

**BEFORE THE HEARING PANEL**

**IN THE MATTER OF**

the Resource Management Act 1991

**AND**

**IN THAT MATTER OF**

The Proposed Natural Resources  
Plan for the Greater Wellington  
Region

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Hearing 1: Plan framework, Beneficial Use and Development & Significant sites  
and areas for mana whenua

Statement of Planning Evidence of **DEBORAH KISSICK**

On behalf of the Minister of Conservation (submitter no.75)

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Dated: 5 May 2017

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## **QUALIFICATIONS AND EXPERIENCE**

1. My name is Deborah Helen Kissick. I hold the degree of Bachelor of Science majoring in Geography from Auckland University with a specialisation in environmental science.
2. I have been practicing as a planner for approximately 8 years. This has included working as a Policy Planner for Auckland Council and Auckland City Council, and Senior Policy Planner for Manawatū District Council. I am currently employed as a Planner with Perception Planning Limited, a resource management planning consultancy, that I joined in 2015. I have completed the Making Good Decisions course with the Ministry for the Environment.
3. I have experience in the development of planning documents under the Resource Management Act 1991 (RMA), particularly at a district level. This includes involvement in the development provisions, as well as hearings and appeals on the Auckland Council's Hauraki Gulf Islands District Plan review and plan changes as part of the Manawatū District Council's sectional District Plan review. I prepared s32 reports for sections of the Manawatū District Plan and was the reporting officer on a number of hearings in the Hauraki Gulf Islands and in the Manawatū.
4. I have been involved in a professional capacity in a range of planning matters including land use consents for dwellings, rural subdivision and commercial buildings within the Auckland, Manawatū and Taupō areas. I have experience in assessing proposals against both regional and district planning provisions and in both urban and rural environments.
5. I have previously worked in consent enforcement and monitoring roles in both New Zealand and England.

## **CODE OF CONDUCT FOR EXPERT WITNESSES**

6. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. While this is not an Environment Court hearing, I have prepared this evidence in accordance with, and I agree to comply with, that code for this hearing. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. I confirm that the issues addressed in this brief of evidence are within my area of expertise.

## SCOPE OF EVIDENCE

7. I have been asked by the Minister of Conservation (the Minister) to prepare evidence in relation to her submission on the Proposed Greater Wellington Natural Resources Plan (pNRP). The focus for this hearing is the pNRP's overall policy framework for the management of the region's natural and physical resources. It also explores the provisions regarding beneficial use and development and areas and sites with significant mana whenua values.
8. My evidence will largely address the key points of relief sought by the Minister in primary and further submissions relating to the overall policy framework of the proposed plan and beneficial use and development. Detailed evaluation of the effectiveness of objectives, policies, rules and other methods to achieve the purpose of the RMA, and to give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS) and the National Policy Statement for Freshwater Management 2014 (NPSFM), will be addressed by the Minister in later hearings.
9. In Appendix 1, I provide brief comments and recommendations on the aspects of the Minister's submission that have been accepted by reporting officers in their section 42A reports.
10. In the first part of my evidence I discuss the role of the Department of Conservation.
11. I then consider the policy framework of the pNRP against the tests set out in the RMA, including the requirement to give effect to the Regional Policy Statement (RPS), the NZCPS and other National Policy Statements, specifically the NPSFM.
12. From here I discuss the specific points raised in the Minister's submission around the provisions in the plan which make up Ki uta ki tai: mountains to the sea. Following this I discuss the specific points raised by the Minister regarding the Beneficial Use and Development of natural and physical resources.
13. Throughout this evidence I use the following terminology and abbreviations:
  - The Minister of Conservation is referred to as the Minister;
  - The Department of Conservation is referred to as the Department or DOC;
  - Greater Wellington Regional Council is referred to as GWRC or the Council;

- The Proposed Natural Resources Plan is referred to as the pNRP or the Plan;
- The Regional Policy Statement is referred to as the RPS;
- The New Zealand Coastal Policy Statement 2010 is referred to as the NZCPS;
- The National Policy Statement for Renewable Electricity Generation 2011 is referred to as the NPSREG; and
- The National Policy Statement for Freshwater Management 2014 is the NPSFM.

## **ROLE OF THE DEPARTMENT OF CONSERVATION**

14. The Department of Conservation is the government agency charged with conserving New Zealand's natural and historic heritage. The Department was formed in 1987 when the Conservation Act 1987 was passed to integrate conservation management functions. This Act sets out the Department's functions and was created to promote the conservation of New Zealand's natural and historic resources.

15. The Department of Conservation has a number of functions under section 6 of the Conservation Act 1987 which include the following:

- a) to manage, for conservation purposes, all land, and all other natural and historical resources, for the time being held under the Conservation Act...;<sup>1</sup>
- b) to preserve so far as is practicable all indigenous freshwater fisheries, and protect recreational freshwater fisheries and freshwater fish habitats<sup>2</sup>; and
- c) to advocate the conservation of natural and historical resources generally<sup>3</sup>.

16. Under the RMA the Minister of Conservation has a number of functions relating to the NZCPS including the preparation and recommendation of the policy statement<sup>4</sup>.

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<sup>1</sup> Conservation Act 1987, section 6(a).

<sup>2</sup> Conservation Act 1987, section 6(ab).

<sup>3</sup> Conservation Act 1987, section 6(b).

<sup>4</sup> Resource Management Act 1991, sections 28(a) and 57(1).

## **REGIONAL PLAN MAKING UNDER THE RMA**

17. Ms Rainey will discuss the context of regional plan making under the RMA in her legal submissions for the Minister of Conservation. However, I wish to address the requirements of section 67(3) of the RMA below.
18. Section 67(3) specifies that a regional plan must give effect to:
- (a) any national policy statement;
  - (b) any New Zealand coastal policy statement; and
  - (c) any regional policy statement.
19. Regional councils are required to amend regional policy statements and plans to give effect to the NZCPS and NPSFM provisions as soon as practicable<sup>5</sup>.
20. I evaluate below how the pNRP gives effect to the NZCPS and the NPSFM as directed by Policy 67 in order to achieve the purpose of the RMA.

## **NEW ZEALAND COASTAL POLICY STATEMENT 2010**

21. The NZCPS 2010 came into force on 3 December 2010 to replace the NZCPS 1994. An NZCPS is the only mandatory national policy statement under the RMA and its purpose is to state policies to achieve the purpose of the RMA to promote the sustainable management of natural and physical resources.<sup>6</sup>
22. It is my understanding that the Minister will address the provisions of the NZCPS in evidence for a later Hearing Stream.

## **NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2014**

23. The NPSFM 2014 recognises the national significance of freshwater for all New Zealanders and Te Mana o te Wai.

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<sup>5</sup> Resource Management Act 1991, section 55(2D).

<sup>6</sup> Resource Management Act 1991, section 56.

24. The NPSFM states<sup>7</sup> that freshwater planning will require an “iterative approach that tests a range of possible objectives and methods for their achievement, including different timeframes for achieving objectives”.
25. The NPSFM provides direction to councils, through its objectives and policies, to manage freshwater quality and freshwater quantity in a nationally consistent and integrated way.
26. The direction in the NPSFM at Objective A1, around freshwater quality, is to safeguard the life-supporting capacity, ecosystem processes, indigenous species and the health of people and communities (at least for secondary contact with freshwater) by sustainably managing the use and development of land, and the discharge of contaminants. Objective A2 seeks to ensure that overall quality of freshwater is maintained or improved.
27. The direction in the NPSFM at Objective B1 around freshwater quantity is to safeguard the life-supporting capacity, ecosystem processes and indigenous species by sustainably managing the taking, using, damming and diversion of freshwater. Objectives B2 and B3 seek to avoid further over-allocation of freshwater and phasing out existing over-allocation, and to improve the efficient allocation and use of water.
28. The Council has chosen to undertake staged implementation of the NPSFM, as provided for under Policy E1 of the NPSFM. Current guidance on the implementation of the NPSFM states “(w)here a change to the regional policy statement or regional plans is required, section 55(2C) requires the Schedule 1 process to be used (except for Policies A4 and B7). This may involve a series of plan changes. The NPS-FM does not need to be fully given effect to with one plan change, nor in the first available plan change, **but the provisions in any plan change that is made** (including project-specific plan changes, or plan changes for which the NPS-FM is not the principal reason) **must be consistent with the NPS-FM**<sup>8</sup>.” (My emphasis added).
29. I acknowledge that the pNRP does not have to implement all of the NPSFM policies at this time, but that it must be implemented as “promptly as is reasonable in the

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<sup>7</sup> National Policy Statement for Freshwater Management, Preamble on Page 4, Para 1.

<sup>8</sup> A Guide to the National Policy Statement for Freshwater Management 2014, Page 89, at [http://www.mfe.govt.nz/sites/default/files/media/Fresh water/guide-national-policy-statement-for-freshwater-management %285%29.pdf](http://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/guide-national-policy-statement-for-freshwater-management%285%29.pdf).

circumstances” and so that it is fully completed by no later than 31 December 2025, unless, as provided by policy E1(ba), it is considered appropriate to extend the date to 31 December 2030. However, I also acknowledge that in order to progressively implement the NPSFM in accordance with policy E1, the Council must, at this time, effectively and efficiently manage the region’s freshwater resources in a manner that is consistent with the NPSFM and subsequently, the purpose of the RMA.

30. The pNRP includes at Objectives 24 and 25, primary and secondary recreation contact objectives, and aquatic ecosystem health and mahinga kai objectives as measures to safeguard freshwater resources for these purposes.
31. I do note however, that the Minister seeks that the tables at Objective 25 be amended to provide greater specificity around wording, include numeric objectives where possible, and for several additions to the tables. The detail of these objectives will be discussed by the Minister in evidence for Hearing Stream Four. I also consider that, as a minimum, these objectives must contain timeframes for when the outcomes of the objectives are expected to be achieved.
32. The pNRP also provides for future plan changes, resulting from the whitua programme, to specify freshwater limits and timeframes for achieving those limits where they are not currently met.
33. Although it goes beyond the Minister’s submissions in this area, I consider there are issues with the way the Council is proposing to implement the NPSFM, including timing issues, as discussed below at paragraphs 34 - 36.
34. I consider that in order to safeguard ecosystem health, protect water bodies and to manage activities effectively and efficiently, resource limits need to be included in the pNRP together with objectives, policies, rules and other methods to ensure that those limits are not exceeded. Where those limits are currently not met, a regime should be put in place in the pNRP now to ensure that there is meaningful progression towards those limits being met within a defined timeframe.
35. Evidence by Mr Smaill in relation to the Council’s implementation of the NPSFM states that in February 2017 Council resolved to revise the timeframe for completion of the Ruamāhanga Whitua Implementation Programme to 2017, rather than 2016 as

originally indicated<sup>9</sup>. The revised NPSFM progressive implementation programme is included as Attachment B to Mr Smaill's evidence. This implementation programme includes dates for the Wellington Harbour, Hutt Valley, Kāpiti Coast and Wairarapa Coast Whaitua committees.

36. I note that according to this amended timeframe, the notification of a regional plan change for the Wairarapa Coast Whaitua is not expected until 2024. Not only is this some 7 years before any specific freshwater objectives, targets or limits will be introduced for this part of the Wellington Region, it also allows a very short timeframe for the plan change to traverse the required first schedule process under the RMA. I am concerned that there is a real risk of the Council not achieving the full implementation of the NPSFM by 2025.

### **KI UTA KI TAI: MOUNTAINS TO THE SEA**

37. Ki utu ki tai: mountains to the sea provides for the integrated management of land, freshwater and coastal resources. The concept is a method for giving effect to the purpose of the RMA, Policy 4 of the NZCPS, Objective A1 and Policies A1 and B1 of the NPSFM. A suite of objectives and policies are included in the pNRP intended to achieve this approach.

38. Policy P4 introduces the concept of minimising the adverse effects of an activity. The policy describes minimisation to mean "reducing the adverse effects of the activity to the smallest amount practicable" and then provides detail around how effects may be minimised.

39. The Minister sought clarification, possibly through an advice note, to provide greater clarity to the use of 'minimisation' in relation to other policies<sup>10</sup> in the Plan. The need for further clarification, in my view, signals that there are issues with Policy P4 and the potential for varied interpretation. I note that the s42A reporting officer rejected the relief sought by the Minister. At paragraph [578], the officer acknowledges that including an advice note or cross reference on the policies relating to minimisation could be a benefit for the pNRP. Cross-referencing, and I assume the use of advice notes, given the

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<sup>9</sup> Evidence of Mr Alistair Smaill, Paragraph 20.

<sup>10</sup> 38 separate policies in the pNRP use the term 'minimise' to address adverse effects.

context of the officer's comments, were seen as being an "unwieldly exercise"<sup>11</sup> and that it was a policy decision not to include cross-referencing in the pNRP.

40. While I acknowledge that it may be a significant task to provide cross referencing in a large planning document such as this, if it assists the users of the pNRP and aids navigation between related provisions, I consider it is a worthwhile and necessary task. The Quality Planning website also acknowledges the use of cross-referencing to aid useability of plans<sup>12</sup>.
41. The RMA, at section 5(2)(c) specifies that sustainable management includes avoiding, remedying and mitigating any adverse effects of activities on the environment. I consider that this provides sufficient scope and guidance for councils on how to manage adverse effects on the environment.
42. Although this is beyond the Minister's submission, in my personal opinion, it is not clear, where the term 'minimisation' falls within the sequence of effects management in the RMA, nor why there is a need for a new term to be introduced in the pNRP when the RMA is clear how adverse effects are to be managed.
43. I note that the use of the terminology in the pNRP is discussed from Page 18 of the Legal Submissions on behalf of Greater Wellington Regional Council: Hearing stream 1. The legal submissions state that the "difference between minimise and mitigate is that minimise is to make (something) as small or as insignificant as possible while mitigate is to reduce, lessen or decrease"<sup>13</sup>.
44. I note that the legal submissions mention minimising in the context of what is **possible**, however this is not how policy P4 is worded. Instead policy P4 refers to what is **practicable** (my emphasis added).
45. The s.42A reporting officer states at para 572 that the policy "requires a reduction of effects to a specified level". The wording of the policy states minimisation will be to the "smallest amount practicable". I disagree with the reporting officer's statement and contend there is considerable ambiguity using such terminology. What I consider to be

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<sup>11</sup> s42A Officers Report – Overall Policy Framework of the Proposed Plan – Part B, Paragraph 578.

<sup>12</sup> "Plan Structure: Ideas for usability", The RMA Quality Planning Resource, at <http://www.qualityplanning.org.nz/index.php/plan-steps/structuring-plans/plan-structure-ideas-for-useability>.

<sup>13</sup> Legal submissions behalf of Wellington Regional Council, para 93.

practicable, may differ quite substantially from that of a council officer, or any other person for that matter, depending on what drives practicability.

46. The standards contained in policy P4 for minimisation are as follows:

*(a) Consideration of alternative locations and methods for undertaking the activity that would have less effects.*

This standard does not result in any actual changes to the proposal, just a consideration of what alternatives could be, which could then be discounted if deemed impracticable or not appropriate.

*(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*

There is no certainty provided by this standard. I am not clear what is intended by locating “away from”, whether it means not locating within the features identified in the schedules or some other unspecified distance, for example. Regardless, there is little certainty provided for plan users or decision makers about how compliance with this standard will be achieved.

*(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*

While I support the concept of undertaking activities at times when their effects on the environment are likely to be mitigated, I am concerned that this standard suggests through the use of “and” linking all the standards together, that this is applicable to all types of effects. Some activities will have temporary adverse effects, where the timing of such an activity may be able to mitigate the impact of these effects. Other activities will have ongoing adverse effects, such as discharges to water. While the effects of these activities on the environment can vary, in many instances these effects cannot be mitigated or timed without significant change to the activity. I am not clear about the extent that plan users and decision makers are expected to implement this standard, and consider that it results in potential conflict between what may be practicable for different parties.

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

The use of good management practices is to be encouraged and the guidance on the Council's website is useful. I note however that, again, there is good practice guidance for some activities and yet all activities, where minimisation is required in policies, would need to meet this standard to be consistent with the policy.

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

Again, this standard provides little guidance for plan users or decision makers about what is expected to be consistent with the policy. In theory, an applicant could overstate the intent of the activity or use proposed, and subsequently 'reduce' the scale or footprint to what was originally intended. This would, on its face, achieve the standard toward minimisation of effects but would not address any actual or potential effects of the activity on the environment.

47. Overall, I consider that policy P4 provides little certainty for plan users and decision makers over when the minimisation of adverse effects of an activity has been achieved "to the smallest amount practicable". The Minister sought additional guidance to provide certainty and to clarify the relationship of policy P4 to other policies. In my opinion, this is a signal that the policy is not achieving the integrated management of resources.

48. I consider it is more appropriate to write provisions, including policies, in a manner that is consistent with the terminology of the RMA to address adverse effects, rather than the introduction of new terms such as 'minimising' and 'reducing'.

## **BENEFICIAL USE AND DEVELOPMENT**

49. This section of the pNRP focuses on the benefits derived from the use and development of natural and physical resources.

50. Objective O7 as notified states "Fresh water is available in quantities and is of a suitable quality for the reasonable needs of livestock". The Minister supports the submission from Fish and Game which seeks to ensure that the provision of water for livestock is not contrary to s.14(3)(b) of the RMA.

51. This section of the RMA qualifies the taking and use of water for reasonable domestic needs and drinking water for animals where “the taking or use does not, or is not likely to, have an adverse effect on the environment”.
52. The taking and use of water needs to be managed within a catchment, or sub-catchment level allocation framework to ensure that water resources are managed in an integrated way. Unlimited taking of water for livestock being permitted has the potential to lead to adverse effects on the environment at times of low flow. The Minister is concerned with the rule in the proposed plan allowing this, which is enabled by Objective O7.
53. The reporting officer, in his s42A report suggests that “when read alongside the other provisions of the proposed Plan, Part 2 of the RMA and the NPSFM will be given effect to by the implementation of the whitua programme”<sup>14</sup>. In my opinion, waiting for the whitua programme to give effect to Part 2 of the RMA and the NPSFM does not appropriately address the potential over allocation of water quantity and water quality that currently exists, given that no timeframes for achieving Objectives 24 and 25 have been included in the pNRP. As discussed in paragraphs 29 and 31 above, through any plan change that is made, the Council must effectively and efficiently manage the region’s freshwater resources in a manner that is consistent with the NPSFM and subsequently, the purpose of the RMA at this time. I consider that this includes greater certainty around the wording used in objectives and by providing timeframes for when the outcomes of the objectives are expected to be achieved.
54. The s42A reporting officer also states that the objective needs to be read in conjunction with all objectives and that no one objective can be read as a standalone objective that gives effect to all statutory requirements<sup>15</sup>. I agree that generally objectives should be read together. As a result, I have reviewed the pNRP to explore where the adverse effects of the taking and use of water for livestock drinking water are addressed elsewhere.
55. Objective O52 seeks to improve and maximise the efficiency of water allocation over time and states a number of mechanisms to achieve this. There is no mention in this

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<sup>14</sup> s42A Officers Report – Beneficial use and Development, Paragraph 132.

<sup>15</sup> s42A Officers Report – Beneficial use and Development, Paragraph 132.

objective of avoiding, remedying or mitigating adverse effects on the environment from the taking of water.

56. Policies under section 4.9 of the pNRP address the taking, using, damming and diverting of water. Policy P110 states that when considering any application, the consent authority shall have regard to adverse effects on the safeguarding of the life-supporting capacity of freshwater and associated ecosystems. This policy only applies on the consideration of an application and therefore would not apply to the take or use of water that is permitted by the pNRP.
57. Policy P111 states that take and use of water shall not occur when flows or water levels fall below minimum flows or water levels in the whitua chapters. Exempt from this however is the take and use of water for firefighting, individual's reasonable domestic needs and individual's animals' needs for drinking water as well as takes and uses permitted by the pNRP or authorised by a resource consent.
58. Having analysed the policies above, I conclude that they do not address the adverse effects of the taking and use of water for livestock drinking water, As a result, I am not clear where in the pNRP, the adverse effects from the take and use of water for livestock drinking water are managed, or how an allocation regime can be managed when not all water taken and used is accounted for. This also highlights the difficulties in navigating through the provisions of the pNRP as referred to above in paragraph 40.
59. I consider a relatively minor amendment to the policy, such as that suggested in the Fish and Game submission which seeks "to ensure that provision of water for livestock is not contrary to s14(3)(b) and that it does not cause significant adverse effects on aquatic life and occurs within water quantity limits" would be appropriate. This would achieve the principles of sustainable management, appropriately give effect to the requirements of the NPSFM and avoid over-allocation of freshwater resources.



**DATED** this 5<sup>th</sup> day of May 2017

**Appendix 1: Minister of Conservation submissions on proposed Greater Wellington Natural Resources Plan where recommendations by the reporting officer are supported**

Submission or Further Submission Number	Minister of Conservation Submission or Further Submission	Recommendation of Reporting Officer in s42A report	My Recommendation to Committee
<b>Overall policy framework – specific provisions</b>			
S75/014  S42A report – Overall policy framework of the proposed Plan – Part B  Paras 264-275	Retain Objective O1 as notified.	<i>Accepted in part</i>	I support the amendments made to Objective 1 to both include the management of air and the coastal environment and ensure that the management of these natural resources is integrated and connected. I consider this to be a clearer reflection of the direction provided through s.5 of the RMA as well as the NZCPS and the NPSFM.
S75/050  S42A report – Overall policy framework of the proposed Plan – Part B  Paras 276-294	Retain Policy P1 as notified.	<i>Accepted in part</i>	I am supportive of the amendments to Policy P1 to the extent that air and the coastal environment are managed, recognising the mountains to sea principle and using the principles of integrated catchment management.

Submission or Further Submission Number	Minister of Conservation Submission or Further Submission	Recommendation of Reporting Officer in s42A report	My Recommendation to Committee
			To assist the Hearing Panel, as with amendments to Objective 1, I consider that these amendments are a more appropriate way to recognise the direction provided in the RMA, NZCPS and NPSFM.
S75/015  S42A report – Overall policy framework of the proposed Plan – Part B  Paras 295 - 321	Amend Objective O4 to replace “recognised” with “safeguarded”.	<i>Accepted</i>	In response to submissions, the reporting officer has recommended that the word “recognised” at the end of the objective be replaced with “safeguarded” to align with the direction of s.5(2)(b) of the RMA. Another amendment recommended by the officer is that the intrinsic values of freshwater and marine ecosystems are recognised, in alignment with s.7(d) of the RMA. I support these two amendments.
S75/051  S42A report – Overall policy framework of the proposed Plan – Part B  Paras 333 - 361	Retain Policy P3 as notified.	<i>Accepted in part</i>	I support the amendment to Policy P3 regarding the use of the precautionary approach. I consider that the amendment better reflects the direction provided by Policy 3 of the NZCPS which directs the use of the precautionary approach where effects are uncertain, unknown or little understood but have the potential to be significantly adverse.

Submission or Further Submission Number	Minister of Conservation Submission or Further Submission	Recommendation of Reporting Officer in s42A report	My Recommendation to Committee
<p>S75/016</p> <p>S42A report – Overall policy framework of the proposed Plan – Part B</p> <p>Paras 503-549</p>	<p>Retain Objective O5 as notified.</p>	<p><i>Accept</i></p>	<p>Safeguarding the life-supporting capacity of air, water, soil and ecosystems forms part of the sustainable management of natural and physical resources as required by s.5 of the RMA. It is also reflected in Objectives A1 &amp; B1 of the NPSFM. Compulsory national values identified in the NPSFM are Te Hauora o te Wai/the health and mauri of water and Te Hauora o te Tangata/ the health and mauri of the people. Within these values are the requirements to ensure ecosystem health and human health for recreation.</p> <p>Overall, I consider the policy to be an effective and efficient way to give effect to the requirements of the RMA and the NPSFM.</p>
<p><b>Beneficial Use and Development</b></p>			
<p>FS61/083</p> <p>S42A report – Beneficial Use and Development</p> <p>Para 126</p>	<p>Oppose changes sought by Masterton District Council to Objective O2.</p>	<p><i>Reject primary submission</i></p>	<p>I support the recommendation of the s42A reporting officer to not include the words “and provide for” at the end of Objective O2.</p> <p>I agree with the officer’s consideration that to include the words “and provide for” elevates certain activities to a higher level,</p>

Submission or Further Submission Number	Minister of Conservation Submission or Further Submission	Recommendation of Reporting Officer in s42A report	My Recommendation to Committee
			consequently implying a priority. This priority is already provided by the RMA through the requirement to recognise and provide for the matters of national importance identified in s.6.
FS61/012 FS61/013 FS61/014 FS61/016 FS61/018 FS61/019 S42A report – Beneficial Use and Development Paras 138-155	Support CentrePort Ltd S121/042 in relation to Policy P7.  Oppose KiwiRail Holdings Ltd S140/030 in relation to Policy P7.  Oppose Ravendown Ltd S310/025 in relation to Policy P7.  Oppose DairyNZ/ Fonterra Co-operative Group S316/048 in relation to Policy P7.  Oppose Kapiti Coast Airport Holdings Ltd	<i>No changes made as a result of submissions that the Minister further submitted on</i>	The policy is retained as notified, as sought by the Minister, with the addition of hard-rock quarries to the list of beneficial activities.

Submission or Further Submission Number	Minister of Conservation Submission or Further Submission	Recommendation of Reporting Officer in s42A report	My Recommendation to Committee
	S99/008 in relation to Policy P7.  Oppose NZTA S146/082 in relation to Policy P7.		
FS61/084  S42a report – Beneficial Use and Development  Paras 134 - 137	Oppose amended wording sought by Federated Farmers of New Zealand in relation to the storage of water in Objective 8.	<i>Reject primary submission</i>	The s.42a reporting officer has not recommended any changes as a result of submissions on Objective 8, which aligns with the Minister's position.
S75/053  S42A report – Beneficial Use and Development  Para 165	Retain Policy P8 as notified with an amendment to include reference to the removal of animal pests.	<i>Accept</i>	Policy P8 outlines a list of activities recognised as being beneficial and generally appropriate. At (d), the recognition of the removal of aquatic weeds and pest plants is acknowledged as being a beneficial activity. The Minister and the reporting officer agree that it is appropriate to include the removal of animal pests to recognise this as a beneficial activity.

Submission or Further Submission Number	Minister of Conservation Submission or Further Submission	Recommendation of Reporting Officer in s42A report	My Recommendation to Committee
<p><i>This submission point was not recorded in the Council's submission database, and therefore was not given a reference number.</i></p>	<p>Support for Objective O10 as notified.</p>	<p><i>No recommendation as submission point not acknowledged</i></p>	<p>I note that despite the failure of the Council to register the submission point of the Minister in support of Objective O10, the submission has been recommended to be retained without amendment.</p> <p>This position of the s.42A officer aligns with that of the Minister.</p> <p>To assist the Hearing Panel, I consider however that the objective could be more specific to relate to the maintenance and enhancement of walking access to align with Policy 19 of the NZCPS. This recognises the potential adverse effects that can result from vehicle access to and along the coastal marine area, rivers and lakes. This is consistent with the recommendation I make for Policy P9 below.</p>
<p>S75/054</p> <p>S42A report – Beneficial Use and Development</p> <p>Paras 235-246</p>	<p>Include in Policy P9 policy direction to enable the enhancement of public access when development is proposed.</p>	<p><i>Accept</i></p>	<p>I support the amendments recommended by the reporting officer in the s42A report as the amendments are more appropriate in giving effect to the RMA (s6(d)), NZCPS (Objective 4 and Policy 19) and the RPS (Policies 19 and 53).</p> <p>To assist the Hearing Panel, I do note that Policy 19 of the NZCPS relates specifically to walking access whereas Policy P9 of the pNRP relates to public access generally. Policy 20 of</p>

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			<p>the NZCPS relates to vehicle access and recognises that vehicle use should be controlled to manage potential adverse effects of the use of vehicles in the coastal environment.</p> <p>This is consistent with my position on Objective 10 above.</p>
<p>FS61/006 FS61/007 FS61/008</p> <p>S42A Report – Beneficial Use and Development</p> <p>Paras 298 - 306</p>	<p>Oppose Federated Farmers of New Zealand S352/063 in relation to Objective O12.</p> <p>Oppose DairyNZ/ Fonterra Co-operative Group S316/027 in relation to Objective O12.</p> <p>Oppose Chorus NZ Ltd S144/005 in relation to Objective O12.</p>	<p><i>Reject original submission points</i></p>	<p>The reporting officer does not recommend making any changes to Objective O12 as notified. This aligns with the relief sought by the Minister through further submissions.</p>

Submission or Further Submission Number	Minister of Conservation Submission or Further Submission	Recommendation of Reporting Officer in s42A report	My Recommendation to Committee
FS61/016 FS61/017 FS61/018  S42A report – Beneficial Use and Development  Paras 326 - 338	Oppose NZTA S146/082 in relation to Policy P12.  Oppose Chorus 144/011 in relation to Policy P12.  Oppose Kapiti Coast Airport Holdings Ltd S99/008 in relation to Policy P12.	<i>Reject original submission points</i>	No changes are proposed as a result of submissions on Policy P12 which aligns with the relief sought by the Minister through further submissions.
FS61/022  S42A report – Beneficial Use and Development  Paras 339-349	Further submission FS061/022 in support of Powerco submission S29/016 on Policy P13.  Further submissions FS61/020 and FS61/021 in opposition of submissions from NZTA S146/083 and Kapiti	<i>Retain original Policy as notified</i>	Policy P13 is proposed to be retained as notified which aligns with the relief sought by the Minister.

Submission or Further Submission Number	Minister of Conservation Submission or Further Submission	Recommendation of Reporting Officer in s42A report	My Recommendation to Committee
	Coast Airport Holdings Ltd S99/009.		
FS61/072 S42A report – Beneficial Use and Development Paras 250-273	Further submission in support of The Oil Companies’ primary submission S55/069 to retain the definition of regionally significant infrastructure as notified.	<i>Retain definition as originally notified</i>	I consider it is appropriate for the definitions of ‘regionally significant infrastructure’ in the RPS and the pNRP to be consistent to enable ease of interpretation for decision makers and plan users. This is achieved by retaining the definition as notified which is recommended by the reporting officer. This aligns with the relief sought by the Minister.