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Summary of Decisions Requested

on

Proposed Plan Change 1 to the Regional Freshwater Plan

Prepared by

**The Resource Policy Department
Wellington Regional Council**

May 2002

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How to Make a Further Submission on Proposed Plan Change 1 to the Regional Freshwater Plan

1. This document is a summary of all the decisions requested of the Regional Council in the original submissions on **Proposed Plan Change 1 to the Regional Freshwater Plan**.

The summaries of submissions on 4 other proposed plan changes are also available from the Wellington Regional Council in separate documents. The other summaries of submissions are for:

- Proposed Plan Change 2 to the Transitional Regional Plan;
- Proposed Plan Change 1 to the Regional Plan for Discharges to Land;
- Proposed Plan Change 1 to the Regional Air Quality Management Plan; and
- Proposed Plan Change 1 to the Regional Soil Plan.

Full copies of all the plan changes are available for public inspection at offices of the Wellington Regional Council at:

Wellington the Wellington Regional Council
Centre
142-146 Wakefield Street

Upper Hutt 1056 Fergusson Drive

Masterton 34 Chapel Street

2. Any person can make a further submission about a submission on the plan changes. A further submission can only be made in support of, or in opposition to, submissions made on the proposed plan changes.

3. Any person who makes a further submission *must*, within 5 working days of making the submission, serve a copy of their submission on the person who made the original submission. The names and addresses of all persons who made original submissions on Proposed Plan Change 1 to the Regional Freshwater Plan are provided in this Summary.

4. All further submissions must be addressed to:

the General Manager
Wellington Regional Council
PO Box 11-646
Wellington

5. The closing date for further submissions is **4.00 pm on Friday, 7 June 2002**.
6. If you have any questions about the process for making further submission, please contact Murray McLea at the Regional Council (telephone (0800 496 734 or email murray.mclea@wrc.govt.nz).

Part 1: About the Summary of Decisions Requested

The Wellington Regional Council received submissions on Proposed Plan Change 1 to the Regional Freshwater Plan from 15 submitters. This document is a summary of all the decisions requested by the submitters.

Part 2 of this document gives a list of all the submitters on Proposed Plan Change 1 to the Regional Freshwater Plan. For each submitter, the list shows:

- a number for each submitter;
- the name of the submitter;
- the submitter's address for service; and
- a number for each decision requested by the submitter.

There are two key numbers referred to in this document. These are the submitter's number and the number assigned to each decision requested.

If you want to find the decisions requested by a particular submitter, look in Part 2 for that submitter. In the column next to the address for service of the submitter are the numbers assigned to their decisions requested. You can then locate the decisions requested by finding the corresponding numbers on the left hand side of the pages in Part 3.

Part 3 of this document provides a summary of each decision requested.

The headings in bold refer to the relevant provisions in the Regional Freshwater Plan. They follow the same order as in the Plan. Where a new provision has been requested, it has been identified as a "**New**" provision.

This document summarises the decisions requested. It does not provide the explanations, reasons and justifications given in the original submissions. Reference should be made to the original submission for this information.

Part 2: The Submitters

Number	Submitter	Address for Service	Number of Decision Requested
1	Higgins Aggregates Ltd	Montgomery Watson Harza Att: N P Burton Senior Planner P O Box 2033 PALMERSTON NORTH	RFP 7.1, RFP 19.1
2	Truebridge Callender Beach	Att: Joanna Saywell P O Box 13142 WELLINGTON	RFP 19.2
3	Transpower New Zealand Ltd	Burton Consultants Ltd Att: David le Marquand Associate P O Box 33817 Takapuna AUCKLAND	RFP 2.1, RFP 6.1, RFP 7.2, RFP 9.1, RFP 14.1, RFP 17.1, RFP 18.1, RFP 19.3
4	Department of Conservation	Att: Sarah Bagnall P O Box 5086 WELLINGTON	RFP 7.3, RFP 8.1, RFP 9.2, RFP 10.1, RFP 11.1, RFP 12.1, RFP 14.2, RFP 15, RFP 16, 17.2, RFP 19.4
5	Webster Drilling & Exploration Ltd	Att: Bain Webster P O Box 50354 Porirua WELLINGTON	RFP 1.1, RFP 12.2
6	Lower Wairarapa Development Scheme Advisory Committee	Att: V A Draper Advisory Committee Chairman Te Ngakau R D 1 MARTINBOROUGH	RFP 18.2, RFP 19.5

Number	Submitter	Address for Service	Number of Decision Requested
7	Federated Farmers	Att: Joe Taylor Policy Analyst P O Box 945 PALMERSTON NORTH	RFP 19.6
8	Hutt Valley District Health Board	Att: Chris Edmonds Health Protection Officer Privet Bag 31907 LOWER HUTT	RFP 6.2, RFP 12.3
9	Winstone Aggregates	Att: Sylvia Allan Montgomery Watson Harza P O Box 9624 WELLINGTON	RFP 13, RFP 18.3, RFP 19.7, RFP 21, RFP 22, RFP 23, RFP 24
10	Transit New Zealand	Att: Lindsay Daysh Regional Planner P O Box 27477 WELLINGTON	RFP 1.2, RFP 2.2, RFP 3, RFP 4, RFP 7.4, RFP 10.2, RFP 11.2, RFP 18.4, RFP 19.8, RFP 20
11	Fish and Game New Zealand	Att: Miranda Robinson Fish & Game Resource Officer P O Box 1325 PALMERSTON NORTH	RFP 5, RFP 8.2, RFP 8.3
12	A J Barton	Ongaha R D 1 FEATHERSTON	RFP 19.9
13	Horokiwi Quarries Ltd	Att: R A Baker Manager	RFP 7.5, RFP 19.10

Number	Submitter	Address for Service	Number of Decision Requested
		P O Box 38037 PETONE	
14	Viola Palmer	P O Box 285 WAIKANAE	RFP 12.4
15	New Zealand Drillers Federation Inc	Carmen Greenwood Executive Officer New Zealand Drillers Federation	RFP 1.3, RFP 12.5

Part 3: The Summary of Decisions Requested on Proposed Plan Change 1 to the Regional Freshwater Plan

Number	Summary	Submitter
Changes to Interpretation in section 3		
RFP 1.1	<p>The definition of geotechnical investigation should be expanded to include:</p> <ul style="list-style-type: none"> • groundwater monitoring bores where the purpose of the bore is to monitor the water levels and/or quality • horizontal drainage bores • ground anchor installation • foundation piling. 	Webster Drilling and Exploration Ltd (5)
RFP 1.2	Amend the definition of “bore” to exclude all bores constructed anywhere in the Wellington Region for the purposes of geotechnical, hydrological, investigations, including all bores constructed for monitoring purposes.	Transit New Zealand (10)
RFP 1.3	Support for the submission from Websters Drilling and Exploration Ltd (5)	New Zealand Drillers Federation Inc (15)
RFP 2.1	Retain the definition of stormwater unmodified.	Transpower New Zealand Ltd (3)
RFP 2.2	Amend the definition of stormwater as follows; “Stormwater means the water and contaminants <u>discharged</u> from land or the external surfaces of any structure as a result of rainfall, <u>snowmelt or the wash down of surfaces</u> .”	Transit New Zealand (10)

RFP 3	Delete the proposed definition of “bulk earthworks”.	Transit New Zealand (10)
RFP 4	The deletion of the definition of surface water is supported.	Transit New Zealand (10)
RFP 5	Define the term minimum flow.	Wellington Fish and Game Council (11)

Changes to Rule 1 in section 5.3

RFP 6.1	Retain the changes to Rule 1 unmodified.	Transpower New Zealand Ltd (3)
RFP 6.2	The following changes would help clarify Rule 1: <i>The discharge shall not contain any contaminants other than contaminants at concentrations specified in conditions (3) to (7) below; and</i> ”.	Hutt Valley District Health Board (8)

Changes to Rule 2 in section 5.3

RFP 7.1	Withdraw the proposed change that adds a condition to Rule 2 that “concentrations of acid soluble aluminium in the discharge shall be no more than 0.15g/m ³ ; or Amend the condition to reflect variations in the quality of the receiving waters as a percentage change between selected distances above and below the point of discharge.	Higgins Aggregates Ltd (1)
RFP 7.2	Retain the changes to Rule 2 unmodified.	Transpower New Zealand Ltd (3)
RFP 7.3	Retain reference to where hazardous substances are used.	Department of Conservation (4)

RFP 7.4	Delete the two new conditions proposed to be added to Rule 2. Delete the words “or used” from condition (2) of Rule 2.	Transit New Zealand (10)
RFP 7.5	Amend the two new conditions to exclude quarrying.	Horokiwi Quarries (13)

Changes to Table 6.1 in section 6.2

RFP 8.1	Include the updated and completed water allocation levels.	Department of Conservation (4)
RFP 8.2	Suspend the use of the current version of WAIORA as a method for determining minimum flows.	Wellington Fish and Game Council (11)
RFP 8.3	Establish a minimum flow of 250 litres/second (column 3, Table 6.1) for the Kopuaranga River at Palmers Road gauging site, below which all abstractions shall cease.	Wellington Fish and Game Council (11)

Changes to Rule 8 in section 6.3

RFP 9.1	Amend rule 8 to read: <i>The damming and diversion of water by a structure that was existing and lawful on 15th February 2002 (the date the proposed plan change was publicly notified), excluding the Lake Wairarapa Barrage Gates, is a Permitted Activity.</i>	Transpower New Zealand Ltd (3)
RFP 9.2	Retain the exception of the barrage gates so their operation is subject to resource consents.	Department of Conservation (4)

New Rule 9A in section 6.3

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| RFP 10.1 | Delete the proposed new Rule 9A. | Department of Conservation (4) |
| RFP 10.2 | <ul style="list-style-type: none">a. The retention of a Rule making the diversion of water from an artificial watercourse or drain a permitted activity.b. The insertion of the words “including any associated disturbance of any lake or river bed or deposition on any river or lake bed” into Rule 9A after the words “artificial watercourse or drain”.c. An Amendment of proposed condition (1) to read “No equipment or machinery is cleaned, stored or refuelled in any watercourse”.d. The deletion of proposed conditions (4), (6) and (8) as flooding risk is already covered by proposed condition (7).e. The insertion of the words “other than temporary effects during construction of the diversion” at the end of proposed condition (5).f. The insertion of the word “materially” before the word “reduced” in proposed condition(7).g. An amendment of proposed condition (9) to read, “All reasonable steps shall be taken to maintain fish passage”. | Transit New Zealand (10) |

New Rule 9B in section 6.3

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| RFP 11.1 | Delete the proposed new Rule 9B. | Department of Conservation (4) |
| RFP 11.2 | <ul style="list-style-type: none">a. The retention of a rule making the diversion of groundwater a permitted activity.b. The amendment of condition 1 to read<ul style="list-style-type: none">1. No contaminants (including but not limited to oil, petrol, diesel, paint, or solvent) shall be released to water from equipment being used during the construction of the diversion.c. Deletion of proposed condition (6).d. The insertion of the words “other than temporary effects during the construction of the diversion” at the end of proposed condition (2).e. The insertion of the words “as a result of the diversion” at the end of proposed condition (3) to (5). | Transit New Zealand (10) |

Changes to Rule 15 in section 6.3

RFP 12.1	Retain Rule 15 in the proposed changes.	Department of Conservation (4)
RFP 12.2	<p>Agree that any bore constructed with the purpose of extracting groundwater for commercial or domestic purposes should require a consent.</p> <p>The bulk of geotechnical work identified in RFP 1.1 is unlikely to adversely affect the groundwater.</p> <p>The “global” consent process has worked efficiently since January 2000 and is supported.</p> <p>Bores in the designated groundwater zones be exempt from a consent on the following basis:</p> <ul style="list-style-type: none">• the intention of the bore is not to extract groundwater for commercial or domestic purposes• the bore does not exceed 10m below ground level• when the bore is completed or decommissioned, it is done so in accordance with NZS 4411:2001. <p>If bore consents were required for all holes, applications would be needed several times a week.</p> <p>On many sites, the number of bores required can range from one to possibly hundreds. It would not be in anyone’s interest to be required to lodge a consent application for each bore.</p>	Webster Drilling and Exploration Ltd (5)
RFP 12.3	Proposed rule 15, which makes the construction of a bore a discretionary activity, is supported. It is imperative that the Wellington Regional Council has adequate knowledge and control of private groundwater bores.	Hutt Valley District Health Board (8)
RFP 12.4	For the sake of aesthetics, wildlife, and ground stability, the number of bores and the amount of water abstracted should be monitored and limited, so that the water table is preserved.	Viola Palmer (14)
RFP 12.5	Support for the submission from Websters Drilling and Exploration Ltd (5)	New Zealand Drillers Federation Inc (15)

New Policy 7.2.7A in section 7.2

RFP 13	Retain the new Policy.	Winstone Aggregates (9)
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Changes to Rule 25 in section 7.3

RFP 14.1	Amend Rule 25 as follows: <i>The placement and use of any river crossing (not being a crossing being provided for by any other rule in this plan) of a width necessary ...</i>	Transpower New Zealand Ltd (3)
RFP 14.2	Retain clarification that river crossings provided for in the rule shall only be of the width necessary.	Department of Conservation (4)

Changes to Rule 33 in section 7.3

RFP 15	Retain condition 4 that ensures a resource consent is required for the removal of any weir or structure that may affect a wetland.	Department of Conservation (4)
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Changes to Rule 35 in section 7.3

RFP 16	Retain the clarification that “passage” does not allow other uses.	Department of Conservation (4)
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Changes to Rule 47 in section 7.3

RFP 17.1	Amend Rule 47 as follows: <i>The placement and use of any river crossing (not being a crossing being provided for by any other rule in this plan) of a width necessary ...</i>	Transpower New Zealand Ltd (3)
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RFP 17.2 Retain clarification that river crossings provided for in the rule shall only be of the width necessary. Department of Conservation (4)

New Rule 48A in section 7.3

- RFP 18.1 Ensure that lawfully established structures within flood corridors are not required to obtain further consents, which can be achieved by amending Rule 48A to read:
The use of land in a floodway, other than a use that is consistent with a purpose of flood protection that a floodway was designed for, or was otherwise lawfully established prior to the 15th February 2002, within: etc. Transpower New Zealand Ltd (3)
- RFP 18.2 The new rule is supported. Obstruction and damage to the Lower Valley Scheme by inappropriate land use must be prevented. Lower Wairarapa Development Scheme Advisory Committee (6)
- RFP 18.3 Rule 48A be deleted or amended to provide an exemption for existing Winstone quarry activities operating in the specified floodways. Winstone Aggregates (9)
- RFP 18.4 Exclude from rule 48A, maintenance and repair works to the State Highway network, maintenance of planted areas adjoining the State Highway network, and the upgrading of the State Highway network. Transit New Zealand (10)

New Rule 52 in section 7.3

- RFP 19.1 Withdraw Rule 52; or
Amend Rule 52 to define the limits on stopbanks in terms of ground bearing pressure relative to the number of axles that a vehicle may have. This should be in terms of gross loaded weight; or
Add a further exclusion allowing for the passage of vehicles over the stopbank at defined points designed to carry designated extraction loads. Higgins Aggregates Ltd (1)

RFP 19.2	<p>Withdraw Rule 52; or</p> <p>If this is not possible the type of activity should be amended to read “discretionary” activity with the current exclusions being “permitted” activities as appropriate.</p>	<p>Truebridge Callender Beach (2)</p>
RFP 19.3	<p>Retain Proposed Rule 52 unmodified.</p>	<p>Transpower New Zealand Ltd (3)</p>
RFP 19.4	<p>Provide an exception to Rule 52 so that Department staff may use a stopbank to access land it manages for work purposes.</p>	<p>Department of Conservation (4)</p>
RFP 19.5	<p>New rule 52 is supported subject to a specific amendment. Stopbanks are a key component of the Lower Valley Development Scheme and passage of heavy motorised vehicles and machinery along these stopbanks will cause damage and increase maintenance costs.</p> <p>The specific amendment sought is that Rule 52 only apply to those stopbanks maintained as part of a Wellington Regional Council managed flood protection scheme. Landowners who maintain stopbanks constructed by themselves for their own benefit, be allowed to use these stopbanks for vehicle or machinery passage.</p>	<p>Lower Wairarapa Development Scheme Advisory Committee (6)</p>
RFP 19.6	<p>A prohibited activity is completely unnecessary for vehicles over 9 tonnes. Farmers operate vehicles in excess of this weight within stopbanks for traditional farming purposes and must access their land with the required machinery.</p> <p>Farmers also extract gravel for their own use and use the stopbank for access.</p> <p>If a rule is required, it be confined to the at risk asset, namely relatively smaller stopbanks.</p>	<p>Federated Farmers (7)</p>
RFP 19.7	<p>Rule 52 be deleted or reworded by adding an exemption clause to allow heavy machinery (greater than 9 tonnes) to be able to cross a stopbank for the purpose of quarry extraction and associated activities at identified crossing points, whether public road, (formed or unformed), an approved regional council crossing or on private land.</p>	<p>Winstone Aggregates (9)</p>
RFP 19.8	<p>Delete the word “existing” from the exclusions to Rule 52.</p> <p>Delete the word “formed” from the first exclusion to Rule 52.</p> <p>Insert the words “or part of the stopbank” after the words “The stopbank” in the first exclusion to Rule 52.</p> <p>Amend Rule 52 so that instead of being prohibited activities, activities caught by the Rule become restricted</p>	<p>Transit New Zealand (10)</p>

discretionary activities with the Council’s discretion limited to the potential for the proposed activity to damage the stopbank and the benefits of the proposed activity.

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| RFP 19.9 | Withdraw the proposal to add Rule 52. | A J Barton (12) |
| RFP 19.10 | Add exclusion (3) to Rule 52 to allow access for heavy vehicles used in the extraction of sand & shingle from the river corridor. | Horokiwi Quarries (13) |

Changes to Rules 25, 26, 27, 28, 30, 38, 40, 41 in section 7.3

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| RFP 20 | Retain the addition of words to the permitted activity rules to make it clearer that disturbance, deposition, and temporary diversion associated with the permitted activities is permitted.
The word “or” be added at the end of the second bullet point.
The insertion of the same wording into the following permitted activity rules: <ul style="list-style-type: none">• Rule 29 (which relates to “staff gauges)• Rule 31 (which relates to the erection and maintenance of small bridges)• Rule 39 (which relates to the maintenance of drains) | Transit New Zealand (10) |
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Changes to new Method in section 8.6

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| RFP 21 | Retain the intent of the new method. | Winstone Aggregates (9) |
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Changes to Principle Reasons for Adopting Methods in section 9.7.2

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| RFP 22 | The proposed change to 9.7.2 be amended to read along the following lines:
“A restricted discretionary activity rule requiring consents for some land uses (excluding existing lawfully established quarry operations) in the floodways ... ” | Winstone Aggregates (9) |
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Changes to Cross Boundary Issues in section 12.1.4

RFP 23 The proposed change to 12.1.4 be amended to read along the following lines:
“ ... As a result, a rule for controlling new land use for the avoidance or mitigation of flooding in specified river corridors is included in the Plan ... ”

Winstone
Aggregates (9)

Changes to description of the Hutt River Corridor in Appendix 10

RFP 24 Amend the definition of Hutt River along the following lines:
“ ... For the purposes of the Regional Freshwater Plan, the river corridor for the Hutt River is:
(1) river mouth above the coastal marine area as defined by section 2 of the RMA (refer Coastal Plan Appendix 1 River Mouths);
(2) The river bed; and ... ”

Winstone
Aggregates (9)