

**BEFORE THE GREATER WELLINGTON REGIONAL COUNCIL
PROPOSED NATURAL RESOURCES PLAN INDEPENDENT HEARINGS
PANEL**

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of Hearing Stream 3 Water
Allocation and Natural Form
and Function

**STATEMENT OF EVIDENCE OF DAVID LE MARQUAND FOR
Z ENERGY LTD, MOBIL OIL NZ LTD, BP OIL NZ LTD (THE OIL COMPANIES)
(Submitter # S55 & FS57) AND POWERCO LIMITED (Submitter # S29 & FS56)**

21 August 2017

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EXECUTIVE SUMMARY

- 1.1 This statement of evidence relates to the Hearing Stream 3 provisions. In particular, it focuses on the submissions of Powerco and the Oil Companies (Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited). All amendments sought are set out in this evidence, however not all submissions are addressed in detail within the body of this evidence: it focuses primarily on those areas where there is disagreement with the recommendations in the Section 42A (s42A) Reports. A summary of my response to the Council's position, as set out in its s42A Reports, to both Powerco and the Oil Companies submissions subject of this hearing, including where there is agreement with the recommendations in the s42A Reports, is set out in **Attachment B**.
- 1.2 My evidence addresses the use of the term "avoid" in **Policy 24** Outstanding Natural Character. In particular it identifies a concern with the proposed avoidance policy for Outstanding Natural Character (ONC) as the policy also applies to all other areas outside of identified ONC's. Amendments are proposed to address this issue.
- 1.3 Concerns are raised over the proposed s42A amendments to **Policy 25** Natural Character. If use and development in such areas is to remove reference to existing use and be limited to functional need in the CMA, there should be a corresponding requirement to consider operational requirements of activities, this is consistent with Objective 53.
- 1.4 Concerns are raised over the nature, scope and application of **Policy 26**: Natural Processes. It is considered too broad and absolute and will likely have some significant and unintended consequences for applications. The s42A Reports proposal to regurgitate the elements of Policy 4 into Policy 26 is opposed for reasons stated in previous evidence in Hearing Stream 1 and, in my view misrepresents the discussions at the Expert Planning Conferencing on 28th June 2017 on that matter. The evidence recommends deletion of Policy 26.
- 1.5 The **dewatering provisions** (R140 in particular) are addressed. The evidence identifies a number of issues including the use of the term "potentially contaminated land"; the lack of clarity in terms of the rules cascade, and

support for a stand-alone provision that deals solely with dewatering as an activity. It is important to consider how the Plan will be implemented over time and dewatering activities that occur on contaminated land should not be allowed to default to a non-complying activity. Amendments are proposed to R140 and a clearer consent pathway with the introduction of a new restricted discretionary rule.

2. INTRODUCTION

Qualifications and experience

- 2.1 My full name is David William le Marquand and I have practised resource management for over 30 years. I am a Director of Burton Planning Consultants Limited. I hold the qualifications of Bachelor of Arts in Geography and Master of Arts in Geography, both from the University of Auckland . Relevant qualifications and experience are set out in **Attachment A**.

CODE OF CONDUCT: ENVIRONMENT COURT OF NEW ZEALAND PRACTICE NOTE 2014 – EXPERT WITNESSES

- 2.2 I have read the Environment Court's Practice Note 2014 as it relates to expert witnesses. My brief of evidence was prepared in compliance with the Code of Conduct and I agree to comply with the Code in giving my oral evidence. I am not, and will not behave as, an advocate for the Oil Companies or Powerco. I am engaged by the Oil Companies and Powerco as an independent expert and my Company provides planning services to each of those companies collectively and separately along with a range of other infrastructure, corporate and public agency clients. I have no other interest in the outcome of the proceedings.
- 2.3 The issues addressed in this brief relate to the planning implications of the Hearing Stream 3 topics – **Water Allocation and Natural Form and Function** of the Proposed Natural Resources Plan for the Wellington Region (*the Plan*) and are within my area of expertise.
- 2.4 The reasons for my opinions are set out in the subsequent sections of this document and I confirm I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 2.5 In preparing this evidence I have reviewed the Council's s42A Reports and evidence for Hearing Stream 3 as set out on the Council's Proposed Natural Resources Plan portal. I have considered the following documents:
- (a) The Hearing Panel Minutes
 - (b) The notified version of the Plan

- (c) The tracked changes version of the Plan and changes arising from Council's \ s42A Reports
- (d) Outcomes from the Expert Conferencing
- (e) The Integration Review Report
- (f) New Zealand Coastal Policy Statement (*NZCPS*)
- (g) The Regional Policy Statement for the Wellington Region (2013)
- (h) The Oil Companies and Powerco submissions and further submissions on the Plan
- (i) The Resource Management Act 1991 (*RMA*)

2.6 In accordance with the Hearing Panel Minute 2: clause 32, I have prepared a single brief of evidence that deals with the submissions of both Powerco and the Oil Companies.

3. MATTERS IN DISPUTE WHERE THERE IS DISAGREEMENT WITH THE S42A REPORT(S)

3.1 My evidence is primarily focused on the primary points of difference between the s42A Reports and matters raised in the submissions and further submissions of the Oil Companies and Powerco. My proposed changes are set out in this evidence and are shown in strikethrough for deletions and underline for additions. For completeness and clarity, in **Attachment B** I have set out a summary of my recommendations to the Panel in relation to all submissions by the Oil Companies and Powerco being addressed at this hearing.

The Interests of Powerco and Oil Companies in the Region

3.2 Powerco operates both gas and electricity networks within the Greater Wellington Region. This comprises an electricity network within the Wairarapa, covering the area from south of Eketahuna to Cape Palliser and a gas network covering Wellington City, Hutt Valley and Porirua.

3.3 The Oil Companies have bulk storage fuel facilities located at Seaview and adjacent to the Wellington Airport, and distribute fuels from these (including beyond the region) to the service station network, truck stops and various commercial clients, including the Wellington Airport. Of particular relevance to

this hearing is the process the Oil Companies undertake to replace their underground infrastructure, primarily the need to replace underground storage tank infrastructure. The typical replacement process involved occurs on an approximate 15 - 25 year cycle and involves excavation to approximately 5m depth. Tank pits are usually sheet piled before excavation, thereby restricting any groundwater inflows. Excavated material may sometimes involve contaminated soils. Replacement (tank installation) has to occur in dry conditions so there is often a need for dewatering of tank pits and with associated discharges passing through an appropriate treatment train prior to discharge, generally to the stormwater system where available. This discharge/dewatering activity is temporary and would typically occur over a two week period.

Scope

- 3.4 My evidence relates to the following areas:
- (a) Policy 24 and the avoidance paradigm;
 - (b) Policy 25 and proposed s42A amendments;
 - (c) Policy 26 and the re-emergence of Policy 4 to describe “minimise”;
and
 - (d) Dewatering Rules (Rules 140, 142, 146), including the use of “potentially contaminated land”, the definitions of dewatering and the rule cascade.

4. POLICY 24: OUTSTANDING NATURAL CHARACTER.

- 4.1 Powerco lodged further submission FS56/052 supporting the Chorus submission and Spark submissions (S144/014 and S98/016) which sought to amend the Policy along the following lines:

Areas of outstanding natural character in the coastal marine area will be preserved by:

(a) ~~avoiding avoid, remedy or mitigate~~ adverse effects of activities on natural character in areas of the coastal marine area with outstanding natural character, and...

(e) ~~avoiding avoid, remedy or mitigate~~ adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.

- 4.2 I support in part the intent of the primary and further submissions. The s42A Report on Natural Form and Function deals with the matter in Issue 3 (from Page 49) and recommends no amendment on the basis that the provision is consistent with, and does give effect to, the NZCPS and RPS. I have a number of concerns with the recommendation as it stands.
- 4.3 The assessment specifically cites NZCPS Policy 13, which relates to natural character, but asserts that Policy 24 is giving effect to the NZCPS and RPS as a whole. It concerns me that there appears to be silo based thinking in relation to these matters, in that only those matters that deal with “natural character” are the ones considered. Both NZCPS and RPS are broad based documents and to truly give effect to those requires a broader integrated understanding of what is and isn’t sanctioned by the Plan, and the nature and scope of the basis, areas and constraints by which such areas have and will be identified in terms of existing and future potential functional use. Furthermore subsequent policy drafting should not just be a reiteration of higher level policy wording, a move which unfortunately seems to be widely practiced for Section 6 RMA areas.
- 4.4 This concern about integration has been recognised by staff in their response of 11th August to the “*Review of the PNRP Objectives Framework: Response from s42A Authors*” where they state:
- We also note that, while the linkages between natural resources are inherently complex, there is an administrative need to split the s42A reports into manageable, albeit somewhat artificial, topic groupings. We acknowledge that this can present challenges in terms of responding to issues in an integrated manner, but can see no practical alternative.*
- 4.5 While I am not opposed to an “avoidance” policy approach per se in areas of outstanding natural character (depending upon the basis upon which areas have been identified and the scope and nature of the Policy), I believe the current drafting of the Policy goes further than the NZCPS (and Section 6a RMA) by way of inclusion of reference in (e) to including all areas located outside of ONC areas. An avoidance approach is inappropriate to apply ubiquitously to those other areas. I note that for outstanding natural features and landscapes there is a specific policy in the Plan (P49) dealing with activities adjacent to such areas. There is no equivalent for addressing activities outside the outstanding natural character that may impact on character within the area, within Policy 24. I consider that Policy 24 needs to be amended to require “avoidance, remediation or mitigation” if reference to

areas outside such areas is to remain. Alternatively the reference (to other areas) should be deleted altogether. Changes to address those alternatives are identified in yellow highlight as follows:

(e) avoiding adverse effects of activities, including those located outside the area, within an outstanding natural character area and avoiding, remedying or mitigating adverse effects of activities adjacent an outstanding natural character area, where such activities that individually or cumulatively detract from the natural character values of the outstanding natural character area.

5. POLICY 25: NATURAL CHARACTER

- 5.1 The Oil Companies (s55/019) and Powerco (29/021) sought that Policy 25 be retained without further modification. The S42A report has recommended the policy be modified as follows:

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 natural wetlands, 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.*~~
- (d) alternative locations, design or form of development that have less adverse effects, and*
- (e) the extent to which the activity has a functional need to be located in the coastal marine area that limits location and development options, and*
- (f) the ecosystems, natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in natural wetlands, rivers and lake and their margins.*

- 5.2 I have particular concerns with the changes proposed. The deletion of (d) and its replacement with a new (d) to (f) has resulted in a more stringent test being applied. This is potentially problematic for a number of reasons.

Firstly, it removes from the policy the consideration and recognition of any existing uses and also the reference in (d) to “inappropriate use and development”. This is likely to be especially significant for regionally significant

infrastructure which may be located in such areas and have operational requirements to be located there. With reference to Objective 53 and Policy 12, it is considered that an argument could have been made in relation to Policy 25, as originally proposed, that regionally significant infrastructure within the CMA which had an operational requirement to locate there may be considered to be “appropriate development”. Such an argument is less certain in the context of the amendments proposed, particularly given that the matters of functional need and operational requirements in the CMA are considered together in Objective 53. These matters were also addressed by a number of regional infrastructure providers in evidence for Hearing Stream 1, particularly in relation to Policy 12. Policy 12 recognises the operational requirements of regionally significant infrastructure. Other policies also recognise and provide for both functional need and/or operational requirements, including Policy 27 on Natural Hazards and, importantly, Policy 132 which requires use and development in the coastal marine area to (amongst other things) either have a functional need or an operational requirement to be located within the CMA. In my view the policy should refer to both functional need and operation requirements.

5.3 Secondly, the redrafting of the Policy creates a high degree of uncertainty because areas of natural character in the coastal marine area are not identified, unless they are of high or outstanding natural character. The s42A report (Natural Form and Function, para 229 page 54) indicates that it is not necessary to identify such areas and that the effects on natural character can be addressed on a case by case basis. While that degree of uncertainty in the policy may be acceptable assuming it is clear what is meant by “natural character”, the intent and application of the policy should otherwise be clear and certain.

5.4 In my view it would therefore be appropriate and consistent with Objective 53 to ensure that the new (e) referred to functional need and operational requirements as follows (change in yellow highlight):

(e) the extent to which the activity has a functional need **or operational requirement** to be located in the coastal marine area that limits location and development options, and

6. POLICY 26 NATURAL PROCESSES

- 6.1 Powerco (FS56/054) supported the Vector Gas submission (S145/074) on Policy 26 so that it read:

Use and development will ~~be managed to minimise~~ avoid, remedy or mitigate effects on the integrity and functioning of natural processes.

- 6.2 I am generally neutral on whether minimise or avoid, remedy or mitigate is chosen. However, I do have concerns about the implication and application of the Policy and the response to the submission in the s42A Reports.

- 6.3 In the first instance I wonder what added value this Policy will deliver and whether or not it is likely to cause some issues down the track. Further, I question, given the suite of other policies dealing with various activities and other matters (e.g. hazards, coastal), whether it is even necessary. I can see some applications where the Policy could be usefully applied. For example, in terms of guidance for use and development around coastal erosion and where the policy expresses a preference around “soft-protection”; but that is already covered in Policy 139. Another example would be for ecosystem maintenance in relation to the impact of discharges; but that is already addressed in Policies 62 and 70). When applied to use and development that may be subject to other natural processes such as flooding, drought and erosion, the policy could cause issues. For example, what would it mean for the ability to maintain or have development protected by stop banks, and are soil erosion protection works that are otherwise mitigating an adverse effect interfering with the integrity of natural processes? It is unclear how the policy would be applied in such circumstances and whether the outcome of applying the policy would align with the drafting intent.

- 6.4 I note there is no redline changes proposed in the s42A Report, or at least they are not set out in the redline version of the Policy. However the s42A Report does take a position on “minimise” in the Policy. In paragraph 316 page 72, the Report states:

I consider that it is important for the plan to state what ‘minimise’ means. I would not support the use of ‘minimise’ in a policy where the term is open to interpretation and / or is not sufficiently clear about the outcomes being sought in respect of an issue. However, in this case proposed Policy P4 sets out how ‘minimise’ will be applied, which promotes consistency in decisions on applications and across the suite of the regional council’s planning instruments. In the context of the regional planning provisions that specifically use the term, ‘minimise’ means reducing adverse effects of the activity to the

smallest amount practicable. Proposed Policy P4 underpins proposed Policy P26 by identifying the matters to be considered to achieve that outcome.

- 6.5 The s42A Report then states that the caucusing of planning experts on Policy 4 suggested *that clarification might occur by adding the Policy P4 sub-clauses into other policies where they are relevant.* The s42A Report then outlines what I have taken to be suggested drafting of the Policy as follows (incorporating the suite of elements from Policy 4):

Policy P26: Use and development will be managed to minimise effects on the integrity and functioning of natural processes by:

(a) considering alternative locations and methods for undertaking the activity that would have less adverse effects, and

(b) locating away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and

(c) timing the activity, or the adverse effects of the activity, to avoid times when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and

(d) using good management practices, and

(e) designing the activity so that the effects of the scale or footprint of the activity is as small as practicable.

- 6.6 I do not support the regurgitation or re-emergence of Policy 4 into this policy as is suggested and consider it misrepresents what was agreed at expert caucusing (which I attended). I am concerned that the staff recommendation merely transfers the precedent effect and arguments around Policy 4 as to scope of “minimise” into Policy 26.

- 6.7 It is my understanding that there was a minority view at expert caucusing on the utility of using a policy to define “minimise”: the majority view was that it should be clarified by way of a definition. In paragraph 14 of the expert caucusing statement it states:

Consensus that the matters in Policy P4 (a), (c), (d) and (e) are more appropriately addressed in individual policies as appropriate rather than in an upfront general clarification.

- 6.8 I am not convinced that the experts were anticipating the full suite of listed provisions be transferred into another policy, but rather some elements may be appropriate in some circumstances. The matter relating to location (i.e. paragraph (b)) was explicitly excluded as it is not what “minimise” is about. These matters were canvassed in detail in Section 5 of my evidence on Policy 4 in Hearing Stream 1 and are not repeated, except to remind the Panel that the locational criteria in such a policy are effectively “avoidance” criteria and are antithetical towards a “minimise” provision and approach.

6.9 My recommendation to the Panel is to consider whether the Plan loses anything through deletion of the Policy as a whole. If it is to remain, then consideration could be given to narrowing the scope of the term “natural processes” (e.g. ecological processes only). If that were done then the Policy could be reworded as follows (change in yellow highlight):

*Policy P26: Use and development will be managed to minimise effects on the integrity and functioning of natural **ecological** processes.*

7. DEWATERING PROVISIONS

7.1 The Oil Companies (s55/059) and Powerco (s29/050) raised concerns over the nature and extent of regulation of dewatering activities. The concerns raised by the submission can be categorised as including the following:

- Sought deletion of the term “potentially contaminated land”.
- Expressed concern over the lack of a clear pathway in the rule cascade for dewatering discharges, including the link to Rule 42.
- Expressed concern if the potential default activity status for a dewatering discharge is a non-complying activity, preferring that rules could be made permitted with appropriate conditions.
- Expressed concern over the link to R130 diversion.
- Sought a restricted discretionary default rule for activities not meeting the permitted activity conditions of R140.

7.2 I support the general intent of the submission, however I accept that the matters are not straight forward. The s42A Report (Water Allocation) recommends that R140 be amended as follows:

The use of land, the take of groundwater 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 potentially contaminated land, and

(c) the take does not cause ground subsidence, and

(d) the take does not deplete water in a surface water body, and

(e) there is no flooding beyond the boundary of the property

(f) A discharge to water, or onto or into land where it may enter water meets the conditions of Rule R42.

Note

~~Discharges to water, or onto or into land where it may enter water related to dewatering are provided for by Rule R12.~~

The s42A Report also supports the existing rule cascade structure.

- 7.3 I do not support the wording proposed for R140 or the rule cascade as set out in the s42A Report. My reasoning and amendments sought are set out in the following paragraphs.

Integrated Provision

- 7.4 I support the intent to have a combined rule that addresses the activity of dewatering. The primary purpose of the Regional Plan in my view is, due to the presumption in the RMA, to permit activities. A secondary (and consequential) purpose is to guide decision making to ensure consistent and appropriate outcomes for those activities requiring consent. R140 currently covers the take, discharge and diversion associated with dewatering activities. In my view that is helpful and I support that. It recognises the Council's integrated management function. What concerns me is a lack of clarity around whether R140 is a standalone rule or has to meet all other take, discharge and diversion rules. In my view the Rule needs to be clearly a stand-alone provision and not subject to the other permitted rules. I note that the s42A report has recognised a potential issue with R130 (and its relationship with other rules) at Para 736 page 177:

In my opinion, Rule R140 does need to cover the diversion of groundwater in addition to Rule 130 as it is likely condition (c) of Rule R130 there shall be no lowering of groundwater levels on any neighbouring property will not be met in a dewatering situation. Rule R140 allows the lowering of groundwater levels, so long as the take does not cause ground subsidence, and the take does not deplete water in a water body [sic].

- 7.5 I take that comment to mean that the intent is that R140 for temporary dewatering would and should not also be subject to R130. I support that position on the basis that R140 is a more specific provision relating to dewatering. However I remain uncertain if that will be a consistent interpretation over time. There are also other rules (e.g. R136) which set threshold volumes for takes e.g. 10m³ per day. If they were deemed to also apply then they would likely make the dewatering rule R140 effectively redundant. The correct interpretation of the Plan needs to be clear.

7.6 The s42A Report has recommended deleting the note that identifies discharges from dewatering are subject to R42. Instead they recommend including as condition f): *a discharge to water, or onto or into land where it may enter water meets the conditions of Rule R42.*

7.7 As indicated, I am supportive of the rule being a stand-alone rule. However I am not a fan of cross-referencing other rules as conditions as it potentially sets up a double jeopardy requirement to comply with another rule set and in the case of R42 there is a pathway that goes to non-complying. In this case, R42 condition (c) specifically deals with dewatering discharges. If the Council intends the conditions of R42 to apply it should, in my view, incorporate the relevant parts of R42 into the Rule in full and there should also be a clear rule cascade pathway (not non-complying) in case that rule is not met.

Potentially Contaminated Land

7.8 The term “potentially contaminated land” is used in Rule 140 and this is the only place in the Plan where the term is used. It is not defined. The term is not used in the RPS. The s42A Report states (para 741 on p178):

The definition of contaminated land will be considered in the Section 42A officers report: Discharges to land in Hearing Stream 5. While the submission and further submission points raised by Transpower and The Oil Companies refer directly to Rule R140, I consider the analysis would be more appropriately dealt with in the Section 42A officer’s report: Discharges to land as the implications of removing potentially contaminated land from the rule hinges significantly on the definition of contaminated land.

7.9 For context, I note that there is only one submission that is seeking a substantial change to the definition, and no party is specifically seeking the phrase “potentially contaminated land” be defined or introduced to any other part of the Plan. The presence of the undefined term is a significant one for the working of the rule cascade for dewatering activities (R140) and there remains a risk that the role, effect and consequence of any wording amendment to the term may result in other interpretative issues with these rules. The term needs to be clarified for the sake of the operation of the Rule cascade.

Rule Cascade

7.10 The Rule cascade for dewatering from a tank pit to replace aging underground storage tanks remains uncertain to me. I am not necessarily opposed to such an activity requiring consent: in fact obtaining consents for dewatering is reasonably standard practice around the country for the industry, except in the Auckland Region where the activity is permitted subject to conditions. The

issue for me is making it clear what the consent pathway is for dewatering. As it stands, while the Rule deals with land use for the purposes of diversion, discharge and take, there are, as a result of rule construction and structure, different pathways for the discharge aspect and for the take and diversion.

7.11 Under the proposed s42A Report wording of R140, it would appear that the dewatering activity needs to comply with the conditions of Rule 42. Rule 42 has a condition relating to dewatering discharges from contaminated land (which is currently defined in terms of the RMA definition and as Category III – Contamination Confirmed land in the Selected Land Use Register for the Wellington Region). In my view, if Council was to make R140 a stand-alone rule, it would be best to delete that condition from R42 as it is already addressed in R140. It is understood there are only some 100 confirmed contaminated sites in the Region. It is therefore likely that while a dewatering discharge from a service station (with appropriate and standard treatment) could well meet the discharge requirements of Rule 42 at this stage it will arguably not meet the condition in R140 relating to potentially contaminated land (whatever that is) for the discharge, take and diversion. If there was to be some improved clarity in R140 then I would suggest that potentially there could be some similar wording to that used in the Resource Management (National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) in terms of linking to a HAIL site. A HAIL site could well be an appropriate basis to clarify what is “potentially contaminated land”).

7.12 So in the event that consent is required by R140, what does non-compliance with R140 cascade to? The s42A Report states, in response to the Oil Companies’ submission seeking a separate restricted discretionary rule, at para 728 page 176:

I consider it to be appropriate when the conditions of Rule R140 cannot be met that the activity defaults to the discretionary activity Rule R142. As a discretionary activity, all potential effects arising from the dewatering can be assessed.

7.13 I disagree with that assessment: not all effects can be considered, only those relating to take and diversion. If the activity is in the Hutt Valley aquifer system and the excavation is below 5m it will be a discretionary activity under new R146A and under which all aspects i.e. diversion, dewatering (which must include take, diversion and discharge) and discharge, can be considered. However 5m is at or about that depth usually required for a tank pit. Some pits

can be deeper but most won't and therefore it won't capture all and in any case that Rule is limited to the Hutt Valley aquifer system. If that Rule doesn't apply then Rule R142 (a discretionary activity) would apply, but in my view, only in part. R142 only applies to take, use and diversion of water that would otherwise contravene sections 14(2) or 14(3). That leaves the discharge aspect out on a limb. In issuing such a consent the discharge aspect, in my view, would remain unsanctioned. If the intent is to have a single default rule, and I would support that, then either a new rule as requested by the Oil Companies needs to be included or R142 needs to be amended to include associated dewatering discharges.

7.14 In terms of the concerns around the discharge pathway, the s42A Report makes the following comments at paras 732 and 733 on page 177:

S55 is also concerned that if the conditions of Rule R42 cannot be met, the activity defaults to a non-complying activity and the take activity defaults to discretionary. They consider that 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 guides.

My interpretation of the proposed Plan is that if the conditions of Rule R42 are unable to be met, the activity defaults to a discretionary activity under Rule R68: All other discharges, unless the discharge is inside a site of significance where it would be a non-complying activity under Rule R67. I consider this is an appropriate cascade. I also consider that Rule R42 sets the minimum standard for discharges and it is entirely appropriate that the discharge of water from dewatering is assessed against the conditions of Rule 42.

7.15 I find the explanation perplexing. Firstly it appears to contradict the earlier position that the default rule for R140 is R142 and secondly it is not how the cascade appears to work to me. So assuming that the dewatering discharge is from contaminated land (in terms of however that is finally defined) and therefore does not meet condition (c), the discharge, which could contain levels of hazardous substances, would appear to be captured by Rule 57, which is a non-complying rule and states (my emphasis):

*The discharge of a **hazardous substance** into water or onto or into land where it may enter water that is not permitted by Rule R36, Rule R37, **Rule R42**, Rule R46 and Rule R87 or controlled under Rule R47 and Rule R87 or Rule R88 or discretionary under Rule R38 and Rule R93 is a **non-complying activity**.*

7.16 Rule 68 on the other hand states (my emphasis):

Rule R68: All other discharges – discretionary activity

*The discharge of water **or contaminants** into water, or onto or into land where it may enter water, that is not:*

*(a) **permitted by Rules R42, R43, R44 or R45, and***

(b) is not provided for by Rule R67 or any other rule in this Plan is a discretionary activity.

7.17 It would seem to me that the discharge from contaminated land, which may contain trace elements of hazardous substances (which would still meet the definition of hazardous substance in the Plan) could be argued to be provided for by Rule 57. In my view requiring dewatering from service station tank replacement to be non-complying is sending the wrong signal. In terms of potential contamination the Council should be facilitating the replacement, renewal and maintenance of underground petroleum storage systems, not making them a non-complying activity.

Addressing the Issues Raised

7.18 In my opinion a stand-alone (permitted and default) dewatering Rule should be drafted along the following lines (yellow highlight is where amendments are proposed and/or there are changes to the s42A Report recommendations):

Rule R140: Dewatering – permitted activity

The use of land, the take of groundwater 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 ~~potentially contaminated land~~ is a piece of land as defined under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, and

(c) the take does not cause ground subsidence, and

(d) the take does not deplete water in a surface water body, and

(e) there is no flooding beyond the boundary of the property

(f) A discharge to water, or onto or into land where it may enter water meets the following conditions: ~~of Rule R42.~~

(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,

(B) where the discharge enters a surface water body or coastal water, the concentration of total suspended solids in the discharge shall not exceed: 50g/m³

(i) where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), 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~~

(C) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and

(D) 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.

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 Restricted Discretionary Activity Rule along the following lines:

Rule R140AA: Dewatering – restricted discretionary

The use of land, the take of groundwater and the associated diversion and discharge of that water for the purpose of dewatering a site that does not meet the permitted activity conditions is a **restricted discretionary activity**.

Matters for discretion:

- a) The duration and extent of the take and diversion;
- b) Subsidence mitigation measures
- c) The effects of the quality and quantity of the discharge on the receiving environment

Or amend Rule R142 to clarify that the permitted activity dewatering rule defaults to restricted discretionary in the event of non-compliance along the following lines:

Rule R142: All other take and use – discretionary activity

The take and use of water that would otherwise contravene sections 14(2) or 14(3) of the Resource Management Act 1991 and is not a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity **or is a dewatering discharge that does not comply with R140,** is a discretionary activity.

- 7.19 There will also need to be some consequential amendments to other rules and reference notes including removal of condition (c) from R42 and clarification that rule R140 is stand-alone.

RELEVANT EXPERIENCE AND QUALIFICATIONS

I am a Director of Burton Planning Consultants Limited and have over 30 years' experience in the planning system in New Zealand. This includes experience in the public and private sectors and in consents, policy and compliance work across a range of developments.

QUALIFICATIONS AND PROFESSIONAL MEMBERSHIPS:

Bachelor of Arts (Geography) The University of Auckland 1978

Master of Arts (Geography) The University of Auckland 1980

My thesis was on The Dynamics of Some Waitemata Harbour Beaches

I am a member of the Resource Management Law Association

WORK HISTORY:

July 1995 – present

Associate then from 2003 Director Burton Planning Consultants

Various land use and regional consents for major clients. Analysis of proposed District and Regional Plans, Plan Changes and Variations and submissions. Evidence preparation and presentation in various fora. Strategic policy development and participation in various fora. Appeal drafting, participation and settlement.

1988 - May 1995

Senior Environmental Policy Analyst, Ministry for the Environment

Environmental and resource management advice on Government environment policies to local authorities, tangatawhenua, environmental and other groups. Input to RMA development. Monitoring of RMA implementation. Analysis of proposed plans, plan changes and policy statements. Preparation of submissions and evidence preparation. Monitoring regional developments and response to Government policies identifying problems and solutions including policy development.

1983-1988

Scientist, Planning Section, Water and Soil Directorate, Ministry of Works and Development.

Advice to National Water and Soil Conservation Authority (NWASCA) on effectiveness of Government and NWASCA policy. Policy development on flood reduction, geothermal management, water and soil management planning, coastal resources survey. Management of \$5m resource management grant programme to catchment authorities.

1980 -1983

Advisory Officer then Section Officer, Central Regional, Harbours and Foreshores, Ministry of Transport.

Processing and approval of consents in the coastal marine area under the Harbours Act 1950. Representation of Ministry at various Committees and other fora. Investigations, litigation and prosecutions.

My principal role at Burton Consultants, in addition to managing the overall practice, has been to provide planning and resource management consenting and policy advice to clients in relation to various projects and planning instruments. This has included preparation of consent applications, AEEs, designations, policy analysis, submissions and appeals for a range clients including numerous infrastructure clients including Mobil, BP, Z Energy, Chevron, New Zealand Oil Services Limited, Wiri Oil Services Limited, Powerco, Transpower, Enerco, Telecom, TVNZ, Liquigas, Eastland Energy, North Shore Events Centre, AIAL and the Lines Company. I have

over 25 years specialist experience in relation to the oil industry and 7 years in relation to Powerco. For the Oil Companies this includes numerous resource consent applications (land use and discharge) and planning issues, including risk matters, for oil storage terminals in Bluff, Timaru, Lyttelton, Nelson, Wellington, Napier, New Plymouth, Tauranga, Auckland, Marsden Point and Wiri. I also provide planning advice to the Oil Industry Environmental Working Group (OIEWG), which currently comprises of Mobil Oil NZ Ltd, Z Energy Ltd and BP Oil NZ Ltd. It also includes associate members from MTA (Motor Trade Association), and NZ Oil Services Ltd. OIEWG has been involved in the development of a number of guidelines, including the following:

- Guidelines for assessing and managing petroleum hydrocarbon contaminated sites in New Zealand (revised 2011)
- Environmental guidelines for water discharges from petroleum industry sites in New Zealand 1998
- Above-ground Bulk Tank Containment Systems: Environmental Guidelines for the Petroleum Marketing Companies

OIEWG has submitted on a range of regional policy statements, regional plans and district plans, plan changes and variation throughout the country in relation to matters that affect the oil industry operations, and in particular, matters relating to hazardous substances, contaminated land, earthworks, air, freshwater, stormwater, natural hazards, coastal provisions, zoning matters and various performance-based provisions. There have also been inputs into various other policy instruments including central government initiatives.

For Powerco have provided planning services for a range of inputs into regional and national policy statements, regional plans and district plans, plan changes and variations throughout their operating footprint in the North Island.

Hearing 3 - Water Allocation, Wetlands and Biodiversity , Natural Form and Function

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
Water Allocation				
The Oil Companies S55/036	Policy P126: Site dewatering Oppose	Modify Policy 126 as follows <i>Localised land subsidence or <u>significant</u> adverse effects of dewatering on existing groundwater users or the flows, levels or quality of surface water shall be minimised.</i>	Reject See Issue 4.2 Recommended wording of Policy P126: <i><u>Localised land subsidence that affects structures shall be avoided and any more than minor</u> adverse effects of dewatering on existing groundwater users or the flows, levels or quality of surface water shall be minimised the following shall be avoided, remedied or mitigated:</i> <i><u>(a) the ecosystem functioning of connected water bodies, and</u></i> <i><u>(b) the reliability of supply for existing surface and ground water users, and</u></i> <i><u>(c) the quality of surface or groundwater, and</u></i> <i><u>(d) the contamination of land and water.</u></i>	Support staff recommendation. No further comment.
Powerco S29/034	Policy P126: Site dewatering Oppose	Modify Policy 126 as follows <i>Localised land subsidence or <u>significant</u> adverse effects of dewatering on existing groundwater users or the flows, levels or quality of surface water shall be minimised.</i>	Reject See Issue 4.2 Recommended wording of Policy P126: <i>Localised land subsidence that affects structures shall be avoided and any more than minor adverse effects of dewatering on existing groundwater</i>	Support staff recommendation. No further comment.

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
			<p>users or the flows, levels or quality of surface water shall be minimised the following shall be avoided, remedied or mitigated:</p> <p><u>(a) the ecosystem functioning of connected water bodies, and</u></p> <p><u>(b) the reliability of supply for existing surface and ground water users, and</u></p> <p><u>(c) the quality of surface or groundwater, and</u></p> <p><u>(d) the contamination of land and water.</u></p>	
<p>The Oil Companies Further Submission FS57/042</p> <p>Primary Submitter - Powerco S29/034</p>	<p>Policy P126: Site dewatering</p>	<p>Further submission Support</p> <p>Modify Policy 126 as follows: <i>Localised land subsidence or <u>significant</u> adverse effects of dewatering ... shall be minimised.</i></p> <p>The Oil Companies' comment: The submission is supported as although the Oil Companies made the same submission it has been summarised under policy 12 rather than policy 126 to which it relates. In terms of the application of the policy, site dewatering by the Oil Companies for service station tank replacement, if required, usually only occurs for less than 5 -10 days. As a result the Oil Companies consider the policy should be directed at significant adverse effects as short term effects will be</p>	<p>Reject See Issue 4.2</p> <p>Recommended wording of Policy P126: <i>Localised land subsidence <u>that affects structures shall be avoided and any more than minor</u> adverse effects of dewatering on existing groundwater users or the flows, levels or quality of surface water shall be minimised the following shall be avoided, remedied or mitigated:</i></p> <p><u>(a) the ecosystem functioning of connected water bodies, and</u></p> <p><u>(b) the reliability of supply for existing surface and ground water users, and</u></p> <p><u>(c) the quality of surface or groundwater, and</u></p> <p><u>(d) the contamination of land and water.</u></p>	<p>Support staff recommendation. No further comment.</p>

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
		less than minor and adverse effects of dewatering on existing groundwater users or the flows, levels or quality of surface water can be minimised.		
The Oil Companies S55/037	Policy Bores P130: Support	<p>Retain Policy 130 without further modification</p> <p><i>Bores, including new bores, shall:</i></p> <p>(a) <i>be sited to ensure adequate separation from existing bores, avoid an over-concentration of bores in a particular area (except where intensive investigation is required on a site for geotechnical, contamination or other investigative purposes), and to minimise adverse effects on the reliability of supply from properly constructed, efficient and fully functioning existing bores, and</i></p> <p>(b) <i>be constructed, and bore logs and other records be prepared, in accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and</i></p> <p>(c) <i>be used in a manner that prevents:</i></p> <p>(i) <i>contaminants from entering the bore from the land surface, and</i></p> <p>(ii) <i>the waste of water.</i></p>	<p>Accept See Issue 4.1</p> <p>Recommended wording of Policy P130:</p> <p><i>Bores, including new bores, shall:</i></p> <p>(a) <i>be sited to ensure adequate separation from existing bores, avoid an over-concentration of bores in a particular area (except where intensive investigation is required on a site for geotechnical, contamination or other investigative purposes), and to minimise adverse effects on the reliability of supply from properly constructed, efficient and fully functioning existing bores, and</i></p> <p>(b) <i>be constructed, and bore logs and other records be prepared, in accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and</i></p> <p>(c) <i>be used in a manner that prevents:</i></p> <p>(i) <i>contaminants from entering the bore from the land surface, and</i></p>	Support staff recommendation. No further comment.

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
The Oil Companies S55/059	Rule R140: Dewatering Oppose	<p>Modify Rule 140 as follows</p> <p><i>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:</i></p> <p>(a) <i>the take continues only for the time required to carry out the work but does not exceed one month, and</i></p> <p>(b) <i>the take and diversion and discharge is not from, onto or into contaminated land or potentially contaminated land, except where the discharge quality from the site has been shown to meet the relevant industry good practice guide, and</i></p> <p>(c) <i>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:</i></p> <ul style="list-style-type: none"> • <i>the production of any</i> 	<p>(ii) <i>the waste of water.</i></p> <p>Reject See Issue 4.2</p> <p>Recommended wording of Rule R140:</p> <p><i>The use of land, the take of groundwater 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:</i></p> <p>(a) <i>the take continues only for the time required to carry out the work but does not exceed one month, and</i></p> <p>(b) <i>the take and diversion and discharge is not from, onto or into contaminated land or potentially contaminated land, and</i></p> <p>(c) <i>the take does not cause ground subsidence, and</i></p> <p>(d) <i>the take does not deplete water in a water body, and</i></p> <p>(e) <i>there is no flooding beyond the boundary of the property, and</i></p> <p>(f) <i>A discharge to water, or onto or into land where it may enter water meets the conditions of Rule R42.</i></p> <p><i>Note</i> <i>Discharges to water, or onto or into land where it may enter water related to</i></p>	<p>Refer to evidence in Section 7. Only place in plan where undefined term “potentially contaminated” is used and void for certainty. No other guidance in the plan. Rule cascade creates potential double jeopardy with a potential default to non-complying activities.</p> <p>Use of cross reference in the rules as a technique is also opposed. Should be a stand-alone Rule.</p> <p>Wording changes and new restricted discretionary activity rule proposed and consequential amendments.</p>

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
		<p><u>conspicuous oil or grease films, scum, foams, of floatable or suspended material;</u></p> <ul style="list-style-type: none"> <u>any conspicuous change in the colour or visual clarity.</u> <p>(d) <u>the take does not cause ground subsidence, and</u></p> <p>(e) <u>the take does not deplete water in a water body beyond the time of the take , and</u></p> <p>(f) <u>there is no flooding beyond the boundary of the property.</u></p> <p>Note: <u>Discharges to water, or onto or into land where it may enter water related to dewatering are provided for by Rule R42.</u></p> <p>Introduce a new rule (Rule 140A) as a single restricted discretionary activity default rule for dewatering not meeting the permitted activity conditions.</p>	<p>dewatering are provided for by Rule R42.</p>	
Powerco S29/050	Rule R140: Dewatering Oppose	<p>Modify Rule 140 as follows</p> <p><i>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:</i></p> <p>(a) <i>the take continues only for the time required to carry out the</i></p>	<p>Reject See Issue 4.2</p> <p>Recommended wording of Rule R140:</p> <p><i>The <u>use of land, the take of groundwater and the associated diversion and discharge of that water for the purpose of dewatering a site,</u>including but not limited to, maintenance, excavation, construction or geotechnical testing, is a</i></p>	<p>Refer to evidence in Section 7. Only place in plan where undefined term “potentially contaminated” is used and void for certainty. No other guidance in the plan. Rule cascade creates potential double jeopardy with a potential default to non-complying activities. Use of cross reference in the rules as a technique is also</p>

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
		<p>work but does not exceed one month, and</p> <p>(b) the take and diversion and discharge is not from, onto or into contaminated land or potentially contaminated land, except where the discharge quality from the site has been shown to meet the relevant industry good practice guide,</p> <p>And</p> <p>(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></p> <ul style="list-style-type: none"> • <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> <p>(d) the take does not cause ground subsidence, and</p> <p>(e) the take does not deplete water in a water body <u>beyond the time of the take</u> , and</p> <p>(f) there is no flooding beyond</p>	<p>permitted activity, provided the following conditions are met:</p> <p>(a) <u>the take continues only for the time required to carry out the work but does not exceed one month, and</u></p> <p>(b) <u>the take and diversion and discharge is not from, onto or into contaminated land or potentially contaminated land, and</u></p> <p>(c) <u>the take does not cause ground subsidence, and</u></p> <p>(d) <u>the take does not deplete water in a water body, and</u></p> <p>(e) <u>there is no flooding beyond the boundary of the property, and</u></p> <p>(f) <u>A discharge to water, or onto or into land where it may enter water meets the conditions of Rule R42.</u></p> <p><u>Note</u> Discharges to water, or onto or into land where it may enter water related to dewatering are provided for by Rule R42.</p>	<p>opposed. Should be a stand-alone Rule.</p> <p>Wording changes and new restricted discretionary activity rule proposed and consequential amendments.</p>

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
		<p><i>the boundary of the property.</i></p> <p><i>Note: Discharges to water, or onto or into land where it may enter water related to dewatering are provided for by Rule R42.</i></p> <p>Introduce a new rule (Rule 140A) as a single restricted discretionary activity default rule for dewatering not meeting the permitted activity conditions.</p>		
<p>The Oil Companies Further Submission FS57/047</p> <p>Primary Submitter - Kapiti Coast District Council S117/073</p>	<p>Rule R140: Dewatering</p>	<p>Further submission – Support in part</p> <p>Create new rule ‘Dewatering for regionally significant infrastructure’ as follows:</p> <p><u><i>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 for regionally significant infrastructure, is a permitted activity, provided the following conditions are met:</i></u></p> <p><u><i>(a) the take continues only for the time required to carry out the work, and</i></u></p> <p><u><i>(b) the take and diversion and discharge is not from, onto or into contaminated land or potentially contaminated land, and</i></u></p> <p><u><i>(c) the take does not cause ground subsidence, and</i></u></p>	<p>Reject</p> <p>See Issue 4.2</p>	<p>Refer to evidence in Section 7. Only place in plan where undefined term “potentially contaminated” is used and void for certainty. No other guidance in the plan. Rule cascade creates potential double jeopardy with a potential default to non-complying activities.</p> <p>Use of cross reference in the rules as a technique is also opposed. Should be a stand-alone Rule.</p> <p>Wording changes and new restricted discretionary activity rule proposed and consequential amendments.</p>

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
		<p><u>(d) the take does not deplete water in a water body, and</u> <u>(e) there is no flooding beyond the boundary of the property.</u></p> <p>The Oil Companies' comment: The Oil Companies support existing Rule R140 (albeit in a modified form). A new rule relating to dewatering only for regionally significant infrastructure may be appropriate but it would need to be included in addition to and not instead of existing Rule R140.</p>		
<p>The Oil Companies Further Submission FS57/048</p> <p>Primary Submitter - Vector Gas Ltd S145/068</p>	<p>Rule R140: Dewatering</p>	<p>Further submission – Support Amend Rule 140: <i>The take of water and ...</i> (a) ... <u>(d) the take does not permanently deplete water in a water body, and ...</u></p> <p>The Oil Companies' comment: The submission is supported in that it makes specific provision for dewatering activities and is consistent with the Oil Companies submission.</p>	<p>Accept in part See Issue 4.2</p> <p>Recommended wording of Rule R140: <i>The <u>use of land, the take of groundwater and the associated diversion and discharge of that water for the purpose of dewatering a site,</u> including but not limited to, maintenance, excavation, construction or geotechnical testing, is a permitted activity, provided the following conditions are met:</i> (a) <i>the take continues only for the time required to carry out the work but does not exceed one month, and</i> (b) <i>the take and diversion and discharge is not from, onto or into contaminated land or potentially contaminated land, and</i> (c) <i>the take does not cause ground</i></p>	<p>Refer to evidence in Section 7. Only place in plan where undefined term “potentially contaminated” is used and void for certainty. No other guidance in the plan. Rule cascade creates potential double jeopardy with a potential default to non-complying activities.</p> <p>Use of cross reference in the rules as a technique is also opposed. Should be a stand-alone Rule.</p> <p>Wording changes and new restricted discretionary activity rule proposed and consequential amendments.</p>

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
			<p><i>subsidence, and</i> <i>(d) the take does not deplete water in a water body, and</i> <i>(e) there is no flooding beyond the boundary of the property</i> <u><i>(f) A discharge to water, or onto or into land where it may enter water meets the conditions of Rule R42.</i></u></p> <p><i>Note</i> <i>Discharges to water, or onto or into land where it may enter water related to dewatering are provided for by Rule R42.</i></p>	
<p>The Oil Companies Further Submission FS57/049</p> <p>Primary Submitter - Transpower NZ Ltd S165/069</p>	<p>Rule R140: Dewatering</p>	<p>Further submission – Support</p> <p><i>(b) the take and diversion and discharge is not from, onto or into contaminated land—or—potentially contaminated land, and</i></p> <p>The Oil Companies’ comment: The deletion of potentially contaminated land is supported. The term is ambiguous and undefined. The Rule is supposed to complement Rule 42, and Rule 42 does not include reference to potentially contaminated land.</p>	<p>Reject See Issue 4.2</p> <p>Recommended wording of Rule R140: <u><i>The use of land, the take of groundwater 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:</i></u> <i>(a) the take continues only for the time required to carry out the work but does not exceed one month, and</i> <i>(b) the take and diversion and discharge is not from, onto or into contaminated land or potentially contaminated land, and</i></p>	<p>Refer to evidence in Section 7. Only place in plan where undefined term “potentially contaminated” is used and void for certainty. No other guidance in the plan. Rule cascade creates potential double jeopardy with a potential default to non-complying activities.</p> <p>Use of cross reference in the rules as a technique is also opposed. Should be a stand-alone Rule.</p> <p>Wording changes and new restricted discretionary activity rule proposed and consequential amendments.</p>

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
			<p>(c) <u>the take does not cause ground subsidence, and</u> (d) <u>the take does not deplete water in a water body, and</u> (e) <u>there is no flooding beyond the boundary of the property</u> (f) <u>A discharge to water, or onto or into land where it may enter water meets the conditions of Rule R42.</u></p> <p><i>Note</i> Discharges to water, or onto or into land where it may enter water related to dewatering are provided for by Rule R42.</p>	
Powerco Further Submission FS56/090 Primary Submission Vector Gas Ltd S145/069	Rule R142: All other take and use – discretionary activity	Further submission – Support Retain Rule 142	Accept See Issue 2.4 Recommended wording of Rule R142: <i>Rule R142: All other take and use – discretionary activity The take and use of water that would otherwise contravene sections 14(2) or 14(3) of the Resource Management Act 1991 and is not a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity is a discretionary activity.</i>	Refer to evidence in Section 7. Wording changes and new restricted discretionary activity rule proposed and consequential amendments. An alternative option to amend R142 to ensure it captures discharges is provided.
The Oil Companies FS55/060	Rule R146: Geotechnical investigation bores	Retain Rule 146 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,</i>	Reject See Issue 4.1 Recommended wording of Rule R146:	Support staff recommendation. No further comment.

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
	Support in part	<p>construction or alteration of a geotechnical investigation bore is a permitted activity, provided the following conditions are met:</p> <p>(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</p> <p>(b) there is compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and</p> <p>(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</p> <p>(d) there is no flooding beyond the boundary of the property.</p> <p>Note: For contaminated land site investigation bores Rule R54 also applies</p>	<p>Rule R146: Geotechnical <u>Investigation and monitoring bores</u> – permitted activity</p> <p>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 <u>for the purpose of investigation or monitoring the conditions below the ground surface</u> is a permitted activity, provided the following conditions are met:</p> <p>(a) <u>Where the bore is not</u> is not located within a community drinking water supply protection area shown on Map 26, Map 27a, Map 27b, or Map 27c, <u>the depth below ground level will not exceed 5m,</u> and</p> <p>(b) there is compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and</p> <p>(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</p> <p>(d) there is no flooding beyond the boundary of the property, <u>and</u></p> <p><u>(e) Where the bore is located within the Hutt Valley aquifer zone shown on Map XX the depth below ground level will not exceed 5m on land or 5m below the seabed in the coastal marine area, and</u></p> <p><u>(f) a discharge to water, or onto or into</u></p>	

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
			<p><u>land where it may enter water meets the conditions of Rule R42, and</u> <u>(g) Where the bore is located within the coastal marine area, the activity shall comply with the coastal management general conditions specified in Section 5.7.2, excluding conditions (b) and (c), and</u> <u>(h) The bore shall be decommissioned in accordance with NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock as soon as practical after the investigation and monitoring is completed, and</u> <u>(i) the bore is not associated with hydrocarbon exploration or production.</u></p> <p>Note For contaminated land site investigation bores Rule R54 also applies.</p>	
Powerco S29/051	Rule R146: Geotechnical investigation bores Support in part	Retain Rule 146 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> (a) <i>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</i>	Reject See Issue 4.1 Recommended wording of Rule R146: <u>Rule R146: Geotechnical Investigation and monitoring bores – permitted activity</u> <u>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 for the purpose of investigation or monitoring</u>	Support staff recommendation. No further comment.

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
		<p>(b) there is compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and</p> <p>(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</p> <p>(d) there is no flooding beyond the boundary of the property.</p> <p>Note: For contaminated land site investigation bores Rule R54 also applies</p>	<p><u>the conditions below the ground surface is a permitted activity, provided the following conditions are met:</u></p> <p>(a) <u>Where the bore is not located within a community drinking water supply protection area shown on Map 26, Map 27a, Map 27b, or Map 27c, the depth below ground level will not exceed 5m, and</u></p> <p>(b) there is compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and</p> <p>(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</p> <p>(d) there is no flooding beyond the boundary of the property, <u>and</u></p> <p>(e) <u>Where the bore is located within the Hutt Valley aquifer zone shown on Map XX the depth below ground level will not exceed 5m on land or 5m below the seabed in the coastal marine area, and</u></p> <p>(f) <u>a discharge to water, or onto or into land where it may enter water meets the conditions of Rule R42, and</u></p> <p>(g) <u>Where the bore is located within the coastal marine area, the activity shall comply with the coastal management general conditions specified in Section 5.7.2, excluding conditions (b) and (c), and</u></p> <p>(h) <u>The bore shall be decommissioned</u></p>	

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
			<p><u>in accordance with NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock as soon as practical after the investigation and monitoring is completed, and</u> <u>(i) the bore is not associated with hydrocarbon exploration or production.</u></p> <p>Note For contaminated land site investigation bores Rule R54 also applies.</p>	
The Oil Companies S55/061	New Rule R146A	<p>Add new Rule 146A Well pointing for dewatering/diversion as follows</p> <p><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> The diversion shall not change the water level regime or direction of flow of the aquifer after completion of the works; and</p> <p>(a) The discharge shall be either:</p> <ul style="list-style-type: none"> i. collected for reuse; or ii. discharged to land so that runoff or the accumulation of contaminants does not occur; or 	<p>Accept in part See Issue 4.2 Recommends amending Rule R140 and the definition of dewatering to accommodate well pointing as part of the dewatering activity.</p> <p>Recommended wording of definition of Dewatering:</p> <p><u>Dewatering: The abstraction and/or the diversion 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. Dewatering may include the installation of well points to a depth no greater than 5m below ground level (without the well points being considered as a bore).</u></p>	<p>Support staff recommendation to amend definition of dewatering.</p> <p>Also refer to evidence on Rule 140 Section 7 in relation to the consenting pathway.</p>

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
		<p>iii. 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:</p> <ul style="list-style-type: none"> • the production of any conspicuous oil or grease films, scum, foams, of floatable or suspended material; <p>any conspicuous change in the colour or visual clarity.</p>		
Powerco S29/052	New Rule R146A	<p>Add new Rule 146A Well pointing for dewatering/diversion as follows</p> <p>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:</p> <p>The diversion shall not change the water level regime or direction of flow of the aquifer after completion of the</p>	<p>Accept in part See Issue 4.2</p> <p>Recommends amending Rule R140 and the definition of dewatering to accommodate well pointing as part of the dewatering activity.</p> <p>Recommended wording of definition of Dewatering:</p> <p><i>Dewatering: The abstraction and/or the diversion of groundwater so as to lower the water table for the period of time required to enable maintenance, excavation, construction, or</i></p>	<p>Support staff recommendation to amend definition of dewatering.</p> <p>Also refer to evidence on Rule 140 Section 7 in relation to the consenting pathway.</p>

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
		<p>works; and (b) The discharge shall be either: iv. collected for reuse; or v. discharged to land so that runoff or the accumulation of contaminants does not occur; or vi. 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:</p> <ul style="list-style-type: none"> • the production of any conspicuous oil or grease films, scum, foams, of floatable or suspended material; <p>any conspicuous change in the colour or visual clarity.</p>	<p><i>geotechnical work to proceed in the dewatered area, or to sustain a lower localised water table. <u>Dewatering may include the installation of well points to a depth no greater than 5m below ground level (without the well points being considered as a bore).</u></i></p>	
The Oil Companies S55/062	Rule R147: Drilling, construction or alteration of any bore – controlled activity Oppose	Modify Rule 147 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</i>	Reject See Issue 4.2 Recommended wording of Rule R147: <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</i>	Support staff recommendation. No further comment.

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
		<p>following conditions are met:</p> <p>(a) the bore is not associated with hydrocarbon exploration or production, and</p> <p>(b) the bore is constructed and operated in accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock</p> <p>Matters of control</p> <ol style="list-style-type: none"> 1. Compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock 2. Bore location, size (including diameter of the bore casing) and depth 3. Bore screening depth and type 4. Backflow prevention methods 5. Information requirements including bore logs, piezometric levels, groundwater tests, and bore construction details 6. Management of the effects of any discharge of contaminants 	<p>geotechnical investigation bore permitted in Rule R146) is a controlled activity, provided the following conditions are met:</p> <p>(a) the bore is not associated with hydrocarbon exploration or production, and</p> <p>(b) the bore is constructed and operated in accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock</p> <p>Matters of control</p> <ol style="list-style-type: none"> 1. Compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock 2. Bore location, size (including diameter of the bore casing), <u>casing type</u> and depth 3. Bore screening depth and type 4. Backflow prevention methods 5. Information requirements including bore logs, piezometric levels, groundwater tests, and bore construction details 6. Management of the effects of any discharge of contaminants 	
Powerco S29/053	Rule R147: Drilling, construction or alteration of any bore – controlled activity	<p>Modify Rule 147 as follows</p> <p><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</i></p>	<p>Reject</p> <p>See Issue 4.2</p> <p>Recommended wording of Rule R147:</p> <p><i>The use of land and the associated diversion and discharge of water or</i></p>	<p>Support staff recommendation.</p> <p>No further comment.</p>

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
	Oppose	<p>pointing as outlined in Rule 146A is a controlled activity, provided the following conditions are met:</p> <p>(a) the bore is not associated with hydrocarbon exploration or production, and</p> <p>(b) the bore is constructed and operated in accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock</p> <p>Matters of control</p> <ol style="list-style-type: none"> 1. Compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock 2. Bore location, size (including diameter of the bore casing) and depth 3. Bore screening depth and type 4. Backflow prevention methods 5. Information requirements including bore logs, piezometric levels, groundwater tests, and bore construction details 6. Management of the effects of any discharge of contaminants 	<p>contaminants for drilling, construction or alteration of a bore (other than a geotechnical investigation bore permitted in Rule R146) is a controlled activity, provided the following conditions are met:</p> <p>(a) the bore is not associated with hydrocarbon exploration or production, and</p> <p>(b) the bore is constructed and operated in accordance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock</p> <p>Matters of control</p> <ol style="list-style-type: none"> 1. Compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock 2. Bore location, size (including diameter of the bore casing), <u>casing type</u> and depth 3. Bore screening depth and type 4. Backflow prevention methods 5. Information requirements including bore logs, piezometric levels, groundwater tests, and bore construction details 6. Management of the effects of any discharge of contaminants 	
Powerco Further Submission FS56/091	Rule R148: Drilling, construction or alteration of any bore	<p>Further submission – Support</p> <p>Amend Rule 148</p> <p>The use of land and the associated diversion and discharge of</p>	<p>Reject</p> <p>See Issue 4.1</p> <p>Recommended wording of Rule R148:</p>	<p>Support staff recommendation.</p> <p>No further comment.</p>

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
Primary Submitter - Vector Gas Ltd S145/072		<i>water or ...</i>	<i>The use of land and the associated diversion and discharge of water or contaminants for drilling, construction or alteration of a bore that is not permitted by Rule R146 or controlled by Rule R147 is a discretionary activity.</i>	
The Oil Companies S55/071	Bore Support	<p>Retain Definition of Bore subject to the following amendment as follows:</p> <p>Bore</p> <p><i>A structure or hole (but not including temporary well pointing (up to 2 months) in the ground constructed for the purpose of:</i></p> <ul style="list-style-type: none"> • <i>investigating or monitoring the conditions below the ground surface, or</i> • <i>abstracting liquid substances from the ground, or</i> • <i>discharging liquid substances into the ground.</i> 	<p>Reject See Issue 4.1</p> <p>Recommended wording for definition of Bore:</p> <p><i>Bore: A structure or hole in the ground constructed for the purpose of:</i></p> <p><i>(a) investigating or monitoring the conditions below the ground surface, or</i></p> <p><i>(b) abstracting liquid substances from the ground, or</i></p> <p><i>(c) discharging liquid substances into the ground.</i></p>	<p>Support staff recommendation. Amendment made in definition of dewatering addresses concern raised in submission.</p> <p>No further comment.</p>
Powerco S29/062	Bore Support	<p>Retain Definition of Bore subject to the following amendment as follows:</p> <p>Bore</p> <p><i>A structure or hole (but not including temporary well pointing (up to 2 months) in the ground constructed</i></p>	<p>Reject See Issue 4.1</p> <p>Recommended wording for definition of Bore:</p> <p><i>Bore: A structure or hole in the ground constructed for the purpose of:</i></p> <p><i>(a) investigating or monitoring the conditions below the ground surface, or</i></p>	<p>Support staff recommendation. Amendment made in definition of dewatering addresses concern raised in submission.</p> <p>No further comment.</p>

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
		<p>for the purpose of:</p> <ul style="list-style-type: none"> investigating or monitoring the conditions below the ground surface, or abstracting liquid substances from the ground, or discharging liquid substances into the ground. 	<p>(b) abstracting liquid substances from the ground, or (c) discharging liquid substances into the ground.</p>	
The Oil Companies S55/072	Dewatering Support	<p>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></p>	<p>Accept See Issue 4.2</p> <p>Recommended wording for definition of Dewatering: <i>The abstraction <u>and/or the diversion</u> 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. <u>Dewatering may include the installation of well points to a depth no greater than 5m below ground level (without the well points being considered as a bore).</u></i></p>	<p>Support staff recommendation.</p> <p>No further comment.</p>
Powerco S29/063	Dewatering Support	<p>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,</i></p>	<p>Accept See Issue 4.2</p> <p>Recommended wording for definition of Dewatering: <i>The abstraction <u>and/or the diversion</u> of</i></p>	<p>Support staff recommendation.</p> <p>No further comment.</p>

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
		<i>or geotechnical work to proceed in the dewatered area, or to sustain a lower localised water table.</i>	<i>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. <u>Dewatering may include the installation of well points to a depth no greater than 5m below ground level (without the well points being considered as a bore).</u></i>	
The Oil Companies Further Submission FS57/006 Primary Submitter - NZ Transport Agency S146/020	Groundwater Monitoring Bore New Definition	Further submission – Support in part Add a new definition of the term groundwater monitoring bore: <u>A structure or hole in the ground constructed for the specific purpose of monitoring groundwater depth or quality.</u>	Accept in part See Issue 4.1 Recommended that no definition of “groundwater monitoring bore” added, but other amendments mean that groundwater monitoring bores can be included as a permitted activity.	Support staff recommendation. No further comment.
Natural Form and Function				
Powerco Further Submission FS56/052 & 53 Primary Submitters	Policy P24: Outstanding Natural Character	Further submission – Support Amend P24: <i>Areas of outstanding natural character in the coastal marine area will be preserved by:</i> <i>(a) avoiding avoid, remedy or mitigate adverse effects of activities on natural</i>	Reject See Issue 3 Recommended wording of Policy P24: <i>Areas of outstanding natural character in the coastal marine area will be preserved by:</i>	Refer to evidence Section 4 Policy exceeds scope of NZCPS. Support changes to clause (e) as follows: <i>(e) avoiding adverse effects of activities, including those located</i>

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Chorus NZ Limited, Spark New Zealand Trading Limited S144/014, S98/016		<i>character in areas of the... ... (e) avoiding avoid, remedy or mitigate adverse effects of activities, including those located outside of</i>	(a) avoiding adverse effects of activities on natural character in areas of the coastal marine area with outstanding natural character, and (b) requiring use and development to be of a type, scale and intensity that will maintain the natural character values of the area, and (c) requiring built elements to be subservient to the dominance of the characteristics and qualities that make up the natural character values of the area, and (d) maintaining the high levels of naturalness of these areas, and (e) avoiding the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the outstanding natural character area.	outside the area, within an outstanding natural character area and avoiding, remedying or mitigating adverse effects of activities adjacent an outstanding natural character area, where such activities that individually or cumulatively detract from the natural character values of the outstanding natural character area.
The Oil Companies S55/019	Policy P25: Outstanding natural character Support	Retain Policy 25 without further modification <i>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:</i> (a) the extent of human-made changes to landforms,	Accept in part See Issue 4 Recommended wording of Policy P25: <i>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 <u>natural wetlands</u>, lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account:</i>	Support staff recommendation. No further comment.

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
		<p>vegetation, biophysical elements, natural processes and patterns, and the movement of water, and</p> <p>(b) the presence or absence of structures and buildings, and</p> <p>(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</p> <p>(d) whether it is practicable to protect natural character from inappropriate use and development through:</p> <p>(i) using an alternative location, or form of development that would be more appropriate to that location, and</p> <p>(ii) considering the extent to which functional need or existing use limits location and development options</p>	<p>(a) the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and</p> <p>(b) the presence or absence of structures and buildings, and</p> <p>(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</p> <p>(d) whether it is practicable to protect natural character from inappropriate use and development through:</p> <p>(i) using an alternative location, or form of development that would be more appropriate to that location, and</p> <p>(ii) considering the extent to which functional need or existing use limits location and development options.</p> <p><u>(d) alternative locations, design or form of development that have less adverse effects, and</u></p> <p><u>(e) the extent to which the activity has a functional need to be located in the coastal marine area that limits location and development options, and</u></p> <p><u>(f) the ecosystems, natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in natural wetlands, rivers and lake and their margins.</u></p>	

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
Powerco S29/021	Policy P25: Outstanding natural character Support	Retain Policy 25 without further modification <i>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:</i> (a) <i>the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and</i> (b) <i>the presence or absence of structures and buildings, and</i> (c) <i>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</i> (d) <i>whether it is practicable to protect natural character from inappropriate use and development through:</i> (i) <i>using an alternative location, or form of development that would be more appropriate to that location, and</i>	Accept in part See Issue 4 Recommended wording of Policy P25: <i>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 <u>in the beds of natural wetlands,</u> lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account:</i> (a) <i>the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and</i> (b) <i>the presence or absence of structures and buildings, and</i> (c) <i>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</i> (d) <i>whether it is practicable to protect natural character from inappropriate use and development through:</i> (i) <i>using an alternative location, or form of development that would be more appropriate to that location, and</i> (ii) <i>considering the extent to which functional need or existing use limits location and development options.</i>	Support staff recommendation. No further comment.

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
		(ii) <i>considering the extent to which functional need or existing use limits location and development options</i>	<u>(d) alternative locations, design or form of development that have less adverse effects, and</u> <u>(e) the extent to which the activity has a functional need to be located in the coastal marine area that limits location and development options, and</u> <u>(f) the ecosystems, natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in natural wetlands, rivers and lake and their margins.</u>	
Powerco Further Submission FS56/055 Primary Submitter Vector Gas Ltd S145/033	Policy P25: Natural Character	Further submission – Support Amend Policy 25: <i>Use and development shall <u>avoid, remedy or mitigate significant</u> 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:</i> (d) whether it is practicable to protect natural character from inappropriate use and development through the use and development is appropriate after considering: (i) using <u>an the use of</u> alternative locations, or form of development that would be more appropriate to that	Reject See Issue 4 Recommended wording of Policy P25: <i>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 natural wetlands, lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account:</i> <i>(a) the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and</i> <i>(b) the presence or absence of structures and buildings, and</i> <i>(c) the particular elements, features and</i>	Refer to evidence in Section 5. Need for consistency with other aspects of functional need in Plan (e.g. Objective 53) and link to operational requirements. Amend as follows: <u>(e) the extent to which the activity has a functional need or operational requirement to be located in the coastal marine area that limits location and development options, and</u>

Submission # & Submitter	Provision Support/Oppose	Decision Requested	Officer Recommendation (changes shown as additions underlined and deletions in strikethrough)	Comment
		<p>location; (ii) considering the extent to which functional need or existing use limits location and development options; <u>and</u> (iii) Whether the use and development is regionally significant infrastructure.</p>	<p>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. <u>(d) alternative locations, design or form of development that have less adverse effects, and</u> <u>(e) the extent to which the activity has a functional need to be located in the coastal marine area that limits location and development options, and</u> <u>(f) the ecosystems, natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in natural wetlands, rivers and lake and their margins.</u></p>	
<p>Powerco Further Submission FS56/054</p> <p>Primary Submitter Vector Gas</p>	<p>Policy P26: Natural processes</p>	<p>Further submission – Support</p> <p>Use and development will be managed to minimise avoid, remedy or mitigate effects.</p>	<p>Reject See Issue 7</p> <p>Recommended wording of Policy P26: <i>Use and development will be managed to minimise effects on the integrity and functioning of natural processes.</i></p>	<p>Refer to evidence in Section 6.</p> <p>Do not transfer all Policy 4 criteria into this policy</p> <p>Policy scope is too broad and will likely result in unanticipated</p>

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Ltd S145/074				<p>consent outcomes and obstacles.</p> <p>Recommend deleting Policy or limiting processes to ecological.</p> <p><i>Use and development will be managed to minimise effects on the integrity and functioning of natural <u>ecological</u> processes.</i></p>
<p>Powerco Further Submission FS56/064 & 065</p> <p>Primary Submitters Chorus NZ Limited, Spark New Zealand Trading Limited S144/018, S98/018</p>	<p>Policy P49: Use and Development Adjacent to Outstanding Natural Features and Landscapes and Special Amenity Areas</p>	<p>Further submission – Support</p> <p>Amend P49: <i>Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by <u>seeking to</u>: (a) protecting visual and biophysical linkages between the site and the outstanding natural feature or landscape, and (b) avoiding adverse cumulative effects <u>from inappropriate use and development on the values of an outstanding natural feature or landscape.</u></i></p>	<p>Reject See Issue 10</p> <p>Recommended wording of Policy P49:</p> <p><i>Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by: (a) <u>protecting</u> visual and biophysical linkages between the site and the outstanding natural feature or landscape, and (b) <u>avoiding</u> adverse cumulative effects on the values <u>characteristics and qualities</u> of an outstanding natural feature or landscape.</i></p>	<p>Support staff recommendation.</p> <p>No further comment.</p>