

**Before the Wellington Regional Council  
In Wellington**

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Under the Resource Management Act 1991 (the Act)

In the matter of the Proposed Wellington Natural Resources Plan

Hearing Stream One

Between **Wellington Regional Council**

Regional Council

And **Fertiliser Association of New Zealand**

Submitter

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**Statement of Evidence of Claire Ursula Kelly for Fertiliser  
Association of New Zealand**

Dated: 05 May 2017

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## Qualifications and Experience

- 1 My full name is Claire Ursula Kelly. I am a Senior Planner at Boffa Miskell Limited, a national firm of consulting planners, ecologists and landscape architects. I hold the qualification of Master of Environmental Management (Hons). I am a Full Member of the New Zealand Planning Institute, and have over 10 years' experience as a resource management planner.
- 2 I have been a planning consultant based in Christchurch for the past 10 years, providing consultancy services to a wide range of clients around New Zealand, including local authorities, primary producers, land developers, and the infrastructure sector. My experience includes:
  - i. Work on the preparation of second generation district plans for Ashburton District Council, South Taranaki District Council and Timaru District Council; including preparing s42A reports and attending hearings of submissions;
  - ii. Preparing submissions and further submissions on a number of district plan changes on behalf of clients; and
  - iii. Preparing resource consent applications for a wide range of development projects.
- 3 Specific to The Fertiliser Association of New Zealand ('**FANZ**'), I have been involved with the preparation of submissions on the Proposed Wellington Natural Resources Plan, the Proposed Gisborne Regional Freshwater Plan and the Proposed Otago Regional Policy Statement (RPS), the Marlborough Environment Plan and the Southland Water and Land Plan.
- 4 My evidence is given in support of FANZ's submission and further submission on the plan framework and associated objectives and policies of the Proposed Natural Resources Plan for the Wellington Region (Proposed WNRP).
- 5 In this matter, I was engaged by FANZ to prepare a submission on the Proposed WNRP in October 2015 and a further submission in March 2016.
- 6 While this matter is not before the Environment Court, I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed

## Scope of Evidence

- 7 I have read the Section 42A Report which provides a summary of the submissions and points raised. In addition, it provides a useful overall discussion of the matters raised in submissions and the relevant provisions.
- 8 My evidence focusses on the matters of most importance to FANZ, being the specific provision for and recognition of primary production, the policy provision for the minimisation of adverse effects and the review of conditions of consent.
- 9 **Appendix A** to my evidence sets out FANZ's submission points and the Officer's recommendations. I have provided comment on the Officer's recommendations, where necessary, and identified where submissions are addressed more fully in this evidence.

## Discussion of FANZ's Submission Points

- 10 In general, I support the s42A Officer's recommendations as set out in Appendix A but there are three matters that I address in this evidence: specific provision for and recognition of the use of land including for primary production<sup>1</sup>, the policy provision for the minimisation of adverse effects<sup>2</sup> and the review of conditions of consent<sup>3</sup>.

## Land Uses and Primary Production

- 11 It appears that the s42A Officer has rejected all submissions that seek to provide for specific activities. The s42A Officer considers it is important to keep in mind the integrated nature of the proposed Plan and that all of the objectives should be read together and have been designed to work together, as described in Section 2.1.1 of the proposed Plan. In relation to FANZ's submissions, the s42A Officer states 'during development of the proposed Plan there was an intent to recognise all land uses, including rural production activities, through Objective O2 and the provisions of the proposed Plan and more specifically through Policies P7, P8, P11, P15, P16 and P102. The s42A Officer does not consider that rural production activities need to be specifically recognised and provided for above other uses of land and water or included as an objective in the proposed Plan'.
- 12 In my opinion, Objective O2 is very broad in its intent to recognise the importance and contribution of land and water to the social, economic and cultural well-being

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<sup>1</sup> FANZ submissions: S302/11, S302/14, S302/030, FS50/010 and FS50/022.

<sup>2</sup> FANZ submission S302/029.

<sup>3</sup> Oil Companies submission S55/013. Further Submission FS50/001.

of the community, and Objective 08 seeks to recognise and provide for the taking and using of water within the Plan's allocation framework. There are no objectives that provide for the cultural, social and economic benefits of the use of land, but there is a policy (P7) that recognises this matter.

- 13 Policy P7 provides for the cultural, social and economic benefits of using land and water for, amongst other activities, food production and harvesting. I assume this is intended to achieve Objective 02, although this is not clear as that Objective only seeks to recognise the importance and contribution of land rather than its use. Policy P7 contains the only reference to any type of primary production activity but this is limited by the use of the term 'food production', which is not defined in the Proposed WNRP.
- 14 The term 'food production' is used in the National Policy Statement on Freshwater Management (NPS-FM). Although I note that the NPS-FM refers to 'irrigation and food production' under the additional national value on Mahi māra/cultivation. It seeks to ensure that water quantity and quality is suitable for a range of irrigation needs including cultivation of food crops, the production of food from domesticated animals, non-food crops such as timber and fibre and, pasture. This range of matters goes beyond 'food production' and maybe this was intended in the use of this term in the Proposed WNRP but in my opinion, this is not clear and if retained, I suggest that this term is defined.
- 15 Agriculture (including vineyards, cropping, sheep and beef and dairy farming), and forestry are important land uses in the Wellington region. My concern is that the Plan is not explicit in providing for the use of land including for primary production, which is much broader than 'food production' and includes forestry, wool, and the growing of non-food crops such as fodder beet, Lucerne, seed and fibre crops.
- 16 Furthermore, given that the Proposed WNRP clearly anticipates agricultural activities occurring in the region through the inclusion of rules managing nutrient losses/discharges from primary production, I consider that the objectives and policies should reflect this.
- 17 In my opinion, it is essential that the Plan provides the correct balance between environmental protection and providing for the economic, social and cultural well-being of the community and the positive benefits of the use of resources including land. Therefore, I suggest that two new objectives are included in the Plan that reflect the importance of the use of land and primary production in the region and Policy P7 is amended to refer to 'primary production'.

Objective OX

The use of land for cultural, social and economic activities that benefit the community and the Region is enabled and provided for within the Plan.

Objective OX

Efficient and productive use of land for primary production that contributes to the economic wellbeing of the Region and New Zealand.

Policy P7

The cultural, social and economic benefits of using land and water for

.....

(f) ~~food production~~ primary production and harvesting, and

....

shall be ~~recognised~~ enabled and provided for.

**Minimisation of adverse effects**

Policy P4

*Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall include:*

- (a) consideration of alternative locations and methods for undertaking the activity that would have less adverse effects, and*
- (b) locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and*
- (c) timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and*
- (d) using good management practices for reducing the adverse effects of the activity, and*
- (e) designing the activity so that the scale or footprint of the activity is as small as practicable.*

- 18 Policy P4 essentially defines 'minimisation' by setting out what the term means and how it could be achieved. The s42A Officer recommends retaining the Policy as it 'gives specific direction to the interpretation of the meaning of minimise, which is a term used in two objectives and 40 other policies. Deleting a policy that provides this certainty for the interpretation of this term would also reduce the ability of Council to provide consistent decision making'.
- 19 The term 'minimised' is defined by way of Policy P4 as meaning 'reducing adverse effects to the smallest amount practicable' and is closely aligned to 'mitigate' which means to 'lessen or reduce' adverse effects, in this instance. In my opinion, the RMA requirements to 'avoid, remedy or mitigate' are the most appropriate terms and provide a wider range of options to manage potential adverse effects. However, I accept that the term 'minimise' is used in other Regional Plans and it is used widely in the Proposed Plan, although I generally prefer the language of the Resource Management Act (RMA).
- 20 Furthermore, Policy P4 as notified is unclear as to whether all clauses a) to e) must be considered and/or applied or if they are recommended options to apply as is appropriate to site specific circumstances. In my opinion, the Policy should link minimization of adverse effects to achieving the objectives of the Proposed WNRP and provide flexibility by clarifying that the matters listed in clauses a) to e) are to be considered, and thereby implying that there may be other additional means of minimizing potential adverse effects.
- 21 However, I do support the use of good management practices, and therefore suggest that Policy P4 is amended and a definition of 'best practicable option' included as follows:

*Where minimisation of adverse effects is required by policies in the Plan, minimisation means ~~reducing~~ controlling adverse effects of the activity using best practicable options to the smallest amount practicable support achievement of pNRP and Whaitua Implementation Programme (WIP) objectives and shall include consideration of:*

*(a) the nature, objectives and functional requirements of the activity*

*(a b) ~~consideration~~ the practicality of alternative locations and methods for undertaking the activity that would have less adverse effects, and*

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

~~(e d)~~ *timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and*

~~(d e)~~ *using good management practices for reducing the adverse effects of the activity, and*

~~(e f)~~ *designing the activity so that the scale or footprint of the activity is as small as practicable*

g) *Developing strategies for priority catchments to support prioritising effective and cost-effective interventions.*

Definition of best practicable option:

*Best Practicable Option means: in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—*

*(a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and*

*(b) the financial implications, and the effects on the environment, of that option when compared with other options; and*

*(c) the current state of technical knowledge and the likelihood that the option can be successfully applied.*

## **Policy 5**

*The conditions of existing resource consents for discharges of contaminants to fresh or coastal water, and to take and use water, may be reviewed pursuant to section 128 of the Resource Management Act 1991.*

- 22 FANZ supported a submission from the Oil Companies that sought to amend Policy 5 to provide greater certainty as to when the conditions of existing consents may be reviewed.
- 23 Under s128(b), there is the potential for the Regional Council to review the conditions of a coastal, water or discharge permit at the time a regional plan is made operative, in order to enable the levels, flows, rates, or standards set by the rule to be met. I understand that there is the potential for several plan changes to be initiated through the Whaitua committee initiatives during the typical term of a consent. In my opinion, this potential for review of consent conditions may reduce certainty for existing consent holders and affect investment decisions.

24 Therefore, in my opinion, Policy 5 should be amended as follows:

The conditions of existing resource consents for discharges of contaminants to fresh or coastal water, and to take and use water, may be reviewed pursuant to section 128 of the Resource Management Act 1991 where evidence can be produced of adverse effects attributable to the exercise of the consent.

### **Section 32**

25 Section 32 of the RMA, requires that any proposed plan change must be accompanied by an evaluation that assesses both:

- i. The extent to which each objective is the most appropriate way to achieve the purpose of the RMA; and
- ii. Whether the proposed policies are the most appropriate way in which to achieve the objectives in terms of their efficiency and effectiveness, taking into account the benefits and costs.

### **Objectives**

26 FANZ sought to include two objectives in the Proposed WNRP to provide for the use of land. I consider these objectives are the most appropriate way to achieve the purpose of the Act as they will ensure that people's economic, social and cultural well-being is provided for by recognising the use of land for primary production.

### **Policies and methods**

27 In assessing the policies in accordance with the requirements under section 32, it is necessary to have regard to their efficiency and effectiveness, taking into account their costs and benefits, and whether they are the most appropriate method for achieving the objectives.

28 With its submissions, FANZ sought amendment to existing policies, specifically to:

- i. recognise and provide for primary production in the Proposed WNRP.
- ii. amend Policy P4 to provide for the consideration of additional matters to those listed in the Policy.

- iii. amend Policy 5 to provide clarity on when the conditions of consent will be reviewed, given the number of plan changes that may occur during the life of the Proposed WRNP.

29 I consider that the policy changes outlined within this evidence would still enable the objectives of the Proposed WRNP to be achieved, and would not undermine their effectiveness. The purpose of Policy P4 would be clarified and amended to provide for a range of options to manage adverse effects. The wording of Policy 5 would provide certainty as to when conditions of consent would be reviewed.

30 Clear and certain policies would minimise implementation costs and provide a greater level of confidence that the outcomes in the objectives would be achieved.

### **Costs and Benefits**

31 In considering the provisions sought by FANZ, it is also important to consider the costs and benefits.

32 In terms of benefits, there are numerous benefits to the district, regional and national economies of providing for land uses including primary production and minimising adverse effects. There is no direct economic benefit to FANZ but specific benefits include:

- i. Recognising primary production as an important land use in the region, given its contribution to the economy of the region and New Zealand, and the social well-being of the community.
- ii. Providing a framework to provide for the cultural, social and economic benefits of the use of land.
- iii. Providing for the consideration of a broad range of matters to minimise adverse effects.
- iv. Ensuring policies are clear and directive in their intent.

33 I consider the above benefits would be achieved by the amended provisions sought by FANZ.

34 Costs arise in any planning regime; however, the policies sought by FANZ are, in my opinion, relatively simple to interpret and apply and, therefore provide an effective and efficient guiding document for the Wellington Region.

35 Overall I consider that as proposed by FANZ, the policies will provide for the recognition and provision of primary production and clearly identify how the minimisation of adverse effects can be achieved.

**Conclusion**

36 For the reasons outlined in my evidence, I support refinement of the policies to provide for the use of land including for primary production, clarify that there are a range of options to minimise adverse effects and provide certainty as to when conditions of consent would be reviewed. I also support providing for and enabling the use of land for primary production in the objectives of the Plan.

**Claire Kelly**

5<sup>th</sup> May 2017

**Appendix A – FANZ Submissions Not Discussed in Main Body of Evidence.**

## SUBMISSIONS AND FURTHER SUBMISSIONS ON HEARING STREAM ONE

| Sub number           | Specific provision of the PNRP   | Position | Relief sought   | Officer's recommendation  | Comments   |
|----------------------|--|----------|---|---|--|
| S279/008<br>FS50/008 | Rangitāne Tū Mai Rā Trust and<br>Rangitāne o Wairarapa Inc.<br>12 Kokiri Place<br>PO Box 354<br>Masterton 5810<br>Horipo Rimene. | Oppose   | Oppose the submission in so far as it seeks that the Plan identifies a list of values in addition to those in Table 1.1. Support is given to interpretation of values or an additional table providing a refinement of these values with full stakeholder engagement that would guide the Whaitua Committees in setting targets and assist in achieving the integrated management approach identified in the Proposed Plan.                   | Reject.<br><br>Table 1.1 is a description of the values identified during the development of the proposed Plan. The Officer does not consider it appropriate to alter Table 1.1 to be something other than a description of the past and the development of the proposed Plan.  | Accept the Officer's recommendation.                               |
| S302/009<br>S302/010 | 3.1 Ki uta ki tai: mountains to the sea<br><br>Objective O2<br>Objective O4  | Support  | Retain Objective O2 and Objective O4 as notified  | No change to Objective O2.<br>Amend Objective O4 as follows:<br><br>The intrinsic values of <del>aquatic</del> fresh water and marine ecosystems <u>are recognised</u> and the life-supporting capacity of water and aquatic ecosystems <u>are safeguarded are recognised</u> .   | Accept the changes as they reflect the requirements of the NPS-FM. |
| S302/11              | 3.1 Ki uta ki tai: mountains to the sea<br><br>Objective O5  | Amend    | Amend Objective O5 as follows:<br><br>Fresh water bodies and the coastal marine area, as a minimum, are managed to:<br>(a) safeguard <b>aquatic ecosystem health</b> and <b>mahinga kai</b> , and<br>(b) provide for contact recreation and <b>Māori customary use</b> , and<br>(c) in the case of fresh water, provide for the <b>health needs of people</b> .<br><u>(d) in the case of freshwater, provide for primary production uses.</u> | The outcomes sought in the proposed Plan will be achieved through the consideration of the entire suite of objectives and policies in the proposed Plan, and no one objective needs to address all outcomes.<br>The Officer considers that proposed Objectives O2 and O8 address the matters raised in submissions s302/011 and s307/013. Therefore, recommends rejecting s302/011. | Addressed in evidence.   |

| Sub number           | Specific provision of the PNRP  | Position           | Relief sought  | Officer's recommendation   | Comments |
|----------------------|---|--------------------|--|--|----------|
|                      |   |                    | Consider amendments to address concerns raised above.  |  |          |
| S307/012<br>FS50/010 | Horticulture NZ<br>PO Box 10 232<br>Wellington                              | Support<br>in part | New objective:<br><br><u>Natural and physical resources are managed to provide an appropriate balance across values and uses in a catchment.</u>   | The Officer considers it is important to keep in mind the integrated nature of the proposed Plan and that all of the objectives should be read together and have been designed to work together, as described in Section 2.1.1 of the proposed Plan.   |          |
| S302/014             | 3.2 Beneficial use and development<br><br>New Objectives                    |                    | Include two new Objectives under 3.2 Beneficial use and development as follows, or similar:<br><br><u>Objective OX</u><br><u>The use of land for cultural, social and economic activities that benefit the community and the Region is enabled and provided for within the Plan.</u><br><br><u>Objective OX</u><br><u>Efficient and productive use of land for primary production that contributes to the economic wellbeing of the Region and New Zealand.</u>  | In summary, during development of the proposed Plan there was an intent to recognise all land uses, including rural production activities, through Objective O2 and the provisions of the proposed Plan and more specifically through Policies P7, P8, P11, P15, P16 and P102. The Officer does not consider that rural production activities need to be specifically recognised and provided for above other uses of land and water or included as an objective in the proposed Plan. For these reasons. The Officer does not consider that the proposed Plan should be amended to include a new objective specific to rural production activities. |          |
| S352/125<br>FS50/022 | Federated Farmers<br>Elizabeth McGruddy<br>PO Box 715<br>Wellington<br>6140 | Support<br>in part | Add a new Policy - <b>primary production</b> as follows:<br><u>The benefits of primary production, manufacturing, distribution and processing are recognised and provided for by:</u><br><u>(a) Recognising existing land uses and investments, including capital and operational investments in sustainable farming practices and environmental stewardship</u><br><u>(b) Supporting the ongoing use and development of land, recognising the need for flexibility to respond to seasonal fluctuations and changing markets</u><br><u>(c) Providing for any requirements for significant new capital investments to be made only in the context of robust cost-benefit analysis</u> |  |          |

| Sub number           | Specific provision of the PNRP   | Position        | Relief sought   | Officer's recommendation   | Comments  |
|----------------------|--|-----------------|---|--|---|
|                      |  |                 | <p>(d) Providing transition times to meet new requirements or catchment limits</p> <p>(e) Working alongside industry and landowner/catchment groups to support the ongoing development of sustainable farming systems, and to enable collective or cross-catchment solutions to meet objectives</p> |  |   |
| S302/030             | Policy P7: Uses of land and water  | Support in part | <p>Amend Policy P7 as follows:<br/> The cultural, social and economic benefits of using land and water for<br/> .....<br/> (f) <del>food production</del> <u>primary production</u> and harvesting, and<br/> ....<br/> shall be <del>recognised</del> <u>enabled and provided for</u>.</p>          | <p>Aspects of using land and water for primary production are already contained within Policy P7, for example, clause (f) references food production and harvesting, and clause (h) references irrigation and stock water. All of these activities of a primary production nature and are recognised as such.</p> <p>Refer to assessment above for FANZ's request for a new objective that recognises and provides for rural production activities in the proposed Plan.</p>   |   |
| S302/012<br>S302/013 | <p>3.2 Beneficial use and development</p> <p>Objective O7<br/>Objective O8</p> | Support         | Retain Objective O7 and Objective O8 as notified.   | <p>Objective O7 states an intended high level outcome that adequate water is available for the needs of livestock and this objective will be achieved by the implementation of the provisions of the proposed Plan as a whole, including other objectives mentioned above.</p> <p>Objective O8 itself does not need to be completely balanced between the benefits and the costs of an activity as the proposed Plan needs to be considered as a whole. There are other objectives e.g., Objective O5 and Objective O25 that</p> | Accept the Officer's recommendation of no change. |

| Sub number | Specific provision of the PNRP  | Position | Relief sought  | Officer's recommendation   | Comments                             |
|------------|---|----------|--|--|--------------------------------------|
|            |   |          |  | describe outcomes for water quality.   |                                      |
| S302/027   | <p>4.1 Ki uta ki tai and integrated catchment management.</p> <p>Policy P1: Ki uta ki tai and integrated catchment management</p> | Support  | Retain Policy P1 as notified.  | <p>Amend Policy P1 as:</p> <p><del>Air, land and water resources,</del><br/> <u>fresh water bodies and the coastal environment</u> will be managed recognising <b>ki uta ki tai</b> by using the principles of integrated catchment management. These principles include:</p> <p>c) decision-making using the catchment as the spatial unit, and</p> <p>d) applying an adaptive management approach to take into account the dynamic nature and processes of catchments, and</p> <p>e) coordinated management, with decisions based on best available <u>information and improvements in technology and science,</u> and</p> <p>f) taking into account the connected nature of resources and <b>natural processes</b> within a catchment, and;</p> <p>g) recognising links between environmental, social, cultural and economic sustainability of the catchment.</p> | Accept changes as appropriate.       |
| S302/029   | Policy P3: Precautionary Approach   | Oppose   | <p>Rewrite Policy P3 as follows:</p> <p>Use and development shall be managed <u>within a coherent integrated framework including risk identification, impact assessment, potential</u></p> | Policy P3: "Use and development shall be managed with a precautionary approach where there is limited information regarding <del>the receiving</del>   | Accept the Officer's recommendation. |

| Sub number | Specific provision of the PNRP        | Position       | Relief sought  | Officer's recommendation  | Comments               |
|------------|---------------------------------------|----------------|--|---|------------------------|
|            |                                       |                | <p><u>mitigation, assessment of alternate options, and cost-benefit analysis.</u></p>  | <p><del>environment and the effects and any adverse effects are potentially significant effects the activity may have on the environment</del>".</p>  |                        |
| S302/029   | Policy P4: Minimising adverse effects | Oppose in part | <p>Delete Policy P4 and include a definition of 'minimisation' as follows:</p> <p>Where minimisation of adverse effects is required by policies in the plan, minimisation means <u>controlling</u> adverse effects using best practicable options <del>to the smallest amount practicable</del> <u>support achievement of pNRP and Whaitua Implementation Programme (WIP) objectives</u> and shall include <u>consideration of:</u></p> <ol style="list-style-type: none"> <li>a) <u>the nature, objectives and functional requirements of the activity</u></li> <li>b) <del>Consideration of practicality of</del> <u>practicality of</u> alternative locations and methods</li> <li>c) <u>practicality of</u> Locating away from areas identified in schedule A, schedule C, schedule E, schedule F</li> <li>d) Timing of the activity</li> <li>e) Using good management practices for reducing effects</li> <li>f) Designing the activity so the scale or footprint is as small as practicable</li> <li>g) <u>Developing strategies for priority catchments to support prioritising effective and cost-effective interventions.</u></li> </ol> <p>Include definition of best practicable option:</p> <p><u>Best Practicable Option means: in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—</u></p> | <p>No change.</p> <p>The Officer considers that deleting Policy P4 would reduce the clarity of other policies in the proposed Plan that require the minimisation of adverse effects. In their opinion this would reduce the usability of the proposed Plan.</p> <p>The proposed Policy P4 gives specific direction to the interpretation of the meaning of minimise, which is a term used in two objectives and 40 other policies. Deleting a policy that provides this certainty for the interpretation of this term would also reduce the ability of Council to provide consistent decision making.</p> <p>The Officer understands through legal counsel that the word 'minimise' has not been defined through specific case law commentary, although there have been a number of cases that accept the use of 'minimise' in plan provisions. Minimise is defined in the Oxford dictionary as 'reduce (something, especially something undesirable) to the smallest possible amount or degree'.</p> | Addressed in evidence. |

| Sub number | Specific provision of the PNRP | Position | Relief sought  | Officer's recommendation   | Comments |
|------------|--------------------------------|----------|--|--|----------|
|            |                                |          | <p>(a) <u>the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and</u></p> <p>(b) <u>the financial implications, and the effects on the environment, of that option when compared with other options; and</u></p> <p>(c) <u>the current state of technical knowledge and the likelihood that the option can be successfully applied.</u></p> | <p>The term 'minimise' is not used in the RMA, but it is used in policies in the NZCPS, NPS-FM and the RPS, all of which the proposed Plan must give effect to under section 67(3) of the RMA.</p> <p>The Officer considers that the word minimise as defined in proposed Policy P4 requires a reduction of effects to a specific level and is therefore consistent with the RMA's purpose and principle to promote the sustainable management of natural and physical resources, while avoiding, remedying or mitigating adverse effects. The Officer also considers that there is clear direction in the NZCPS, NPS-FM and RPS for the proposed Plan to use policies that minimise adverse effects for certain activities. In the proposed Plan, minimise is used for activities that are generally appropriate or reasonably necessary, and where the effects are known and can be managed. Proposed Policy P4 provides certainty to plan users as to what minimise means and how it should be applied when referred to throughout the policies of the proposed Plan. Therefore, the Officer recommends not deleting the word minimise from the proposed Plan (including from Policy P4).</p> |          |

| Sub number          | Specific provision of the PNRP   | Position | Relief sought  | Officer's recommendation  | Comments   |
|---------------------|--|----------|--|---|--|
| S55/013<br>FS50/001 | Oil Companies<br>C/ Burton Planning Consultants<br>Limited<br>PO Box 33-817<br>Takapuna<br>Auckland 0740                       | Support  | Policy P5<br><br>The conditions of existing resource consents for discharges of contaminants to fresh or coastal water, and to take and use water, may be reviewed pursuant to section 128 of the Resource Management Act 1991 <u>where evidence can be produced of adverse effects attributable to the exercise of the consent.</u> | No change – The s42a report did not really address Oil Companies submission point.  | Addressed in evidence.   |
| S85/002<br>FS50/003 | Waste departments of Hutt City Council and Upper Hutt City Council<br>C/ Tonkin & Taylor Ltd<br>PO Box 2083<br>Wellington 6140 | Support. | Inserting clear and frequent references between these chapters.  | <p>The Officer recommends that the guidance provided in Section 2.1.3, which states, '<u>An activity needs to comply with all relevant rules in the Plan, including those in the whitua Chapters 7-11</u>' be added to the introductory text for the rules in Chapter 5.</p> <p>Introductory text for the rules in each whitua Chapters 7-11 (Section 7.2, 8.2, 9.2, 10.2 and 11.2): In addition to rules for the take and use of water that follow, rules in Chapter 5 of the Plan also apply equally to rules for the [ Ruamāhanga] whitua .]</p> <p><u>If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource. This does not apply where a proposal includes a number of activities which trigger separate specific rules. In that case, all rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in Chapter 5.</u></p> | Accept the Officer's recommendation as it provides some clarity. |

| Sub number           | Specific provision of the PNRP   | Position        | Relief sought   | Officer's recommendation   | Comments  |
|----------------------|--|-----------------|---|--|---|
| S145/002<br>FS50/024 | Vector Gas<br>C/ Beca Ltd<br>PO Box 3942<br>Wellington<br>Hywel Edwards  | Support         | Provide a mechanism for industry representation, including infrastructure providers, to be involved in the whitua committees especially in the context of regulatory mechanisms e.g. the development/progression of plan changes.   | <p>The proposed Plan does not provide direction on the make-up of the whitua committees or their terms of reference. Council is pursuing a collaborative approach for the whitua committee membership, and this is discussed in more detail in Mr Smail's evidence. This includes the whitua-specific terms of reference that describe the committee membership of each whitua (GWRC 2016a, 2016b).</p> <p>The Officer recommends that the proposed Plan is not amended to include specific detail on whitua committee membership or terms of reference because these committees are formed under resolution of the Council and is not a RMA matter for a regional plan.</p> | Accept the Officer's recommendation.  |
| S311/002<br>FS50/019 | Beef + Lamb New Zealand Ltd<br>Victoria Lamb<br>Senior Environmental Policy<br>Advisor<br>PO Box 121<br>Wellington | Support in part | <p>Insert New Policy</p> <p><b>Nutrient Allocation Framework</b><br/> <u>The following principles should apply across the catchment in the determination of nutrient allocation allowances.</u></p> <p><u>Principal 1 Like land should be treated the same.</u></p> <p><u>Principle 2 Those undertaking activities that have caused water quality problems should be required to improve their management to meet water quality limits.</u></p> <p><u>Principle 3 Flexibility of land use must be maintained.</u></p> | <p>Once water quality objectives and the limits to resource use that are needed to achieve these objectives are determined based on the whitua recommendations, methods to allocate these resources amongst users may also be determined and incorporated into the proposed Plan.</p> <p>The proposed Plan does not include objectives or limits in accordance with the NPS-FM at this time. Therefore, without these, it is also premature to include a policy to guide nutrient</p>  | <p>The Officer is saying let's determine the objectives, attributes and values, then decide how to allocate the resource. The allocation will be limited by the water quality limits.</p> <p>Accept the Officer's recommendation.</p> |

| Sub number | Specific provision of the PNRP | Position | Relief sought  | Officer's recommendation   | Comments |
|------------|--------------------------------|----------|--|--|----------|
|            |                                |          | <p><u>Principle 4 The allocation system should be technically feasible, simple to operate and understandable.</u></p> <p><u>Principle 5 The natural capital of soils should be the primary consideration when establishing an allocation mechanism for nutrient loss.</u></p> <p><u>Principle 6 Allocation approaches should provide for adaptive management and new farm systems information.</u></p> <p><u>Principle 7 Appropriate time frames must be set to allow for transition from current state to one where allocation of nutrients applies.</u></p> <p><u>Principle 8 Long term investment certainty is a critical feature of a viable nutrient management system.</u></p> <p><u>Principle 9 Improvement in water quality must remain the primary objective of adopting any nutrient allocation regime.</u></p> <p><u>Principle 10 In under-allocated catchments, where property based nutrient allocation has not been adopted in setting water quality limits, the system for allocating nutrients must be determined well before the limit is reached, be clear and easy to understand and designed to avoid over-allocation.</u></p> <p><u>Principle 11 In designing the allocation system the benefits of a nutrient transfer system within the catchment or water management unit must be considered.</u></p> <p><u>Principle 12 Regulation, monitoring, auditing and reporting of nutrients within an allocation regime needs to relate to the degree of environmental impact and pressure.</u></p> | <p>allocation. Therefore, the Officer recommends rejecting s311/002.</p> |          |

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|            |                                |          | <p><u>Principle 13 As a minimum expectation, in all catchments, all land users should be at or moving towards (industry defined) Good Management Practice (GMP) recognising that GMP is constantly evolving and continuous improvement is inherent in GMP.</u></p> <p><u>Principle 14 Nutrient allocation must be informed by sound science and stable and reliable catchment and farm system modelling and measurement.</u></p> <p><u>Note: These principles and the narrative behind them are appended.</u></p> |                          |          |