</i> <i>or</i> <i>abstracting liquid substances from the ground, or</i> <i>discharging liquid substances into the ground.</i>	As an alternative to providing for an explicit rule for well pointing and where it is associated with excavations of short duration it is considered practical to exclude well pointing from the definition of bore.

¹ Pers comm Paul Denton GWRC 31/8/15

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Reference	Support/ Oppose	Decision Sought	Reasons
<i>Definitions</i>	Support	Retain Definition of Dewatering as follows: Dewatering <i>The abstraction of groundwater so as to lower the water table for the period of time required to enable maintenance, excavation, construction, or geotechnical work to proceed in the dewatered area, or to sustain a lower localised water table.</i>	Retain.
<i>Definitions</i>	Support	Retain Definition of Earthworks as follows: Earthworks <i>The disturbance of a land surface from the time soil is first disturbed on a site until the time the site is stabilised. Earthworks includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or by cutting or filling operations, or by root raking.</i> <i>Earthworks do not include:</i> <i>(a) cultivation of the soil for the establishment of crops or pasture, and</i> <i>(b) the harvesting of crops, and</i> <i>(c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and</i> <i>(d) the construction, repair or maintenance of:</i> <i>(i) pipelines, and</i> <i>(ii) electricity lines, and</i> <i>(iii) telecommunication structures or lines, and</i> <i>(iv) radio communication structures, and</i> <i>(v) firebreaks or fence lines</i> <i>(e) repair or maintenance of existing roads and tracks, and</i> <i>(f) maintenance of orchards and shelterbelts, and</i> <i>(g) domestic gardening, and</i> <i>(h) repair, sealing or resealing of a road, footpath or driveway.</i>	Retain definition in its entirety including recognition that earthworks do not include cable and pipe laying and maintenance and the construction, repair or maintenance of pipelines, and electricity lines.

