

Proposed Natural Resources Plan:

Submitter:

**Roading, Parks and Gardens and Solid
Waste departments of Hutt City Council
and Upper Hutt City Council**

Submitter Number:

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**Submission on Proposed NRP: Hutt City Council and Upper Hutt City Council -
Roading, and Parks and Gardens**

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1 Introduction

This submission has been prepared by Tonkin & Taylor Ltd on behalf of the Roading, Parks and Gardens and Solid Waste departments of Hutt City Council (HCC) and Upper Hutt City Council (UHCC) in response to the Proposed Natural Resources Plan (PNRP) prepared by Greater Wellington Regional Council (GWRC).

HCC and UHCC provided feedback on the Draft Natural Resources Plan (DNRP) on 12 December 2014 following the release of the DNRP for public consultation.

Certain aspects of this feedback was addressed by GWRC in the PNRP, but a number of other comments have not been adopted. HCC and UHCC are particularly interested in their ability to provide key infrastructure, such as maintaining roads and protecting roads from coastal and river erosion, operating landfills, and providing parks and gardens facilities to the public. HCC and UHCC are willing to engage in ongoing discussions with GRWC on the various aspects raised in this submission. Please contact John Clemo in the first instance on the details above.

HCC and UHCC's submission is set out in Tables below.

HCC and UHCC could not gain an advantage in trade competition through this submission.

HCC and UHCC wishes to be heard in support of this submission.

If others make a similar submission, HCC and UHCC will consider presenting a joint case with them at the hearing.



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Person authorised to sign on behalf of
Hutt City Council



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Person authorised to sign on behalf of
Upper Hutt City Council

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2 General submission points

Table 1 sets out general submission points relevant to a range of activities across the functions. This includes comments on definitions, words used throughout the PNRP and broad comments on the workability of the Whaitua chapters.

Submission point	Provision	Support Oppose Amend	Reasons for submission	Relief sought
1	Use of the term 'avoid'	Oppose	<p>There are a number of objectives and policies that require the avoidance of certain effects, for example:</p> <ul style="list-style-type: none"> • avoiding new barriers to fish passage, • avoiding the production of contaminants that discharge to land and water, and • avoiding stream reclamation. <p>The recent (2014) decision of the Supreme Court SC82/2013 <i>Environmental Defence Society Inc. v New Zealand King Salmon Co Ltd and others</i> has raised concern about the implications of policies that seek 'avoidance', 'protection' etc.</p> <p>In short, there is concern that this judgement has overturned the "balancing" approach that RMA decision-makers have commonly taken, and that where the term "avoid" is used, it is a bottom line. This could have significant implications for the development and application of policy documents, and is potentially inappropriate in many circumstances throughout the PNRP.</p>	<p>Reconsider the use of the term 'avoid' wherever used in the PNRP and ensure that it does not unnecessarily and inappropriately constrain activities that result in effects that are not significant and/or provide essential services for the health and safety of the community and protection of the environment. For example, consider qualifying it by avoiding "significant adverse effects" (Policy P53) rather than avoiding all effects.</p>
2	Integration of Whaitua Chapters	Amend	<p>The Whaitua chapters are not well integrated into the PNRP. For example, despite the introduction to rules in each of the Whaitua chapters noting that the rules apply in addition to those set out in chapter 5, there is no reference to the Whaitua chapters in chapter 5 itself. This is not helpful, as although an activity appears permitted in chapter 5, it could require consent in the Whaitua chapters.</p>	<p>Inserting clear and frequent references between these chapters.</p>

Submission point	Provision	Support Oppose Amend	Reasons for submission	Relief sought
3	Minimising adverse effects – Policy P4	Amend	<p>General Policy P4 sets out what is required in order to satisfactorily 'minimise' adverse effects (where required elsewhere in the PNRP). It requires reducing the adverse effects of the activity to the smallest amount practicable, and includes five specific requirements which must all be met, including consideration of alternatives and for activities to be located "away from" areas identified in some schedules. It is unclear what would constitute "away from", causing ambiguity for applicants.</p> <p>This policy is overly onerous, and does not satisfactorily recognise the locational and operational needs of infrastructure projects in particular. The policy requires rewording, especially as it has flow-on implications for many other policies (eg Policy P27 Natural hazards).</p>	<p>Amend Policy P4 as follows (additions underlined):</p> <p>"Where minimisation of adverse effects is required by policies in the Plan.....to the smallest amount "<u>reasonably practicable</u> and shall include <u>giving consideration to:</u>"</p> <p>Provide more specific wording for clause (b) than "locating the activity away from".</p>
4	High hazard areas – Policy P27	Amend	<p>Policy P27 requires use and development in high hazard areas to be avoided, which is considered to be a very high threshold. The definition of high hazard areas includes the "beds of rivers".</p> <p>The requirement to meet all of the exemptions under this policy is considered to unduly restrict landfill activities, as well as restricting the maintenance and upgrade of the road assets and coastal structures.</p>	<p>Amend the definition of high hazard areas so that it is based on an appropriate assessment of actual hazard, rather than capturing all river beds and coastal areas.</p>
5	Definition of property	Amend	<p>Many of the air quality, stormwater and earthworks rules have maximum limits per 'property'. As property is defined as 'any contiguous area of land held in one ownership', it's unclear how these rules would be applied to discharges and earthworks on locations such as rivers, roads, parks and gardens.</p>	<p>Make the necessary amendments to clarify how the air quality, stormwater and earthworks rules apply to publicly owned areas such as rivers and roads.</p>
6	Hard engineering methods – Policy P28	Oppose	<p>Policy P28 requires hard engineering mitigation and protection methods to be avoided. This is a very high threshold test and while the policy sets out exemptions, it does not adequately recognise the benefits of hard engineering in a range of circumstances, including solid waste disposal.</p> <p>The scope of the exemptions is unclear, such as protection of 'development' from unacceptable risk. It is difficult to establish the scope of 'development', such as whether development includes roads.</p>	<p>The wording should be widened to exempt hard engineering measures that contribute to protection of the environment and mitigation of adverse effects.</p> <p>Reconsider the use of the word 'development' throughout the plan, and if retained, insert a definition that includes roads.</p>
Solid Waste Functions				

Submission point	Provision	Support Oppose Amend	Reasons for submission	Relief sought
7	Definition of Regionally Significant Infrastructure	Oppose	Hutt City Council (HCC) considers that landfills provide a critical service to the region in terms of community health and safety, and environmental protection. The definition of Regionally Significant Infrastructure and other provisions of the PNRP do not currently recognise this role, and potentially restrict this activity by inappropriate capture under (for example) Objective RP .046 which seeks that discharges to land do not create contaminated sites.	Amend the definition of Regionally Significant Infrastructure to include solid waste disposal; OR Ensure that Objectives and Policies that give recognition to the importance of "regionally significant infrastructure" are supplemented by the words "and municipal solid waste disposal facilities".
8	Landfills Policy P91	Oppose	Landfills provide a critical service to the region in terms of community health and safety, and environmental protection. The proposed wording of Policy P91 is inappropriate as the policy makes no differentiation between new and existing landfills; the way it is currently worded implies it applies to all, which is inappropriate and unlikely to be achievable.	Amend the policy to appropriately provide for landfills, both new and existing.
9	Lack of provision for landfills		There is a noticeable absence of provisions specifically for landfills. Policy P91 is the only mention of landfills at the policy level, and there are no specific rules for the discharge of waste material to land or of landfill gases to air resulting in their default to catch-all Discretionary Activity rules. It is inappropriate that such important facilities are not specifically provided for and the different effects levels are not recognised.	include policies to recognise the benefits and need for solid waste management and disposal, and revise the rules to differentiate activity status between activities with different levels of effect.
Roading functions				
10	Definition of Regionally Significant Infrastructure	Oppose	The PNRP recognises and provides for regionally significant infrastructure, however there is no recognition of the importance of roads that aren't part of the Strategic Transport Network (i.e. most of HCC and UHCC roads are not recognised). The continued operation of the road network is critical to the safe and efficient movement of people and goods, and it is important that the maintenance and upgrade of the road asset is appropriately provided for.	Amend the definition of Regionally Significant Infrastructure to include all roads administered by HCC and UHCC; OR Ensure that Objectives and Policies that give recognition to the importance of "regionally significant infrastructure" are supplemented by the words "and roads" (or similar to reflect the district level hierarchy of roads).

Submission point	Provision	Support Oppose Amend	Reasons for submission	Relief sought
11	Hard engineering methods		<p>Policy GP.P16 requires hard engineering mitigation and protection methods to be avoided. This is a very high threshold test and while it sets out exceptions, it does not adequately recognise the benefits of hard engineering in a range of circumstances.</p> <p>Some of the exemptions may be difficult to demonstrate compliance or are unreasonable. For example, the structure must be protecting development from unacceptable risk, but it's unclear what is considered 'development' (are roads included?), and an assessment using a 'risk based approach' is required but the definition of this isn't prescriptive enough for the reader to understand what is expected.</p>	<p>The wording should be widened to exempt hard engineering measures that contribute to protection of the environment or public assets, and mitigation of adverse effects.</p> <p>Reconsider the use of the word 'development' (throughout the plan), and if retained, insert a definition that includes roads.</p> <p>Clarify in what circumstances a risk assessment is required with a consent application, and what that should comprise, ensuring the assessment is only required in appropriate situations and is commensurate to the scale of the activity.</p>

3 Discharges to air

- 3.1 Solid waste disposal has the potential to result in discharges to air of dust, odour and gases. Bridge maintenance as part of local authorities' roading functions can include removing old paint (such as by blasting) and spray painting. It is important to HCC and UHCC that air discharges from these routine and necessary maintenance activities are not unduly restricted. Table 2: Submission points on air provisions**

Submission point	Provision	Support Oppose Amend	Reasons for submission	Relief sought
12	General comment on air discharge rules – Section 5.1	Amend	The fuels-based approach of the air quality provisions is inconsistent with the effects-based focus of the RMA. The implications are that some activities will require consent despite not having an adverse environmental effect, and activities not anticipated will require consent under the catch-all discretionary rule, which is not good planning practice.	Amend the air quality rules chapter to apply an effects-based approach to managing air discharges, instead of being activity focussed.

Submission point	Provision	Support Oppose Amend	Reasons for submission	Relief sought
13	Discharges to air – Rule R24	Amend	A fuels-based approach is taken to regulating industrial discharges, with the rules relating to emissions specially related to the type of fuel being used. None of the rules relates to the types of air discharges from landfills, and the rule for gas flaring (Rule R24) specifically excludes landfill gas. The absence of landfill-specific provisions is inappropriate and results in all contaminant air discharges falling under the default Discretionary Activity A rule (Rule R41). This is inappropriate and unnecessarily restrictive.	Include rules that specifically address the types of air discharges from solid waste disposal activities, and that appropriately differentiates activity status with various levels of effect.
14	Minor discharges to air – Rule R24	Amend	Further to above, there appears to be no specific rule that permits minor discharges to air from landfills. All discharges would therefore default to Discretionary Activity under Rule R24, regardless of level of significance. This is inappropriate and unnecessarily restrictive.	Include a rule that provides for minor discharges to air from landfills as a permitted activity
15	All other discharges – Rule R41	Amend	The discharge of contaminants into air not provided for by another rule in section 5.1 is a discretionary activity. As currently worded, even discharges having negligible adverse effects would be captured by the rule, which is inappropriate.	Amend the rule to require consent only for discharges to air that will have adverse effects on air quality.
16	Odour – Rule R24	Amend	Further, there appears to be no specific rule that addresses odour discharges (apart from specific types of activities). All discharges of odour from landfill activities would therefore default to Discretionary Activity under Rule R24, regardless of level of significance. This is inappropriate and unnecessarily restrictive.	Include a rule that specifically addresses odour, and in particular provides for minor discharges as a permitted activity.
17	Definition of 'enclosed booth'	Amend	The term 'enclosed booth' is used in the abrasive blasting and spray coating rules but is not defined, which may create uncertainty in rule interpretation.	Include a definition for 'enclosed booth'.

4 Discharges to water or land

Solid waste disposal involves the discharge of domestic and industrial wastes to land, and cleanfill to land, including where contaminants may enter water. The activities may include placing cleanfill, managed fill, and landfill material including refuse, sewage sludge, hazardous wastes, contaminated soil, liquid waste, and sewage plant millscreenings; remediation and disturbance of closed landfills; and leachate discharges as ongoing fugitive and breakout leachate discharges from active and closed landfills.

4.1 Table 3: Submission points on discharges to water and land provisions

Submission point	Provision	Support Oppose Amend	Reasons for submission	Relief sought
18	Discharge of contaminants to land – Rule R93	Amend	Landfill discharges to land are not specifically provided for, and would require consent under the catch-all Discretionary Activity rule (Rule R93). It is inappropriate that an important regional infrastructure activity such as solid waste disposal is not specifically provided for.	Include specific rules addressing discharges to land from landfills.
19	Landfills – Policy P91	Support in part	The proposed wording of Policy P91 is generally appropriate as it requires effects to be minimised and not avoided. The proposed methods for ensuring effects are minimised are listed in the policy, including the requirement to managed closed landfills. We note that this is the only policy that relates specifically to landfills, which is disappointing for such an important facility in the region.	Retain the wording of Policy P91, with the inclusion of ‘and any subsequent amendments’ to clause (e) regarding the management of closed landfills.
20	Discharges from contaminated land – Rules R54 and R55	Amend	Rules R54 and R55 are considered to appropriately provide for discharges from contaminated land where a site investigation report has been undertaken. Clause (a) of Rule R55 states that the site investigation report must be provided within two years of public notification of the PNRP – it is unclear what the procedure is to be followed for cases where more than two years since notification of the PNRP has occurred.	Clarify the requirements for instances more than 2 years from notification of the PNRP.

5 Earthworks and vegetation clearance

HCC undertakes earthworks and vegetation removal in order to develop sites for solid waste disposal, manage stormwater, and provide appropriate access roading.

5.1 Table 4: Submission points on earthworks and vegetation clearance provisions

Submission point	Provision	Support Oppose Amend	Reasons for submission	Relief sought
21	Erosion prone land – Rules R99-R101		It is unclear how the rules relate to erosion prone land, and how erosion prone land is determined. For example, is the land slope calculated as an average, and over what extent? Or is land erosion prone if any part of it exceeds the slope thresholds? Erosion prone land also only applies to vegetation clearance and plantation forestry rules (not earthworks).	Clarify how erosion prone land is to be determined. Amend the rules to clarify how they relate to erosion prone land.
22	Earthworks and vegetation clearance policies – Policy P97 and Definitions		The policy for managing sediment discharges uses terms and concepts that are either concerning as currently written or are unclear. For example, ‘surface water bodies’ could include artificial drains that lead to sediment treatment devices, which is not appropriate. The definition for ‘source control’ does not relate well to sediment generation. It is unclear how offsetting would be applied to applications involving sediment discharges.	Revise the policy and associated definitions to improve clarity as to its meaning, and to only relate to effects on natural water bodies. For example, definitions and use of the terms ‘surface water body’, ‘drain’, ‘source control’, ‘offset’.

6 Works in a river bed

Solid waste disposal facilities typically require structures to be placed in a river bed, such as culverts, diversion structures, dams, stormwater outlets, and sedimentation ponds, and streams may need to be diverted or reclaimed to construct a new landfill area.

Roading and parks and gardens functions require local authorities to maintain road bridges and bridges in parks and gardens for pedestrian and cycle access. In relation to works in a river bed, this can include installing scour protection around bridge piers and redistributing bed material to prevent build up around piers.

6.1 Table 5: submission points on works in a river bed

Submission point	Provision	Support Oppose Amend	Reasons for submission	Relief sought
23	Definitions for types of water bodies - Definitions		<p>It is appropriate that water bodies are regulated differently depending on their flows and naturalness. The PNRP added definitions including Artificial Farm Drainage Canal; amendments to Category 1 and 2 surface water body definitions, removal of definition of Category 3 surface water body; new definition of highly modified river or stream.</p> <p>However the definition of 'surface water body' generally remains unchanged. The definitions are currently confusing and incomplete, and would result in overly stringent regulation of some water bodies. Man-made water bodies and those with very low flows (artificial drains, ephemeral flow paths) are not 'rivers' under the RMA and so should not be subject to provisions relating to river beds (section 13 of the RMA).</p>	<p>Make the necessary amendments to rules and definitions and insert new definitions to clearly define the different types of water bodies, and regulate them appropriately and in accordance with Part 3 of the RMA.</p> <p>Definitions include continuous and intermittent watercourses, drains, ephemeral flow paths, and surface water bodies.</p>
24	Avoidance of use and development in high hazard areas – Policy P27		<p>As noted above, the PNRP categorises all beds of rivers as high hazard areas. The policy framework for natural hazards requires use and development in high hazard areas (including beds of rivers) to be avoided. There is a list of exemptions to this policy, but they all have to be met, potentially unnecessarily and inappropriately restricting landfill activities</p>	<p>Amend the definition of high hazard areas so that it is based on an appropriate assessment of actual hazard, rather than inappropriately capturing all river and lake beds.</p> <p>AND modify the policy framework to be less absolute in terms of restrictions (e.g. replace the term avoid, and/or refer to 'inappropriate development').</p>
25	Fish passage – Objective O29; Policies P34 and P35		<p>The policy framework is for there to be no new barriers to fish passage and for the passage of indigenous fish to be restored where appropriate. For there to be no new barriers to fish passage is an unrealistic and, in some situations, an unnecessary/ irrelevant requirement, and potentially overly restrictive of any infilling, dam/weir structures, or culverting associated with essential landfill activities.</p>	<p>Amend the Objective and Policies so that they refer only to circumstances where fish passage is justified, for example based on habitat assessment, and reflect the importance of regionally significant infrastructure including solid waste disposal.</p>
26	Avoiding effects on		<p>The policies for indigenous fish habitat use overly strong wording (avoid) that could unduly restrict appropriate and important activities such as in-stream works to</p>	<p>Revise the language used in provisions relating to indigenous fish habitat to protect</p>

Submission point	Provision	Support Oppose Amend	Reasons for submission	Relief sought
	indigenous fish habitat – Policies P33-35		develop and maintain solid waste disposal activities including diversion of clean water.	them from <i>significant</i> adverse effects (rather than more than minor adverse effects).
27	Maintenance, upgrade and use of existing structures – Rule R112		The rules use a useful bundling approach, but associated damming is not included. Temporary damming is sometimes required to create a dry work area for maintenance and upgrade works, and this would appropriately be a permitted activity subject to conditions. Permitted activity condition (g) of Rule R112, which specifies the permitted dimensions of the upgraded structure, is confusing and difficult to interpret and apply, e.g. where in the structure is the cross-sectional area measured?	Include 'damming of water' in the list of associated activities that are authorised by the rule. Simplify permitted activity condition (g) of Rule R112 to make it easier to assess proposals against
28	New structures – Rule R117		R117 for new structures lists some specific structures that are anticipated, but noticeably stormwater outlets and erosion protection structures are not mentioned and there is no specific policy directing their appropriateness. These are common and important in-stream structures so should be specifically provided for.	Make the necessary amendments to policies and rules to specifically provide for in-stream erosion protection structures.
29	Temporary damming and diversion required for in-stream works – Rules R112-R118		Temporary stream damming and diversion is often required to ensure separation of clean water runoff from waste disposal areas and for stream crossings. It is unclear whether these are included in the list of 'associated' activities for structures, or if the separate damming and diversion rules apply. As these activities are limited to the duration of the associated works, it is appropriate for them to be permitted, subject to reasonable conditions. The rules for the beds of rivers should be aligned with the Coastal Marine Area (CMA) rules which provide for temporary structures.	Make the necessary amendments to clarify that temporary stream damming and diversion required for in-stream structure works are included in all relevant rules for structures in a river bed, or provide for temporary damming and diversion as a permitted activity (subject to reasonable conditions).
30	Redistribution of river bed material – Rule R119		From time to time, river bed recontouring is required to reinstate river flow and protect bridges from scour. It is appropriate for this important activity to be permitted subject to reasonable conditions. Rule R119 permits the clearing of flood debris and beach recontouring (in relation to river beaches). "Flood debris" and "river beach" are not defined, making interpretation of the rule difficult. "Beach recontouring" is defined, however it should relate to all bed	Include a definition for "flood debris" that covers the wide range of materials that can build up and cause blockage during a flood. Include a definition for "river beach" that includes material build up around bridge piers. Amend the definition for "beach

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			<p>material not just gravel.</p> <p>Condition (f) requires the operation to occur only on those parts of the river bed not covered by water at the time of the works. While this is generally possible, there often needs to be a small amount of working in the flowing channel to ensure effective recontouring that pre-empts future obstructions.</p> <p>Condition (g) appears to relate to the depth of excavation, but isn't worded clearly.</p>	<p>recontouring" to include all river bed materials.</p> <p>Amend condition (f) to permit a reasonable amount of recontouring in the flowing channel.</p> <p>Amend condition (g) to clarify it relates to the depth of excavation, if this is the intention.</p>
31	Maintenance of drains -- Rule R121		<p>The permitted conditions of the maintenance of drains (Rule R12.1) are of concern, particularly given the broad definition of drain; for example, mechanical clearance of the drain allows only one side of the drain to be cleared at one time (and the other side 3 months later) or only the middle 40% cleared. This will unnecessarily and inappropriately restrict maintenance activities at landfills which are designed to manage and minimise environmental effects.</p>	<p>Reconsider the constraints imposed for permitted activity Rule LW.R123.</p>
32	Ephemeral/ intermittent/ permanent flow paths		<p>Ephemeral flow paths are defined, but intermittent and permanent are not. The appropriateness of this, and the treatment of ephemeral/ intermittent/ permanent streams in the policy framework and rules, needs further consideration to ensure that activities affecting lower value watercourses are not inappropriately restricted.</p>	<p>Further consideration required.</p>
33	Reclamation of river bed -- Policy P102 and Definitions		<p>The policy framework for reclamation and drainage of rivers (and lakes) directs it to be avoided (strong wording) except in specific situations such as it being for the purposes of erosion control or necessary for the operation of regionally significant infrastructure or associated with the creation of new river bed and not involving the piping of the river, <u>and</u> there being no practicable alternatives or it being of an ephemeral flow path (note intermittent streams are not exempted).</p> <p>It is noted that piping a stream for a distance greater than that required to form a crossing point is considered reclamation of the river bed which is concerning, but the term "reclamation" is not defined in relation to river or lake beds.</p>	<p>Include solid waste disposal as regionally significant infrastructure AND</p> <p>Lower the threshold that the word 'avoid' imparts, AND</p> <p>Amend the definition of 'reclamation' to provide clarity its meaning in relation to river beds.</p> <p>Allow for piping for appropriate activities apart from just provision of a crossing.</p>

7 Coastal management

HCC operates an extensive coastal road network with ongoing requirements for repair and protection from coastal erosion. This may require the construction or modification of seawalls and rock revetments.

HCC also undertakes parks and gardens activities in the coastal marine area, such as the maintenance of wharves and coastal protection structures, and carrying out beach grooming at particular locations.

Submission point	Provision	Support Oppose Amend	Reason for submission	Relief sought
34	Seawalls policy – P139; Definitions	Amend	<p>Policy P139 states that new seawalls are inappropriate. There is a list of exemptions to this policy, but they all have to be met. In addition to this being difficult to meet, seawalls must be required to protect either:</p> <ul style="list-style-type: none"> existing, or upgrades to, infrastructure. The definition of infrastructure (in the RMA) is narrow and would not include all circumstances where seawalls are the best option; <p>OR</p> <ul style="list-style-type: none"> 'regionally significant infrastructure'. This excludes key HCC administered roads such as the Seaview – Eastbourne coastal road, which is prone to coastal erosion and wave action. <p>Seawalls must also be designed to incorporate the use of soft engineering options where appropriate. This requirement is of concern, as the PNP's definition of 'soft engineering' is limited and does not recognise the environmental values provided by certain hard engineering options; for example, rock structures can provide habitat.</p> <p>There is no policy for existing seawalls, and it would be particularly inappropriate for applications for existing walls to be subject to these tests.</p>	<p>Amend Policy P139 to recognise that seawalls can be the only reasonably practicable option to protect important assets from damage.</p> <p>Amend the definition of 'regionally significant infrastructure' to provide for key coastal roads.</p> <p>Amend the definition of 'soft engineering' to include the broader range of engineering options with lesser environmental impacts.</p> <p>Insert a policy providing for the alteration, addition, replacement, and occupation of existing seawalls.</p>
35	Seawalls rules – R165-R166	Amend	<p>New seawalls, and addition, alteration, replacement and use of existing seawalls requires consent as a controlled activity (if outside of a significant site, or non-complying if inside a significant site). The conditions are onerous, including not permitting any addition to extend any further seaward than the existing seawall, when there are already conditions limiting horizontal projection of seawall structures. Seaward extensions may be necessary in the circumstances to protect roading and park infrastructure.</p>	<p>Delete condition (g) relating to seawalls extending further seaward, given horizontal projection is covered in condition (f).</p>

Submission point	Provision	Support Oppose Amend	Reason for submission	Relief sought
36	Seawall definition	Amend	Seawall should be defined so it is clear whether non-vertical hard engineering structures such as rock revetments, etc. are seawalls.	Insert a definition for "seawall".
37	Temporary damming of coastal water – Section 5.7.2; Rule R154	Amend	Temporary damming (through deposition/ bunding of material) of coastal water can be required to create a dry work environment for the construction of coastal protection structures. As damming would be limited to the duration of the associated works, it is appropriate for them to be permitted, subject to reasonable conditions. General condition 5.7.2(j) requires all work to be contained in the CMA, which is a strange requirement, particularly as GWRC's jurisdiction for coastal activities is constrained to the CMA.	Amend Rule R154 to provide for temporary damming of coastal water as a permitted activity (subject to reasonable conditions). Remove the requirement for all work to be contained in the CMA from general condition 5.7.2(i).
38	Reasonable mixing – Definition	Amend	The definition of reasonable mixing has been extended to include discharges to coastal water, which are determined on a case by case basis in accordance with Policy P71. This leaves a lot of uncertainty for local authorities around what reasonable mixing may mean.	Amend the definition of reasonable mixing to provide more clarity in relation to discharges to coastal water.
39	Disturbance and sediment discharge – Section 5.7.2(f)	Amend	Due to the fine nature of the foreshore material along much of the HCC coastline, small disturbance activities can generate noticeable sediment discharges and plumes. However such discharges also occur from natural coastal processes. Sediment discharges that are of a similar or lesser magnitude than those occurring naturally should be permitted. General condition 5.7.2(f) has requirements for colour and visibility changes from sediment discharges, and it is important that these are not exceeded by natural processes.	Review the requirements for sediment discharges to ensure that these parameters are not exceeded by natural processes.
40	Scheduled sites	Amend	There are additional restrictions for heritage structures and works at scheduled sites, of which there are many around the HCC coastline. Many have large extents that may be overly generalised. Scheduled features have the effect of making many proposals to alter a structure a Non Complying Activity, regardless of whether the feature is affected, which appears overly onerous. Schedule F5 (coastal habitats) is missing from the maps/ GIS.	Review the extent of scheduled sites to ensure their accuracy. Revise all rules relating to scheduled sites to ensure they apply only when the feature to be protected is affected. Insert Schedule F5, or remove reference to it in the PNRP.
41	Construction	Support	The structures rules take a useful 'bundling' approach, including associated	Amend Rule R197 to provide for 'works for

Submission point	Provision	Support Oppose Amend	Reason for submission	Relief sought
	disturbance – Rule R197; Definitions	Amend in part	disturbance. While the PNRP regulates vehicles on the foreshore or seabed (in Rule R197), they are only permitted for 'the maintenance, upgrade and operation of regionally significant infrastructure'. There is no provision for works for the the protection of regionally significant infrastructure, nor maintenance, upgrade, operation or protection of other roads such as the Seaview – Eastbourne road.	the protection' of regionally significant infrastructure; AND Amend the definition of 'regionally significant infrastructure' to include roads.
42	Definition of reclamation	Amend	The definition of "reclamation" does not include coastal protection structures such as seawalls or revetments, but it's unclear whether the inclusion of a useable space such as a path on top of these structures continue to exclude them from being reclamation.	Amend the definition to clarify whether the presence of a path or other useable space on top of coastal protection structures would constitute "reclamation".
43	Policy for reclamation – Policy P145	Oppose in part	Policy CM.P146 requires coastal reclamation to be avoided except where three tests are met: it is associated with the development, operation, maintenance and upgrade of regionally significant infrastructure, and there are no other locations outside of the CMA, and there are no practicable alternatives. The use of the term 'avoid' is absolute and does not adequately recognise other appropriate reclamation, including reclamation of roads which are not 'regionally significant infrastructure'.	Remove the word 'avoid' or alter the wording so the requirements of the policy are less absolute and will provide for reclamation for other appropriate purposes.
44	Rules for reclamation – Rules R214-R215	Amend	Reclamation is a discretionary activity only where it is for regionally significant infrastructure, otherwise it is non-complying. Reclamation may be appropriate for the purpose of other reasons than regionally significant infrastructure, for example HCC's proposed Eastern Bays Marine Drive Footway/ Cycleway.	Broaden the circumstances where reclamation is appropriate to include reasons other than regionally significant infrastructure.
45	Rules for 'destruction' – Rules R204-R205	Amend	While the definition of 'reclamation' excludes coastal protection structures such as revetments, constructing such structures may constitute 'destruction' in the coastal marine area. Where such a structure is not expressly a permitted activity elsewhere in the PNRP, Rules R204-R205 require resource consent as a discretionary or a non-complying activity (in sites of significance) is required.	Clarify that coastal protection structures such as revetments are excluded from the rules on the 'destruction' of the foreshore or seabed.

8 Water Take and bores

Typical activities in relation to solid waste include taking groundwater for monitoring or site dewatering, taking groundwater through collection of underdrainage (leachate) for disposal to the sewerage system, and surface water take such as for dust control. Solid waste disposal sites also require the construction of groundwater monitoring wells and investigations bores. Groundwater monitoring is a necessary part of landfill investigations and design, and of effects assessment.

Parks and gardens functions also often require groundwater takes for irrigation.

8.1 Feedback on water takes (groundwater and surface water) provisions

Submission point	Provision	Support Oppose Amend	Reasons for submission	Relief sought
46	Water take – Whaitua Chapters	Amend	The provisions of the Whaitua chapters are overly onerous; for example requiring consent to be obtained for any water take in the Wellington Harbour and Hutt Valley Whaitua within which HCC has interest. This includes groundwater, including potentially even minor takes for groundwater sampling. The Whaitua Chapters refer to both sets of provisions having equal value in the Plan – so it is not clear what rules apply.	Provision should be made for minor takes as permitted or controlled activities.
47	Groundwater pumping tests – Rule R42 and R139	Amend	There is an apparently circular reference between the pumping test rule R139 and the minor discharges rule R42 relating to the associated discharge that should be resolved. The pumping test rule should also permit small takes for the purpose of water quality monitoring, rather than these takes being subject to the general take rule and its conditions	Resolve the circular reference between Rules LW.R142 and LW.R38. Amend Rule LW.R142 to allow small takes.
48	Groundwater monitoring bores – Rule R146	Amend	Groundwater monitoring bores meet the definition of a 'bore' and under the PNRP require consent. However it is considered that it is appropriate that they be permitted activities as are geotechnical bores, subject to conditions. Despite this, it is unclear whether groundwater monitoring bores are Controlled Activities under the 'any bore' rule, or Discretionary Activities under the 'excavation of a hole for the purpose of taking water' rule.	Include groundwater monitoring bores as a permitted activity; AND clarify which rule groundwater monitoring bores would otherwise fall under.
49	Siting of bores – Policy P130	Amend	Policy P130 directs bores to be sited, constructed and used to avoid adverse effects on existing bores and be used in a manner that prevents contaminants entering the	Clearer differentiation needs to be made based on purpose, and more flexibility be

Submission point	Provision	Support Oppose Amend	Reasons for submission	Relief sought
			bore and water being wasted. It makes no differentiation based on the purposes of the bores. This is restrictive and may be inappropriate for geotechnical investigation and monitoring bores.	provided for investigation and monitoring bores.

9 Divert and discharge stormwater

Solid waste disposal activities involve the establishment of clean water diversion drains, and discharge of both clean and contaminated stormwater to streams.

Roading, parks and gardens activities also generate regular stormwater discharges, such as from roads and parks.

9.1 Feedback on stormwater provisions

Submission point	Provision	Support Oppose Amend	Reason for submission	Relief sought
50	Stormwater diversion – Rule R135	Amend	Stormwater drains have the function of diverting surface water runoff, and are therefore restricted by s14(2) of the RMA. The PNRP does not specifically address stormwater diversion, and so it would presumably fall under the general rule for taking, use, damming and diverting water as a Discretionary Activity under Rule R135 which appears unnecessary. This could possibly be addressed by authorising the diversion in the stormwater discharge rules in section 5.2.3 of the NRP (i.e. rule bundling).	Consider authorising stormwater diversion in the stormwater discharge rules in section 5.2.3 of the NRP (i.e. rule bundling).
51	Rules R48-R53	Amend	The single permitted stormwater rule relates to the discharge of stormwater from an individual property. As roads are contiguous and under one ownership, the entire road network within a district would be considered one property. It's unclear whether these rules are intended to apply to stormwater runoff from roads. Rule R52 states that a stormwater discharge from a state highway is a restricted discretionary activity, but all other stormwater discharges (such as from roads) is a discretionary activity. Requiring local authorities to obtain consent for stormwater discharges from roads would be onerous.	Make the necessary amendments to clarify how the rules relate to stormwater runoff from the road network.

10 Works in wetlands

Parks and gardens departments often engage in activities which disturb and discharge into wetlands.

10.1 Feedback on wetlands provisions

Submission point	Provision	Support Oppose Amend	Reason for submission	Relief sought
52	Structures in wetlands – R107	Amend	Should the parks and gardens departments seek to construct new walkways/ bridge structures and/or trails in its wetlands, these are not specifically provided for. Furthermore, all structures (other than hunting and recreation structures less than 10 m2) require resource consent as a discretionary activity.	Amend the rules to permit local authorities to undertake works in wetlands for amenity purposes to recognise the benefit of this activity.
53	Activities in wetlands – R108	Amend	Certain activities in 'natural wetlands' which may be necessary for roading and parks and gardens activities such as reclamation, land disturbance and discharges, are non-complying activities under the PNRP. Given the Plan's and RMA's relatively broad definition of 'natural wetland' (including mangroves), this could place onerous restrictions on minor or temporary activities needed for council functions.	Reclassify these activities as discretionary activities as they were in the Draft Natural Resources Plan (Draft NRP). Doing so would still provide GWRC with considerable control over activities within 'natural wetlands', without being overly restrictive on necessary and important Rooding, parks and gardens functions.

11 Application of agrichemicals

The Roading departments are responsible for the control of roadside weeds, which includes agrichemical spraying. Agrichemical spraying is also undertaken to maintain parks and gardens. Weed control is an important environmental and amenity activity that needs to be appropriately provided for.

11.1 Feedback on agrichemicals provisions

Submission point	Provision	Support Oppose Amend	Reason for submission	Relief sought
54	Agrichemical use – Rules R36-R38	Amend	Compared to the Operative Air Quality Management Plan, the PNRP places additional requirements for the use of agrichemicals in public places and roadsides, including for an annual spray plan to be prepared, adjacent neighbours notified, and a risk assessment to be undertaken. These requirements are impractical and onerous for HCC and UHCC's important routine weed spraying that takes places across the district on Council-owned land such as parks and roadsides. The bundling approach used in the rules is useful, where discharges to air and to land where it may enter water are combined in single rules.	Amend the rules so that agrichemical use in public places and roadsides is permitted under similar conditions as the Operative Plan, including that the activity does not require an annual spray plan, neighbour notification, or a risk assessment. Include a cross-reference to Rules R36-R38 in the air discharges rules section to aid the reader.
55	Agrichemicals not permitted – Rules R36 and R37	Amend	Where discharge of agrichemicals are not permitted under Rules R36 and R37, the Draft NRP classified such discharges as a restricted discretionary activity. They are now discretionary activities under the PNRP.	To provide clearer guidance on how GWRC exercises its discretion and give more certainty to those using agrichemicals, change the activity status of the discharge of agrichemicals not permitted under Rule R36 or R37 back to a restricted discretionary activity as in the Draft NRP.

12 Schedules

Many of HCC's and UHCC's functions require works in and around sites or structures of significance, listed in the Schedules to the PNRP. The rules and policies applying to such sites are onerous, particularly where policies requiring effects to be avoided apply to rules for non-complying activities.

12.1 Feedback on Schedules

Submission point	Provision	Support Oppose Amend	Reasons for submission	Relief sought
56	Schedules A and A1: Outstanding water bodies and rivers. Policy P39; Rule R42; Rule R67	Amend	<p>Policy P39 states that adverse effects on outstanding water bodies "shall be avoided". Works may be required to maintain roads or parks and gardens adjacent to outstanding water bodies, such as the Hutt River above the Kaitoke Dam.</p> <p>Rule R42 limits the concentration of total suspended solids in discharges into outstanding water bodies.</p> <p>Rule R67 states that where discharges are not permitted in Rules R42-R45, discharges into sites of significance (including outstanding water bodies) are non-complying activities.</p> <p>Rule 127 states that reclamation of any part of the bed of an outstanding river is a non-complying activity.</p>	Amend the wording in the policies and rules for 'Outstanding water bodies' to provide for key council functions such as maintaining adjacent roads.
57	Schedule C: (mana whenua sites); E4 (archaeological); F2c (birds-coastal); F4 (coastal area); F5 (coastal habitats); J (geological features). Rules R114, R152, R162, R167	Amend	<p>The PNRP places onerous restrictions on activities within scheduled sites.</p> <p>Policy P45 states that, in the first instance, activities in Schedule C sites shall be avoided. Given the range of non-complying activities in Schedule C sites, this policy wording is very restrictive. Other policies are also problematic for council functions, such as:</p> <ul style="list-style-type: none"> • Policy P138 (structures in significant sites); • Policy P143 (deposition in significant sites); and • Policy P148 (motor vehicles in significant sites). <p>In addition, the following Rules make activities in significant sites non-complying:</p> <ul style="list-style-type: none"> • Rule R67 – discharges inside Schedule F4 sites; • Rule R162 - new structures, or additions or alterations to existing 	Given the large number of Scheduled sites in the Wellington Region, we suggest amending the wording in the policies and rules to ensure necessary works, such as structures in rivers or in the CMA, can be carried out by HCC and UHCC.

Submission point	Provision	Support Oppose Amend	Reasons for submission	Relief sought
58	Schedule E1 (heritage structures); E2 (wharves and boatsheds); E3 (navigation aids)	Amend	<p>The relevant areas these rules apply to (relevant to the councils' roading and parks and gardens functions) include:</p> <ul style="list-style-type: none"> • Korokoro stream mouth; • Petone foreshore; • Waiwhetu stream – Owihiti pā; and • Korohiwa (East Harbour Coast). <p>The PNRP may also be overly restrictive of activities involving heritage structures, wharves, boatsheds and navigation aids. The rules state that additions to, alterations, removal of, demolition or replacement of Schedule E1/E2/E3 structures is a discretionary activity. The following structures are covered by these rules:</p> <ul style="list-style-type: none"> • Petone Wharf; • Point Howard Wharf; • Days Bay Wharf; • Rona Bay Wharf; and • Skerrett Boatshed, Lowry Bay. 	Amend the rules on heritage structures to make them less onerous for HCC and UHCC when carrying out their infrastructure functions.

