

Proposed Natural Resources Plan:

Submitter:

**Wellington International Airport
Limited**

Submitter Number:

S282

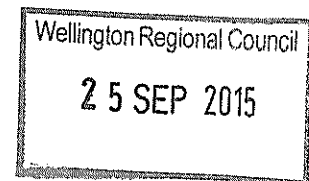
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By Email

25 September 2015

Our Ref: 6903

Greater Wellington Regional Council
PO Box 11646
WELLINGTON 6142



Attention: Planning Department
regionalplan@gw.govt.nz

Dear Sir / Madam

RE: PROPOSED NATURAL RESOURCES PLAN FOR THE WELLINGTON REGION

Please find enclosed submissions on the proposed Natural Resources Plan for the Wellington Region on behalf of Wellington International Airport Limited.

We look forward to being kept informed of the process in relation to the Proposed Plan.

Yours sincerely,
MITCHELL PARTNERSHIPS LIMITED

A handwritten signature in black ink, appearing to read "Claire Hunter".

CLAIRE HUNTER

Email: claire.hunter@mitchellpartnerships.co.nz

cc: Mike Brown

Wellington International Airport

Enc.

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FORM 5
SUBMISSION ON PUBLICLY NOTIFIED PROPOSED NATURAL RESOURCES PLAN
FOR THE WELLINGTON REGION
(31 JULY 2015)

Clause 6 of Schedule 1, Resource Management Act 1991

To: Planning Department
Wellington Regional Council
PO Box 11646
WELLINGTON 6142

Submission on: Proposed Natural Resources Plan for the Wellington Region

Submitter name: Wellington International Airport Limited (WIAL)

Address: Wellington International Airport Limited
c/- Mitchell Partnerships Ltd
PO Box 489
Dunedin 9054

1. **This is a submission on the Proposed Natural Resources Plan for the Wellington Region ("Proposed Plan").**
2. **WIAL could not gain an advantage in trade competition through this submission.**
3. **Background**

Wellington Airport History

In 1929 the Wellington Chamber of Commerce recognised the substantial advantage the region could gain from an airport close to the CBD when it began lobbying the government for an airport at the Rongotai location. The current location of the airport is an attribute envied by other cities, particularly as it enables organisations based in Wellington to host visitors from around the country without them spending a disproportionate amount of their day travelling between the airport and the CBD.

The airport's land infrastructure as it is currently configured was substantially formed in the period 1953-1959 and was a major engineering feat at that time. Prior to that time an airport had operated at Rongotai using an alignment running east to west.

To construct the new airport in 1929 150 houses were purchased, a major hill was removed and approximately 28 hectares of land was reclaimed mainly to the south but also the north to accommodate the runway.

A further reclamation to the south was undertaken in 1972 to accommodate DC8 aircraft.

Today the runway requires substantial seawall protection, predominantly from Cook Strait wave action.

The rapid growth in the travelling public's propensity for air travel has placed the facilities at Wellington Airport under constant pressure, and requires WIAL to provide fit-for-purpose facilities for the increasing numbers of travellers.

Accordingly, in 1999, WIAL's entire eastern side was redeveloped including the construction of the Main Terminal Building at a cost of about \$116m. The 40 year old "temporary" modified hangar used as a domestic terminal was demolished and a single new terminal, absorbing the then-Ansett NZ domestic and international terminal facilities, was completed. The roading network, vehicle parking and aircraft gates were totally redeveloped.

In August 2005 a major expansion and upgrade of the northern terminal (including aircraft gates, baggage and secondary processing facilities, international lounge and increased duty free facilities) was commenced. The upgrade of the international facilities involved an investment of about \$80m and was completed in 2010.

In 2007 WIAL completed a Runway End Safety Area (RESA) to the south, including the construction of a road tunnel. Construction of the north RESA was completed in 2008. These extensions ensured that WIAL preserved the existing operational functionality of its runway while complying with the increased Civil Aviation safety requirements for a minimum of 90 metre RESA's. The total cost for construction for the RESAs was \$33m.

In 2009, WIAL completed a full runway resurfacing, part of regular maintenance, at a cost of \$11m.

In 2011, WIAL completed both the development of a Code C sized corporate jet hangar and passenger processing facility at a cost of \$8m and an extension to the existing level 1 terminal car parking facility at a cost of \$6m.

In 2013 WIAL completed a redevelopment of the terminal car parking facilities to rationalise the available land, delivering an additional 300 spaces at a cost of \$6m.

WIAL has further plans to upgrade the airport facilities and increase its capacity. These plans include a \$55m expansion to the domestic terminal (presently under construction), a \$125m multi-level car parking facility and a \$40m integrated 4-star hotel.

Additionally, a proposal to extend the runway to an effective length of 2300 metres is currently in the early planning phase.

Wellington Visitor Growth

Visitor numbers to Wellington are strong both in the domestic and international markets. Wellington City saw 1.4 million domestic commercial guest nights in 2014, and there were 184,352 international visitor arrivals to Wellington in 2014 (equating to a 23% increase since 2010). Over the last 12 months, passenger numbers at Wellington Airport have increased by over 6%, higher than any other major airport in New Zealand. Passenger numbers are expected to reach more than 5.7 million this year and to double to 10 million by 2030, making Wellington the second largest airport in New Zealand.

WIAL 2030 Master Plan

Wellington International Airport plays a vital role in the Wellington region. It connects residents, visitors and businesses to all parts of New Zealand and to Australia, the Pacific and the rest of the world, and significantly contributes to the city and wider region's economy. Passenger numbers are booming and WIAL needs to plan for and accommodate this growth including investment in essential infrastructure.

Wellington Airport occupies a small (by national and international standards) site for its passenger numbers, so the efficient use of space is paramount in providing vehicle access and car parking for travellers and other users. The 2030 Master Plan anticipates the construction of a multi-level car parking facility, including a multi-modal transport interchange and associated facilities for all requisite ground transport modes, close to the terminal and in the general vicinity of the presently proposed car park to ensure passenger demand and expectations can continue to be met into the future.

Wellington Visitor Strategy

Wellington is currently experiencing strong visitor growth, with the dynamic tourism industry currently contributing \$1.4 billion each year to the Wellington regional economy, with tourism and hospitality providing an estimated 16,000 full-time equivalent jobs to the region.

The Wellington Visitor Strategy 2015 outlines how further visitor growth to Wellington is to be fostered, and specifically includes:

- Clarifying the roles and responsibilities of the key stakeholders in Wellington's tourism sector and in the delivery of the visitor experience;
- Setting clear action points for planning, investment in, and development of Wellington's tourism product and infrastructure; and
- Providing a platform to drive even more effective and efficient outcomes from marketing activities.

WIAL is a key stakeholder in the Wellington regional tourism industry, and is classified as "regionally significant infrastructure" as defined in the Greater Wellington Regional Policy Statement. WIAL is also classified as a "lifeline utility" as defined in the Civil Defence Emergency Management Act 2002.

4. Submissions on the Proposed Natural Resources Plan for the Wellington Region

- The following discussion provides the reasons for WIAL's submission on the Proposed Plan.
- Please refer to the submission table attached at **Annexure A** for WIAL's detailed submission points on specific provisions of the Proposed Plan.

WIAL:

- a. Opposes, opposes in part, supports in part and supports the Proposed Plan and has set out the specific relief sought in the table at **Annexure A** (attached). The relief sought may vary where it addresses WIAL's submission points.
- b. Reasons for WIAL's opposition to the Proposed Plan as notified and in the absence of amendments in accordance with this submission (or similar), include the following:
 - i. As notified, the Proposed Plan will not promote the sustainable management of natural and physical resources, will not achieve the purpose of the Resource Management Act 1991 (RMA), and is otherwise contrary to Part 2 and other relevant provisions of the Act, particularly when having regard to the efficiency and effectiveness of the provisions relative to other means.
 - ii. The Proposed Plan will not promote the efficient use and development of natural and physical resources.
 - iii. The Proposed Plan does not give effect to the New Zealand Coastal Policy Statement 2010.
 - iv. Aspects of the Proposed Plan are unsupported or unjustified in terms of section 32 of the RMA.
 - v. The Proposed Plan does not represent sound resource management practice particularly with respect to planning for the development and growth of infrastructure of regional and national importance.
 - vi. WIAL considers that the Proposed Plan could better support the development and growth of regionally significant infrastructure in the Wellington Region. A more enabling approach towards such development will correlate with objectives and policies within the Proposed Plan that purport to recognise the benefits of significant infrastructure. Therefore, among other submission points, WIAL seeks that a new Objective be inserted to recognise and provide for the growth and development of regionally significant infrastructure. The inclusion of a suitable new Objective will complement the existing Policies and Rules that provide for the development of infrastructure.

- vii. The Proposed Plan contains a conflict between (for example) Objective O13, Policies P12, P14, P137 and P145 seeking to recognise and provide for regionally significant infrastructure and rules relating to seawalls. The lack of provision for the maintenance and replacement of seawalls where needed to protect regionally significant infrastructure such as Wellington International Airport fails to recognise locational constraints that cannot be addressed by alternative hazard mitigation measures.
- viii. Section 5 (2) (c) of the RMA sets out a framework for the management of effects requiring the avoidance, remediation or mitigation of adverse effects. However Policy P4 of the Proposed Plan introduces the term "minimisation" and the term is repeatedly used in relation to the management of adverse environmental effects. WIAL considers that the use of a different term unnecessarily departs from the established RMA framework and will complicate resource consenting by introducing an additional layer of assessment.
- ix. A number of proposed rules relating to development, damage, disturbance and destruction in the coastal marine area appear to duplicate one another. Furthermore, all such rules appear to be overridden by the requirements of Rule R216 which applies a non-complying activity status to activities that are provided for as discretionary activities by other rules.
- x. The application of Schedule F2c and Map 18 to the coastal marine area bordering the southern end of the Airport is considered to be inappropriate given:
 - The age of the data relied on in combination with the conclusions drawn within supporting documents about the need for frequent monitoring of scheduled sites as they are dynamic habitats.
 - The extensive modification of the natural landscape in this area and the activities associated with the day-to-day operation of the Airport, including bird control activities consistent with civil aviation requirements.
 - The fact that the site only satisfied one of three criteria for inclusion in the schedule (Diversity criteria were satisfied, whilst Ecological Context and Rarity criteria were not satisfied). Diversity criteria relate to the presence of threatened or at risk species resident at or regularly using the site. Background information identifies that *"Species were considered 'resident or regularly using' a site if they have been or are likely to be encountered during 50% or more of bird surveys carried out in the appropriate season"*. It is considered that this formulation is very broad and it is uncertain that it can be reasonably applied to the Airport environs, given the other issues noted above.
- xi. Schedule K relating to surf breaks seeks to preserve the natural character of the coastal marine area by protecting (Objective O37, Policy P51) surf breaks. However the schedule includes surf breaks that have been significantly affected by the modification of the environment in Lyall Bay

and are therefore not representative of the natural character of the coastal marine area. WIAL also notes that the Proposed Plan provides little scope for the mitigation of effects on surf breaks. Furthermore, WIAL queries the reason for elevating surfing above other recreational values, when the NZCPS (Policy 6) seeks more broadly to maintain and enhance the public open space and recreation qualities and values of the coastal marine area. WIAL also notes that there is no higher level directive within the Wellington Regional Policy Statement to require the specific protection of surf breaks at a regional level, WIAL considers that the Proposed Plan inappropriately extends a level of protection to regionally significant surf breaks that would be more commensurate with the management of surf breaks of national significance, and is therefore contrary to, and does not give effect to, the NZCPS Policy 16.

- xii. WIAL also considers that the approach taken towards the drafting of schedules in the Proposed Plan requires review to ensure consistency. Where matters are identified by the Plan as requiring particular attention, WIAL considers that a schedule should be used to identify both the location of the matters in question, and should also identify the values that give rise to the need for particular consideration. This approach has not been consistently applied in the Proposed Plan (for example, Objective O31, Policies P24 and P48.)
- xiii. WIAL commends the Council on taking an integrated approach and the consolidation of land, water and coastal planning policy and rules into a single natural resources plan. Section 2.1.3 of the Proposed Plan states:

"...the Plan has, where practicable, combined associated activities into one rule. The several permissions which may be required under...the RMA are included in one rule for which one application for resource consent can be made".

WIAL considers that this will provide a more efficient administrative environment for the consideration and determination of development proposals. WIAL however notes that some refinement is necessary to ensure that the Plan is internally consistent. This includes ensuring that rules do not overlap or contradict one another (as discussed at (vii) above), and ensuring that the drafting enables Plan users to easily comprehend the integration between objectives, policies and rules.

- 5. **WIAL seeks the following decision from the Wellington Regional Council:**
 - a. That the amendments (or similar in order to address WIAL's submission points) outlined above and in **Annexure A** are accepted;
 - b. Such further, consequential or other relief as is appropriate or desirable in order to take account of the concerns expressed in this submission.
- 6. **WIAL wishes to be heard in support of these submissions.**

7. If others make a similar submission, WIAL would be prepared to consider presenting a joint case with them at any hearing.

Signed:



On behalf of Wellington International Airport Limited (by its duly authorised agent Claire Hunter).

Dated at Dunedin this 25th day of September 2015

Address for Service:

Wellington International Airport Limited
c/- Mitchell Partnerships Limited
PO Box 489
Dunedin 9054

Contact Details:

Attention: Claire Hunter
Telephone: 03 477 7884
E-mail: claire.hunter@mitchellpartnerships.co.nz

ANNEXURE A

Submission Table

Text highlighted with underlining (example) represents proposed insertions.

Text with strikethrough (~~example~~) represents proposed deletions.

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
DEFINITIONS			
Earthworks The disturbance of a land surface from the time soil is first disturbed on a site until the time the site is stabilised. Earthworks includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or by cutting or filling operations, or by root raking. Earthworks do not include: (a) cultivation of the soil for the establishment of crops or pasture, and (b) the harvesting of crops, and (c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and (d) the construction, repair or maintenance of: (i) pipelines, and (ii) electricity lines, and (iii) telecommunication structures or lines, and (iv) radio communication structures, and (v) firebreaks or fence lines (e) repair or maintenance of existing roads and tracks, and	Support in part	WIAL frequently undertakes maintenance works on sealed areas within the Airport (i.e. taxiway, runway) and seeks that such routine maintenance activity be exempted from consent requirements through a minor amendment to the definition of "earthworks". WIAL submits that this approach will be consistent with the exemptions provided in the "Earthworks" definition for other infrastructure-related works at sub-clauses (c) and (d).	Amend the definition at sub-clause (e) "Earthworks" as follows: (Note: entire definition not shown). (e) <i>repair or maintenance of existing <u>airfields</u>, roads and tracks, and</i>

(f) maintenance of orchards and shelterbelts, and				
(g) domestic gardening, and				
(h) repair, sealing or resealing of a road, footpath or driveway.				
Operational requirement When an activity needs to be carried out in a particular location or way in order to be able to function effectively and efficiently.	Support	WIAL supports the inclusion of a definition for operational requirements as it assists merits-based assessment by ensuring that the particular characteristics of activities are taken into account.	Retain this definition.	
Regionally significant infrastructure (Note: entire definition not shown below) Regionally significant infrastructure includes: ... Wellington International Airport ...	Support	WIAL supports the inclusion of a definition of regionally significant infrastructure and considers it appropriate that the Wellington International Airport is included in the definition.	Retain this definition.	
OBJECTIVES				
New Objective: Development of regionally significant infrastructure		WIAL notes that whilst section 3.2 of the Proposed Plan is titled "Beneficial use and <u>development</u> ", none of the draft objectives explicitly support the development and growth of regionally significant infrastructure, as distinguished from the operation and upgrade of existing infrastructure. The development and growth of regionally significant infrastructure assets is vital to the wellbeing and health and safety of current and future generations, particularly with respect to economic prosperity. Therefore, WIAL	WIAL seeks that the following Objective be inserted into the Proposed Plan: <i>Objective O# (amend numbering as necessary) - Development of regionally significant infrastructure</i> <i>Provide for and enable the development and growth of regionally significant infrastructure.</i>	

		considers that the Objectives of the Proposed Plan should explicitly enable such activities, particularly in light of Policies and Rules (e.g. P12, P139, P145, and R214) that recognise and provide for such development. WIAL also notes whilst that the Proposed Plan provides for activities in the coastal marine area associated with the development of regionally significant infrastructure, it is also appropriate to recognise such development through the inclusion of a specific Objective in the Proposed Plan. In doing so, the Proposed Plan will better align with and give effect to Policy P12 of the Proposed Plan and Policies 6 (1) (b) and 6 (2) (a) of the NZCPS.	
Objective O9 The recreational values of the coastal marine area, rivers and lakes and their margins and natural wetlands are maintained and enhanced.	Support in part.	WIAL considers that this objective should be aligned with Objective 4 of the NZCPS which seeks that public open space qualities and recreational <u>opportunities</u> are maintained and enhanced. WIAL considers this to be appropriate in that it may enable adverse effects on recreational activities to be mitigated through the development of alternative opportunities. The inclusion of the term "where appropriate" recognises that in some cases a proposal will not be able to enhance all existing recreational opportunities. Although maintenance and enhancement may be the ultimate aim, this should not be a mandatory requirement as it is necessary to balance the policy context in light of the overall mix of costs and benefits	Amend Objective O9 as follows: <i>The recreational values <u>opportunities</u> of the coastal marine area, rivers and lakes and their margin and, natural wetlands are maintained and where appropriate enhanced.</i>

		associated with a proposal as well as methods of remediation and mitigation.	
Objective O10 Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced.	Support in part	The inclusion of WIAL's recommended drafting recognises that not all proposals will maintain and enhance all existing public access points. Although maintenance and enhancement may be the ultimate aim, this should not be a mandatory requirement. Public health and safety considerations may be of relevance in some cases and may necessitate the imposition of a restriction in accordance with NZCPS Policy 19 (3) (e). It is further considered that the recommended amendment to O10 provides a foundation for the public access restrictions nominated in Policy P9. The amendment therefore improves the structural coherence of the Proposed Plan and is consistent with Objective 4 of the NZCPS, which recognises that there may be reasons which mean it is not practicable to maintain and enhance public access.	Amend Objective O10 as follows: <i>Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced, except where it is appropriate and necessary to impose a restriction</i>
Objective O12 The social, economic, cultural and environmental benefits of regionally significant infrastructure and renewable energy generation activities are recognised.	Support in part	WIAL considers that Objective O12 should be amended to provide for regionally significant infrastructure and renewable energy generation activities as well as to recognise their benefits. This will ensure that the Proposed Plan appropriately links the "recognition" of the benefits provided by infrastructure, and the realisation of such benefits through development activity.	Amend Objective O12 as follows: <i>The social, economic, cultural and environmental benefits of regionally significant infrastructure and renewable energy generation activities are recognised and provided for.</i>

Objective O13 The use and ongoing operation of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible use and development occurring under, over, or adjacent to the infrastructure or activity.	Support in part	WIAL supports this objective as it is compatible with NZCPS Policy 6 (1) (e) in recognising that reverse sensitivity issues affecting regionally significant infrastructure may have wider adverse impacts on the social, cultural and economic wellbeing of the community. WIAL's proposed amendment of the policy to include "in close proximity" improves the relevance of the policy as reverse sensitivity effects relating to regionally significant infrastructure are not driven by boundaries and often extend beyond the boundaries of adjacent properties. This is consistent with WIAL's submission point relating to Policy P14.	Amend Objective O13 as follows: <i>The use and ongoing operation of regionally significant infrastructure and renewable energy generation activities in the coastal marine area are protected from new incompatible use and development occurring under, over, or adjacent in close proximity to the infrastructure or activity.</i>
Objective O17 The natural character of the coastal marine area, rivers, lakes and their margins and natural wetlands is preserved and protected from inappropriate use and development.	Oppose	WIAL opposes this objective as it ascribes a level of protection to natural character that is more appropriate to areas of outstanding natural character. As reflected by Objective O53 and other provisions of the Proposed Plan, historic circumstances, locational constraints, operational requirements and functional needs may have produced, or may necessitate, development in the coastal marine area. WIAL opposes an all-inclusive requirement for preservation and protection as this may not be possible or appropriate in all circumstances. It imposes a higher level of protection than Policy 13 (1) (b) of the NZCPS. It therefore fails to give effect to the NZCPS which is contrary to s. 67 (3) of the RMA.	Delete Objective O17.
Objective O19 The interference from use and development on natural processes is minimised.	Oppose in part	The term "interference" is subjective and could arguably extend to a very wide range of matters. Similarly the term "minimise" is subjective and	Delete Objective O19 entirely or amend as follows:

		imposes a different requirement to the RMA S. 5 avoid-remedy-mitigate requirements. Paragraph 5.1.1 of Council's "Section 32 report: Activities in the coastal marine area" discusses the need to manage "impacts" on natural processes, however does not discuss or identify what activities would constitute "interference". Similarly Policy P26 of the Proposed Plan refers to "effects" rather than "interference". Furthermore, the coastal environs of metropolitan Wellington are highly modified. Given this, natural processes have also been modified, or have been highly influenced by the presence of such development. Apparent natural processes may therefore have been significantly altered, and/or have adapted to the presence of this existing development. It is therefore difficult to determine the baseline upon which "natural processes" will be identified and assessed. WIAL therefore seeks that Objective O19 either be deleted entirely or be amended to a more specific form of drafting commensurate with the RMA.	The interference from <u>Any adverse effects of use and development on natural processes</u> is avoided, remedied or <u>mitigated minimised</u>.
Objective O20 The risk, residual risk, and adverse effects from natural hazards and climate change on people, the community and infrastructure are acceptable.	Support	WIAL supports this objective as it recognises that a degree of risk tolerance is necessary to enable the operation, maintenance and upgrade of infrastructure, particularly where existing infrastructure is exposed to risk.	Retain Objective O20.

Objective O21 Inappropriate use and development in high hazard areas is avoided	Support in part	WIAL supports the inclusion of the term "inappropriate" as this provides recognition that, in certain circumstances, use and development may not be able to avoid high hazard areas (particularly as the definition of "high hazard areas" includes all of the coastal marine area), and, having regard to the functional needs or operational requirements of the use, and the remediation and mitigation options available, such use and development may be appropriate.	Amend Objective O21 as follows: <u>Inappropriate use and development in high hazard areas is avoided, and where avoidance is impracticable or for reasons of functional need or operational requirements, the effects of use and development in high hazard areas should be remedied or mitigated.</u>
Objective O22 Hard engineering mitigation and protection methods are only used as a last practicable option.	Support in part	WIAL supports the retention of hard engineering methods as an option where other mitigation and protection methods are not suitable, however considers that the Objective should be framed more specifically to ensure that (a) the objective applies to natural hazard mitigation and protection and (b) hard engineering methods are not excluded where they are suitable.	Amend Objective O22 as follows: <u>Hard engineering mitigation and protection methods are only used as a last practicable option to protect against natural hazards.</u>
Objective O31 Outstanding water bodies and their significant values are protected.	Support in part	WIAL considers that outstanding water bodies should be protected from <u>inappropriate</u> use and development. WIAL considers that this approach enables effects-based assessment and is compatible with Section 6(b) of the RMA and therefore recommends the inclusion of suitable wording. WIAL also seeks that where the Proposed Plan specifies values or areas, these are clearly identified by reference to methods such as maps and schedules. This will avoid uncertainty	Amend Objective O31 as follows: <u>Outstanding water bodies and their significant values identified in Schedule A to this Plan are protected from inappropriate use and development.</u>

		as to the location of the water body and its specified values or areas.	
Objective O35 Ecosystems and habitats with significant indigenous biodiversity values are protected and restored	Support in part	WIAL considers that the Objective should be framed to include reference to a method of identifying the location and nature of significant values of relevance. Furthermore, the all-inclusive wording of the objective does not incorporate discretion to consider circumstances in which protection or restoration may not be the preferable outcome. It is considered that the inclusion of a reference to the avoidance, remediation or mitigation of adverse effects more appropriately reflects the purpose of the RMA.	Amend Objective O35 as follows: <u>Adverse effects on E ecosystems and habitats with significant indigenous biodiversity values identified in a method to this Plan are protected and restored avoided, remedied or mitigated.</u>
Objective O36 Significant geological features in the coastal marine area are protected.	Support in part	WIAL recommends the Objective be amended to enable an effects-based assessment of development proposals, a holistic consideration of the degree and nature of protection and restoration methods/requirements, and clarification of the location and extent of relevant features.	Amend Objective O36 as follows: <u>Significant geological features in the coastal marine area identified in Schedule J to this plan are protected from inappropriate use and development.</u>
Objective O37 Significant surf breaks are protected from inappropriate use and development.	Oppose	WIAL does not consider this objective to be appropriate. The RMA and the NZCPS do not require regional surf breaks to be protected from inappropriate use and development. The NZCPS includes Policy 16 which seeks to protect surf breaks of national significance, and Schedule 1 which identifies such surf breaks. WIAL notes that there are no surf breaks of national significance listed for the Wellington region and particularly in Lyall Bay. Therefore, WIAL does not consider it appropriate to extend	Delete Objective O37.

		the NZCPS level of protection for nationally significant surf breaks onto those significant at a regional level only. It is also questioned why the protected status has been applied to all of the surf breaks identified in the Wellington region, given the varying consistency, accessibility, and degree of difficulty of the breaks (described in the associated "eCoast Marine Consulting and Research" technical report. It is presumed that the key reason as to why the surf breaks that have been identified as significant in the Plan have attracted such a status is largely due to their recreational use and value (i.e. surfing). Given this, WIAL consider that the management of surf breaks and recreational opportunities at the regional level should be aligned with the RMA requirement to avoid, remedy or mitigate adverse effects and Objective 4 of the NZCPS. Objective 4 of the NZCPS seeks that public open space <i>qualities</i> and recreational <i>opportunities</i> are maintained and enhanced. This would also ensure that other recreational pursuits (i.e. fishing, diving) are also recognised and appropriately provided for. It is noted that the <i>Regional Policy Statement for the Wellington Region</i> (RPS) does not require the protection of regional surf breaks. Rather, the RPS (Policy 35) refers more broadly to "opportunities for recreation and the enjoyment of the coast". WIAL questions the
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		appropriateness of Objective O37 in light of the fact that the RPS does not specifically require that regional surf breaks be accorded a level of protection greater than that provided for other opportunities for recreation. It is noted that the Plan documentation sets out that surf breaks also contribute to the natural character of the coastal marine area and that this is another reason as to why they have been identified as being of significance. WIAL acknowledges that this is true for those that are occurring as a result of natural coastal processes, however with respect to the surfing amenity within Lyall Bay this has been significantly influenced by the reclamation and modifications to the existing airport area. Without the runway break wall for example, The Corner surf break would not exist in its current form (i.e. wave breaking would be more similar to the rest of the bay). WIAL consider that this should have been taken into account when developing the schedule of significant surf breaks. It is not clear from the Plan documentation that this has been considered.	
Objective O44 The adverse effects on soil and water from land use activities are minimised.	Oppose in part	WIAL considers that to avoid uncertainty and improve efficiency, the term "minimise" should be replaced with the phrase "avoid, remedy or mitigate" (adjusted as appropriate) throughout the Proposed Plan.	Amend Objective O44 as follows: <i>The adverse effects on soil and water from land use activities are <u>minimised avoided, remedied or mitigated</u>.</i>
Objective O47 The amount of sediment-laden runoff entering water is reduced.	Oppose	WIAL considers that the drafting of the Objective is ambiguous and does not provide	Delete Objective O47

			sufficient clarity as to the extent to which reductions may be required.	
Objective O49 Discharges of wastewater to land are promoted over discharges to fresh water and coastal water.	Support in part		WIAL submits that a minor amendment to the Objective will enable discretion to be exercised in instances where discharges of wastewater to land is not appropriate or practicable.	Amend Objective O49 as follows: <i>Discharges of wastewater to land are promoted over discharges to fresh water and coastal water where <u>practicable</u>.</i>
Objective O53 Use and development in the coastal marine area has a functional need or operational requirement to be located there.	Support		WIAL supports this objective. The objective confirms that functional need or operational requirement may be valid reasons for development to be located in the coastal marine area.	Retain Objective O53.
Objective O54 Use and development makes efficient use of any occupied space in the coastal marine area.	Support		WIAL supports recognition that the occupation of the coastal marine area in an efficient manner can in some circumstances be a valid development outcome.	Retain Objective O54.
Objective O55 The need for public open space in the coastal marine area is recognised.	Support		WIAL supports the recognition of the need for public open space in the coastal marine area, noting that such need will be balanced against constraints such as public health and safety considerations.	Retain Objective O55.
Objective O56 New development in the coastal marine area is of a scale, density and design that is compatible with its location in the coastal environment.	Support in part		WIAL considers that the objective should be amended to better integrate recognition of any functional need or operational requirement that gives rise to the scale, density and design of development in the coastal marine area. In this way Objective O56 will be better aligned with Objective O53 and will better reflect NZCPS Objective 6, Dot Point 1 "...does not preclude use and development in <u>appropriate</u> places and forms..." (emphasis added).	Amend Objective O56 as follows: <i>New development in the coastal marine area is of a scale, density and design that is compatible with its location in the coastal environment <u>whilst recognising functional needs or operational requirements of such development</u>.</i>

Objective O58 Noise, including underwater noise, from activities in the coastal marine area is managed to maintain the health and well-being of marine fauna, and the health and amenity value of users of the coastal marine area.	Support.	WIAL supports a management approach towards noise in the coastal marine area as it is unlikely that noise can be avoided given the variety and extent of activities within the coastal marine area.	Retain this objective.
Objective O59 The efficient and safe passage of vessels and aircraft that support the movement of people, goods and services is provided for in the coastal marine area.	Support	WIAL supports Objective O59 because it provides for public health and safety and recognises the economic and social benefits associated with the efficient functioning of transportation infrastructure.	Retain Objective O59.

POLICIES			
Policy P4: Minimising adverse effects Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall include: <i>(Note: remainder of Policy P4 not shown below)</i>	Oppose	WIAL considers that the inclusion of the term "minimise" as a performance method in the Proposed Plan is generally inappropriate and seeks that references to "minimise" throughout the entirety of the Proposed Plan are deleted and replaced with the term "avoid, remedy or mitigate" as appropriate. The term "minimise" conflicts with the avoid-remedy-mitigate requirements specified as the proper manner by which to manage effects by Section 5 of the RMA. It is noted that the term "minimise" is not used consistently, as the terms "avoid", "remedy" and "mitigate" are also utilised within the Proposed Plan.	Delete Policy P4. WIAL notes that as a consequential amendment references to "minimise" throughout the Proposed Plan will need to be re-considered and amended as required.
Policy 9: Public access to and along the coastal marine area and the beds of lakes and rivers Reduction in the extent or quality of public access to and along the coastal marine area and the beds of lakes and rivers shall be avoided except where it is necessary to: (a) protect the values of estuaries, sites with significant mana whenua values identified in Schedule C (mana whenua), sites with significant historic heritage value identified in Schedule E (historic heritage) and sites with significant indigenous biodiversity value identified in Schedule F (indigenous biodiversity), or	Support	WIAL supports Policy P9 as it is aligned with Policy 19 (3) of the NZCPS and reflects the necessity of restricting public access for health and safety purposes.	Retain Policy P9.

(b) protect public health and safety, or (c) provide for a temporary activity such as construction, a recreation or cultural event or stock movement, and where the temporary restrictions shall be for no longer than reasonably necessary before access is fully reinstated, and with respect to (a), (b) and (c), where it is necessary to permanently restrict or remove existing public access, the loss of public access shall be mitigated or offset by providing enhanced public access at a similar or nearby location.	Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities The benefits of regionally significant infrastructure and renewable energy generation activities are recognised by having regard to: a) the strategic integration of infrastructure and land use, and b) the location of existing infrastructure and structures, and c) the need for renewable energy generation activities to locate where the renewable energy resources exist, and d) the functional need for port activities to be located within the coastal marine area, and e) operational requirements associated with developing, operating, maintaining and	Support in part	WIAL generally supports Policy P12 as it enables recognition of historic circumstances affecting the location of infrastructure at (b) and acknowledges the needs of future generations by providing for the development and upgrade of regionally significant infrastructure at (e). It is therefore consistent with NZCPS Objective 6. However WIAL seeks that the policy be slightly amended in order to better correlate the recognition of benefits to the benefits themselves by also "providing for" regionally significant infrastructure and renewable energy generation activities. In giving effect to the realisation of the benefits this will also correspond to Objectives O12 and O13 as well as the new Objective relating to the development of regionally significant infrastructure proposed by WIAL.	Amend Policy P12 as follows: <i>The benefits of regionally significant infrastructure and renewable energy generation activities are recognised and <u>provided for</u> by having regard to:</i> (Note: remainder of policy not shown below)
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upgrading regionally significant infrastructure and renewable energy generation activities.				
Policy P13: Existing regionally significant infrastructure and renewable electricity generation facilities The use, operation, maintenance, and upgrade of existing regionally significant infrastructure and renewable energy generation activities are beneficial and generally appropriate.	Support in part	WIAL considers that in light of its proposed new Objective relating to the development of regionally significant infrastructure, and the presence of Policy P12 and P145 which recognise and provide for such development, Policy P13 should be amended to ensure consistent approach towards the development of regionally significant infrastructure.	Amend Policy P13 as follows: <i>The use, <u>development</u>, operation, maintenance, and upgrade of existing regionally significant infrastructure and renewable energy generation activities are beneficial and generally appropriate.</i>	
Policy P14: Incompatible activities adjacent to regionally significant infrastructure and renewable electricity generation activities Regionally significant infrastructure and renewable energy generation activities shall be protected from new incompatible use and development occurring under, over or adjacent to it, by locating and designing any new use and development to avoid, remedy or mitigate any reverse sensitivity effects.	Support in part	WIAL supports the prevention of reverse sensitivity effects on regionally significant infrastructure. There are significant implications of such effects for the wellbeing of the community. The proposed amendment of the policy to include "in close proximity" improves the relevance of the policy as reverse sensitivity effects relating to regionally significant infrastructure are not driven by boundaries and often extend beyond the boundaries of adjacent properties.	Amend Policy P14 as follows: <i>Policy P14: Incompatible activities adjacent in close proximity to regionally significant infrastructure and renewable electricity generation activities</i> <i>Regionally significant infrastructure and renewable energy generation activities shall be protected from new incompatible use and development occurring under, over or adjacent in close proximity to it, by locating and designing any new use and development to avoid, remedy or mitigate any reverse sensitivity effects.</i>	
Policy P24: Outstanding natural character Areas of outstanding natural character in the coastal marine area will be preserved by: a) avoiding adverse effects of activities on natural character in areas of the coastal	Oppose in part	There are no maps or schedules included in the Proposed Plan that identify the areas of outstanding natural character referred to by Policy P24. The policy itself does not identify the location of such areas. This results in uncertainty about the spatial extent/application of policy P24.	Amend Policy P24 as follows: <i>Areas of outstanding natural character in the coastal marine area identified in a schedule to this Plan will be preserved by:</i> <i>a) avoiding adverse effects of activities on natural character in areas of the</i>	

marine area with outstanding natural character, and b) requiring use and development to be of a type, scale and intensity that will maintain the natural character values of the area, and c) requiring built elements to be subservient to the dominance of the characteristics and qualities that make up the natural character values of the area, and d) maintaining the high levels of naturalness of these areas, and e) avoiding the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the outstanding natural character values of the outstanding natural character area.		The requirement of NZCPS Policy 13(1) (c) - to undertake the identification and mapping of coastal areas with natural character values - is acknowledged at clause 4.1.2(a) of Council's S. 32 Natural Heritage report. WIAL submits that policy P24 be amended to refer to a schedule that identifies areas of outstanding natural character as well as the significant values that contribute to the classification of the site as outstanding in order to properly give effect to NZCPS Policy 13 and to avoid uncertainty about the application of Policy P24. Furthermore, sub-clause (e) of P24 extends the policy's scope to land that is not sited within an area of outstanding natural character. The effects of activities on areas of natural character (but not outstanding natural character) is a matter addressed by Policy P25. Therefore WIAL recommends sub-clause (e) be deleted to avoid duplication.	coastal marine area with outstanding natural character, and b) requiring use and development to be of a type, scale and intensity that will maintain the natural character values of the area, and c) requiring built elements to be subservient to the dominance of the characteristics and qualities that make up the natural character values of the area, and d) maintaining the high levels of naturalness of these areas, and e) avoiding the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.
Policy P25: Natural character Use and development shall avoid significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and in the beds of lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account:	Oppose.	WIAL is concerned that sub-clause (d) (ii) does not clearly recognise operational requirements associated with the growth of regionally significant infrastructure that may result in the expansion of an existing use. WIAL notes that NZCPS Policy 6 requires considerations about the need for use and development to meet the needs of people and	Amend Policy P25 as follows: Use and development shall avoid significant adverse effects on <u>outstanding natural character in the coastal marine area (including high-natural-character-in the-coastal-marine-area)</u> and in the beds of lakes and rivers <u>identified in a method to this Plan</u>, and avoid, remedy or mitigate

a) the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and b) the presence or absence of structures and buildings, and c) the particular elements, features and experiential values that contribute significantly to the natural character value of the area, and the extent to which they are affected, and d) whether it is practicable to protect natural character from inappropriate use and development through: i) using an alternative location, or form of development that would be more appropriate to that location, and ii) considering the extent to which functional need or existing use limits location and development options.	communities, and the preservation of the natural environments of the coastal marine area, to be undertaken in an integrated manner. WIAL considers that Policy P25 should be amended to better align with NZCPS Policy 6 by more clearly providing for the growth of existing regionally significant infrastructure. WIAL furthermore considers that the reference to "high natural character" should be deleted as the term is not defined and no methods identify such areas. The scope and operability of this aspect of the policy is therefore unclear. Instead the policy should refer to areas of outstanding natural character which is consistent with Policy 13 of the NZCPS.	other adverse effects of activities, taking into account: a) the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and b) the presence or absence of structures and buildings, and c) the particular elements, features and experiential values that contribute significantly to the natural character value of the area, and the extent to which they are affected, and d) whether it is practicable to protect natural character from inappropriate use and development through: i) using an alternative location, or form of development that would be more appropriate to that location, and ii) considering the extent to which functional needs, operational requirements or existing use limits location and development options, and iii) considering the benefits associated with the use, operation, maintenance, upgrade and growth of existing regionally significant
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			<u>infrastructure and renewable energy generation activities.</u>
Policy P26: Natural processes Use and development will be managed to minimise effects on the integrity and functioning of natural processes.	Oppose in part	WIAL notes that the term "minimise" should be replaced with the phrase "avoid, remedy or mitigate" to ensure consistency with the RMA.	Amend Policy P26 as follows: Use and development will be managed to <u>minimise avoid, remedy or mitigate adverse effects on the integrity and functioning of natural processes.</u>
Policy P27: High hazard areas Use and development, including hazard mitigation methods, in high hazard areas shall be avoided except where: - they have a functional need or operational requirement or there is no practicable alternative to be so located, and - the risk to the development and/or residual risk after hazard mitigation measures, assessed using a risk-based approach, is low, and - the development does not cause or exacerbate natural hazards in other areas, and - interference with natural processes (coastal, fluvial and lacustrine processes) is minimised, and - natural cycles of erosion and accretion and the potential for natural features to fluctuate in position over time, including movements due to climate change and sea level rise, are taken into account	Support in part	WIAL supports the recognition in P27 (a) of locational constraints that often result in regionally significant infrastructure locating in hazard area and considers that with appropriate mitigation it is acceptable for such development to be located in these areas. Therefore a strict policy of avoiding development in high hazard areas is not appropriate and discretion should be available for the consideration of remediation and mitigation methods. However WIAL notes the imprecise terminology in P27 (d) and recommends this be amended to better align with the RMA.	Amend Policy P27 as follows: <u>Inappropriate use and development, including hazard mitigation methods, in high hazard areas shall be avoided, remedied or mitigated except where:</u> <u>they have a functional need or operational requirement or there is no practicable alternative to be so located, and</u> <u>mitigation or remediation measures can appropriately manage the risk to the development and/or residual risk after hazard mitigation measures, assessed using a risk-based approach, is low, and</u> <u>the development does not cause or exacerbate natural hazards in other areas, and</u> <u>interference with adverse effects on natural processes (coastal, fluvial and lacustrine processes) is minimised are avoided, remedied or mitigated, and</u>

			(e) natural cycles of erosion and accretion and the potential for natural features to fluctuate in position over time, including movements due to climate change and sea level rise, are taken into account
Policy P28: Hazard mitigation measures Hard engineering mitigation and protection methods shall be avoided except where it is necessary to protect existing development from unacceptable risk, assessed using the risk-based approach, and the works either form part of a hazard management strategy or the environmental effects are considered to be no more than minor.	Support in part	WIAL is concerned that Policy P28 only recognises the use of hard engineering mitigation and protection measures where associated with existing development <u>and</u> the works either form part of a hazard management strategy or have no more than minor effects. Policy 27 of the NZCPS recognises that in certain circumstances the use of hard engineering techniques may be unavoidable (i.e. to protect infrastructure that is of national or regional importance). The end result of Policy P28 would prevent consideration of such situations, contrary to Policy 27(c) of the NZCPS. WIAL also submits that this policy should clarify that it is intended to apply to hard hazard mitigation measures, and does not inadvertently capture any hard engineering structure.	Amend Policy P28 as follows: <u>Hard hazard engineering mitigation and protection methods shall be avoided except:</u> a. <u>where it is necessary to protect existing development from unacceptable risk, assessed using the risk-based approach; and,</u> b. <u>the development demonstrates a functional need or operational requirement to locate in a particular location; and,</u> i. <u>the works either form part of a hazard management strategy;</u> <u>or,</u> ii. <u>the any environmental effects that are considered to be no more than minor are remedied or mitigated.</u>
Policy P31: Aquatic ecosystem health and mahinga kai Aquatic ecosystem health and mahinga kai shall be maintained or restored by managing the effects of	Support in part	The inclusion of the term "where appropriate" recognises that in some cases a proposal will not be able to maintain and restore the health of all aquatic ecosystems and mahinga kai. Although maintenance and restoration may be the ultimate aim, this should not be a mandatory requirement particularly in circumstances where	Amend Policy P31 as follows: <u>Aquatic ecosystem health and mahinga kai shall be maintained and, where appropriate, or restored by managing the effects of use and development on</u>

use and development on physical, chemical and biological processes to: a) minimise adverse effects on natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in rivers, lakes and natural wetlands, and b) minimise adverse effects on aquatic habitat diversity and quality, including the form, frequency and pattern of pools, runs, and riffles in rivers, and the natural form of rivers, lakes, natural wetlands and coastal habitats, and c) minimise adverse effects on habitats that are important to the life cycle and survival of aquatic species, and d) minimise adverse effects at times which will most affect the breeding, spawning, and dispersal or migration of aquatic species, and e) avoid creating barriers to the migration or movement of indigenous aquatic species, and restore the connections between fragmented aquatic habitats where appropriate, and f) minimise adverse effects on riparian habitats and restore them where practicable, and g) avoid the introduction, and restrict the spread, of aquatic pest plants and animals.	the public benefits derived from a project outweigh residual adverse effects. WIAL also questions how the requirement for restoration of ecosystems and mahinga kai would be applied in areas that have been subject to long-term, significant environmental modification. As noted in comments relating to Objective O19 above, determination of the degree to which restoration is required may constrain the practical implementation of this policy.	physical, chemical and biological processes to: a) minimise <u>avoid, remedy or mitigate</u> adverse effects on natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in rivers, lakes and natural wetlands, and b) minimise <u>avoid, remedy or mitigate</u> adverse effects on aquatic habitat diversity and quality, including the form, frequency and pattern of pools, runs, and riffles in rivers, and the natural form of rivers, lakes, natural wetlands and coastal habitats, and c) minimise <u>avoid, remedy or mitigate</u> adverse effects on habitats that are important to the life cycle and survival of aquatic species, and d) minimise <u>avoid, remedy or mitigate</u> adverse effects at times which will most affect the breeding, spawning, and dispersal or migration of aquatic species, and e) avoid creating barriers to the migration or movement of indigenous aquatic species, and restore the connections between fragmented aquatic habitats where appropriate, and f) minimise <u>avoid, remedy or mitigate</u> adverse effects on riparian habitats
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			and restore them where practicable, and g) avoid the introduction, and restrict the spread, of aquatic pest plants and animals.
Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai Significant adverse effects on aquatic ecosystem health and mahinga kai shall be managed by: a) avoiding significant adverse effects, and b) where significant adverse effects cannot be avoided, remedying them and c) where significant adverse effects cannot be remedied, mitigating them, and d) where residual adverse effects remain, it is appropriate to consider the use of biodiversity offsets. Proposals for mitigation and biodiversity offsetting will be assessed against the principles listed in Schedule G (biodiversity offsetting).	Support in part	WIAL notes that this policy includes reference to the management of "residual adverse effects". It is possible to envisage circumstances where all residual adverse effects (significant or minor) cannot be avoided, remedied or mitigated. Sub-clause (d) as currently drafted does not differentiate between significant residual effects and residual effects that are less than minor. The degree of significance of an adverse effect and the degree of any public benefits that will derive from the associated development should be integrated when considering whether offsetting is to be required. A requirement for the provision of an offset should be commensurate with the significance of the residual effect.	Amend Policy P32 as follows: Significant adverse effects on aquatic ecosystem health and mahinga kai shall be managed by: a) Avoiding significant adverse effects, and b) Where significant adverse effects cannot be avoided, remedying them, and c) Where significant adverse effects cannot be remedied, mitigating them, and d) Where <u>significant</u> residual adverse effects remain, <u>considering</u> the use of biodiversity offsets. Proposals for mitigation and biodiversity offsetting will be assessed against the principles listed in Schedule G (biodiversity offsetting).
Policy P36: Effects on indigenous bird habitat The adverse effects of use and development on the habitats of indigenous birds in the coastal marine area, wetlands and beds of lakes and rivers and	Support in part	WIAL supports the management of effects on indigenous bird habitats but notes that these habitats have been scheduled by Schedule F2 and therefore recommends that reference to the Schedule be included in the policy to ensure	Amend Policy P36 as follows: The adverse effects of use and development on the habitats of indigenous birds <u>identified in Schedule F2 in the coastal marine area, wetlands and beds of</u>

their margins for breeding, roosting, feeding, and migration shall be minimised.		clarity as to the spatial extent of the areas concerned. WIAL also refers to its submission opposing the inclusion of the Wellington International Airport environs in Schedule F2c and Map 18 of the Proposed Plan, located further below in this table.	lakes and rivers and their margins for breeding, roosting, feeding, and migration shall be minimised avoided, remedied or mitigated.
Policy P40: Ecosystems and habitats with significant indigenous biodiversity values. Protect and restore the following ecosystems and habitats with significant indigenous biodiversity values: a) the rivers and lakes with significant indigenous ecosystems identified in Schedule F1 (rivers/lakes), and b) the habitats for indigenous birds identified in Schedule F2 (bird habitats), and c) significant natural wetlands, including the significant natural wetlands identified in Schedule F3 (significant wetlands), and d) the ecosystems and habitat-types with significant indigenous biodiversity values in the coastal marine area identified in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats).	Support in part	WIAL is concerned that in certain circumstances there are conflicting activities and values operating within the identified scheduled areas and it might not always be appropriate or necessary to protect and enhance biodiversity values. As acknowledged by other policies within the Proposed Plan, there are significant functional, operational and locational constraints associated with many of the Region's significant infrastructure assets. These constraints should be recognised within the drafting of this policy. WIAL notes that it is seeking the removal of the Airport environs from Schedule F2c. This is discussed below in submission points on the schedule. WIAL does however support the format adopted within Policy P40 whereby scheduled areas are specifically identified and the values giving rise to the inclusion of an item in a schedule are clearly nominated.	Refer to WIAL's submission point on Schedule F2C below and amend policy P40 as follows: <u>Protect and restore the following ecosystems and habitats with significant indigenous biodiversity values except where protection or restoration would be inappropriate having regard to the functional needs, operational requirements and locational constraints of regionally significant infrastructure:</u> a) the rivers and lakes with significant indigenous ecosystems identified in Schedule F1 (rivers/lakes), and b) the habitats for indigenous birds identified in Schedule F2 (bird habitats), and c) significant natural wetlands, including the significant natural wetlands identified in Schedule F3 (significant wetlands), and d) the ecosystems and habitat-types with significant indigenous

Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40, in the first instance activities, other than activities carried out in accordance with a restoration management plan, shall avoid these ecosystems and habitats. If the ecosystem or habitat cannot be avoided, the adverse effects of activities shall be managed by: a) avoiding more than minor adverse effects, and b) where more than minor adverse effects cannot be avoided, remedying them, and c) where more than minor adverse effects cannot be remedied, mitigating them, and d) where residual adverse effects remain it is appropriate to consider the use of biodiversity offsets. Proposals for mitigation and biodiversity offsets will be assessed against the principles listed in Schedule G (biodiversity offsetting). A precautionary approach shall be used when assessing the potential for adverse effects on	Support in part	WIAL considers that requirements for the offsetting of effects should be commensurate with the significance of the effect in question. As Policy P41 is currently drafted, in circumstances where it is not possible to avoid, remedy or mitigate all effects, arguably any residual effects would have to be offset, even if the effect/s in question were less than minor.	biodiversity values in the coastal marine area identified in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats). Amend Policy P41 as follows: <i>In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40, in the first instance activities, other than activities carried out in accordance with a restoration management plan, shall, where practicable, avoid these ecosystems and habitats.</i> <i>If the ecosystem or habitat cannot be avoided, the adverse effects of activities shall be managed by:</i> <i>a) avoiding more than minor significant adverse effects, and</i> <i>b) where more than minor significant adverse effects cannot be avoided, remedying them, and</i> <i>c) where more than minor significant adverse effects cannot be remedied, mitigating them to the extent that is practicable, and</i> <i>d) where significant residual adverse effects remain it is appropriate to consider—<u>considering</u> the use of biodiversity offsets.</i> <i>Proposals for mitigation and biodiversity offsetting s will be assessed against the</i>
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ecosystems and habitats with significant indigenous biodiversity values. Where more than minor adverse effects on ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40 cannot be avoided, remedied, mitigated or redressed through biodiversity offsets, the activity is inappropriate.			principles listed in Schedule G (biodiversity offsetting). A precautionary approach shall be used when assessing the potential for adverse effects on ecosystems and habitats with significant indigenous biodiversity values. Where adverse effects on ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40 cannot be avoided, remedied, mitigated or redressed through biodiversity offsets, the activity is inappropriate.
Policy P42: Protecting and restoring ecosystems and habitats with significant indigenous biodiversity values In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40, particular regard shall be given to managing the adverse effects of use and development in surrounding areas on physical, chemical and biological processes to: - maintain ecological connections within and between these habitats, or - provide for the enhancement of ecological connectivity between fragmented habitats through biodiversity offsets, and - provide adequate buffers around ecosystems and habitats with significant indigenous biodiversity values, and	Oppose in part	WIAL is concerned that the imprecision of the extent of the "surrounding areas" referred to in Policy P42 renders the policy ambiguous, ineffective and inoperable. The spatial application of Policy P42 should be defined by way of suitable mechanisms such as schedules/maps/overlays and the preferred outcomes encouraged through the inclusion of corresponding rules.	Delete Policy P42 or amend as follows: In order to To protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40, particular regard shall be given to managing the adverse effects of use and development insurrounding areas on physical, chemical and biological processes to: - maintain ecological connections within and between these habitats, or - provide for the enhancement of ecological connectivity between fragmented habitats through biodiversity offsets, and - provide adequate buffers around ecosystems and habitats with significant indigenous biodiversity values, and

d) avoid cumulative adverse effects on, and the incremental loss of the values of these ecosystems and habitats.			d) avoid cumulative adverse effects on, and the incremental loss of the values of these ecosystems and habitats.
Policy P48: Protection of outstanding natural features and landscapes The natural features and landscapes (including seascapes) of the coastal marine area, rivers, lakes and their margins and natural wetlands shall be protected from inappropriate use and development by: a) avoiding adverse effects of activities on outstanding natural features and landscapes, and b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on natural features and landscapes.	Oppose	WIAL is concerned about the ambiguity of Policy P48. Consistent with WIAL's comments about other proposed policies, WIAL considers that effects are best managed through the identification of natural features and landscapes (including outstanding natural features and landscapes) in schedules and corresponding references inserted into the Proposed Plan. This provides certainty about the spatial application of policy and is consistent with the approach recommended by Policy 15 (c) and (d) of the NZCPS.	Amend Policy P48 as follows: <i>The natural features and landscapes (including seascapes) of the coastal marine area, rivers, lakes and their margins and natural wetlands shall be protected from inappropriate use and development by:</i> <u>1) avoiding adverse effects of activities on outstanding natural features and landscapes identified in a schedule to this Plan, and</u> <u>2) avoiding significant adverse effects and avoiding, remedying or mitigating other the adverse effects of activities on natural features and landscapes.</u>
Policy P51: Significant surf breaks Use and development in and adjacent to the significant surf breaks identified in Schedule K (surf breaks) shall be managed by minimising the adverse effects on: a) natural processes, currents, seabed morphology and swell corridors that contribute to significant surf breaks, and	Oppose	WIAL opposes the extension of a level of protection to regionally significant surf breaks that is more appropriately reserved for surf breaks of national significance. WIAL is concerned that Policy P51 does not contemplate circumstances where the adverse effects of use and development on surf breaks cannot be avoided however on a merits assessment may be acceptable having regard to methods of remediation or mitigation	Delete Policy P51.

b) access to significant surf breaks within the coastal marine area, on a permanent or ongoing basis.		WIAL further notes that the scheduled surf breaks in Lyall Bay have been influenced by the historic construction of the airport. For example, without the runway break wall The Corner surf break would not exist in its current form and it is noted that further modification or removal of this wall could alter the current wave dynamics in this area. WIAL questions how Policy P51 would work in regard to these scheduled surf spots which have been enhanced by human-induced modification. If it is intended to only protect naturally occurring surf breaks, the schedule would have to be revised to reflect this. WIAL is also concerned that Schedule K in the Proposed Plan identifies all of the surf breaks within the Wellington Region as being significant. Given this broad application of significance, WIAL is concerned that there has been no robust analysis to support the inclusion of the surf breaks that are identified in Schedule K. In light of these issues, WIAL seeks the deletion of Policy P51.	
Policy P78: Managing stormwater from large sites	Support in part	WIAL is concerned that this policy appears to require continuous improvement to be adopted to stormwater management regardless of the quality of current processes.	Amend Policy P78 to account for the issues raised in the reasons opposite.

The adverse effects of the discharge of stormwater from a port, airport or state highway, where the discharge will enter water shall be minimised by: a) managing the discharge in order to minimise the adverse effects of stormwater discharges on aquatic ecosystem health and mahinga kai, contact recreation and Māori customary use, and b) identifying priorities for improvement, including methods and timeframes for improvement, in accordance with any relevant objectives identified in the Plan, and c) progressively implementing methods identified in (b), and d) having particular regard to protecting sites with identified significant or outstanding values, and e) implementing good management practice, including in accordance with Policy P73, and progressive improvement of discharge quality over time.		WIAL considers that the policy should be amended to confirm that improvement is only necessary where there is wastewater discharge issue, rather than applying to high-performing and low-performing sites equally.	
Policy P132: Functional need and efficient use Use and development in the coastal marine area shall: a) have a functional need, or b) have an operational requirement to locate within the coastal marine area, and no reasonable or practicable alternative to locating in the coastal marine area, or	Support in part	WIAL generally supports this policy as it is appropriate to recognise that certain regionally significant infrastructure facilities such as the Airport already have a coastal location and should not be unduly constrained in their future growth because of historic circumstances. WIAL recommends amendments to sub-clause (d) to clarify the link between a coastal marine area location and the operational requirement or functional need that necessitates such a location.⁷	Amend Policy P132 as follows: Note: entire Policy P32 not shown below) ... and in respect of (a), (b) and (c): d) ensure that the <u>only extent of the use provides for the efficient operation of infrastructure the minimum area necessary, and</u>

c) for any other activity, it shall have no reasonable or practicable alternative to locating in the coastal marine area, and in respect of (a), (b) and (c): d) only use the minimum area necessary, and e) be made available for public or multiple use where appropriate, and f) result in the removal of structures once redundant, and g) concentrate in locations where similar use and development already exists where practicable.		WIAL recommends amendments to sub-clause (e) to ensure that requirements for public access are compatible with Policy 19 of the NZCPS, which provides for restrictions on public access in particular circumstances.	e) <u>be made available for public or multiple use unless a restriction on public access</u> <u>is where appropriate, and</u> ...
Policy P133: Recreational values The adverse effects of use and development in the coastal marine area on recreational values shall be managed by providing for a diverse range of recreational opportunities while avoiding conflicts and safety issues.	Oppose	It is unclear whether this policy intends for development proposals to offset adverse effects on recreational values by providing an alternative "diverse range of recreational opportunities" or whether Council intends to maintain a diverse range of recreational opportunities by "managing" the impacts of development on recreational values. WIAL considers that the ambiguity of the policy renders it inoperable and submits that it be deleted.	Delete Policy P133
Policy P134: Public open space values and visual amenity The adverse effects of new use and development on public open space and visual amenity viewed within, to and from the coastal marine area shall be minimised by:	Support in part	WIAL seeks the removal of the term "minimise" and replacement with "avoid, remedy or mitigate" (as appropriate) throughout the Proposed Plan. WIAL considers that greater clarity could be provided, and better coherence with objectives	Amend Policy P134 as follows: <i>The adverse effects of new use and development on public open space and visual amenity viewed within, to and from the coastal marine area shall be minimised avoided, remedied or mitigated by:</i>

(a) having particular regard to any provisions contained in any bordering territorial authorities' proposed and/or operative district plan, and (b) managing use and development to be of a scale, location, density and design which is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment, and (c) taking account of the future need for public open space in the coastal marine area.		and policies relating to regionally significant infrastructure by the proposed amendments to sub-clause (b).	(a) having particular regard to any relevant provisions contained in any bordering territorial authorities' proposed and/or operative district plan, and (b) managing use and development to be of a scale, location, density and design which is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment and the <u>functional needs, operational requirements and locational constraints of regionally significant infrastructure</u>, and (c) taking account of the future need for public open space in the coastal marine area.
Policy P135: Safe passage The efficient and safe passage of vessels and aircraft in the coastal marine area shall be provided for by avoiding inappropriate use and development in navigation protection areas (shown on Map 49).	Support	WIAL supports the preservation of navigation protection areas.	Retain Policy P135
Policy P137: Airport height restriction areas Airport height restriction areas for Wellington International Airport (shown on Map 50) and Kapiti Coast Airport (shown on Map 51) in the coastal marine area shall be protected by avoiding structures that:	Support	WIAL supports the preservation of airport height restriction areas and the provision for new structures to be built where required for airport purposes. It is appropriate to recognise the presence of the Airport and its proximity to the coastal marine area and protect aircraft using the Airport. The Airport's designation prevents the	Retain Policy P137

a) infringe the Wellington International Airport height restrictions (shown on Map 50), or b) infringe the Kapiti Coast Airport 1 in 40 gradient approach surface fan expansion along its 3,000m length or the 1 in 7 gradient runway strip side clearances (shown on Map 51) unless the structure is required for airport purposes.		establishment of structures associated with any landside developments that breach the Airport's obstacle limitation surfaces, but as the designation does not apply to the coastal marine area there is risk that structures which breach the Airport's obstacle limitation surfaces could be erected in the coastal marine area without obtaining the approval of the requiring authority or the Council. WIAL therefore supports management of this issue via the Proposed Plan.	
Policy P139: Seawalls The construction of a new seawall is inappropriate except where the seawall is required to protect: a) existing, or upgrades to, infrastructure, or b) new regionally significant infrastructure, and in respect of (a) and (b): d) there is no reasonable or practicable alternative means, and e) suitably located, designed and certified by a qualified, professional engineer, and f) designed to incorporate the use of soft engineering options where appropriate.	Support in part	WIAL supports the policy as it appropriately recognises that regionally significant infrastructure often has spatial and locational constraints that may necessitate the construction of seawalls to protect existing infrastructure as well as protect the development of new or additional infrastructure. WIAL proposes a minor amendment to sub-clause (b) to confirm that the construction of a seawall to protect new additions to existing infrastructure can be considered. The amendment will improve the internal consistency of the Proposed Plan, given Policy P145 provides for reclamation, drainage and destruction associated with the development of regionally significant infrastructure.	Amend Policy P139 as follows: <i>The construction of a new seawall is inappropriate except where the seawall is required to protect:</i> a) <i>existing, or upgrades to, infrastructure, or</i> b) <i>new or additional development of, regionally significant infrastructure, and in respect of (a) and (b):</i> d) <i>there is no reasonable or practicable alternative means, and</i> e) <i>suitably located, designed and certified by a qualified, professional engineer, and</i> f) <i>designed to incorporate the use of soft engineering options where appropriate.</i>
Policy P145: Reclamation, drainage and destruction	Support in part	WIAL supports the policy as it is appropriate to enable reclamation, drainage or destruction in the coastal marine area in some circumstances,	Amend Policy P145 sub-clause (b) as follows:

Reclamation, drainage or destruction in the coastal marine area shall be avoided except where: a) the reclamation, drainage or destruction is associated with the development, operation, maintenance and upgrade of regionally significant infrastructure, and b) there are no other locations outside the coastal marine area for the activity associated with the reclamation, drainage or destruction, and c) there are no practicable alternative methods of providing for the associated activity.	and the policy aligns with Objective 6 and Policy 10 of the NZCPS. However WIAL submits that an amendment of sub-clauses (b) and (c) is required to provide clarity around the extent to which other locations and alternative methods need to be considered and to ensure that consideration of other locations reflects practical locational constraints.	b) <u>there are no other practicable or reasonable locations outside the coastal marine area for the activity associated with the reclamation, drainage or destruction, and</u> c) <u>there are no practicable or reasonable alternative methods of providing for the associated activity.</u>
Policy P148: Motor vehicles in sites with significant value The use of motor vehicles on the foreshore in a site identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F2c (birds coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) shall be avoided, except when required for surf lifesaving, emergency, law enforcement, local authority or regionally significant infrastructure purposes.	Support	WIAL supports the use of schedules to clearly identify areas of vehicle exclusion and the provision that is made for the use of motor vehicles where associated with regionally significant infrastructure.
Policy P150: Noise and lighting Noise in the coastal marine area shall be managed by applying the general conditions as set out in clause 5.7.2 of the Plan or by adopting the best practicable option to ensure that the emission of noise does not exceed a reasonable level. Exterior lighting on structures shall avoid being directed at sensitive activities, streets, roads and navigation tracks and shall minimise effects on other users	Support in part	WIAL queries the absence of any reference in Clause 5.7.2 of the Plan to the relevant New Zealand Standard for aircraft noise, despite the fact that sub-clause 5.7.2 (p) (vii) refers to the NZS 6807:1994 relating to helicopter noise. Amend 5.7.2 to recognise relevant New Zealand Standards for aircraft noise.

and wildlife, unless it is for operational health and safety reasons.				
Policy P151: Underwater noise Use and development in the coastal marine area shall be managed to minimise the adverse effects of underwater noise on the health and well-being of marine fauna and the health and amenity values of users of the coastal marine area.	Support	WIAL supports the assessment of underwater noise on a case-by-case basis, given the absence of a standardised approach precludes the possibility of applying specific noise limits.	Retain Policy P151	
RULES				
Rule R52: Stormwater from large sites – restricted discretionary activity The discharge of stormwater into water, or onto or into land where it may enter water, from a port, airport or state highway is a restricted discretionary activity. Matters for discretion 1. The management of the adverse effects of stormwater capture and discharge, including cumulative effects, of stormwater on aquatic ecosystem health and mahinga kai, contact recreation and Māori customary use 2. The management of effects on sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (indigenous biodiversity)	Support in part	WIAL opposes sub-clause 3 of the rule which appears to apply to all emitters regardless of whether a particular discharge is causing adverse effects or not, and therefore the best practicable option may already be adopted and there is no need to require further improvements.	Delete sub-clause 3 of Rule R52	

3. Minimisation of the adverse effects of stormwater discharges through progressive improvement over time.				
Rule R56: Discharges from contaminated land – discretionary activity The use the land, and discharge of contaminants onto or into land from contaminated land where the discharge may enter water that is not permitted by Rule R54 or Rule R55 is a discretionary activity.	Support in part		WIAL submits that Rule R56 requires refinement to correct a minor grammatical error, and to improve the consistency of Rules R54, R55 and R56.	Amend Rule R56 as follows: <u>The use the of land to assess the concentration of hazardous substances, and or the discharge of contaminants onto or into land from contaminated land where the discharge may enter water that is not permitted by Rule R54 or Rule R55 is a discretionary activity.</u>
Rule R149: Maintenance or repair of structures – permitted activity (Note: entire rule not shown below)	Support		WIAL supports this rule as it is appropriate to provide for repairs and routine maintenance of structures in the coastal marine area as a permitted activity.	Retain Rule R149
Rule R151: Additions or alterations to structures – controlled activity (Note: entire rule not shown below)	Support in part		WIAL supports this rule as it is appropriate to provide for minor additions and alterations to structures in the coastal marine area as a controlled activity. However as discussed elsewhere in this submission, WIAL considers that Schedule K and Map 18 and all associated references should be deleted from the Proposed Plan.	Amend Rule R151 as follows: (Note: entire rule not shown below) <i>Matters of control</i> 1. <i>The use of the structure</i> 2. <i>Effects on public access</i> 3. <i>Effects on public open space and visual amenity</i> 4. <i>Effects on coastal natural processes including effects on shoreline stability in the vicinity and adjacent areas</i> 5. <i>Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F4 F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal</i>

			habitats), Schedule J (geological features) or Schedule K (surf breaks).
Rule R157: New or replacement structures for special purposes – controlled activity (Note: entire rule not shown below) Matters of control 1. Use of the structure 2. Effects on public access 3. Effects of disturbance, deposition, discharge and diversion associated with construction 4. Effects on coastal natural processes including effects on shoreline stability in the vicinity and adjacent areas 5. Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule K (surf breaks). 6. Lighting and noise mitigation methods	Oppose in part	As discussed elsewhere in this submission, WIAL considers that Schedule K and Map 18 and all associated references should be deleted from the Proposed Plan.	Amend Rule R157 as follows: (Note: entire rule not shown below) Matters of control 1. Use of the structure 2. Effects on public access 3. Effects of disturbance, deposition, discharge and diversion associated with construction 4. Effects on coastal natural processes including effects on shoreline stability in the vicinity and adjacent areas 5. Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites); or Schedule F5 (coastal habitats) or Schedule K (surf breaks). 6. Lighting and noise mitigation methods
Rule R158: Structures in airport height restriction areas or navigation protection areas for airport/navigation purposes – discretionary activity A new structure including a temporary structure or addition or alteration to a structure and the associated use of the structure: a) in a navigation protection area shown on Map 49, or	Support	WIAL supports the restriction of structures within airport height restriction areas and navigation protection areas.	Amend Rule R158 as follows: Rule R158: Structures in airport height restriction areas or navigation protection areas for airport/navigation purposes – discretionary activity A new structure including a temporary structure or addition or alteration to a

b) within a airport height restriction area shown on Map 50 or Map 51, including any associated: c) occupation of space in the common marine and coastal area, and d) disturbance of the foreshore or seabed, and e) deposition in, on or under the foreshore or seabed, and f) discharge of contaminants, and g) diversion of open coastal water is a discretionary activity, provided the following conditions are met: h) in respect of condition (a), written approval is given by the relevant airport authority, and i) in respect of condition (b), written approval is given by the Wellington Regional Council Harbourmaster.			structure and the associated use of the structure: a) in a navigation protection area shown on Map 49, or b) within an airport height restriction area shown on Map 50 or Map 51, including any associated: c) occupation of space in the common marine and coastal area, and d) disturbance of the foreshore or seabed, and e) deposition in, on or under the foreshore or seabed, and f) discharge of contaminants, and g) diversion of open coastal water is a discretionary activity, provided the following conditions are met: h) in respect of condition (a), written approval is given by the relevant airport authority, and i) in respect of condition (b), written approval is given by the Wellington Regional Council Harbourmaster.
Rule R159: Structures in airport height restriction areas or navigation protection areas – prohibited activity (Note: entire rule not shown below)	Support	WIAL supports the prohibition of all new structures within airport height restriction areas where the approval of the relevant authority has not been obtained.	Retain Rule R159

<u>NEW RULE IN SECTION 5.7.6 - SEAWALLS</u>	Support	WIAL proposes that a new rule be inserted into the Proposed Plan at section 5.7.6 "Seawalls", to clarify the activity status for the development of <u>replacement</u> seawalls and to provide a <u>permitted</u> activity status for the development of <u>replacement</u> seawalls associated with the Wellington International Airport. WIAL considers that this approach will improve the efficiency of the Proposed Plan and support the continued operation of nationally and regionally significant infrastructure, particularly the Port and also the Airport which, due to its locational constraints, is largely situated within the coastal environment and therefore needs to be protected from the forces of the coast. This is consistent with the NZCPS, particularly Objective 6 and Policies 6 and 27.	Insert a new rule within section 5.7.6 of the Proposed Plan as follows: <u>Rule R(insert new rule number):</u> <u>Replacement or maintenance of seawalls – permitted activity</u> <u>The replacement or maintenance of an existing seawall or part of an existing seawall and the associated use of the replacement in the coastal marine area, including any associated:</u> (a) <u>occupation of space in the coastal marine area, and</u> (b) <u>disturbance of the foreshore or seabed, and</u> (c) <u>deposition in, on or under the foreshore or seabed, and</u> (d) <u>discharge of contaminants, and</u> (e) <u>diversion of open coastal water</u> <u>is a permitted activity, provided the following conditions are met:</u> i. <u>Any replacement or maintenance of a seawall is required for the protection of wharves and infrastructure within a Commercial Port Area or associated with Wellington International Airport, and</u> ii. <u>Any replacement or maintenance of a seawall shall</u>
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Rule R165: Additions or alterations to existing seawalls – controlled activity (Note: entire rule not shown below)	Support in part	WIAL notes that if a new rule is inserted into section 5.7.6 of the Proposed Plan for replacement and maintenance of existing seawalls as recommended above, Rules 165,	<u>not extend any further seaward than the existing seawall, and</u> iv. <u>Any replacement or maintenance of a seawall is built in the same or similar location as the original seawall, and</u> v. <u>Any replacement or maintenance of a seawall has the same or lesser footprint as the seawall structure, and</u> vi. <u>Any replacement or maintenance of a seawall maintains the form of the original seawall and there is no increase in the length, width or height of the seawall, and</u> vii. <u>Any replacement or maintenance of a seawall is not inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features).</u> viii. <u>The activity shall comply with the coastal management general conditions specified above in Section 5.7.2.</u>
		Amend Rule R165 as follows: Rule R165: <u>The A additions to, or replacement or alterations to of existing seawalls – controlled activity</u>	

		166 and 167 would need minor modification to reflect the presence of the new rule. Furthermore, as discussed elsewhere in this submission, WIAL considers that Schedule K and Map 18 and all associated references should be deleted from the Proposed Plan.	<u>The replacement of, or addition or alteration to, an existing seawall and the associated use of the addition in the coastal marine area, including any associated:</u> (a) occupation of space in the common marine and coastal area, and (b) disturbance of the foreshore or seabed, and (c) deposition in, on or under the foreshore or seabed, and (d) discharge of contaminants, and (e) diversion of open coastal water <u>That is not permitted by Rule R(insert corresponding new rule number).</u> is a controlled activity, provided the following conditions are met: (f) any addition shall add no more than 5m in horizontal projection and 1m in vertical projection to the structure as it existed on the date of public notification of the Proposed Natural Resources Plan (31.07.2015), and (g) the addition shall not extend any further seaward than the existing seawall, and (h) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.
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			<i>Matters of control</i> 1. Effects on public access 2. Design and construction 3. Effects on coastal natural processes including effects on shoreline stability in the vicinity and adjacent areas 4. Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), Schedule J (geological features) or Schedule K (surf-breaks) 5. Effects on the heritage values of structures identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds) or Schedule E3 (navigational aids)
R166 (Note: entire rule not shown below)	Support in part	As noted in WIAL's comments alongside Rule R165 above, the insertion of a new rule relating to replacement and maintenance of existing seawalls would necessitate minor consequential amendments to Rules R165, R166 and R167 to reflect the presence of the new rule.	Rule R166: Seawalls outside sites of significance – discretionary activity A new seawall, or the addition to or alteration or replacement of an existing seawall, and the associated use of the structure outside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area including any associated:

			(a) occupation of space in the common marine and coastal area, and (b) disturbance of the foreshore or seabed, and (c) deposition in, on or under the foreshore or seabed, and (d) discharge of contaminants, and (e) diversion of open coastal water that is not a <i>permitted activity under Rule R(Insert new rule number), or a controlled activity under Rule R165</i> is a discretionary activity.
R167 (Note: entire rule not shown below)	Support in part	As noted in WIAL's comments alongside Rule R165 above, the insertion of a new rule relating to replacement seawalls would necessitate minor consequential amendments to Rules R165, R166 and R167 to reflect the presence of the new rule.	Rule R167: Seawalls inside sites of significance – non-complying activity A new seawall, or the addition to or alteration or replacement of an existing seawall, and the associated use of the structure inside a site or habitat identified in Schedule C (<i>mana whenua</i>), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area including any associated: (a) occupation of space in the common marine and coastal area, and (b) disturbance of the foreshore or seabed, and (c) deposition in, on or under the foreshore or seabed, and (d) discharge of contaminants, and

			(e) diversion of open coastal water that is not a permitted activity under Rule R(Insert new rule number), a controlled activity under Rule R165 or a discretionary activity under Rule R166, is a non-complying activity.
Rule R184: Occupation of space – discretionary activity The occupation of space in the common marine and coastal area that is not permitted, controlled, restricted discretionary, non-complying or prohibited is a discretionary activity.	Oppose	WIAL notes that the occupation of space in the operative Regional Coastal Plan (Rule 16) is a controlled activity. The Council's section 32 report "Management of the coastal marine area" does not identify adverse environmental effects resulting from the existing controlled activity status that prompt a discretionary activity status. WIAL submits that in the absence of adverse environmental effects, the proposed change to a discretionary activity status is inefficient.	Delete Rule R184.
Rule R186: General surface water and foreshore activities – restricted discretionary (Note: entire rule not shown below)	Oppose in part	As discussed elsewhere in this submission, WIAL considers that Schedule K and Map 18 and all associated references should be deleted from the Proposed Plan.	Amend Rule R186 as follows: (Note: entire rule not shown below) Matters for discretion 1. Effects on public access 2. Effects on public open space and visual amenity 3. Use of the structure 4. Extent and exclusivity of the occupation of the common marine and coastal area 5. Navigation safety 6. Lighting and noise

Rule R192: Beach recontouring for coastal restoration purposes – controlled activity (Note: entire rule not shown below)			7. <i>Effects on a site or habitat identified in or using Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), or Schedule J (geological features) or Schedule K (surf-breaks)</i>
Rule R192: Beach recontouring for coastal restoration purposes – controlled activity (Note: entire rule not shown below)	Oppose in part	As discussed elsewhere in this submission, WIAL considers that Schedule K and Map 18 and all associated references should be deleted from the Proposed Plan.	Amend Rule R192 as follows: Matters of control 1. <i>Timing of the activity associated with coastal fauna</i> 2. <i>Volume of material removed</i> 3. <i>Effects of disturbance, deposition, discharge and diversion associated with the activity</i> 4. <i>Effects on shoreline stability (including dunes and nearshore) and the potential to create a coastal inundation hazard</i> 5. <i>Effects on the heritage values of structures and sites identified in Schedule E1 (heritage structures) or Schedule E4 (archaeological sites)</i> 6. <i>Effects on sites and habitats identified in or using Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) or Schedule K (surf-breaks)</i>

Rule R194: Disturbance or damage – discretionary activity The disturbance or damage of the foreshore or seabed outside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated: a) deposition in, on or under the foreshore or seabed, and b) discharge of contaminants that is not permitted by Rule R188, Rule R191 or Rule R193 is a discretionary activity. Note Rule R194 controls the damage and disturbance of the foreshore or seabed. The dumping of dredged material is not included in this rule. For dumping of material in the coastal marine area refer to Rule R210, Rule R211, Rule R212 or Rule R213.	Oppose	WIAL is concerned about the substantial duplication of control that occurs between Rules R165, R166, R194, R204, R208, R210 and R216. WIAL is also concerned about the apparent effect of Rule R216 in applying an overriding non-complying activity status to activities that are provided for as discretionary activities under other rules. Examples include: 1/. R204 provides for "Destruction, damage or disturbance" in the coastal marine area as a discretionary activity. However Rule R194 provides for "The disturbance or damage of the foreshore or seabed" as discretionary. R204 appears to amply manage the matters encompassed by R194. 2/. R208 provides for deposition "in, on or under the coastal marine area" and associated disturbance and discharge as discretionary. R210 provides for "dumping" (including of dredge material) as a discretionary activity. In the RMA, "dumping" is defined as "<i>In relation to waste or other matter, its deliberate disposal</i>". It is unclear whether under the Proposed Plan the placement of dredge material would be assessed as "deposition" or "dumping". 3/. R216 specifies that "destruction of the foreshore or seabed in the coastal marine area" and associated disturbance, deposition and Delete Rule R194
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		discharge is a non-complying activity. However R194 and R204 both separately provide for damage (and in the case of R204 for destruction also) as a discretionary activity. R194 has significant overlap with Rule R204. R204 appears sufficient to control the effects envisaged by R194.	
Rule R197: Motor vehicles for certain permitted activity The disturbance of the foreshore or seabed from motor vehicles in the coastal marine area, for the following purposes: - surf lifesaving operations, or - emergency situations, including firefighting, oil spills, rescue of vessels and marine mammal strandings, or - local authority activities, including law enforcement, or - the maintenance, upgrade and operation of regionally significant infrastructure is a permitted activity, provided the following conditions are met: - the vehicle shall take the most direct route, and shall only operate within the area necessary to carry out the activity to ensure minimal disturbance to the foreshore or seabed, and	Support in part	WIAL considers that it is appropriate to enable motor vehicles to operate in the coastal marine area where necessary for the operational requirements of regionally significant infrastructure. However, WIAL notes that the term "upgrade" is defined in the Proposed Plan and precludes activities associated with new development.	Amend Rule R197 as follows: <i>Rule R197: Motor vehicles for certain purposes – permitted activity</i> <i>The disturbance of the foreshore or seabed from motor vehicles in the coastal marine area, for the following purposes:</i> <i>surf lifesaving operations, or</i> <i>emergency situations, including firefighting, oil spills, rescue operations, salvage of vessels and marine mammal strandings, or</i> <i>local authority activities, including law enforcement, or</i> <i>the <u>development</u>, maintenance, upgrade and operation of regionally significant infrastructure</i> <i>is a permitted activity, provided the following conditions are met:</i> <i>the vehicles shall take the most direct route, and shall only operate within the area necessary to carry out the activity to ensure minimal</i>

f) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.			disturbance to the foreshore or seabed, and f) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.
Rule R200: Dredging for flood protection purposes or erosion mitigation – controlled activity (Note: entire rule not shown below)	Oppose in part	As discussed elsewhere in this submission, WIAL considers that Schedule K and Map 18 and all associated references should be deleted from the Proposed Plan.	Amend Rule R200 as follows: (Note: entire rule not shown below) <i>Matters of control</i> 1. <i>Effects on public access</i> 2. <i>Method of dredging</i> 3. <i>Frequency, volume and timing of disturbance and removal</i> 4. <i>Quality, nature and composition of the material to be disturbed and removed including the potential presence of contaminants</i> 5. <i>Effects on coastal natural processes including effects on shoreline stability in the vicinity and adjacent areas and the potential to create a coastal inundation hazard</i> 6. <i>Effects on sites or habitats identified in Schedule F2c (bird-coastal), or Schedule F2a (birds-rivers) or Schedule K (surf-breaks)</i>

Rule R202: Maintenance dredging outside a Commercial Port Area or navigation protection areas – controlled activity (Note: entire rule not shown below)	Oppose in part	As discussed elsewhere in this submission, WIAL considers that Schedule K and Map 18 and all associated references should be deleted from the Proposed Plan.	Amend Rule R202 as follows: (Note: entire rule not shown below) <i>Matters of control</i> 1. <i>Method of dredging</i> 2. <i>Depth of any dredging including that which occurs in the Hutt Valley Aquifer Zone in the Wellington Harbour (Port Nicholson) shown on Map 30</i> 3. <i>Effects on coastal natural processes including effects on shoreline stability in the vicinity and adjacent areas and the potential to create a coastal inundation hazard</i> 4. <i>Effects of disturbance, deposition, discharge and diversion associated with the activity</i> 5. <i>Effects on sites and habitats identified in Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), or Schedule J (geological features) or Schedule K (surf breaks)</i> 6. <i>Effects on the heritage values of sites identified in Schedule E4 (archaeological sites)</i> 7. <i>Navigational safety and charting including notification of Land Information New Zealand, the Wellington Regional Council</i>
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			<i>Harbourmaster and Maritime New Zealand</i>
Rule R204: Destruction, damage or disturbance outside sites of significance – discretionary activity Destruction, damage or disturbance outside a site and habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated: a) deposition in, on or under the foreshore or seabed, and b) discharge of contaminants, and c) diversion of open coastal water that is not permitted, controlled, restricted discretionary, non-complying or prohibited, is a discretionary activity.	Oppose	WIAL supports the proposed rule framework that differentiates between land inside and outside of scheduled areas of significance. However, WIAL opposes the substantial duplication of control that occurs between Rules R165, R166, R194, R204, R208, R210 and R216. WIAL is also concerned about the apparent administrative implications of Rule R216 in applying an overriding non-complying activity status to activities that are provided for as discretionary activities under the other rules.	WIAL seeks that the relationships between Rules R165, R166, R194, R204, R208, R210 and R216 be reviewed to ensure that unnecessary duplication of control is avoided and that an all-inclusive non-complying activity status is not applied to activities that are otherwise provided for by the Proposed Plan.
Rule R207: Deposition for beach renourishment – controlled activity (Note: entire rule not shown below):	Oppose in part	As discussed elsewhere in this submission, WIAL considers that Schedule K and Map 18 and all associated references should be deleted from the Proposed Plan.	Amend Rule R207 as follows: (Note: entire rule not shown below): <i>Matters of control</i> 1. <i>Type and composition of the material to be used including its size, roundness, shape and colour</i> 2. <i>Volume of material to be deposited</i> 3. <i>Effects of disturbance, deposition, discharge and diversion associated with the activity</i>

			4. <i>Effects on coastal natural processes including effects on shoreline stability in the vicinity and adjacent areas</i> 5. <i>Effects on sites or habitats identified in Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), or Schedule J (geological features) and Schedule K (surf-breaks)</i> 6. <i>Measures to manage the loss of the deposited material through wind or water erosion</i> 7. <i>Navigational safety and charting including notification of Land Information New Zealand and Maritime New Zealand</i>
Rule R208: Deposition outside sites of significance – discretionary activity Deposition outside a site and habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in, on or under the coastal marine area, including any associated: (a) disturbance of the foreshore or seabed, and (b) discharge of contaminants	Oppose	WIAL opposes the substantial duplication of control that occurs between Rules R165, R166, R194, R204, R208, R210 and R216. WIAL is also concerned about the apparent administrative implications of Rule R216 in applying an overriding non-complying activity status to activities that are provided for as discretionary activities under the other rules. WIAL notes the lack of clarity about the relationship between Rules R208 and R210, which is discussed in more detail in the comments at R210 below.	WIAL seeks that the relationships between Rules R165, R166, R194, R204, R208, R210 and R216 be reviewed to ensure that unnecessary duplication of control is avoided and that an all-inclusive non-complying activity status is not applied to activities that are otherwise provided for by the Proposed Plan.

that is not permitted, controlled, restricted discretionary, non-complying or prohibited, is a discretionary activity.			
Rule R210: Dumping of waste or other matter outside sites of significance – discretionary activity The dumping of: (a) dredge material, and (b) sewage sludge, and (c) fish processing waste from an onshore facility, and (d) ships and platforms or other man-made structures at sea, and (e) inert, inorganic geological material, and (f) organic materials of natural origin, and (g) bulky items consisting mainly of iron, steel, and concrete from a ship, aircraft or offshore installation or dredging activity outside a site and habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated: (h) disturbance of the foreshore or seabed, and (i) discharge of contaminants is a discretionary activity.	Oppose	WIAL opposes the substantial duplication of control that occurs between Rules R165, R166, R194, R204, R208, R210 and R216. WIAL is also concerned about the apparent administrative implications of Rule R216 in applying an overriding non-complying activity status to activities that are provided for as discretionary activities under the other rules. Furthermore, as noted at Rule R194 above, WIAL questions the use of the term "dumping" in relation to the placement of dredge material, particularly in light of the provisions of Rule 208 relating to "deposition". Dredge material is typically not waste, rather it consists of marine sediment and silts that are consistent with the marine environment. It is unclear how R208 would be applied in light of the wide scope of R210.	WIAL seeks that the relationships between Rules R165, R166, R194, R204, R208, R210 and R216 be reviewed to ensure that unnecessary duplication of control is avoided and that an all-inclusive non-complying activity status is not applied to activities that are otherwise provided for by the Proposed Plan.

Rule R214: Reclamation and drainage for regionally significant infrastructure outside of sites of significance – discretionary activity Reclamation and drainage for regionally significant infrastructure activities outside a site or habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated: - occupation of space in the common marine and coastal area, and - destruction of the foreshore or seabed, and - disturbance of the foreshore or seabed, and - deposition in, on or under the foreshore or seabed, and - discharge of contaminants, and - diversion of open coastal water is a discretionary activity.	Support	WIAL supports the retention of Rule R214 as the rule appropriately recognises the need to provide for the development and growth of regionally significant infrastructure. Such development and growth is consistent with the purpose of the RMA, particularly by enabling people and communities to provide for their social, economic, and cultural wellbeing. The rule also aligns with Objective 6 and Policies 6, 7 and 10 of the NZCPS. Rule R214 is also indicative of the need for a standalone Objective relating to the development of regionally significant infrastructure, as discussed in the “Objectives” section earlier in this submission.	Retain Rule R214
Rule R216: Destruction – non-complying activity The destruction of the foreshore or seabed in the coastal marine area including any associated: - disturbance of the foreshore or seabed, and - deposition in, on or under the foreshore or seabed, and - discharge of contaminants, and - diversion of open coastal water	Oppose in part	WIAL considers that Rule R216 indiscriminately applies a non-complying activity status to all activities involving “destruction” of the foreshore or seabed, even where such destruction is provided for by other rules. R216 therefore conflicts with and duplicates other rules within the Proposed Plan controlling destruction in the coastal marine area (including R165, R166, R200, R201, R204, R205, R214 and R215). Other rules in the Proposed Plan	Delete Rule R216 or amend R216 to ensure that it does not conflict with or duplicate other rules that provide for destruction as a permitted, controlled, restricted discretionary or discretionary activity. A suitable amendment may be as follows:

is a non-complying activity.		apply either a discretionary or a non-complying activity status to such destruction. WIAL also questions the elevation of this activity to a non-complying status in the Proposed Plan when it is provided for as a discretionary activity in the Operative Plan (Rule 40). Rule R215 of the Proposed Plan applies a non-complying activity classification to areas inside sites of significance, therefore the elevation of other destruction to a non-complying classification appears to reduce the internal consistency of the Proposed Plan.	<i>The destruction of the foreshore or seabed in the coastal marine area including any associated:</i> a) <i>disturbance of the foreshore or seabed, and</i> b) <i>deposition in, on or under the foreshore or seabed, and</i> c) <i>discharge of contaminants, and</i> d) <i>diversion of open coastal water</i> <i>not otherwise provided for by this Plan, is a non-complying discretionary activity.</i>
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MAPS AND SCHEDULES			
PROVISION	POSITION	REASONS	RELIEF SOUGHT
Schedule F2c & Map 18	Oppose in part	WIAL opposes the inclusion of the Wellington International Airport coastline environs in Schedule F2c (Habitats for indigenous birds in the coastal marine area) and the identification of the southern end of the Airport runway on Map 18 as part of the area encompassed by Schedule F2c. WIAL is obliged by civil aviation requirements to undertake bird control activities to ensure aircraft safety. Bird control activities include the use of deterrents such as bird-scaring and the use of "Avanex" bird deterrent grass which WIAL installed in mid-2012. In addition to other environmental factors, WIAL considers that its obligations to carry out bird control activities may have altered the composition of species resident in, or regularly using, and the suitability of, the Airport environs for significant bird habitat. WIAL also notes that the technical report "<i>Coastal and freshwater sites of significance for indigenous birds in the Wellington region September 2013</i>" provided by Council as a supporting document to Schedule F2c and Map 18 identifies the Wellington Harbour coastline extending from Palmer Head to Lyall Bay as a site of significance for indigenous birds. However the report notes that the data underpinning this conclusion was collected in 2010 (p. 42)	Remove the Wellington International Airport environs including the adjoining coastal marine area from Schedule F2c and Map 18 of the Proposed Plan.

		The subsequent and associated technical report titled "A review of coastal and freshwater habitats of significance for indigenous birds in the Wellington region February 2015" reviewed the 2013 report. The 2015 report indicates (Table 3.1, p. 5) that the site was included in Schedule F2c as it satisfies "Diversity" criteria, therefore warranting designation as a Category 2 site, that is, "4-6 threatened or at risk species are known to be resident at or regularly using the site". Footnote 3 to Table 3.1 states that "Species were considered 'resident or regularly using' a site if they have been or are likely to be encountered during 50% or more of bird surveys carried out in the appropriate season". However the site did not meet the other two relevant criteria specified in Table 3.1 that would warrant designation as a significant site, these being "Rarity" and "Ecological Context". The 2015 report goes on to recommend (Section 5, p. 11) that monitoring and re-assessment of the scheduled sites be regularly undertaken to ensure that the schedules remain current. The dynamic nature of the habitats involved, the continual collection of new data and changes to species threat rankings arising from reviews of the NZ Threat Classification System rankings for birds can result in the need to re-classify habitats. Given the extent of modification that has occurred in the Airport's coastal environs and the activities associated with the operation of the Airport, WIAL questions the extent of Schedule F2c that is proposed to be applied along the southern portion of the runway as shown on Map 18. Furthermore, WIAL questions the relevance of the data relied on in support of the schedule and map, given the time elapsed since its collection and the recommendations of the authors of the 2015 report in relation to the need for regular review of scheduled sites.		
Schedule K & Map 24	Oppose in part	WIAL notes that with regards to regionally significant surf breaks, proposed Objective O37 replicates the use of the term "protect" present in Policy 16 of the NZCPS. WIAL opposes this misapplication of the NZCPS requirement to "protect" surf breaks of regional significance. This requirement is specifically reserved for surf breaks of <u>national</u> significance. In particular, it is inappropriate to extend the requirement to "protect" surf breaks that are not listed in	Delete Schedule K and Map 24 and associated Proposed Plan Objectives, Policies and Rules to give effect to	

		Schedule 1 of the NZCPS and that have been formed as a direct result of human modification of the coastal marine area. WIAL also opposes the focus of Proposed Plan provisions on surf breaks to the exclusion of other recreational opportunities. Surf breaks are one of various recreational opportunities (for example, swimming, diving, snorkelling, fishing and kite surfing) associated with the coastal marine area. It is unclear why the recreational opportunities associated with surfing have been elevated above other recreational values in the Proposed Plan. WIAL considers that it would be more appropriate and effective (given the number of recreational values associated with the coastal marine area precludes individual provision for each within the Plan) for the Proposed Plan to more broadly address recreational values. By focussing on the avoidance, remediation or mitigation of significant adverse effects on recreational values, the Proposed Plan would better align with the provisions of the RMA, NZCPS, and RPS. WIAL also questions the underpinning assumptions that have resulted in the inclusion of 57 regional surf breaks in proposed Schedule K and Map 24. It is not clear that all of these surf breaks can be properly described as comprising a component of the natural character of the coastal marine area, given the human modification of the coastal environment that in some cases has influenced the surf breaks. This being the case, it is unclear that the Lyall Bay surf breaks warrant a similar level of regard as is required to be had to the surf breaks of national significance identified in the NZCPS. Furthermore, the blanket application of regional significance status to all of the regional surf breaks listed in the <i>New Zealand Surf Guide</i>, regardless of location, consistency, degree of difficulty or quality is subjective (as recognised in section 2.2.1 of the supporting <i>eCoast Marine Consulting and Research</i> report) and not considered to be appropriate. There is no evidence that there has been any consistent or robust methodology used in order to test the validity of the significance status of each surf break.	the relief sought opposite.
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