

ref: GWRC NRP PC1 /

15th December 2023

Greater Wellington Regional Council
Environmental Policy
PO Box 11646,
Manners Street, Wellington
6142

via email regionalplan@gw.govt.nz

Attention: Hearings Adviser

Dear Greater Wellington Regional Council (GWRC)

SUBMISSION ON PROPOSED PLAN CHANGE 1 (PC1) TO THE NATURAL RESOURCES PLAN

Cuttriss is a land surveying, engineering and planning consultancy with offices in both Lower Hutt and Kāpiti. We have over 75 years' land development experience in the Greater Wellington Region with a commitment to positively influencing our environment through design.

We support initiatives to improve the quality of freshwater in both our urban and rural areas and initiatives to improve the state of our freshwater and coastal environments. However, we oppose PC1 in its current form and request that it is withdrawn to allow for genuine consultation to take place, consideration of matters raised through this submission process, and consideration of the new direction from central Government.

Should PC1 not be withdrawn, we have put forward suggested amendments which we believe will improve the implementation of PC1 and provide a better balance between meeting the need for growth, and improvements to water quality. Details of our suggested amendments are outlined in the attached table.

In its current form, we believe that PC1:

- Does not provide sufficient certainty or clarity in the implementation of rules;
- Will have significant financial impacts particularly on pre-committed development projects; and
- Will hinder growth through the prohibition of unplanned greenfield development.

We consider that PC1 potentially conflicts with the intended outcomes of the National Policy Statement for Urban Development (NPS-UD) to provide for well-functioning urban environments, including both through infill, and greenfield. In particular, Policy 6 requires planning decisions that affect urban environments to consider the benefits of urban

development and contribution that development makes to provide or realise development capacity.

We do not believe this has been sufficiently considered in PC1 as economic impacts have not been duly considered. Part 2 of the Resource Management Act 1991 (RMA) states as its purpose being to promote sustainable management of natural and physical resources, and that must include economic well-being, whereas clause 36 of Part D of the section 32 report confirms that not all costs have been economically quantified.

As outlined in Subpart 1 of the National Policy Statement for Freshwater Management (NPS-FM) every regional council must engage with communities and tangata whenua. As noted in paragraph 33 of the section 32 report, the GWRC only sent copies of the draft version of PC1 in August 2023 to the Minister for the Environment, other Ministers of the Crown who may be affected by PC1, local authorities, iwi authorities and customary marine title groups. Notably the draft version was not sent to the development community, as was confirmed in a seminar to the development community on 30th November 2023.

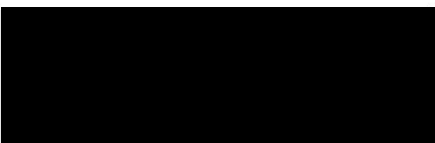
While we note that there is no statutory requirement to publish a draft plan, given the impact and extent of the proposed changes, the publication of a draft plan and genuine consultation with the development community would minimise potential appeals and aid towards a more workable and functioning Natural Resources Plan.

On the above basis, we do not consider that adequate consultation has been carried out with the development community, as the provisions contained within PC1 came as a significant surprise to our clients, and many of our colleagues in the planning, engineering and surveying professions.

We also note that the Government has given a commitment as part of the Coalition Agreement between the National Party, New Zealand First Party and Act includes a commitment to replace NPS-FM¹. It would therefore be prudent for GWRC to wait to see what changes are proposed to the NPS-FM to ensure PC1 is in alignment.

It appears that GWRC has rushed notification of PC1 which was not required to be notified until 31st December 2024. The imposition of new rules with immediate legal effect is inconsistent with subpart 1 of the NPS-FM, especially as there is still a significant amount of time before the plan change has to be notified under the NPS-FM.

Yours faithfully




Elliott Thornton, BUrbEnvPlan, MNZPI
Principal Planner
CUTTRISS CONSULTANTS LTD
Elliott.Thornton@cuttriss.co.nz

¹ <https://www.nzfirst.nz/coalition-agreement>



Once you have completed your feedback, please email to regionalplan@gw.govt.nz

Please enter your details below

<p>*Submitter Name: Full name, or Name of Organisation / Company</p>	<p>Cuttriss Consultants Ltd</p>
<p>Contact person for submission: (If different to above)</p>	<p>Elliott Thornton</p>
<p>Telephone no: (Not required)</p>	<p>021 449 053</p>
<p>*Address for service: (Email, or physical address) Please note, an <u>email address</u> is the preferred method</p>	<p>elliott.thornton@cuttriss.co.nz</p>
<p>*I wish to be heard in support of my submission at a hearing</p>	<p>Yes</p>
<p>*I would consider presenting a joint case at the hearing with others who make a similar submission</p>	<p>No</p>
<p>*I could gain an advantage in trade competition through this submission</p>	<p>No</p>
<p>Only answer this question if you answered 'yes' to the above question. I am directly affected by an effect of the subject matter of the submission that: A) adversely affects the environment; and B) does not relate to trade competition or the effects of trade competition</p>	<p>Select A or B</p>
<p style="text-align: center;">In providing a submission to Greater Wellington, I agree to having read and understood the terms and procees outlined in this Information Statement</p>	
<p>If providing a submission on behalf of a company / organisation I confirm that I have authority to do so:</p>	
<p>Date:</p>	<p>15-12-23</p>

Please enter your feedback in the next worksheet "**2) Feedback on Provisions**". All of the provisions in the proposed change have been included so please place your comments in the corresponding cells.
If you have questions on how to use this submission form please vist our **Submitter User Help Guide** or email one of our friendly team at regionalplan@gw.govt.nz

Chapter No and Name	Provision No. & Title	Type of Change	Stance	RMA Process	Reason for feedback:	Decision Sought *
		Amended New Not applicable to Whaitua Not applicable to Te- Awarua-o-Porirua N/A	Support Oppose Neutral Amend Not stated	Freshwater Part 1 Schedule 1 Both	Please provide a summary of the reasons for your feedback on each provision to help us understand your position.	Please describe the actual changes to the provision that you would like to see and, where possible, include your suggested alternative wording. NOTE: Any deletions should be identified using strikethrough , and insertions should be identified using bold .
Definitions	Hydrological control	New	Amend	Part 1 Schedule 1	<p>The hydrological control definition should be expanded upon to include reference to the measures proposed to manage the flows and volumes. An acceptable solution that is easily and commonly able to be implemented such to assist with compliance would be best.</p> <p>The current definition does not provide certainty regarding the rate or degree to which hydrological controls need to be implemented on-site. Although there is mention throughout PC1 on retention, there is no definition as to an acceptable volume of water needs to be provided for.</p> <p>Permitted activity standards (and the supporting definitions) should be written with clear and easily to understood standard without any ambiguity.</p> <p>The Auckland Council's Unitary Plan also requires Hydrological Controls. See Auckland Unitary Plan Table E10.6.3.1.1.</p> <p>5mm runoff depth has been used in the decision sought, however modelling should be carried out by GWRC to determine the runoff depth for each catchment as sensitivity to volume changes will vary between catchments.</p> <p>Technical standards could also be referenced.</p>	<p>Add the following to the definition:</p> <p><u>Management measures may include:</u></p> <p>a) <u>Rapid Infiltration devices such as soak pits;</u> b) <u>Permeable paving; or</u> c) <u>Rainwater retention tanks which:</u></p> <p>i) <u>are plumbed into the toilet and/or an outdoor tap or taps; and</u> ii) <u>where connected to toilets, are capable of being topped up by potable water supply to a maximum volume of 100L.</u></p> <p><u>Where these measures provide a minimum retention volume of 5mm runoff depth over the impervious area which hydrology controls are required; and</u></p> <p><u>Provide detention (temporary storage) for the difference between the predevelopment and post-development runoff volumes from the 95th percentile, 24 hour rainfall event minus the 5 mm retention volume or any greater retention volume that is achieved, over the impervious area for which hydrology mitigation is required (unless further detention or infiltration measures are utilised downstream).</u></p> <p><u>Note:</u></p> <p><u>Compliance with the definition can be demonstrated by installing a rainwater tank in accordance with Approved Solution #1 of Wellington Water's Managing Stormwater Runoff Version 4 June 2022</u></p>
Definitions	Redevelopment	New	Amend	Part 1 Schedule 1	<p>This definition should exclude minor alterations and additions to existing buildings to allow a small redevelopment of existing sites as a permitted activity in associated rules.</p> <p>The suggested 30m² aligns with recent changes to the Building Regulations for sheds to avoid consenting requirements.</p>	<p>Amend definition and make any other consequential amendments necessary to give effect to this submission point, to provide for small scale alterations and additions to existing buildings:</p> <p>For the purpose of assessment of a proposal involving the redevelopment of an existing urbanised property (i.e including brownfield development upgrades to existing roads etc.) in relation to stormwater effects. this includes the replacement, reconstruction or addition (new) of impervious surfaces. Excludes:</p> <ul style="list-style-type: none"> • minor maintenance or repairs to roads, carparking areas, driveways and paving • installation, maintenance or repair of underground infrastructure or network utilities requiring trenching and resurfacing • activities that only involve the re-roofing of existing buildings • <u>New buildings or alterations and additions to existing buildings of less than 30m²</u>

Chapter No and Name	Provision No. & Title	Type of Change	Stance	RMA Process	Reason for feedback:	Decision Sought *
Definitions	Greenfield Development	New	Amend	Part 1 Schedule 1	<p>While the term 'greenfield' has been used by planners for quite some time, there are instances where it is unclear whether a project is 'greenfield' or brownfield.</p> <p>Typically, 'greenfield' means any development of land for residential purposes over land that is predominately vacant, usually on the periphery of existing urban boundaries.</p> <p>Conversely, we consider 'infill' or 'brownfield' development to mean intensification of existing land predominately used for residential or urban purposes.</p> <p>Despite a good understanding amongst planners of these terms, there are a number of scenarios where without a definition there would be uncertainty.</p> <p>For example, our urban environments often consist of land that is predominately vacant, or set aside for environmental purposes, but otherwise completely surrounded by urban development. Examples in the region would include land in the hills of the Hutt Valley or Wellington Town Belt, but remain undeveloped or predominately vacant for various reasons despite being zoned for urban purposes. Another example may be a proposal for reuse of a former Golf Course or Bowling Club for residential purposes, with many of these areas being zoned as open space, but located within a very urban context.</p> <p>It is unclear without a definition whether this would constitute greenfield or infill development.</p> <p>A clearly defined definition of 'greenfield' development would greatly assist in providing certainty regarding the application of new rules.</p> <p>The proposed definition of 'greenfield' aligns with the definition of an urban environmental allotment under section 76(4C) of the RMA, and would not hinder the ability for large lots to accommodate the establishment of up to 2 dwellings which is currently typically permitted by most District Plans in the region.</p>	<p>Add definition of greenfield development:</p> <p><u>Greenfield Development: The use of land that is predominately vacant with a site area of 4,000m² or greater, where the proposal will result in the development of 3 or more lots or dwellings for residential purposes regardless of staging.</u></p>

Chapter No and Name	Provision No. & Title	Type of Change	Stance	RMA Process	Reason for feedback:	Decision Sought *
Definitions	Unplanned greenfield development	New	Oppose	Part 1 Schedule 1	<p>We oppose the prohibited activity rules proposed.</p> <p>The current provisions would make rezoning significantly more costly, and take more time as they would require both a plan change to a District Plan, and the Natural Resource Plan. There are also some instances where a resource consent is more appropriate than a plan change, such as where the size of the site or development is not such that the costs of a plan change are economically viable, or the effects discrete and localised such that a resource consent process would be more appropriate. An example is a resource consent issued over 70 Maungaraki Road, Korokoro (HCC Ref: RM200372) whereby an Independent Hearings Commissioner granted consent for 12 allotments, on a site that was 1.9 ha in size, but zoned Rural Residential under the District Plan, but otherwise completely surrounded by residentially zoned land. This project would unlikely have proceeded if it were to be subject to a plan change.</p> <p>We believe that other proposed rules within PC1 that apply greenfield development are adequate to address effects on water quality effects without needing to prohibit development.</p>	<p>Our primary decision sought is the deletion of this definition and all subsequent references to unplanned greenfield development.</p> <p>Greenfield development within areas identified as 'unplanned greenfield area' on maps 86, 87, 88 and 89 which also require an underlying zone change (from rural/nonurban/ open space to urban) though a District Plan change to enable the development.</p> <p>Note: Unplanned greenfield areas are those areas that do not have an urban or future urban zone at the time of Plan Change 1 notification, 30th October 2023. Amend definition to align with zones under a District Plan and avoid a plan change to both District and Regional Plans:</p> <p>Should the above relief not be obtained, we seek the following revision:</p> <p>Greenfield development within areas identified as 'unplanned greenfield area' on maps 86, 87, 88 and 89 <u>not zoned as urban within a District Plan, which also require an underlying zone change (from rural/nonurban/open space to urban) though a District Plan change to enable the development.</u> Note: Unplanned greenfield areas are identified on maps 86, 87, 88 and 89 those areas and include those areas that do not have an urban or future urban zone at the time of Plan Change 1 notification, 30th October 2023.</p> <p>And consequential amendments to other references or policies as needed to align with the above amendment.</p>
Chapter 8 Whaitua Te Whanganui-a-Tara	Policy WH.P2 Management of activities to achieve target attribute states and coastal water objectives.	New	Oppose	Part 1 Schedule 1	<p>We oppose the prohibited policy and rules.</p> <p>As we experienced with the NES-FW, prohibiting activities can lead to perverse outcomes. There would be no consenting pathway to consider a proposal in these areas which could have a net positive impact on the environment including freshwater and coastal systems.</p>	<p>Amend policy to remove reference to prohibiting unplanned greenfield development.</p> <p>(a) prohibiting unplanned greenfield development and for other greenfield developments minimising the contaminants from greenfield developments and requiring financial contributions as to offset adverse effects from residual stormwater contaminants,</p>
Chapter 8 Whaitua Te Whanganui-a-Tara	Policy WH.P14 Stormwater discharges from new and redeveloped impervious surfaces	New	Amend	Part 1 Schedule 1	<p>There will be many instances where it is not practicable to achieve hydrological controls i.e. when retention is not possible and there are low infiltration rates. In these instances, there will always be more water being discharged to a water network, even though the peak (and more destructive) flows are being contained.</p> <p>Furthermore, source control measures are a way of reducing copper and zinc loads and should be included in this policy.</p>	<p>Amend policy wording to remove (b) and replace.</p> <p>(b) where stormwater discharges will enter a river, hydrological controls either on-site, or off-site via a communal stormwater treatment system</p> <p><u>(b) Source control techniques that result in copper and zinc load reductions equal to or greater than what would be achieved through on-site or communal stormwater treatment systems or devices designed in accordance with (a).</u></p>

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Chapter 8 Whaitua Te Whanganui-a-Tara	Policy WH.P16 Stormwater discharges from new unplanned greenfield development.	New	Oppose	Part 1 Schedule 1	We oppose the use of the term “avoid” We also oppose the requirement to seek two separate plan changes if land is to be rezoned.	Delete policy. Policy WH.P16: Stormwater discharges from new unplanned greenfield development Avoid all new stormwater discharges from unplanned greenfield development where the discharge will enter a surface water body or coastal water, including through an existing local authority stormwater network.
Chapter 8 Whaitua Te Whanganui-a-Tara	Policy WH.P31: Winter shut down of earthworks.	New	Oppose	Part 1 Schedule 1	We oppose the requirement to seek a non-complying resource consent to undertake winter earthworks. It is noted that high rainfall events can occur during any time of the year, and during summer months when the ground is baked hard and therefore less permeable, it is just as likely that sediment control measures will fail. Furthermore, it is preferable in some soil conditions (i.e. sand, river gravels) that works are completed when the ground is wet. This reduces the potential for wind-blown sediment to be blown into waterways. The proposed blanket approach is therefore not appropriate. This is a position shared by GWRC’s technical advisors. No justification has been provided within the section 32 report to why this additional measure is required, and we are confident that the current method of site specific assessments during winter works is achieving the objectives of the NPS-FW.	Delete policy and related rules. Policy WH.P31: Winter shut down of earthworks Earthworks over 3,000m2 in area shall: (a) be shut down from 1st June to 30th September each year, and (b) prior to shut down, be stabilised against erosion and have sediment controls in place using good management practices in accordance with the Greater Wellington Regional Council Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Wellington Region (2021).
Chapter 8 Whaitua Te Whanganui-a-Tara	Rule WH.R2 Stormwater to land – permitted activity.	New	Amend	Part 1 Schedule 1	This rule appears to require all new connections from or to a local authority stormwater network to obtain a regional resource consent. These discharges should be managed by the local authority.	Amend Rule WH.R2 to better reflect the requirements for individual properties. Rule WH.R2: Stormwater to land – permitted activity The discharge of stormwater onto or into land, including where contaminants may enter groundwater: (a) that is not from a high risk industrial or trade premise, or (b) that does not connect to does not discharge from, or to, a local authority stormwater network, is a permitted activity provided the following conditions are met:
Chapter 8 Whaitua Te Whanganui-a-Tara	Rule WH.R3 Stormwater from an existing individual property to surface water or coastal water – permitted activity.	New	Amend	Part 1 Schedule 1	Refer point above	Amend rule as follows and make any other consequential relief necessary to give effect to this submission point: Rule WH.R3: Stormwater from an existing individual property to surface water or coastal water – permitted activity The discharge of stormwater from an existing individual property into water, or onto or into land where it may enter a surface water body or coastal water, (a) that is not from a high risk industrial or trade premise, or (b) that is not from a port, airport or state highway, or (c) that does not connect to does not discharge from, or to, a local authority stormwater network, is a permitted activity, provided the following conditions are met:

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Chapter 8 Whaitua Te Whanganui-a-Tara	Rule WH.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity.	New	Amend	Part 1 Schedule 1	<p>We seek an ‘effectual’ amnesty from the rules for all pre-committed projects.</p> <p>The new rules will add significant costs to committed development projects which haven’t been factored into the development costs of project viability.</p> <p>Typically, development projects take many years from the purchase of the land to construction. Design and resource consenting contribute to a large proportion of project risk and costs. The new rules having immediate legal effect have the potential to adversely effect the viability of a number of committed development projects, as decision to purchase and proceed with development were undertaken without consideration of PC1.</p> <p>We also do not believe the new rules having immediate legal effect accord with Part 2 of the Resource Management Act 1991 (RMA) in that it does not provide for all three principles of sustainable management which must include economic well-being.</p> <p>In discussing the impact of the new rules with our clients, they have significant costs associated with:</p> <ul style="list-style-type: none"> - Re-design to retrofit stormwater quality treatment including consultant costs; - Construction of stormwater quality treatment devices - Resource consenting costs including: <ul style="list-style-type: none"> o Lodgement and processing costs to GWRC; o Lodgement and processing costs associated with needing to seek a section 127 change of conditions to existing resource consents issued by a local authority if a redesign is required to implement stormwater quality treatment; o Consultant costs including engineering design and planning associated with the above. 	<p>Amend Rule WH.R5 and make any consequential amendments to other references or policies as needed to enable pre-committed development projects to proceed without disrupting financial planning.</p> <p>Rule WH.R5.... – permitted activity</p> <p>The use of land for the creation of new, or redevelopment of existing impervious surfaces (including greenfield development and redevelopment activities of existing urbanised property) and the associated discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing or new local authority stormwater network, that is not a high risk industrial or trade premise or unplanned greenfield development, is a permitted activity, provided the following conditions are met:</p> <ul style="list-style-type: none"> (a) A local authority has accepted a resource consent application for the activity prior to 30 October 2024, or where resource consent was either not required under the Natural Resources Plan, or Greater Wellington Regional Council has accepted a resource consent application for the activity prior to 30 October 2024, and that resource consent is given effect to within 2 years of being granted; or (b) The proposal involves the creation of new, or redevelopment of existing impervious areas of less than 1,000m² (baseline existing impervious area as at 30 October 2023³⁴); and (c) all new building materials associated with the development shall not include exposed zinc (including galvanised steel) or copper roof, cladding and spouting materials, and (d) the proposal provides hydrological control measures (for example rapid infiltration devices, permeable paving, or water re-use rain tanks) onsite or offsite, where discharges will enter a surface water body (including via an existing local authority stormwater network): (e) for all impervious areas associated with a greenfield development, or (f) for all redeveloped and new impervious areas involving greater than 30m² of impervious area of a redevelopment (of an existing urbanised property), and (g) the discharge is not from, onto or into SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and (h) the discharge does not contain wastewater, and (i) the concentration of total suspended solids in the discharge shall not exceed: (j) 50g/m³ where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or (k) 100g/m³ where the discharge enters any other water, and where the discharge is not via an existing or new local authority stormwater network:

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					<ul style="list-style-type: none"> - Holding costs associated with delays to carrying out development. - Compliance and Monitoring costs associated with resource consent conditions; - Legal costs, particularly where lots or development has been sold off the plan, and design changes are necessary to accommodate stormwater quality treatment and hydrological controls; - Development contributions applicable to greenfield development. <p>We estimate that the above costs are substantial, and in some cases may render projects infeasible.</p> <p>While land development comes with a degree of uncertainty, much of this uncertainty is priced in early. The immediate imposition of new rules with significant economic costs, has not been priced in and will provide uncertainty and potentially viability of many projects. The impact will be greater where projects already have resource consent from a local authority.</p> <p>While we understand that under section 86A of the RMA, the rules have immediate legal effect, the rule could be written in such as to have a later effectual legal effect.</p> <p>The suggested amendments to Rule WH-R5 would allow sufficient time for pre-committed projects without resource consent to proceed with confidence, and allow pre-consented projects to proceed without design changes or additional consenting costs until their lapse period (typically 5 years).</p> <p>It would therefore mean that the new rules will apply to any new projects from November 2024 onwards, and can duly be factored into the investment decision, thereby achieving the purpose of the NPS-FM without putting projects at risk of not proceeding.</p> <p>We have suggested adding a sunset clause of 'given effect to' within 2 years, aligning with the lapse period under the COVID-19 Recovery (Fast-track Consenting) Act 2020 such that the effectual amnesty would only apply to projects that realistically intended to develop within a reasonable timeframe, rather than applying to projects that want to hold or land bank development.</p>	<ul style="list-style-type: none"> (l) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and (m) the discharge shall not give rise to the following effects beyond the zone of reasonable mixing: <ul style="list-style-type: none"> (i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or (ii) any conspicuous change in the colour, or (iii) a decrease in water clarity of more than (n) 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or (o) 2. 30% in any other river, or <ul style="list-style-type: none"> (iv) any emission of objectionable odour, or (v) the freshwater is unsuitable for consumption by farm animals, or (vi) any significant adverse effects on aquatic life.

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					<p>We feel this will aid in providing confidence in the delivery of pre-committed projects which will aid in providing additional housing under the NPS-UD.</p> <p>In addition, we seek to include other means of hydrological control in the rule, refer to hydrological control definition above.</p>	
Chapter 8 Whaitua Te Whanganui-a-Tara	Rule WH.R6 Stormwater from new greenfield impervious surfaces – controlled activity.	New	Amend	Part 1 Schedule 1	The timing should align with the rule above.	<p>Amend to reference 2024, not 2023</p> <p>(a) the proposal involves the creation of new impervious surfaces of between 1,000m² and 3,000m² (baseline property existing impervious area as at 30 October 20234)</p>
Chapter 8 Whaitua Te Whanganui-a-Tara	Rule WH.R6 Stormwater from new greenfield impervious surfaces – controlled activity.	New	Amend	Part 1 Schedule 1	Add to a controlled activity recognition of circumstance where hydrological control cannot be achieved.	<p>Amend Rule WH.R6.... – controlled activity:</p> <p>...</p> <p>(d) <u>where stormwater directly or indirectly (through an existing local authority stormwater network) discharges to a river, hydrological control is provided either:</u></p> <p>i) <u>on-site, or</u></p> <p>ii) <u>off-site through an existing local authority stormwater network or privately owned stormwater network that has been sized to accommodate the proposed stormwater discharges; or</u></p> <p>iii) <u>Where a suitably qualified person has confirmed that soil infiltration rates are less than 2mm/hr or there is no area on the site of sufficient size to accommodate all required infiltration that is free of geotechnical limitations (including slope, setback from infrastructure, building structures or boundaries and water table depth), and rainwater reuse is not available because:</u></p> <p>i. <u>the quality of the stormwater runoff is not suitable for on-site reuse (i.e. for non-potable water supply, garden/crop irrigation or toilet flushing); or</u></p> <p>ii. <u>there are no activities occurring on the site that can re-use the full 5mm retention volume of water.</u></p> <p><u>The retention volume can be taken up by providing detention (temporary storage) for the difference between the pre-development and post development runoff volumes from the 95th percentile, 24 hour rainfall event minus any retention volume that is achieved, over the impervious area for which hydrology mitigation is required.</u></p>
Chapter 8 Whaitua Te Whanganui-a-Tara	Rule WH.R7 Stormwater from new and redeveloped impervious surfaces of existing urbanised areas – controlled activity.	New	Amend	Part 1 Schedule 1	The timing should align with the rule above.	<p>Amend to reference 2024, not 2023</p> <p>(a) the proposal involves the creation of new impervious surfaces of between 1,000m² and 3,000m² (baseline property existing impervious area as at 30 October 20234)</p>

Chapter No and Name	Provision No. & Title	Type of Change	Stance	RMA Process	Reason for feedback:	Decision Sought *
Chapter 8 Whaitua Te Whanganui-a-Tara	Rule WH.R13 Stormwater from new unplanned greenfield development – prohibited activity.	New	Oppose	Part 1 Schedule 1	<p>We oppose the prohibited policy and rules.</p> <p>As we experienced with the NES-FW, prohibiting activities can lead to perverse outcomes. There would be no consenting pathway to consider a proposal in these areas which could have a net positive impact on the environment including freshwater and coastal systems.</p> <p>See rationale to on Unplanned Greenfield Development above.</p>	<p>Delete rule.</p> <p>Rule WH.R13: Stormwater from new unplanned greenfield development – prohibited activity</p> <p>The use of land and the associated discharge of stormwater from impervious surfaces from unplanned greenfield development direct into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing or proposed stormwater network, is a prohibited activity.</p> <p>Should the above relief not be obtained, we seek: Rule WH.R13: Stormwater from new unplanned greenfield development – prohibited activity <u>discretionary activity</u></p>
Chapter 8 Whaitua Te Whanganui-a-Tara	Rule WH.R24 Earthworks – restricted discretionary activity.	New	Amend	Part 1 Schedule 1	<p>We oppose the requirement to seek a non-complying resource consent to undertake winter earthworks.</p> <p>It is noted that high rainfall events can occur during any time of the year, and during summer months when the ground is baked hard and therefore less permeable, it is just as likely that sediment control measures will fail.</p> <p>Furthermore, it is preferable in some soil conditions (i.e. sand, river gravels) that works are completed when the ground is wet. This reduces the potential for wind-blown sediment to be blown into waterways. The proposed blanket approach is therefore not appropriate. This is a position shared by GWRC’s technical advisors.</p> <p>No justification has been provided within the S32 report to why this additional measure is required, and we are confident that the current method of site specific assessments during winter works is achieving the objectives of the NPS-FW.</p>	<p>Amend rule.</p> <p>Rule WH.R24: Earthworks – restricted discretionary activity</p> <p>Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water, or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, that does not comply with Rule WH.R23 is a restricted discretionary activity, provided the following conditions are met:</p> <p>(a) the concentration of total suspended solids in the discharge from the earthworks shall not exceed 100g/m3, except that, if at the time of the discharge the concentration of total suspended solids in the receiving water at or about the point of discharge exceeds 100g/m3, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</p> <p>(i) 20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</p> <p>(ii) 30% in any other river, and</p> <p>(b) earthworks shall not occur between 1st June and 30th September in any year.</p>
Chapter 9 Awarua-o-Porirua Whaitua	Policy P.P2 Management of activities to achieve target attribute states and coastal water objectives.	New	Oppose	Part 1 Schedule 1	Refer to feedback on Policy WH.P2 above.	See response to Policy WH.P2 above.
Chapter 9 Awarua-o-Porirua Whaitua	Policy P.P13 Stormwater discharges from new and redeveloped impervious surfaces	New	Amend	Part 1 Schedule 1	Refer to feedback on Policy WH.P14 above.	See proposed amendment to Policy WH.P13 above.

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Chapter 9 Awarua-o- Porirua Whaitua	Policy P.P15 Stormwater discharges from new unplanned greenfield development.	New	Oppose	Part 1 Schedule 1	Refer to feedback on Policy WH.P16 above.	See response to Policy WH.P15 above.
Chapter 9 Awarua-o- Porirua Whaitua	Policy P.P29: Winter shut down of earthworks.	New	Oppose	Part 1 Schedule 1	Refer to feedback on Policy WH.P31 above.	See response to Policy WH.P31 above.
Chapter 9 Te Awarua-o- Porirua Whaitua	Rule P.R2: Stormwater to land – permitted activity.	New	Amend	Freshwater	Refer to feedback on Rule WH.R2 above.	See proposed amendment to Policy WH.R2 above.
Chapter 9 Te Awarua-o- Porirua Whaitua	Rule P.R3: Stormwater from an existing individual property to surface water or coastal water – permitted activity.	New	Amend	Part 1 Schedule 1	Refer to feedback on Rule WH.R3 above.	See proposed amendment to Policy WH.R3 above.
Chapter 9 Awarua-o- Porirua Whaitua	Rule P.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity.	New	Amend	Part 1 Schedule 1	Refer to feedback on Rule WH.R5 above.	See proposed amendment to Policy WH.R3 above.
Chapter 9 Awarua-o- Porirua Whaitua	Rule P.R6 Stormwater from new greenfield impervious surfaces – controlled activity.	New	Amend	Part 1 Schedule 1	Refer to feedback on Rule WH.R6 above.	Refer to feedback on Rule WH.R6 above.

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Chapter 9 Awarua-o- Porirua Whaitua	Rule P.R7 Stormwater from new and redeveloped impervious surfaces of existing urbanised areas – controlled activity.	New	Amend	Part 1 Schedule 1	Refer to feedback on Rule WH.R7 above.	See proposed amendment to Policy WH.R7 above.
Chapter 9 Awarua-o- Porirua Whaitua	Rule P.P12 Stormwater from new unplanned greenfield development – prohibited activity.	New	Oppose	Part 1 Schedule 1	Refer to feedback on Rule WH.P12 above.	See proposed amendment to Policy WH.P12 above.
Chapter 9 Awarua-o- Porirua Whaitua	Rule P.R23 Earthworks – restricted discretionary activity.	New	Amend	Part 1 Schedule 1	Refer to feedback on Rule WH.R23 above.	See proposed amendment to Policy WH.R23 above.
Schedule 30	Financial Contributions	New	Amend	Part 1 Schedule 1	<p>Payment of financial contributions under Schedule 30 for greenfield development should be based on the point source of contaminants, being the impervious area, rather than on a per lot (or EHU) basis.</p> <p>We believe this should be on a m² basis as it applies to non-greenfield development.</p>	<p>Amend the Part D calculation of level of contribution of Schedule 30 to:</p> <p>D Calculation of level of contribution Financial contributions shall be calculated per EHU for residential greenfield development (Table D1), or per 100m² for non-residential greenfield development and new roads/state highways.</p> <p>And consequential amendments to other references or policies as needed to align with the above amendment.</p>
Schedule 30	Financial Contributions	New	Amend	Part 1 Schedule 1	<p>Payment of financial contributions should be levied by a local authority, as is the current timing of payment for development contributions, for ease of administration, enforcement and better align with when the effect is likely to be present.</p> <p>This could be undertaken in a similar manner to which rates are paid and administered by a local authority, but allocated between regional and local council.</p> <p>The current timing of payment being when consent is given effect to (started), will add considerably to upfront development costs, particularly for large staged development, potentially putting many projects at risk as many developers rely on pre-sales to obtain funding of works.</p> <p>Furthermore, there should be provision made for circumstances where the residual contaminant is being treated on site i.e. if using the treatment train</p>	<p>Amend the Part D calculation of level of contribution of Schedule 30 to:</p> <p>Financial contributions shall be imposed as a condition of consent and will be collected <u>by the local authority at the same time as payment of any other financial or development contributions are paid prior to the consent being given effect to.</u></p> <p>And consequential amendments to other references or policies as needed to align with the above amendment.</p> <p><u>Note a reduced contribution will be applied if the post-development residual contaminant load is less than 15%, or where treatment contributes towards a reduction in off-site contaminants.</u></p>

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					<p>approach and a wetland or other treatment device further reduces contaminants beyond the assumed residual contaminants or where it treats contaminants off-site, such that the net contamination load is reduced following the development i.e. if the development treats flow from upstream.</p>	
Schedule 30	Financial Contributions	New	Amend	Part 1 Schedule 1	<p>WH.P14 and P.P13 requires that stormwater is treated to achieve copper and zinc load reduction factors equivalent to that of a raingarden/bioretenion device. Schedule 28 states the target load reduction factor for bioretention is 90%, however the financial contribution is calculated based on treating 15% of remaining contaminant loading.</p> <p>Concerningly, there has not been an Economic Impact Assessment completed to inform these numbers.</p> <p>If PC1 is requiring treatment to 90%, then any financial contribution should be reduced proportionately i.e. 1/3.</p>	<p>Amend the Part D financial contribution as follows: Whaitua Te Whanganui-a-Tara \$4,240 <u>2,827</u> Te Awarua-o-Porirua Whaitua \$4,599 <u>3,066</u> (Noting the submission point above, whereby we seek to remove charges based on EHU and therefore this table should be deleted in entirety)</p> <p>Whaitua Te Whanganui-a-Tara \$858 572 <u>\$360 240</u> Te Awarua-o-Porirua Whaitua \$858 572 <u>\$360 240</u></p> <p>Furthermore, these numbers should be assessed following a peer reviewed Economic Impact Assessment.</p>